

AMENDED IN ASSEMBLY AUGUST 16, 2010

AMENDED IN ASSEMBLY JUNE 14, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

AMENDED IN ASSEMBLY SEPTEMBER 4, 2009

**SENATE BILL**

**No. 82**

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**Introduced by Senator Hancock**  
(Coauthor: Assembly Member Chesbro)

January 20, 2009

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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. Community colleges: ~~parking and transportation fees.~~

~~(1) Existing~~

*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~~

~~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 a specified 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 *require these fee limits to increase annually* based on a specified calculation.~~

~~(3) Existing law prohibits the governing board of a 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.~~

~~Vote: majority. Appropriation: no. Fiscal committee: 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 fifty dollars (\$50)~~  
6 ~~per semester and twenty-five dollars (\$25) per intersession, to be~~  
7 ~~established by the board, for parking services. The fee shall only~~  
8 ~~be required of students and employees using parking services, and~~  
9 ~~the fee shall not exceed the actual cost of providing parking~~  
10 ~~services.~~

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

17     ~~(3) Notwithstanding paragraphs (1) and (2), in any fiscal year,~~  
18 ~~the governing board of a community college district may increase~~  
19 ~~a fee authorized by this subdivision by up to the same percentage~~  
20 ~~as the increase in the Implicit Price Deflator for State and Local~~  
21 ~~Government Purchases of Goods and Services published by the~~  
22 ~~United States Department of Commerce between January 1, 2011,~~  
23 ~~and the operative date of a proposed increase in this fee.~~

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

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

31     ~~(B) The market price per square foot of land adjacent to the~~  
32 ~~campus exceeds the statewide average market price per square~~  
33 ~~foot of land adjacent to community college campuses.~~

34     ~~(2) If the governing board requires payment of a parking fee in~~  
35 ~~excess of the limits set forth in subdivision (a), the fee shall not~~  
36 ~~exceed the actual cost of constructing a parking structure.~~

37     ~~(c) Students who receive financial assistance pursuant to any~~  
38 ~~programs described in subdivision (g) of Section 76300 shall be~~

1 exempt from parking fees imposed pursuant to this section that  
2 exceed twenty dollars (\$20) per semester.

3 ~~(d) The governing board of a community college district may~~  
4 ~~also require the payment of a fee, to be established by the~~  
5 ~~governing board, for the use of parking services by persons other~~  
6 ~~than students and employees.~~

7 ~~(e) All parking fees collected shall be deposited in the designated~~  
8 ~~fund of the district in accordance with the California Community~~  
9 ~~Colleges Budget and Accounting Manual, and shall be expended~~  
10 ~~only for parking services or for purposes of reducing the costs to~~  
11 ~~students and employees of the college of using public transportation~~  
12 ~~to and from the college.~~

13 ~~(f) Fees collected for use of parking services provided for by~~  
14 ~~investment of student body funds under the authority of Section~~  
15 ~~76064 shall be deposited in a designated fund in accordance with~~  
16 ~~the California Community Colleges Budget and Accounting~~  
17 ~~Manual for repayment to the student organization.~~

18 ~~(g) "Parking services," as used in this section, means the~~  
19 ~~purchase, construction, and operation and maintenance of parking~~  
20 ~~facilities for vehicles and motor vehicles, as defined by Sections~~  
21 ~~415 and 670 of the Vehicle Code.~~

22 ~~SEC. 2.~~

23 ~~SECTION 1.~~ Section 76361 of the Education Code is repealed.

24 ~~SEC. 3.~~

25 ~~SEC. 2.~~ Section 76361.1 of the Education Code is amended  
26 and renumbered to read:

27 76361. (a) The governing board of a community college district  
28 may require students in attendance and employees at a campus of  
29 the district to pay a fee for purposes of partially or fully recovering  
30 transportation costs incurred by the district or of reducing fares  
31 for services provided by common carriers or municipally owned  
32 transit systems to these students and employees.

33 (b) Fees authorized by subdivision (a) for transportation services  
34 may be required to be paid only by students and employees using  
35 the services, or, in the alternative, by any of the following groups  
36 of people:

37 (1) Upon the favorable vote of a majority of the students and a  
38 majority of the employees of a campus of the district, who voted  
39 at an election on the question of whether or not the governing  
40 board should require all students and employees at the campus to

1 pay a fee for transportation services for a period of time to be  
2 determined by the governing board of the district, the fees may be  
3 required to be paid by all students, other than those students who  
4 are exempt from the fees pursuant to subdivision (c), and all  
5 employees of the campus of the community college district.

6 (2) Upon the favorable vote of a majority of the students at a  
7 campus of the district, who voted at an election on the question of  
8 whether or not the governing board should require all students to  
9 pay a fee for transportation services for a period of time to be  
10 determined by the governing board of the district, the fees may be  
11 required to be paid by all students, other than those students who  
12 are exempt from the fees pursuant to subdivision (c), at the campus  
13 of the community college district. However, the employees shall  
14 not be entitled to use the services.

15 (3) Upon the favorable vote of a majority of the students at a  
16 campus of the district taking a specified number of course credits  
17 for a specified duration, to be determined by the governing board,  
18 who voted at an election on the question of whether or not the  
19 governing board should require all students taking that prescribed  
20 number of course credits to pay a fee for transportation services  
21 for a period of time to be determined by the governing board of  
22 the district, the fees may be required to be paid by those students  
23 taking the prescribed number of course credits, except those  
24 students who are exempt from the fees pursuant to subdivision (c),  
25 at the campus of the community college district. However, the  
26 employees shall not be entitled to use the services.

27 (c) If a fee is required of students for transportation services  
28 pursuant to paragraph (1) or (2) of subdivision (b), the fee required  
29 of a part-time student shall be a pro rata lesser amount than the  
30 fee charged to full-time students, depending on the number of units  
31 for which the part-time student is enrolled. Notwithstanding any  
32 other law, the governing board of a community college district  
33 that provides for transportation services may adopt rules and  
34 regulations to exempt low-income students from this fee, or to  
35 require low-income students to pay all or part of this fee.

36 (d) Notwithstanding any other law:

37 (1) *The governing board of a community college district to*  
38 *which this section applies shall not enter into, or extend, a contract*  
39 *for transportation services provided by a common carrier or a*  
40 *municipally owned transit system, funded by the proceeds of a fee*

1 *authorized under this section, unless and until a majority of the*  
 2 *students of that district who vote in an election, held no more than*  
 3 *10 years prior to the date of the expiration of the contract proposed*  
 4 *to be entered into or no more than 10 years prior to the date to*  
 5 *which it is proposed that an existing contract be extended, have*  
 6 *approved the payment of the fee for this purpose.*

7 ~~(1)~~

8 (2) An election held pursuant to this section shall be held in  
 9 accordance with regulations adopted by the board of governors to  
 10 ensure that the election is publicly noticed and that all students,  
 11 including full-time, part-time, evening, and weekend students,  
 12 have an opportunity to vote in the election.

13 ~~(2)~~

14 (3) If the governing board of a community college district  
 15 decides to seek to terminate or alter the arrangements under which  
 16 the district receives transportation services from a common carrier  
 17 or municipally owned transit system, the governing board shall  
 18 provide at least 12 months' notice of that intention to the provider  
 19 of transportation services.

20 (e) (1) The total fees to be established periodically by the  
 21 governing board pursuant to this section shall not exceed the  
 22 amount necessary to reimburse the district for transportation costs  
 23 incurred by the district in providing the transportation service. The  
 24 sum of the fee authorized pursuant to this section for transportation  
 25 services and the fee authorized pursuant to Section 76360 for  
 26 parking services shall not exceed seventy dollars (\$70) per semester  
 27 or thirty-five dollars (\$35) per intersession, or the proportionate  
 28 equivalent for part-time enrollment.

29 ~~(2) Notwithstanding paragraph (1), in any fiscal year, the~~  
 30 ~~governing board of a community college district may increase a~~  
 31 ~~fee authorized by this subdivision by up to the same percentage~~  
 32 ~~as the increase in the Implicit Price Deflator for State and Local~~  
 33 ~~Government Purchases of Goods and Services published by the~~  
 34 ~~United States Department of Commerce between January 1, 2011,~~  
 35 ~~and the operative date of a proposed increase in this fee.~~

36 (2) *The fee limit imposed by this subdivision shall increase*  
 37 *annually by the same percentage increase as the Implicit Price*  
 38 *Deflator for State and Local Government Purchases of Goods and*  
 39 *Services published by the United States Department of Commerce.*

1 (f) The governing board of a community college district also  
2 may require the payment of a fee, to be fixed by the governing  
3 board, for the use of transportation services by persons other than  
4 students and employees.

5 (g) This section does not apply to, and a fee shall not be charged  
6 for, on-campus shuttles or other transportation services operated  
7 on a campus or between the campus and parking facilities owned  
8 by the district.

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