



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-1151 Community colleges: civic centers: uses: insurance. (2023-2024)

SHARE THIS:  

Date Published: 07/13/2023 09:00 PM

Assembly Bill No. 1151

CHAPTER 66

An act to amend Sections 82537, 82542, and 82548 of, and to add Section 82543 to, the Education Code, relating to community colleges.

[Approved by Governor July 13, 2023. Filed with Secretary of State July 13, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1151, McKinnor. Community colleges: civic centers: uses: insurance.

(1) Existing law provides that there is a civic center at each and every community college within the state where the citizens, Camp Fire Girls, Boy Scout troops, farmers' organizations, school-community advisory councils, senior citizens' organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts may engage in supervised recreational activities, and where they may meet and discuss, from time to time, as they may desire, any subjects and questions that in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside. Existing law authorizes the governing boards of the community college districts to authorize the use, by citizens and organizations, of any other properties under their control, for supervised recreational activities.

This bill would instead provide that there is a civic center at each and every community college within the state, and would instead authorize the governing board of a community college district to authorize the use, by the community and organizations, of any civic center or other properties under the control of the governing board of the community college district, as provided.

(2) Existing law requires the governing board of a community college district to grant without charge, except as otherwise provided, the use of any college facilities or grounds under its control, when an alternative location is not available, to nonprofit organizations and clubs and associations organized for general character building or welfare purposes, as specified.

This bill would instead authorize the governing board of a community college district to grant without charge, except as otherwise provided, the use of those facilities, when an alternative location is not available, to nonprofit organizations and clubs and associations organized for athletic activities for youth, charitable purposes, educational purposes, or the civic well-being of the community.

(3) Existing law authorizes the governing board of a community college district to permit the use, without charge, by organizations, clubs, or associations organized for senior citizens and for cultural activities and general character building or welfare purposes, when membership dues or contributions solely for the support of the organization, club, or association, or the advancement of its cultural, character building, or welfare work, are accepted.

This bill would instead authorize the governing board of a community college district to permit the use, without charge, by organizations, clubs, or associations organized for youth or senior citizens and for cultural activities, without regard to whether

membership dues are accepted.

(4) This bill, notwithstanding any other law, and only if the governing board of a community college district authorizes the use of any of the community college district's facilities or grounds pursuant to the above-described provisions, would require the community college district to give priority access to the use of those facilities or grounds to organizations, clubs, and associations, including athletic associations for youth, that serve people from socioeconomically disadvantaged communities.

(5) Existing law authorizes the governing board of a community college district to require a person, group, or organization granted the use of community college property for purposes of athletic activities to obtain a certificate of insurance from a liability insurance carrier and to submit that certificate to the district for approval, as provided. Existing law requires the certificate to evidence a minimum coverage of \$300,000 for liability for injury or damage to property which may arise out of that use of community college property and authorizes the governing board to require more than that minimum coverage, as specified.

This bill would instead authorize the governing board of a community college district to require a certificate of insurance for the grant of use for any purpose, and would raise the minimum coverage amount to \$1,000,000.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 82537 of the Education Code is amended to read:

82537. (a) There is a civic center at each and every community college within the state and the governing board of a community college district may authorize the use, by the community and organizations, of any civic center or other properties under their control, pursuant to this article.

(b) The governing board of any community college district may grant the use of community college facilities or grounds for public, literary, scientific, recreational, educational, or public agency meetings, or for the discussion of matters of general or public interest upon terms and conditions that the governing board deems proper, and subject to the limitations, requirements, and restrictions set forth in this article.

(c) No use shall be granted in a manner that constitutes a monopoly for the benefit of any person or organization.

(d) The use of any community college facility and grounds for any meeting is subject to reasonable rules and regulations as the governing board of the community college district prescribes, and shall not interfere with the use and occupancy of the community college facilities and grounds, as is required for purposes of the community colleges of the state.

(e) The management, direction, and control of the civic center is vested in the governing board of the community college district.

(f) The governing board of the community college district shall make all needful rules and regulations for conducting the civic meetings and for such recreational activities as are provided for in this chapter and that aid, assist, and lend encouragement to the activities.

SEC. 2. Section 82542 of the Education Code, as amended by Section 4 of Chapter 492 of the Statutes of 2019, is amended to read:

82542. (a) Except as provided in subdivision (b), the governing board of a community college district may grant without charge the use of any college facilities or grounds under its control, pursuant to the requirements of this article, when an alternative location is not available, to nonprofit organizations and clubs and associations organized for athletic activities for youth, charitable purposes, educational purposes, or the civic well-being of the community.

(b) For purposes of subdivision (a), the governing board of a community college district may charge an amount not to exceed the following:

(1) The cost of opening and closing the facilities, if no community college employees would otherwise be available to perform that function as a part of their normal duties.

(2) The cost of a community college employee's presence during the organization's use of the facilities, if the governing board determines that the supervision is needed, and if that employee would not otherwise be present as part of the employee's normal duties.

(3) The cost of janitorial services, if the services are necessary, and would not have otherwise been performed as part of the janitor's normal duties.

(4) The cost of utilities directly attributable to the organization's use of the facilities.

(c) The governing board of a community college district may charge an amount not to exceed its direct costs or not to exceed the fair rental value of college facilities and grounds under its control, and pursuant to the requirements of this article, for activities other than those specified in subdivision (a). A governing board that decides to levy these charges shall first adopt a policy specifying which activities shall be charged an amount not to exceed direct costs and which activities shall be charged an amount not to exceed fair rental value.

(d) (1) As used in this section, "direct costs" to the community college district for the use of college facilities or grounds includes all of the following:

(A) The share of the costs of supplies, utilities, janitorial services, services of any other community college district employees, and salaries paid to community college district employees to operate and maintain college facilities or grounds that is proportional to the organization's use of the college facilities and grounds of the community college district pursuant to this section.

(B) The share of the costs for maintenance, repair, restoration, and refurbishment, proportional to the use of the college facilities or grounds by the organization using the college facilities or grounds under this section. For purposes of this subparagraph, "college facilities" shall be limited to only nonclassroom space, and "grounds" shall include, but not be limited to, playing fields, athletic fields, track and field venues, tennis courts, and outdoor basketball courts.

(2) The share of the costs for maintenance, repair, restoration, and refurbishment shall not apply to either of the following:

(A) Classroom-based programs that operate after school hours, including, but not limited to, after school programs, tutoring programs, or childcare programs.

(B) Organizations retained by the college or community college district to provide instruction or instructional activities to students during school hours.

(3) Funds collected pursuant to this subdivision shall be deposited into a special fund that shall only be used for purposes of this section.

(e) By December 31, 2015, the Chancellor of the California Community Colleges shall develop, and the Board of Governors of the California Community Colleges shall adopt, regulations to be used by a governing board of a community college district in determining the proportionate share and the specific allowable costs that a community college district may include as direct costs for the use of its college facilities or grounds.

(f) As used in this section, "fair rental value" means the direct costs to the community college district, plus the amortized costs of the college facilities or grounds used for the duration of the activity authorized.

(g) The governing board of a community college district that authorizes the use of college facilities or grounds for the purpose specified in subdivision (h) shall charge the church or religious denomination an amount at least equal to the fair rental value of the facilities or grounds.

(h) The governing board of a community college district may grant the use of college facilities or grounds to any church or religious organization for the conduct of religious services for temporary periods where the church or organization has no suitable meeting place for the conduct of these services upon the terms and conditions as the governing board deems proper, and subject to the limitations, requirements, and restrictions set forth in this article. The governing board shall charge the church or religious organization using the property for the conduct of religious services a fee as specified in subdivision (g).

(i) For entertainment or a meeting where an admission fee is charged or a contribution is solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the students of the community college district or for charitable purposes, a charge not less than fair rental value shall be levied for the use of the college facilities, property, and grounds, as determined by the governing board of the community college district.

(j) The governing board of a community college district may permit the use, without charge, by organizations, clubs, or associations organized for youth or senior citizens and for cultural activities.

(k) The governing board of a community college district may grant the use of college facilities, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, and may cooperate with these agencies in furnishing and maintaining services deemed by the governing board to be necessary to meet the needs of the community.

(l) This section shall remain in effect only until January 1, 2025, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2025, deletes or extends that date.

SEC. 3. Section 82542 of the Education Code, as amended by Section 5 of Chapter 492 of the Statutes of 2019, is amended to read:

82542. (a) Except as provided in subdivision (b), the governing board of a community college district may grant without charge the use of any college facilities or grounds under its control, pursuant to the requirements of this article, when an alternative location is not available, to nonprofit organizations and clubs and associations organized for athletic activities for youth, charitable purposes, educational purposes, or the civic well-being of the community.

(b) For purposes of subdivision (a), the governing board of a community college district may charge an amount not to exceed the following:

(1) The cost of opening and closing the facilities, if no community college employees would otherwise be available to perform that function as a part of their normal duties.

(2) The cost of a community college employee's presence during the organization's use of the facilities, if the governing board determines that the supervision is needed, and if that employee would not otherwise be present as part of the employee's normal duties.

(3) The cost of janitorial services, if the services are necessary, and would not have otherwise been performed as part of the janitor's normal duties.

(4) The cost of utilities directly attributable to the organization's use of the facilities.

(c) The governing board of a community college district may charge an amount not to exceed its direct costs or not to exceed the fair rental value of college facilities and grounds under its control, and pursuant to the requirements of this article, for activities other than those specified in subdivision (a). A governing board that decides to levy these charges shall first adopt a policy specifying which activities shall be charged an amount not to exceed direct costs and which activities shall be charged an amount not to exceed fair rental value.

(1) As used in this section, "direct costs" to the community college district for the use of college facilities or grounds means those costs of supplies, utilities, janitorial services, services of any other community college district employees, and salaries paid community college district employees necessitated by the organization's use of the college facilities and grounds of the community college district.

(2) As used in this section, "fair rental value" means the direct costs to the community college district, plus the amortized costs of the college facilities or grounds used for the duration of the activity authorized.

(d) The governing board of a community college district that authorizes the use of college facilities or grounds for the purpose specified in subdivision (e) shall charge the church or religious denomination an amount at least equal to the fair rental value of the facilities or grounds.

(e) The governing board of a community college district may grant the use of college facilities or grounds to any church or religious organization for the conduct of religious services for temporary periods where the church or organization has no suitable meeting place for the conduct of these services upon the terms and conditions as the governing board deems proper, and subject to the limitations, requirements, and restrictions set forth in this article. The governing board shall charge the church or religious organization using the property for the conduct of religious services a fee as specified in subdivision (d).

(f) For entertainment or a meeting where an admission fee is charged or a contribution is solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the students of the community college district or for charitable purposes, a charge shall be made for the use of the college facilities, property, and grounds, which charge shall not be less than the fair rental value for the use of the college facilities, property, and grounds, as determined by the governing board of the community college district.

(g) The governing board of a community college district may permit the use, without charge, by organizations, clubs, or associations organized for youth or senior citizens and for cultural activities.

(h) The governing board of a community college district may grant the use of college facilities, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, and may cooperate with these agencies in furnishing and maintaining services deemed by the governing board to be necessary to meet the needs of the community.

(i) This section shall be operative on and after January 1, 2025.

SEC. 4. Section 82543 is added to the Education Code, to read:

82543. Notwithstanding any other law, if the governing board of a community college district authorizes the use of any of the community college district's facilities or grounds pursuant to this article, the community college district shall give priority access to the use of those facilities or grounds to organizations, clubs, and associations, including athletic associations for youth, that serve people from socioeconomically disadvantaged communities.

SEC. 5. Section 82548 of the Education Code is amended to read:

82548. The governing board of a community college district may require a person, group, or organization granted the use of community college district property pursuant to this article to obtain a certificate of insurance from a liability insurance carrier and to submit that certificate to the district for approval before using district property. The certificate shall evidence a minimum coverage of one million dollars (\$1,000,000) for liability for injury or damage to property which may arise out of that use of community college district property. The governing board of a community college district may require more than that minimum coverage.