

AMENDED IN ASSEMBLY APRIL 8, 2010

AMENDED IN ASSEMBLY SEPTEMBER 4, 2009

SENATE BILL

No. 82

Introduced by Senator Hancock
(Coauthor: Senator Pavley)
(Coauthor: Assembly Member Krekorian)

January 20, 2009

~~An act to add Section 25416.5 to the Public Resources Code, relating to energy.~~ *An act to amend Section 76360 of, to amend and renumber Section 76361.1 of, and to repeal Section 76361 of, the Education Code, relating to community colleges.*

LEGISLATIVE COUNSEL'S DIGEST

SB 82, as amended, Hancock. ~~Energy conservation: schools.~~ *Community colleges: parking and transportation fees.*

(1) Existing law establishes the California Community Colleges, administered by the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in the state. Existing law establishes community college districts under the administration of community college governing boards and authorizes these districts to provide instruction at community college campuses throughout the state.

Existing law authorizes the governing board of a community college district to require students and employees of the district who use parking services to pay a parking services fee, in an amount not exceeding \$40 per semester and \$20 per intersession, and requires that the fee not exceed the actual cost of providing parking services. Existing law requires that these fees not exceed \$30 per semester and \$10 per intersession for students who rideshare or carpool. Existing law

authorizes a governing board to require payment of a parking fee in excess of these limits for the purpose of funding construction of on-campus parking facilities under certain conditions.

This bill would increase the limits on the parking services fee to \$50 per semester and \$25 per intersession, and \$35 per semester and \$15 per intersession for students who rideshare or carpool. The bill would authorize the governing board of a community college district to increase these fees based on a specified calculation.

(2) Existing law authorizes the governing board of a community college district to require students and employees at a campus of the district to pay a fee for the transportation costs incurred by the district or the costs of reducing fares for services provided by common carriers or municipally owned transit systems to students and employees. Existing law limits the amount of that fee to an amount that does not exceed \$60 per semester and \$30 per intersession when combined with the parking services fee.

This bill would increase the combined limit of the transportation fee and the parking services fee to \$70 per semester or \$35 per intersession. The bill would authorize the governing board of a community college district to increase these fees based on a specified calculation.

(3) Existing law prohibits the governing board of community college district from entering into, or extending, a contract for transportation services provided by a common carrier or a municipally owned transit system funded by the proceeds of a transportation fee, unless a majority of the students of the district voting in a specified election approve the payment of the fee for that purpose.

The bill would repeal the provisions that prohibit a governing board from entering into, or extending, a contract for transportation services provided by a common carrier or municipally owned transit system unless approved by a vote of the students.

~~The Energy Conservation Assistance Act of 1979 establishes, until January 1, 2011, the State Energy Conservation Assistance Account, a continuously appropriated account, that is administered by the State Energy Resources Conservation and Development Commission to provide grants and loans to local government and public institutions, including, among others, schools, to maximize energy use savings.~~

~~This bill would require the Controller, upon the request of the commission, to establish the Solar School Subaccount in the State Energy Conservation Assistance Account, which would be available for the deposit of funds, including specified federal funds. The bill~~

would require that the moneys in the subaccount, upon appropriation by the Legislature, be used for the purposes of providing loans to schools for energy efficiency projects and for the installation of solar energy systems:

Vote: majority. Appropriation: no. Fiscal committee: *yes-no*. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 76360 of the Education Code is amended
2 to read:

3 76360. (a) (1) The governing board of a community college
4 district may require students in attendance and employees of the
5 district to pay a fee, in an amount, not to exceed ~~forty dollars (\$40)~~
6 *fifty dollars (\$50)* per semester and ~~twenty dollars (\$20)~~ *twenty-five*
7 *dollars (\$25)* per intersession, to be established by the board, for
8 parking services. ~~The fee shall only be required of board may~~
9 *require only the* students and employees using parking services to
10 *pay the fee* and the fee shall not exceed the actual cost of providing
11 parking services.

12 (2) To encourage ridesharing and carpooling, for a student who
13 certifies, in accordance with procedures established by the board,
14 that he or she regularly has two or more passengers commuting to
15 the community college with him or her in the vehicle parked at
16 the community college, the fee shall not exceed ~~thirty dollars (\$30)~~
17 *thirty-five dollars (\$35)* per semester and ~~ten dollars (\$10)~~ *fifteen*
18 *dollars (\$15)* per intersession.

19 (3) *Notwithstanding paragraphs (1) and (2), in any fiscal year,*
20 *the governing board of a community college district may increase*
21 *a fee authorized by this subdivision by the same percentage as the*
22 *increase in the Implicit Price Deflator for State and Local*
23 *Government Purchases of Goods and Services published by the*
24 *United States Department of Commerce.*

25 (b) (1) The governing board may require payment of a parking
26 fee at a campus in excess of the limits set forth in subdivision (a)
27 for the purpose of funding the construction of on-campus parking
28 facilities if both of the following conditions exist at the campus:

29 (A) *The number of full-time equivalent students (FTES) per*
30 *parking space on the campus exceeds the statewide average FTES*
31 *per parking space on community college campuses.*

1 (B) The market price per square foot of land adjacent to the
2 campus exceeds the statewide average market price per square
3 foot of land adjacent to community college campuses.

4 (2) If the governing board requires payment of a parking fee in
5 excess of the limits set forth in subdivision (a), the fee ~~may~~ *shall*
6 not exceed the actual cost of constructing a parking structure.

7 (c) Students who receive financial assistance pursuant to any
8 programs described in subdivision (g) of Section 76300 shall be
9 exempt from parking fees imposed pursuant to this section that
10 exceed twenty dollars (\$20) per semester.

11 (d) The governing board of a community college district may
12 also require the payment of a fee, to be established by the
13 governing board, for the use of parking services by persons other
14 than students and employees.

15 (e) All parking fees collected shall be deposited in the designated
16 fund of the district in accordance with the California Community
17 Colleges Budget and Accounting Manual, and shall be expended
18 only for parking services or for purposes of reducing the costs to
19 students and employees of the college of using public transportation
20 to and from the college.

21 (f) Fees collected for use of parking services provided for by
22 investment of student body funds under the authority of Section
23 76064 shall be deposited in a designated fund in accordance with
24 the California Community Colleges Budget and Accounting
25 Manual for repayment to the student organization.

26 (g) "Parking services," as used in this section, means the
27 purchase, construction, and operation and maintenance of parking
28 facilities for vehicles and motor vehicles, as defined by Sections
29 415 and 670 of the Vehicle Code.

30 *SEC. 2. Section 76361 of the Education Code is repealed.*

31 ~~76361. (a) The governing board of a community college district
32 may require students in attendance and employees at a campus of
33 the district to pay a fee for purposes of partially or fully recovering
34 transportation costs incurred by the district or of reducing fares
35 for services provided by common carriers or municipally owned
36 transit systems to these students and employees.~~

37 ~~(b) Fees authorized by subdivision (a) for transportation services
38 may be required to be paid only by students and employees using
39 the services, or, in the alternative, by either of the following groups
40 of people:~~

1 ~~(1) Upon the favorable vote of a majority of the students and a~~
2 ~~majority of the employees of a campus of the district, who voted~~
3 ~~at an election on the question of whether or not the governing~~
4 ~~board should require all students and employees at the campus to~~
5 ~~pay a fee for transportation services for a period of time to be~~
6 ~~determined by the governing board of the district, the fees may be~~
7 ~~required to be paid by all students and all employees of the campus~~
8 ~~of the community college district.~~

9 ~~(2) Upon the favorable vote of a majority of the students at a~~
10 ~~campus of the district, who voted at an election on the question of~~
11 ~~whether or not the governing board should require all students to~~
12 ~~pay a fee for transportation services for a period of time to be~~
13 ~~determined by the governing board of the district, the fees may be~~
14 ~~required to be paid by all students at the campus of the community~~
15 ~~college district. However, the employees shall not be entitled to~~
16 ~~use the services.~~

17 ~~(e) If, pursuant to this section, a fee is required of students for~~
18 ~~transportation services, any fee required of a part-time student~~
19 ~~shall be a pro rata lesser amount than the fee charged to full-time~~
20 ~~students, depending on the number of units for which the part-time~~
21 ~~student is enrolled. In addition, a governing board maintaining~~
22 ~~transportation services shall adopt rules and regulations governing~~
23 ~~the exemption of low-income students from required fees, and~~
24 ~~may adopt rules and regulations that provide for the exemption of~~
25 ~~others.~~

26 ~~(d) The total fees to be established periodically by the governing~~
27 ~~board pursuant to this section shall not exceed the amount~~
28 ~~necessary to reimburse the district for transportation costs incurred~~
29 ~~by the district in providing the transportation service. The sum of~~
30 ~~the fee authorized pursuant to this section for transportation~~
31 ~~services and the fee authorized pursuant to Section 76360 for~~
32 ~~parking services shall not exceed sixty dollars (\$60) per semester~~
33 ~~or thirty dollars (\$30) per intersession, or the proportionate~~
34 ~~equivalent for part-time enrollment.~~

35 ~~(e) The governing board of a community college district also~~
36 ~~may require the payment of a fee, to be fixed by the governing~~
37 ~~board, for the use of transportation services by persons other than~~
38 ~~students and employees.~~

39 ~~(f) This section does not apply to, and no fee shall be charged~~
40 ~~for, on-campus shuttles or other transportation services operated~~

1 ~~on a campus or between the campus and parking facilities owned~~
2 ~~by the district.~~

3 *SEC. 3. Section 76361.1 of the Education Code is amended*
4 *and renumbered to read:*

5 ~~76361.1.~~

6 ~~76361. (a) Notwithstanding any other law, a~~ *The governing*
7 *board of a community college district may require that a fee*
8 ~~authorized by subdivision (a) of Section 76361 for transportation~~
9 ~~services be students in attendance and employees at a campus of~~
10 ~~the district to pay a fee for purposes of partially or fully recovering~~
11 ~~transportation costs incurred by the district or of reducing fares~~
12 ~~for services provided by common carriers or municipally owned~~
13 ~~transit systems to these students and employees.~~

14 *(b) Fees authorized by subdivision (a) for transportation services*
15 *may be required to be paid only by students and employees using*
16 *the services, or, in the alternative, by any of the following groups*
17 *of people:*

18 *(1) Upon the favorable vote of a majority of the students and a*
19 *majority of the employees of a campus of the district, who voted*
20 *at an election on the question of whether or not the governing*
21 *board should require all students and employees at the campus to*
22 *pay a fee for transportation services for a period of time to be*
23 *determined by the governing board of the district, the fees may be*
24 *required to be paid by all students, other than those students who*
25 *are exempt from the fees pursuant to paragraph (1) of subdivision*
26 ~~*(b) subdivision (c),*~~ *and all employees of the campus of the*
27 *community college district.*

28 *(2) Upon the favorable vote of a majority of the students at a*
29 *campus of the district, who voted at an election on the question of*
30 *whether or not the governing board should require all students to*
31 *pay a fee for transportation services for a period of time to be*
32 *determined by the governing board of the district, the fees may be*
33 *required to be paid by all students, other than those students who*
34 *are exempt from the fees pursuant to paragraph (1) of subdivision*
35 ~~*(b) subdivision (c),*~~ *at the campus of the community college district.*
36 *However, the employees shall not be entitled to use the services.*

37 *(3) Upon the favorable vote of a majority of the students at a*
38 *campus of the district taking a specified number of course credits*
39 *for a specified duration, to be determined by the governing board,*
40 *who voted at an election on the question of whether or not the*

1 governing board should require all students taking that prescribed
 2 number of course credits to pay a fee for transportation services
 3 for a period of time to be determined by the governing board of
 4 the district, the fees may be required to be paid by those students
 5 taking the prescribed number of course credits, except those
 6 students who are exempt from the fees pursuant to ~~paragraph (1)~~
 7 ~~of subdivision (b)~~ *subdivision (c)*, at the campus of the community
 8 college district. However, the employees shall not be entitled to
 9 use the services.

10 ~~(b) (1)~~

11 ~~(c)~~ If, pursuant to ~~Section 76361~~, a fee is required of students
 12 for transportation services *pursuant to paragraph (1) or (2) of*
 13 *subdivision (b)*, ~~any~~ the fee required of a part-time student shall
 14 be a pro rata lesser amount than the fee charged to full-time
 15 students, depending on the number of units for which the part-time
 16 student is enrolled. Notwithstanding any other ~~provision of law~~,
 17 the governing board of a community college district ~~to which this~~
 18 ~~section applies~~ that provides for transportation services may adopt
 19 rules and regulations to exempt low-income students from this fee,
 20 or to require low-income students to pay all or part of this fee.

21 ~~(2)~~

22 ~~(d)~~ Notwithstanding any other ~~provision of law~~:

23 ~~(A)~~ The governing board of a community college district to
 24 ~~which this section applies shall not enter into, or extend, a contract~~
 25 ~~for transportation services provided by a common carrier or a~~
 26 ~~municipally owned transit system, funded by the proceeds of a fee~~
 27 ~~authorized under this section, unless and until a majority of the~~
 28 ~~students of that district who vote in an election, held no more than~~
 29 ~~10 years prior to the date of the expiration of the contract proposed~~
 30 ~~to be entered into or no more than 10 years prior to the date to~~
 31 ~~which it is proposed that an existing contract be extended, have~~
 32 ~~approved the payment of the fee for this purpose. An~~

33 ~~(1)~~ An election held pursuant to this ~~subparagraph~~ *section* shall
 34 be held in accordance with regulations adopted by the board of
 35 governors to ensure that the election is publicly noticed and that
 36 all students, including full-time, part-time, evening, and weekend
 37 students, have an opportunity to vote in the election.

38 ~~(B)~~

39 ~~(2)~~ If the governing board of a community college district ~~to~~
 40 ~~which this section applies~~ decides to seek to terminate or alter the

1 arrangements under which the district receives transportation
2 services from a common carrier or municipally owned transit
3 system, the governing board shall provide at least 12 months'
4 notice of that intention to the provider of transportation services.

5 ~~(e) A community college district to which this section applies~~
6 ~~is subject to subdivisions (d), (e), and (f) of Section 76361.~~

7 *(e) (1) The total fees to be established periodically by the*
8 *governing board pursuant to this section shall not exceed the*
9 *amount necessary to reimburse the district for transportation costs*
10 *incurred by the district in providing the transportation service.*
11 *The sum of the fee authorized pursuant to this section for*
12 *transportation services and the fee authorized pursuant to Section*
13 *76360 for parking services shall not exceed seventy dollars (\$70)*
14 *per semester or thirty-five dollars (\$35) per intersession, or the*
15 *proportionate equivalent for part-time enrollment.*

16 *(2) Notwithstanding paragraph (1), in any fiscal year, the*
17 *governing board of a community college district may increase a*
18 *fee authorized by this subdivision by the same percentage as the*
19 *increase in the Implicit Price Deflator for State and Local*
20 *Government Purchases of Goods and Services published by the*
21 *United States Department of Commerce.*

22 *(f) The governing board of a community college district also*
23 *may require the payment of a fee, to be fixed by the governing*
24 *board, for the use of transportation services by persons other than*
25 *students and employees.*

26 *(g) This section does not apply to, and a fee shall not be charged*
27 *for, on-campus shuttles or other transportation services operated*
28 *on a campus or between the campus and parking facilities owned*
29 *by the district.*

30 ~~SECTION 1. Section 25416.5 is added to the Public Resources~~
31 ~~Code, to read:~~

32 ~~25416.5. (a) Upon the request of the commission, the~~
33 ~~Controller shall establish the Solar School Subaccount in the State~~
34 ~~Energy Conservation Assistance Account. The subaccount~~
35 ~~established shall be available for the deposit of funds, including,~~
36 ~~but not limited to, the federal American Recovery and~~
37 ~~Reinvestment Act of 2009 (Public Law 111-5).~~

38 ~~(b) Moneys in the subaccount shall, upon appropriation by the~~
39 ~~Legislature, be used by the commission for loans to schools at an~~
40 ~~interest rate established pursuant to subdivision (c) for energy~~

1 efficiency projects and for the installation of solar energy systems
2 pursuant to this chapter.

3 ~~(e) (1) Except as provided in paragraph (2), the interest rate for~~
4 ~~loans allocated from the subaccount shall be the same as that~~
5 ~~provided in Section 25415.~~

6 ~~(2) The interest rate for loans allocated from moneys in the~~
7 ~~subaccount that are derived from the federal American Recovery~~
8 ~~and Reinvestment Act of 2009 (Public Law 111-5) shall be 40~~
9 ~~percent of the interest rate provided in Section 25415.~~

O