

JAN 19 2012

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. The legislature finds that students who do not
2 hold a lawful immigration status encounter extreme hardship
3 attending public institutions of higher education in the State,
4 as they must pay a nonresident tuition and fee differential and
5 are not eligible for financial assistance. Many of these
6 students have lived in the State for the majority of their lives
7 and have thrived socially and academically. In addition, many
8 are unaware of their immigration status until they apply for
9 admission to institutions of higher education.

10 The legislature further finds that permitting these
11 students to access higher education with the same benefits as
12 resident citizens is in the public interest as it will allow
13 them to fully realize their potential as productive members of
14 society.

15 Under the federal Immigration and Nationality Act, states
16 have the authority to grant state and local public benefits to
17 residents who do not have lawful immigration status. The
18 purpose of this Act, therefore, is to assist these students in



1 accessing higher education by extending eligibility to
2 participate in state financial aid programs and exempting from
3 the nonresident tuition and fee differential students who meet
4 specified criteria.

5 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§304A- Resident noncitizens; tuition; financial aid.

9 (a) Students who are exempt from the nonresident tuition and
10 fee differential under section 304A-502(c) shall be eligible to
11 apply for and participate in all student financial aid programs
12 administered by the university to the full extent permitted
13 under federal law.

14 (b) The board of regents shall adopt rules and procedures
15 to implement subsection (a).

16 (c) If a state court finds that subsection (a), or any
17 similar rule adopted by the board of regents, is unlawful, the
18 court may order, as equitable relief, that the administering
19 entity that is the subject of the lawsuit terminate any waiver
20 awarded under that statute or rule, but no money damages,
21 tuition refund or waiver, or other retroactive relief may be
22 awarded. In any action in which the court finds that subsection



1 (a), or any similar rule adopted by the board of regents is
2 unlawful, the university shall be immune from the imposition of
3 any award of money damages, tuition refund or waiver, or other
4 retroactive relief."

5 SECTION 3. Section 304A-502, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "[~~f~~]§304A-502[~~t~~] Power of regents to grant tuition

8 **waivers.** (a) The board of regents, or its designated
9 representatives, is authorized to grant, modify, or suspend
10 tuition waivers.

11 (b) The board may:

12 (1) Waive entirely or reduce the tuition fee or any of the
13 other fees for graduate teaching and research
14 assistants;

15 (2) Enter into agreements with government and university
16 officials of any other state or foreign country to
17 provide for reciprocal waiver of the nonresident
18 tuition and fee differential;

19 (3) Waive the nonresident tuition and fee differential for
20 selected students from Pacific and Asian jurisdictions
21 when their presence would be beneficial to the
22 university or the State;



1 (4) Waive entirely or reduce the tuition fee or any of the
2 other fees for students, resident or nonresident; and

3 (5) Waive the nonresident tuition and fee differential for
4 members in good standing of the following military
5 units, regardless of their actual state of residence:

6 (A) The Hawaii national guard; and

7 (B) The federal reserve components of the Army, Navy,
8 Air Force, Marine Corps, and Coast Guard who
9 attend drills with units located within the
10 State.

11 (c) The board shall waive the nonresident tuition and fee
12 differential for any resident noncitizen student who has:

13 (1) Attended a public or private high school in Hawaii for
14 three or more years;

15 (2) Graduated from a public or private high school in
16 Hawaii or has attained the equivalent thereof;

17 (3) Registered at or attends a campus within the
18 University of Hawaii system; and

19 (4) Filed an affidavit with the university stating that
20 the student has filed an application to legalize the
21 student's immigration status or will file such
22 application as soon as the student is able to do so.



1 For purposes of this subsection, "resident noncitizen"
2 means an individual domiciled in the State who does not have a
3 lawful immigration status.

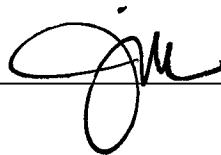
4 (d) The board shall determine the percentage of allowable
5 tuition and fee waivers for financial need and other university
6 priorities. These tuition waivers and waivers of the
7 nonresident tuition and fee differential shall be awarded in
8 accordance with guidelines established by the board."

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

11 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: _____

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S.B. NO. 2163

Report Title:

University of Hawaii; Immigration; Tuition; Financial Assistance

Description:

Extends eligibility for state financial aid and resident tuition to students of the University of Hawaii without lawful immigration status who meet certain specified criteria.

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