

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 773**

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**Introduced by Assembly Member Block**

February 17, 2011

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An act to ~~amend Section 68062 of~~ *add Section 94923.1* to the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 773, as amended, Block. ~~Public postsecondary education: residency.~~ *Postsecondary education: Student Tuition Recovery Fund.*

*The California Private Postsecondary Education Act of 2009 requires the Bureau for Private Postsecondary Education, by January 1, 2011, to adopt regulation procedures governing the administration and maintenance of the Student Tuition Recovery Fund, including requirements relating to assessments on students and student claims against the Student Tuition Recovery Fund.*

*This bill would require the bureau to adopt by regulation, requirements relating to assessments on students that are paid by an institution on behalf of the student.*

~~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~~-yes.  
State-mandated local program: no.

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

1 SECTION 1. Section 94923.1 is added to the Education Code,  
2 to read:

3 94923.1. The bureau shall adopt by regulation, requirements  
4 relating to assessments on students paid by an institution on behalf  
5 of the student.

6 SECTION 1.— Section 68062 of the Education Code is amended  
7 to read:

8 68062.— In determining the place of residence the following  
9 rules are to be observed:

10 (a) ~~There can only be one residence.~~

11 (b) ~~A residence is the place where one remains when not called~~  
12 ~~elsewhere for labor or other special or temporary purpose, and to~~  
13 ~~which he or she returns in seasons of repose.~~

14 (c) ~~A residence cannot be lost until another is gained.~~

15 (d) ~~The residence can be changed only by the union of act and~~  
16 ~~intent.~~

17 (e) ~~A man or woman may establish his or her residence. A~~  
18 ~~person's residence shall not be derivative from that of his or her~~  
19 ~~spouse.~~

20 (f) ~~The residence of the parent with whom an unmarried minor~~  
21 ~~child maintains his or her place of abode is the residence of the~~  
22 ~~unmarried minor child. When the minor lives with neither parent~~  
23 ~~his or her residence is that of the parent with whom he or she~~  
24 ~~maintained his or her last place of abode, provided the minor may~~  
25 ~~establish his or her residence when both parents are deceased and~~  
26 ~~a legal guardian has not been appointed.~~

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

30 (h) ~~An alien, including an unmarried minor alien, may establish~~  
31 ~~his or her residence, unless precluded by the Immigration and~~  
32 ~~Nationality Act (8 U.S.C. 1101 et seq.) from establishing domicile~~  
33 ~~in the United States.~~

34 (i) ~~The residence of an unmarried minor alien shall be derived~~  
35 ~~from his or her parents pursuant to subdivisions (f) and (g).~~

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