

ACT 291

H.B. NO. 1257

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

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

SECTION 1. The legislature finds that there is a compelling state interest to support a strong and viable national guard. The national guard is the State's militia and has a mission that no other reserve or active military force has—to protect the lives and property of Hawaii's citizens. The guard assists not only in relief efforts following major natural disasters like Hurricane Iniki, but also during storms, fires, floods, and other destructive natural events. The guard also serves as back-up to law enforcement organizations during civil disturbances.

Besides its state mission, the national guard has a federal mission. The federal government provides \$141,300,000 to the Hawaii national guard for its federal mission, particularly the staffing of the 29th infantry brigade. In 1995, state general funding for the Hawaii army and air national guard amounted to \$5,100,000.

The purpose of this Act is to enable the national guard to recruit and retain guard members, improve the educational level of guard members, and thus meet its federal mission in staffing the 29th infantry brigade.

SECTION 2. Chapter 121, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§121- Tuition assistance for Hawaii national guard personnel to attend the University of Hawaii. (a) The adjutant general, subject to the availability of funds, may award tuition assistance to qualified enlisted persons, warrant officers, and company grade officers (0-1 through 0-3) in the Hawaii national guard who are:

- (1) Residents of the State, as defined by the board of regents pursuant to section 304-4; and
- (2) Undergraduate students working toward a degree on any campus of the University of Hawaii; provided that any Hawaii national guard member who has been continuously receiving tuition assistance from the University of Hawaii since July 1, 1995, under the administrative continuation of tuition waivers previously authorized under section 304-14.6, and who has been enrolled in a graduate or professional degree program up to and including January 1, 1996, may continue to receive tuition assistance under this section until the member no longer meets the requirements of this section or obtains the degree the member is presently seeking, whichever occurs first.

(b) The adjutant general shall adopt rules in accordance with this chapter to carry out the purposes of this section. The rules shall include:

- (1) Descriptions of the minimum military and academic qualification of personnel who may be awarded full or partial tuition assistance under this section;
- (2) Listings of acceptable fields of study, degrees, and periods of eligibility for personnel who may be awarded tuition assistance under this section;
- (3) Procedures for demonstrating the ongoing, satisfactory military and academic performance of personnel who have accepted tuition assistance under this section;
- (4) Explanations of any reenlistment obligations for personnel who have accepted tuition assistance under this section;
- (5) Procedures for administratively transferring moneys for tuition assistance awarded under this section from the department of defense to the University of Hawaii; and
- (6) Procedures for enforcing this subsection.

(c) Chapters 42D and 103D shall not apply to this section.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$400,000 or so much thereof as may be necessary for fiscal year 1996-1997 to provide tuition assistance for Hawaii national guard personnel to attend the University of Hawaii.

The sum appropriated shall be expended by the department of defense for the purposes of this Act.

SECTION 4. New statutory material is underscored.¹

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SECTION 5. This Act shall take effect on July 1, 1996.
(Approved June 24, 1996.)

Note

- 1. Edited pursuant to HRS §23G-16.5.