

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1895**

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**Introduced by Assembly Member Ruskin**

February 16, 2010

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An act to amend Section ~~66003~~ 68062 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1895, as amended, Ruskin. ~~Postsecondary education: Donahoe Higher Education Act. Public postsecondary education: residence.~~

*Existing law requires every student to be classified as a resident or nonresident at public postsecondary institutions in the state and requires certain rules to be observed in determining the place of residence of a person, including, but not limited to, the rule that a woman's residence shall not be derivative from that of her husband.*

*This bill would revise that rule to require that a person's residence shall not be derivative from that of his or her spouse.*

~~Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education, in the context of the goals of the Master Plan for Higher Education in California. Among other things, the act expresses legislative intent to outline in statute the broad policy and programmatic goals of the master plan and to expect the higher education segments to be accountable for attaining those goals. The act also expresses legislative intent that the governing boards of the higher education segments be given ample discretion in implementing policies and programs necessary to attain those goals.~~

~~This bill would make technical, nonsubstantive changes to those expressions of legislative intent relative to attaining the goals of the Master Plan for Higher Education.~~

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 68062 of the Education Code is amended  
2 to read:

3     68062. In determining the place of residence the following  
4 rules are to be observed:

- 5     (a) There can only be one residence.
- 6     (b) A residence is the place where one remains when not called  
7 elsewhere for labor or other special or temporary purpose, and to  
8 which he or she returns in seasons of repose.
- 9     (c) A residence cannot be lost until another is gained.
- 10    (d) The residence can be changed only by the union of act and  
11 intent.
- 12    (e) A man or woman may establish his or her residence. A  
13 ~~woman's~~ *person's* residence shall not be derivative from that of  
14 ~~his or her husband~~ *spouse*.
- 15    (f) The residence of the parent with whom an unmarried minor  
16 child maintains his or her place of abode is the residence of the  
17 unmarried minor child. When the minor lives with neither parent  
18 his or her residence is that of the parent with whom he or she  
19 maintained his or her last place of abode, provided the minor may  
20 establish his or her residence when both parents are deceased and  
21 a legal guardian has not been appointed.
- 22    (g) The residence of an unmarried minor who has a parent living  
23 cannot be changed by his or her own act, by the appointment of a  
24 legal guardian, or by relinquishment of a parent's right of control.
- 25    (h) An alien, including an unmarried minor alien, may establish  
26 his or her residence, unless precluded by the Immigration and  
27 Nationality Act (8 U.S.C. 1101, et seq.) from establishing domicile  
28 in the United States.
- 29    (i) The residence of an unmarried minor alien shall be derived  
30 from his or her parents pursuant to the provisions of subdivisions  
31 (f) and (g).

1 SECTION 1. Section 66003 of the Education Code is amended  
2 to read:  
3 66003. It is the intent of the Legislature to outline in statute  
4 the broad policy and programmatic goals of the Master Plan for  
5 Higher Education and to expect the higher education segments to  
6 be accountable for attaining those goals. However, consistent with  
7 the spirit of the original master plan and the subsequent updates,  
8 it is the intent of the Legislature that the governing boards of the  
9 segments of higher education be given ample discretion in  
10 implementing policies and programs necessary to attain those  
11 goals.

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