

AMENDED IN SENATE SEPTEMBER 1, 2011

CALIFORNIA LEGISLATURE—2011–12 FIRST EXTRAORDINARY SESSION

**ASSEMBLY BILL**

**No. 20**

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**Introduced by Assembly Member Blumenfield**

May 19, 2011

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~~An act relating to the Budget Act of 2011.~~ *An act to amend Section 76300 of the Education Code, relating to Section 3.94 of the Budget Act of 2011, making an appropriation therefor, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

AB 20, as amended, Blumenfield. Budget Act of ~~2011~~. 2011: Director of Finance: reductions.

(1) Existing law requires the Legislature to pass a Budget Bill making appropriations for the support of state government for the ensuing fiscal year. The Budget Act of 2011 requires the Director of Finance to forecast General Fund revenues for the 2011–12 fiscal year by December 15, 2011, and to determine whether that revenue forecast or the Legislative Analyst's November 2011 General Fund revenue forecast is higher. The Director of Finance is required to make reductions to specified items of appropriation if the higher revenue forecast is less than \$87,452,500,000 and to make additional reductions to specified items of appropriation if the higher revenue forecast is less than \$86,452,500,000.

This bill would require the director to meet specified requirements if the director proposes to reduce an item of appropriation pursuant to these provisions.

(2) Existing law requires the governing board of each community college district to charge each student a fee, and sets that fee at \$36

*per unit per semester. Existing law requires this fee to be raised to \$46 per unit per semester, effective with the winter term of the 2011–12 academic year, if the Director of Finance reduces specified appropriations as described above.*

*This bill would specify that the raising of this fee to \$46 per unit per semester would occur effective with the summer term of the 2012 calendar year. The bill would provide a statement of Legislative intent relating to this delay in the fee increase.*

*(3) The bill would appropriate \$1,000 from the General Fund to the Board of Governors of the California Community Colleges for general operation costs of the board.*

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2011.~~

~~The~~

*(4) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. Governor Schwarzenegger issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010. Governor Brown issued a proclamation on January 20, 2011, declaring and reaffirming that a fiscal emergency exists and stating that his proclamation supersedes the earlier proclamation for purposes of that constitutional provision.*

*This bill would state that it addresses the fiscal emergency declared and reaffirmed by the Governor by proclamation issued on January 20, 2011, pursuant to the California Constitution.*

*(5) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.*

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

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

1 *SECTION 1. Section 76300 of the Education Code, as amended*  
 2 *by Section 2 of Chapter 135 of the Statutes of 2011, is amended*  
 3 *to read:*

4 76300. (a) The governing board of each community college  
 5 district shall charge each student a fee pursuant to this section.

6 (b) (1) The fee prescribed by this section shall be forty-six  
 7 dollars (\$46) per unit per semester, effective with the ~~winter~~  
 8 *summer* term of the ~~2011–12 academic~~ 2012 calendar year.

1 (2) The board of governors shall proportionately adjust the  
2 amount of the fee for term lengths based upon a quarter system,  
3 and also shall proportionately adjust the amount of the fee for  
4 summer sessions, intersessions, and other short-term courses. In  
5 making these adjustments, the board of governors may round the  
6 per unit fee and the per term or per session fee to the nearest dollar.

7 (c) For the purposes of computing apportionments to community  
8 college districts pursuant to Section 84750.5, the board of  
9 governors shall subtract, from the total revenue owed to each  
10 district, 98 percent of the revenues received by districts from  
11 charging a fee pursuant to this section.

12 (d) The board of governors shall reduce apportionments by up  
13 to 10 percent to any district that does not collect the fees prescribed  
14 by this section.

15 (e) The fee requirement does not apply to any of the following:

16 (1) Students enrolled in the noncredit courses designated by  
17 Section 84757.

18 (2) California State University or University of California  
19 students enrolled in remedial classes provided by a community  
20 college district on a campus of the University of California or a  
21 campus of the California State University, for whom the district  
22 claims an attendance apportionment pursuant to an agreement  
23 between the district and the California State University or the  
24 University of California.

25 (3) Students enrolled in credit contract education courses  
26 pursuant to Section 78021, if the entire cost of the course, including  
27 administrative costs, is paid by the public or private agency,  
28 corporation, or association with which the district is contracting  
29 and if these students are not included in the calculation of the  
30 full-time equivalent students (FTES) of that district.

31 (f) The governing board of a community college district may  
32 exempt special part-time students admitted pursuant to Section  
33 76001 from the fee requirement.

34 (g) (1) The fee requirements of this section shall be waived for  
35 any student who, at the time of enrollment, is a recipient of benefits  
36 under the Temporary Assistance to Needy Families program, the  
37 Supplemental Security Income/State Supplementary Program, or  
38 a general assistance program or has demonstrated financial need  
39 in accordance with the methodology set forth in federal law or

1 regulation for determining the expected family contribution of  
2 students seeking financial aid.

3 (2) The governing board of a community college district also  
4 shall waive the fee requirements of this section for any student  
5 who demonstrates eligibility according to income standards  
6 established by regulations of the board of governors.

7 (3) Paragraphs (1) and (2) may be applied to a student enrolled  
8 in the 2005–06 academic year if the student is exempted from  
9 nonresident tuition under paragraph (3) of subdivision (a) of  
10 Section 76140.

11 (h) The fee requirements of this section shall be waived for any  
12 student who, at the time of enrollment, is a dependent or surviving  
13 spouse who has not remarried, of any member of the California  
14 National Guard who, in the line of duty and while in the active  
15 service of the state, was killed, died of a disability resulting from  
16 an event that occurred while in the active service of the state, or  
17 is permanently disabled as a result of an event that occurred while  
18 in the active service of the state. “Active service of the state,” for  
19 the purposes of this subdivision, refers to a member of the  
20 California National Guard activated pursuant to Section 146 of  
21 the Military and Veterans Code.

22 (i) The fee requirements of this section shall be waived for any  
23 student who is the surviving spouse or the child, natural or adopted,  
24 of a deceased person who met all of the requirements of Section  
25 68120.

26 (j) The fee requirements of this section shall be waived for any  
27 student in an undergraduate program, including a student who has  
28 previously graduated from another undergraduate or graduate  
29 program, who is the dependent of any individual killed in the  
30 September 11, 2001, terrorist attacks on the World Trade Center  
31 and the Pentagon or the crash of United Airlines Flight 93 in  
32 southwestern Pennsylvania, if that dependent meets the financial  
33 need requirements set forth in Section 69432.7 for the Cal Grant  
34 A Program and either of the following applies:

35 (1) The dependent was a resident of California on September  
36 11, 2001.

37 (2) The individual killed in the attacks was a resident of  
38 California on September 11, 2001.

39 (k) A determination of whether a person is a resident of  
40 California on September 11, 2001, for purposes of subdivision (j)

1 shall be based on the criteria set forth in Chapter 1 (commencing  
2 with Section 68000) of Part 41 of Division 5 for determining  
3 nonresident and resident tuition.

4 (l) (1) “Dependent,” for purposes of subdivision (j), is a person  
5 who, because of his or her relationship to an individual killed as  
6 a result of injuries sustained during the terrorist attacks of  
7 September 11, 2001, qualifies for compensation under the federal  
8 September 11th Victim Compensation Fund of 2001 (Title IV  
9 (commencing with Section 401) of Public Law 107-42).

10 (2) A dependent who is the surviving spouse of an individual  
11 killed in the terrorist attacks of September 11, 2001, is entitled to  
12 the waivers provided in this section until January 1, 2013.

13 (3) A dependent who is the surviving child, natural or adopted,  
14 of an individual killed in the terrorist attacks of September 11,  
15 2001, is entitled to the waivers under subdivision (j) until that  
16 person attains 30 years of age.

17 (4) A dependent of an individual killed in the terrorist attacks  
18 of September 11, 2001, who is determined to be eligible by the  
19 California Victim Compensation and Government Claims Board,  
20 is also entitled to the waivers provided in this section until January  
21 1, 2013.

22 (m) (1) It is the intent of the Legislature that sufficient funds  
23 be provided to support the provision of a fee waiver for every  
24 student who demonstrates eligibility pursuant to subdivisions (g)  
25 to (j), inclusive.

26 (2) From funds provided in the annual Budget Act, the board  
27 of governors shall allocate to community college districts, pursuant  
28 to this subdivision, an amount equal to 2 percent of the fees waived  
29 pursuant to subdivisions (g) to (j), inclusive. From funds provided  
30 in the annual Budget Act, the board of governors shall allocate to  
31 community college districts, pursuant to this subdivision, an  
32 amount equal to ninety-one cents (\$0.91) per credit unit waived  
33 pursuant to subdivisions (g) to (j), inclusive. It is the intent of the  
34 Legislature that funds provided pursuant to this subdivision be  
35 used to support the determination of financial need and delivery  
36 of student financial aid services, on the basis of the number of  
37 students for whom fees are waived. It also is the intent of the  
38 Legislature that the funds provided pursuant to this subdivision  
39 directly offset mandated costs claimed by community college  
40 districts pursuant to Commission on State Mandates consolidated

1 Test Claims 99-TC-13 (Enrollment Fee Collection) and 00-TC-15  
2 (Enrollment Fee Waivers). Funds allocated to a community college  
3 district for determination of financial need and delivery of student  
4 financial aid services shall supplement, and shall not supplant, the  
5 level of funds allocated for the administration of student financial  
6 aid programs during the 1992–93 fiscal year.

7 (n) The board of governors shall adopt regulations implementing  
8 this section.

9 (o) This section shall become operative on January 1, 2012,  
10 only if subdivision (b) of Section 3.94 of the Budget Act of 2011  
11 is operative.

12 *SEC. 2. Following the determination of the higher revenue*  
13 *forecast pursuant to subdivision (a) of Section 3.94 of the Budget*  
14 *Act of 2011, if the Director of Finance proposes to reduce an item*  
15 *of appropriation pursuant to that section, the director shall do*  
16 *both of the following:*

17 (a) *By December 9, 2011, make every effort to notify the Chief*  
18 *Clerk of the Assembly and the Secretary of the Senate of the specific*  
19 *reductions the director proposes to make.*

20 (b) *At least 10 days before implementing a reduction, consult*  
21 *with the Speaker of the Assembly and the Senate Pro Tempore*  
22 *about both of the following:*

23 (1) *The amount of each reduction and the projected revenue*  
24 *shortfall justifying the reduction.*

25 (2) *Statutory changes that provide alternative budget solutions*  
26 *to the reductions described in Section 3.94 of the Budget Act of*  
27 *2011 and the corresponding reductions described in Section*  
28 *46201.3 of the Education Code and Section 12301.07 of the*  
29 *Welfare and Institutions Code.*

30 *SEC. 3. It is the intent of the Legislature that reductions made*  
31 *by community college districts in the 2011-12 fiscal year pursuant*  
32 *to paragraph (13) of subdivision (b) of Section 3.94 of the Budget*  
33 *Act of 2011 reflect the one-time nature of the budget reduction*  
34 *imposed in that section as a result of delaying the ten dollar (\$10)*  
35 *per unit student fee increase from the winter term to the summer*  
36 *term of the 2011-12 academic year. Until the increased fees are*  
37 *collected, community college districts should, to the extent possible,*  
38 *make every effort to implement reductions in a manner that will*  
39 *minimize the impact on course offerings and programs needed by*

1 *students to achieve their basic skills, workforce training, or transfer*  
2 *goals.*

3 *SEC. 4. There is appropriated one thousand dollars (\$1,000)*  
4 *from the General Fund to the Board of Governors of the California*  
5 *Community Colleges for general operation costs of the board.*

6 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~  
7 ~~changes relating to the Budget Act of 2011.~~

8 ~~SEC. 2.~~

9 *SEC. 5. This act addresses the fiscal emergency declared and*  
10 *reaffirmed by the Governor by proclamation on January 20, 2011,*  
11 *pursuant to subdivision (f) of Section 10 of Article IV of the*  
12 *California Constitution.*

13 *SEC. 6. This act is a bill providing for appropriations related*  
14 *to the Budget Bill within the meaning of subdivision (e) of Section*  
15 *12 of Article IV of the California Constitution, has been identified*  
16 *as related to the budget in the Budget Bill, and shall take effect*  
17 *immediately.*

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