
A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

1 SECTION 1. Chapter 304A, Hawaii Revised Statutes, is
2 amended by adding four new sections to be appropriately
3 designated and to read as follows:

4 "§304A-A Exemption from nonresident tuition. (a)
5 Notwithstanding any other law to the contrary, a student other
6 than a nonimmigrant alien within the meaning of Title 8 United
7 States Code section 1101(a)(15), who meets all of the following
8 requirements shall be exempt from paying nonresident tuition at
9 any University of Hawaii campus, including any community college
10 of the State:

- 11 (1) High school attendance in Hawaii for three or more
12 years;
13 (2) Graduation from a Hawaii high school or attainment of
14 the equivalent thereof;
15 (3) Registration as an entering student at, or current
16 enrollment at, an accredited institution of higher
17 education in Hawaii not earlier than the fall semester
18 of the 2014-2015 academic year; and



1 (4) In the case of a person without lawful immigration
2 status, the filing of an affidavit with the
3 institution of higher education stating that the
4 student has filed an application to legalize the
5 student's immigration status, or will file an
6 application as soon as the student is eligible to do
7 so.

8 (b) Student information obtained in the implementation of
9 this section shall be held confidential.

10 (c) The board of regents shall adopt rules under chapter
11 91 to implement this section.

12 §304A-B Scholarship from nonstate funds; eligibility. (a)
13 Notwithstanding any other law to the contrary and not earlier
14 than the fall semester of the 2014-2015 academic year, a student
15 attending the University of Hawaii or a community college of
16 this State who is exempt from paying nonresident tuition under
17 section 304A-A shall be eligible to receive a scholarship that
18 is derived from nonstate funds received, for the purpose of
19 scholarships, by the college that the student is attending.

20 (b) This section is a state law within the meaning of
21 Title 8 United States Code section 1621(d).



1 §304A-C Eligibility to participate in student aid

2 programs. (a) Notwithstanding any other law to the contrary,
3 and except as provided in subsection (b), the board of regents
4 shall establish procedures and forms to enable persons who are
5 exempt from paying nonresident tuition under section 304A-A, or
6 who meet equivalent requirements adopted by the board of
7 regents, to apply for, and participate in, all student aid
8 programs administered by the University of Hawaii and the
9 community colleges of this State to the full extent permitted by
10 federal law. Participation in the student aid programs under
11 this section shall be allowed no earlier than the fall semester
12 of the 2014-2015 academic year.

13 (b) The number of financial aid awards received by Hawaii
14 resident students from financial aid programs administered by
15 the University of Hawaii and the community colleges of this
16 State shall not be diminished as a result of the application of
17 subsection (a).

18 (c) This section is a state law within the meaning of
19 Title 8 United States Code section 1621(d).

20 §304A-D Suits regarding section 304A-A, 304A-B, or 304A-D;
21 termination of waivers; immunity from money damages. If a state
22 court finds that section 304A-A, 304A-B, or 304A-C, or any



1 similar provision adopted by the board of regents is unlawful,
 2 the court may order, as equitable relief, that the administering
 3 entity that is the subject of the lawsuit terminate any waiver
 4 awarded under that statute or provision, but the University of
 5 Hawaii shall be immune from the imposition of any award of money
 6 damages, tuition refund or waiver, or other retroactive relief."

7 SECTION 2. In codifying the new sections added by section
 8 1 of this Act, the revisor of statutes shall substitute
 9 appropriate section numbers for the letters used in designating
 10 the new sections in this Act.

11 SECTION 3. If any provision of this Act, or the
 12 application thereof to any person or circumstance, is held
 13 invalid, the invalidity does not affect other provisions or
 14 applications of the Act that can be given effect without the
 15 invalid provision or application, and to this end the provisions
 16 of this Act are severable.

17 SECTION 4. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on January 1, 2013.

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INTRODUCED BY:

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H.B. NO. 2053

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JAN 18 2012



H.B. NO. 2053

Report Title:

UH; Waiver of Nonresident Tuition; Eligibility for Scholarships and Financial Aid

Description:

Exempts illegal immigrant students at the UH and community colleges from paying nonresident tuition under certain conditions; allows those students to receive scholarships from nonstate funds and participate in financial aid programs. Requires the board of regents to adopt rules. Limits relief allowed if a court finds any applicable statute unlawful.

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

