

ACT 50

H.B. NO. 2

A Bill for an Act Relating to the University of Hawaii.

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

SECTION 1. Section 304-14.6, Hawaii Revised Statutes, is amended to read as follows:

“§304-14.6 National guard, their spouses and dependents, and military reservists; tuition waiver. (a) The board of regents shall waive all tuition fees for any qualified enlisted person, warrant or company grade officer (0-1 through 0-3) in the Hawaii national guard or in the reserve components of the

[army, navy, air force, marine corps, and coast guard] Army, Navy, Air Force, Marine Corps, and Coast Guard of the United States of America, who is a resident of the State as defined by the board of regents under section 304-4 and who is an undergraduate student or graduate student working towards a degree on any campus of the University of Hawaii; provided that:

- (1) The exemption for tuition shall apply only for the academic year excluding summer session and courses offered by the college of continuing education and public service [which] that are not directly supported by an appropriation from the state general fund; and
- (2) The person maintains a satisfactory performance with that person's national guard or reserve unit and pursues a course of study at the University of Hawaii campus [which] that satisfies that school's academic requirements.

(b) The Hawaii national guard and the reserve components of the [army, navy, air force, marine corps, and coast guard] Army, Navy, Air Force, Marine Corps, and Coast Guard of the United States of America shall establish certification procedures showing maintenance of a satisfactory military performance by a person applying for a tuition waiver [herein.] under this section. To qualify for a tuition waiver, an applicant shall obtain certification by the appropriate national guard or reserve force and present [such] the certification to the University of Hawaii at the time of enrollment.

(c) Subject to this section, the board of regents shall waive tuition fees for spouses and dependents of Hawaii national guard members who have been killed or permanently totally disabled while on active duty; provided that:

- (1) The tuition waiver shall be for an undergraduate or graduate degree only;
- (2) The tuition waiver shall not apply for summer courses or continuing education courses;
- (3) Tuition waivers shall not be available for more than five regular academic years; and
- (4) The spouse or dependent shall be a resident of the State of Hawaii, as defined by the board of regents under section 304-4.

(d) For the purposes of subsection (c):

"Active duty" means the inclusion of both federal duty status and state duty status.

"Dependents" mean relatives who were wholly or partially dependent upon the Hawaii national guard member's income at the time of the member's death or would have been so dependent but for the incapacity due to the member's permanent total disability, and includes the child of the member born after the member's death.

"Permanent total disability" means a disability of such an extent that the disabled person has no reasonable prospect of finding regular employment of any kind in the normal labor market within the foreseeable future. In the case of the following injuries, the disability caused thereby shall be deemed to be permanent and total:

- (1) The permanent and total loss of sight in both eyes;
- (2) The loss of both feet at or before the ankle;
- (3) The loss of both hands at or above the wrist;
- (4) The loss of one hand and one foot;
- (5) An injury to the spine resulting in permanent and complete paralysis of both legs or both arms or one leg and one arm; and
- (6) An injury to the skull resulting in incurable imbecility or insanity.

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“Regular academic year” means the September to May academic year of the day program.

~~[(c)]~~ (e) Tuition waivers granted under this section shall be in addition to any tuition waivers authorized under this chapter.

~~[(d)]~~ (f) In the event of enactment of federal legislation providing for similar tuition benefits, any person who is not a member of the state military forces and who is receiving veterans or federal education benefits, shall not be eligible for tuition waiver under this section. As used in this subsection, “state military forces” has the same meaning as provided in section 124A-1.

~~[(e)]~~ (g) The board of regents may adopt[, amend, and repeal] rules necessary or desirable to the implementation of this section, subject to chapter 91.”

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

SECTION 3. This Act shall take effect upon its approval.

(Approved May 3, 1994.)