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# A BILL FOR AN ACT

RELATING TO RESIDENCY REQUIREMENTS IN STATE HIRING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that one of the  
2 conditions of employment with state or county government is to  
3 become a resident of the State within thirty days of beginning  
4 employment. Recently, there has been confusion if military  
5 servicemember's dependents, which includes their civilian  
6 spouses, in Hawaii are required to give up residency status in  
7 their "home" state to gain employment with the State.

8           However, through recent interpretations of the  
9 Servicemembers Civil Relief Act (SCRA) and Military Spouse  
10 Residency Relief Act, the department of taxation no longer  
11 considers income received by a servicemember's civilian spouse  
12 for services performed in Hawaii as Hawaii-sourced income.  
13 Therefore, for consistency with the SCRA, the legislature finds  
14 that military servicemember's dependents shall be exempt from  
15 this residency requirement when the military servicemember's  
16 dependent is in Hawaii accompanying the military servicemember  
17 on valid military orders.



1 SECTION 2. Section 78-1, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) All persons seeking employment with the government of  
4 the State or in the service of any county shall be citizens,  
5 nationals, or permanent resident aliens of the United States, or  
6 eligible under federal law for unrestricted employment in the  
7 United States, and shall become residents of the State within  
8 thirty days after beginning their employment as a condition of  
9 eligibility for continued employment[~~-~~], except that bona fide  
10 military servicemembers' dependents shall be exempt from the  
11 requirement to become residents if they are in the State due to  
12 the military servicemember's orders.

13 As used in this subsection:

14 "Dependent", with respect to a servicemember, means the  
15 servicemember's spouse, the servicemember's child who is under  
16 the age of eighteen years, or an individual for whom the  
17 servicemember provided more than one-half of the individual's  
18 financial support for one hundred eighty days immediately  
19 preceding an application for an exemption under this section.

20 "Resident" means a person who is physically present in the  
21 State at the time the person claims to have established the



1 person's domicile in the State and shows the person's intent is  
2 to make Hawaii the person's primary residence."

3 SECTION 3. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on January 1, 2050.



**Report Title:**

Military Dependents; Residency Exemption for State Employment

**Description:**

Exempts dependents of military servicemembers from state residency requirement for employment with state or county government. Effective 1/1/2050. (HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

