

Assembly Bill No. 1980

CHAPTER 145

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

[Approved by Governor July 18, 2008. Filed with
Secretary of State July 18, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1980, 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.

This bill would, in the alternative, permit these fees to be assessed against all students taking a prescribed minimum number of course credits upon a majority vote of those students.

(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.

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

SECTION 1. Section 76361.1 of the Education Code is amended to read:
76361.1. (a) This section applies only to the Los Rios, Peralta, and Rio Hondo community college districts.

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

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

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

(3) Upon the favorable vote of a majority of the students at a campus of the district taking a specified number of course credits for a specified duration, to be determined by the governing board, who voted at an election on the question of whether or not the governing board should require all students taking that prescribed number of course credits to pay a fee for transportation services for a period of time to be determined by the governing board of the district, the fees may be required to be paid by those students taking the prescribed number of course credits, except those students who are exempt from the fees pursuant to paragraph (1) of subdivision (c), at the campus of the community college district. However, the employees shall not be entitled to use the services.

(c) (1) If, pursuant to Section 76361, a fee is required of students for transportation services, any fee required of a part-time student shall be a pro rata lesser amount than the fee charged to full-time students, depending on the number of units for which the part-time student is enrolled. Notwithstanding any other provision of law, the governing board of a community college district to which this section applies that provides for transportation services 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.

(2) Notwithstanding any other provision of law:

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

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

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

SEC. 2. The Legislature finds and declares 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 Section 1 of this act as a special statute is therefore necessary.