

ASSEMBLY BILL

No. 773

Introduced by Assembly Member Block

February 17, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

AB 773, as introduced, Block. Public postsecondary education: residency.

Existing law prescribes the requirements that must be met by students in order to be eligible for resident classification for tuition purposes at a public postsecondary educational institution.

This bill would make technical, nonsubstantive changes to these requirements.

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.

1 (d) The residence can be changed only by the union of act and
2 intent.

3 (e) A man or woman may establish his or her residence. A
4 ~~woman's~~ *person's* residence shall not be derivative from that of
5 ~~her husband~~ *his or her spouse*.

6 (f) The residence of the parent with whom an unmarried minor
7 child maintains his or her place of abode is the residence of the
8 unmarried minor child. When the minor lives with neither parent
9 his or her residence is that of the parent with whom he or she
10 maintained his or her last place of abode, provided the minor may
11 establish his or her residence when both parents are deceased and
12 a legal guardian has not been appointed.

13 (g) The residence of an unmarried minor who has a parent living
14 cannot be changed by his or her own act, by the appointment of a
15 legal guardian, or by relinquishment of a parent's right of control.

16 (h) An alien, including an unmarried minor alien, may establish
17 his or her residence, unless precluded by the Immigration and
18 Nationality Act (8 U.S.C. 1101; et seq.) from establishing domicile
19 in the United States.

20 (i) The residence of an unmarried minor alien shall be derived
21 from his or her parents pursuant to ~~the provisions of~~ subdivisions
22 (f) and (g).