



# UNIVERSITY OF HAWAII SYSTEM

## ‘ŌNAEHANA KULANUI O HAWAII

### Legislative Testimony

### Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the  
House Committee on Higher Education and Technology  
Friday, February 10, 2023, at 2:30 p.m.

By

Debora Halbert, Vice President for Academic Strategy  
University of Hawai'i System

#### HB 919 – RELATING TO RESIDENCE FOR TUITION PURPOSES

Chair Perruso, Vice Chair Kapela, and Members of the Committee:

Thank you for the opportunity to provide testimony on House Bill (HB) 919 relating to residence for tuition purposes. We support the intent of this bill and offer the following amendments.

HB 919 would allow individuals who have obtained a Hawai'i high school diploma or equivalent credential, who are also registered to vote in the State, and are working toward their first undergraduate degree, to be classified as residents for the purpose of in-state tuition at the University of Hawai'i (UH), under the condition that this does not apply to individuals who have not been a bona fide resident of the State for more than twelve years.

An educated citizenry is a foundation for a strong state, and as the sole provider of public education in the State of Hawai'i, the UH supports the intent of this bill which will assist with increasing access to higher education and attempts to streamline the application process for residents. The duration of time that this opportunity is available to prospective students makes higher education accessible at the resident tuition rate for a longer period after high school completion, while using graduation from a high school in the State of Hawai'i or an equivalent status as a determining factor simplifies the residency process and would reduce barriers to local students enrolling at UH to pursue additional education and training.

Respectfully, we would like to offer some amendments to this bill. In the 2022 amendments to Hawai'i Administrative Rules (HAR), Chapter 20-4, all references to demonstrating an intent to reside in Hawai'i were removed. Therefore, the requirement that the applicant "demonstrates their intent to reside in Hawaii by registering as a Hawai'i voter" is not necessary for compliance with the current version of the HAR. We also note that we have resident students who may not be eligible to vote for reasons of age or citizenship. As this change in statute is intended to make it easier for Hawai'i residents to attend college affordably, we do not support adding additional barriers, such as registration as a voter to prove residency, that might hinder enrollment.

Nonetheless, as a matter of civic engagement, UH encourages all our students to register to vote, mounts voter registration campaigns, and supports the position that democracy is strengthened when there is a higher level of voter participation.

Finally, UH requests that the reference to “adult student” on page 3, line 15 be expanded to include “minor or.” There may be situations where an individual who is still a minor could benefit from these recommended changes.

As written, for residents who may have left the State and decided to return for any variety of reasons within twelve years after high school, this bill would allow them a faster transition to higher education for up-skilling or pursuing a different career without delaying pursuit of their educational and life goals. This could also serve as an incentive for residents who moved away to come back to pursue higher education at an affordable cost and contribute to Hawai‘i’s local economy, which would help to address the brain drain that occurs when students leave for college and do not return.

Thank you for the opportunity to testify in support of the intent of this measure.



Testimony Presented Before the  
House Committee on Higher Education and Technology  
Friday, February 10, 2023, at 2:30 p.m.

By  
Stephen Schatz, Executive Director  
Hawai'i P-20 Partnerships for Education

## HB919 – RELATING TO RESIDENCE FOR TUITION PURPOSES

Chair Perruso, Vice Chair Kapela and Members of the Committee:

Thank you for the opportunity to provide testimony on HB919 relating to residence for tuition purposes.

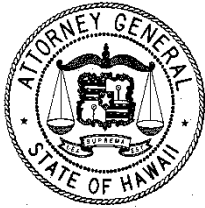
Hawai'i P-20 Partnerships for Education (Hawai'i P-20) supports the intent of HB919.

Hawai'i P-20 works with education partners across the State to create smoother transitions for students – particularly those that are low-income and under-represented in higher education – along the education pipeline. Any legislation that reduces barriers for local residents pursuing postsecondary education and training and simplifies the college application process is commendable.

This bill would allow individuals who have earned a Hawai'i high school diploma, a Hawai'i high school equivalency diploma, or a Hawai'i adult community school diploma, who demonstrate their intent to reside in Hawai'i by registering to vote in the State, and are working toward their first undergraduate degree to be classified as residents for the purpose of in-state tuition at the University of Hawai'i (UH), under the condition that this does not apply to individuals who have not been a bona fide resident of the State for more than twelve years.

While the intent of this bill is to simplify the application and enrollment process for Hawaii residents to attend college affordably, including additional requirements – such as registering to vote in the State – increases barriers to enrollment. In addition, we recognize that language regarding “intent to reside in Hawai'i” may conflict with Hawai'i Administrative Rules (HAR) and defer to the University of Hawai'i System regarding any suggested amendments to pertinent sections of the bill.

Thank you for the opportunity to submit testimony on this measure.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2023**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 919, RELATING TO RESIDENCE FOR TUITION PURPOSES.

**BEFORE THE:**

HOUSE COMMITTEE ON HIGHER EDUCATION AND TECHNOLOGY

**DATE:** Friday, February 10, 2023

**TIME:** 2:30 p.m.

**LOCATION:** State Capitol, Room 309

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Candace J. Park, Deputy Attorney General

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Chair Perruso and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to require the University of Hawai'i to, under certain conditions, grant the resident tuition fee for enrollment at any University of Hawai'i campus, including any community college, to adult students who obtained a Hawai'i high school diploma or equivalent credential should they choose to return from out of state and pursue higher education in Hawai'i.

There appears to be a constitutional issue with this bill. Section 6 of article X of the Hawai'i State Constitution gives the Board of Regents of the University of Hawai'i "exclusive jurisdiction over the internal structure, management, and operation of the university." Section 6 further provides: "[t]his section shall not limit the power of the legislature to enact laws of statewide concern. The legislature shall have the exclusive jurisdiction to identify laws of statewide concern." If the Committee decides to pass this bill, we recommend an amendment that adds a statement identifying this bill as a law of statewide concern.

Additionally, we note that the amendments to section 304A-402 on page 2, lines 10-21, through page 3, lines 12-15, do not appear to comport with the intent of this bill. We recommend amending the section to read as follows:

**[§304A-402] Residence for tuition purposes; basic rule.** The board of regents 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 or have 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)~~];~~ or
- (3) The adult student:
  - (A) Earned a Hawaii high school diploma, Hawaii high school equivalency diploma, or Hawaii adult community school diploma;
  - (B) Demonstrates their intent to reside in Hawaii by registering as a Hawaii voter; and
  - (C) Is working toward the student's first undergraduate degree;

provided that this provision shall not apply to an individual who  
has not been a bona fide resident of the State for more than  
twelve years."

Thank you for the opportunity to provide these comments.

**HB-919**

Submitted on: 2/8/2023 3:50:44 PM

Testimony for HET on 2/10/2023 2:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
cheryl B.	Individual	Support	Written Testimony Only

Comments:

I SUPPORT this bill which requires the tuition residency rules for the University of Hawaii to grant the resident tuition fee for enrollment at any University of Hawaii campus, including any community college, *to individuals who have obtained a Hawaii high school diploma or equivalent credential, register to vote in the State*, and are working toward their first undergraduate degree, under certain conditions. These criteria are extremely important in giving those these students the opportunities to attend college.