

**ASSEMBLY BILL**

**No. 1980**

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**Introduced by Assembly Member Swanson**

February 14, 2008

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An act to amend Section 76361.1 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1980, as introduced, Swanson. Peralta Community College District: transportation fees.

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts throughout the state, and authorizes them to maintain campuses at which instruction is provided to students. Existing law authorizes the governing boards of the Los Rios and Rio Hondo community college districts to require that a transportation service fee be paid only by students and employees using the services, as specified. Existing law provides that these governing boards may adopt rules and regulations to exempt low-income students from this fee, or to require low-income students to pay all or part of this fee. Existing law prohibits the governing boards of the Los Rios and Rio Hondo community college districts from entering into, or extending, a contract for transportation services, funded by the proceeds of a transportation fee and provided by a common carrier or a municipally owned transit system, unless specified conditions are met.

This bill would make the Peralta Community College District as a community college district subject to these provisions.

(2) An existing provision of the California Constitution provides that a local or special statute is invalid in any case if a general statute can be made applicable.

The bill would express a finding and declaration of the Legislature that, due to unique circumstances relating to the transportation services utilized by the community served by the Peralta community college district, a general statute cannot be made applicable, and the enactment of this bill as a special statute is therefore necessary.

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 76361.1 of the Education Code is  
2 amended to read:

3 76361.1. (a) This section applies only to the Los Rios, *Peralta*,  
4 and Rio Hondo community college districts.

5 (b) Notwithstanding any other provision of law, a district to  
6 which this section applies may require that a fee authorized by  
7 subdivision (a) of Section 76361 for transportation services be  
8 paid only by students and employees using the services, or, in the  
9 alternative, by either of the following groups of people:

10 (1) Upon the favorable vote of a majority of the students and a  
11 majority of the employees of a campus of the district, who voted  
12 at an election on the question of whether or not the governing  
13 board should require all students and employees at the campus to  
14 pay a fee for transportation services for a period of time to be  
15 determined by the governing board of the district, the fees may be  
16 required to be paid by all students, other than those students who  
17 are exempt from the fees pursuant to paragraph (1) of subdivision  
18 (c), and all employees of the campus of the community college  
19 district.

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

1 (c), at the campus of the community college district. However, the  
2 employees shall not be entitled to use the services.

3 (c) (1) If, pursuant to Section 76361, a fee is required of  
4 students for transportation services, any fee required of a part-time  
5 student shall be a pro rata lesser amount than the fee charged to  
6 full-time students, depending on the number of units for which the  
7 part-time student is enrolled. Notwithstanding any other provision  
8 of law, the governing board of a community college district to  
9 which this section applies that provides for transportation services  
10 may adopt rules and regulations to exempt low-income students  
11 from this fee, or to require low-income students to pay all or part  
12 of this fee.

13 (2) Notwithstanding any other provision of law:

14 (A) The governing board of a community college district to  
15 which this section applies shall not enter into, or extend, a contract  
16 for transportation services provided by a common carrier or a  
17 municipally owned transit system, funded by the proceeds of a fee  
18 authorized under this section, unless and until a majority of the  
19 students of that district who vote in an election, held no more than  
20 10 years prior to the date of the expiration of the contract proposed  
21 to be entered into or no more than 10 years prior to the date to  
22 which it is proposed that an existing contract be extended, have  
23 approved the payment of the fee for this purpose. An election held  
24 pursuant to this subparagraph shall be held in accordance with  
25 regulations adopted by the board of governors to ensure that the  
26 election is publicly noticed and that all students, including  
27 full-time, part-time, evening, and weekend students, have an  
28 opportunity to vote in the election.

29 (B) If the governing board of a community college district to  
30 which this section applies decides to seek to terminate or alter the  
31 arrangements under which the district receives transportation  
32 services from a common carrier or municipally owned transit  
33 system, the governing board shall provide at least 12 months'  
34 notice of that intention to the provider of transportation services.

35 (d) A community college district to which *this* section applies  
36 is subject to subdivisions (d), (e), and (f) of Section 76361.

37 SEC. 2. The Legislature finds and declares that, due to unique  
38 circumstances relating to the transportation services utilized by  
39 the community served by the Peralta Community College District,

- 1 a general statute cannot be made applicable, and the enactment of
- 2 Section 1 of this act as a special statute is therefore necessary.

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