

ACT 264

H.B. NO. 741

A Bill for an Act Relating to the Determination of Residency for Tuition Purposes.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 304-4, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The board shall adopt the necessary rules defining residence for tuition purposes herein; provided that the basic rule shall be that a student shall qualify for the resident tuition fee only if the following criteria are met:

- (1) The adult student, or in the case of a minor student, the student’s parents or guardians, has been a bona fide resident of this State for at least twelve consecutive months next preceding the student’s first day of officially scheduled instruction for any semester or term in which the student is enrolling at the particular college or campus; and
- (2) The adult or minor student has not been claimed as a dependent for tax purposes for at least twelve months next preceding the student’s first day of officially scheduled instruction for any semester or term in which the student is enrolling at the particular college or campus by the student’s parents or guardians who are nonresidents of the State[.]; provided that this provision shall not apply in cases where the parent claiming the student as a dependent is entitled to do so under a child support order or agreement issued or entered into in conjunction with a divorce proceeding or legal separation agreement, and the other parent and the student meet the criteria set forth in paragraph (1).”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval; provided that if approved after May 22, 1989 this Act shall apply retroactively to May 22, 1989.

(Approved June 8, 1989.)