

JAN 17 2024

A BILL FOR AN ACT

RELATING TO HIGHER EDUCATION.

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

1 SECTION 1. The legislature finds that existing law allows
2 the board of regents of the university of Hawaii to charge
3 resident and nonresident tuition fees for regular courses of
4 instruction within the university of Hawaii system, including
5 community colleges. The legislature also finds that the board
6 of regents subscribes to a tuition policy that seeks to keep
7 costs for resident students at the lowest practical level, and
8 therefore, resident tuition fees within the university of Hawaii
9 system are significantly lower than tuition fees for
10 nonresidents.

11 The legislature also finds that existing law sets forth a
12 basic rule in defining whether a student is a "resident" for
13 purposes of qualifying for the resident tuition rates within the
14 university of Hawaii system, limiting resident tuition fees to
15 students who have been a bona fide resident of the State for at
16 least twelve consecutive months next preceding the student's
17 first day of officially scheduled instruction. The legislature



1 further finds that the basic rule, enacted in 2006, has had a
2 disparate impact on certain aliens and other individuals who are
3 lawfully present in the United States and wish to enroll in the
4 university of Hawaii system, but have not been consecutively
5 present in the State for twelve months.

6 The legislature further finds that the Compacts of Free
7 Association (COFA) treaties provide individuals from the
8 Marshall Islands, the Federated States of Micronesia, and
9 Republic of Palau the right to live, work, and receive some
10 public welfare benefits from the United States. As of 2017,
11 there were approximately 18,504 COFA residents in the State,
12 comprising 1.3 per cent of the state population. Presently, the
13 board of regents has adopted a policy to allow students from
14 certain Pacific Island jurisdictions, including COFA nations, to
15 attend the university of Hawaii at one hundred fifty per cent of
16 the resident tuition fee. However, there are no comparable
17 exemptions to the non-resident tuition fee for students who are
18 refugees or special immigrant visa holders.

19 The legislature finds that postsecondary education assists
20 graduates by preparing them for jobs and career paths that
21 typically pay higher wages, which enable them to achieve their



1 educational and career goals and afford the State's high cost of
2 living. The legislature also finds that increased enrollment
3 and completion of postsecondary education will increase and
4 enhance the State's human capital. Therefore, the legislature
5 finds that this Act, which increases the number of certain
6 individuals who may enroll and receive postsecondary education
7 within the university of Hawaii system of the resident tuition
8 fee, serves the State's interest, and is therefore a matter of
9 statewide concern pursuant to article X, section 6, of the
10 Hawaii State Constitution.

11 Accordingly, the purpose of this Act is to authorize
12 individuals who entered the United States under Compact of Free
13 Association treaties, refugees, and special immigrant visa
14 holders to qualify for resident tuition fees within the
15 university of Hawaii system.

16 SECTION 2. Section 304A-402, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[~~§~~304A-402~~]~~ **Residence for tuition purposes; basic**
19 **rule.** (a) The board of regents shall adopt the necessary rules
20 defining residence for tuition purposes herein; provided that
21 the basic rule shall be that, except as provided in subsections



1 (b) and (c), a student shall qualify for the resident tuition
2 fee only if the following criteria are met:

3 (1) The adult student, or in the case of a minor student,
4 the student's parents or guardians, has or have been a
5 bona fide resident of this State for at least twelve
6 consecutive months next preceding the student's first
7 day of officially scheduled instruction for any
8 semester or term in which the student is enrolling at
9 the particular college or campus; and

10 (2) The adult or minor student has not been claimed as a
11 dependent for tax purposes for at least twelve months
12 next preceding the student's first day of officially
13 scheduled instruction for any semester or term in
14 which the student is enrolling at the particular
15 college or campus by the student's parents or
16 guardians who are nonresidents of the State; provided
17 that this provision shall not apply in cases where the
18 parent claiming the student as a dependent is entitled
19 to do so under a child support order or agreement
20 issued or entered into in conjunction with a divorce
21 proceeding or legal separation agreement and the other



1 parent and the student meet the criteria set forth in
2 paragraph (1).

3 (b) A student who is an individual from a COFA nation
4 shall qualify for the resident tuition fee; provided that:

5 (1) In the case of an individual from a COFA nation who is
6 not a citizen or lawful permanent resident of the
7 United States, the individual:

8 (A) Attended an elementary or secondary school in the
9 State during each of the three years immediately
10 before receiving a high school diploma or high
11 school equivalency diploma, or leaving school
12 before receiving a high school diploma or high
13 school equivalency diploma;

14 (B) Attended an elementary or secondary school in any
15 state or territory of the United States, District
16 of Columbia, or Commonwealth of Puerto Rico
17 during each of the five years immediately before
18 receiving a high school diploma or high school
19 equivalency diploma, or leaving school before
20 receiving a high school diploma or high school
21 equivalency diploma; or



1 (C) Received a high school diploma or high school
2 equivalency diploma in the State; or

3 (2) In the case of an individual from a COFA nation who is
4 financially dependent upon a person who is not a
5 citizen or lawful permanent resident of the United
6 States, the individual meets one of the criteria in
7 subparagraphs (1)(A) through (C) and resided with the
8 person upon whom the individual is dependent.

9 (c) A student who is a refugee or special immigrant visa
10 holder shall qualify for the resident tuition fee to the extent
11 permitted under applicable federal law.

12 (d) For the purposes of this subsection:

13 "Individual from a COFA nation" means an individual who
14 legally entered the United States under a Compact of Free
15 Association treaty between the United States and any of the
16 following countries:

17 (1) The Republic of the Marshall Islands;

18 (2) The Federated States of Micronesia; or

19 (3) The Republic of Palau.



1 "Refugee" means an individual who is granted refugee status
2 for admission to the United States by the United States
3 Citizenship and Immigration Services.

4 "Special immigrant visa holder" means an individual who has
5 received a green card under the United States Citizenship and
6 Immigration Services special immigrant program."

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

9 SECTION 4. This Act shall take effect upon its approval.

10

INTRODUCED BY:

A large, bold, handwritten signature in black ink, appearing to be the initials 'DK' followed by a stylized flourish, is written over a horizontal line.

S.B. NO. 2105

Report Title:

UH; COFA Nations; COFA Residents; Refugees; Special Immigrant Visa Holders; Resident Tuition Fee; Exemption

Description:

Authorizes students who are individuals from a COFA nation, refugees, or special immigrant visa holders to qualify for the resident tuition fee within the University of Hawaii system, under certain conditions.

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

