

## ACT 360

S.B. NO. 1137

A Bill for an Act Relating to Tuition Waivers.

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

SECTION 1. Article XV, section 4, of the Hawaii Constitution designates the Hawaiian language as one of the two official languages of the State. Public recognition of the historical, cultural, and aesthetic value of the Hawaiian language implicit in that designation clearly justifies legislative efforts to preserve the language and promote its teaching and use.

The legislature finds that persons of Hawaiian ancestry are under-represented at the University of Hawaii when compared to their numbers in the total state population. While persons of Hawaiian ancestry comprise 23.2 per cent of the total state population, they represent less than 11.0 per cent of the student population of the University of Hawaii system.

The legislature further finds that there are few teachers of Hawaiian ancestry in the department of education relative to the number of Hawaiian students. Of the more than 10,557 teachers employed by the department of education, only 822 of those teachers are of Hawaiian ancestry. This represents 7.8 per cent of the instructional workforce while Hawaiian students make up more than 23.2 per cent of the student population.

In an effort to address the problems outlined above and to affirm its commitment to the Hawaiian people, the legislature wishes to assist persons of Hawaiian ancestry to pursue higher education, especially those who:

- (1) Enter the field of education to teach future generations;
- (2) Commit themselves to the study of the Hawaiian language;
- (3) Are financially needy persons of Hawaiian ancestry; or
- (4) Are persons of Hawaiian ancestry that participate in student recruitment and support programs at the University of Hawaii.

The purpose of this Act is to provide for tuition waivers for Hawaiians in the University of Hawaii system, with the purpose of encouraging Hawaiians to pursue a degree in education or to perpetuate the Hawaiian language by enrolling in the appropriate courses or program of study.

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

**“§304- Hawaiians; tuition waiver.** (a) The University of Hawaii shall waive all tuition fees for two hundred fifty Hawaiian students in addition to the tuition waivers currently granted to Hawaiian students.

(b) The university shall give first priority when granting tuition waivers to Hawaiian students who are:

- (1) Enrolled in Hawaiian language courses or programs;
  - (2) Pursuing degrees in education;
  - (3) Financially needy; or
  - (4) Participating in student recruitment programs of the university.
- (c) As used in this section, unless the context otherwise requires:

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“Hawaiian” means any descendant of the aboriginal peoples inhabiting the Hawaiian Islands that:

- (1) Exercised sovereignty and subsisted in the Hawaiian Islands in 1778; and
- (2) Have continued to reside in Hawaii since 1778.”

SECTION 3. Section 304-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The board may charge a resident tuition fee for regular courses of instruction at any University of Hawaii campus, including any community college; provided that the tuition fee for nonresident students, both undergraduate and graduate, shall be not less than two times the tuition fee for resident students, but in no event less than two times the undergraduate tuition fee for resident students at the Manoa Campus.

The board may also charge other fees for special programs of instruction, as well as laboratory fees or course fees or fees for student activities[.]. However, each [of which] fee shall be the same for resident and nonresident students. The board may charge other fees for summer session or evening courses, including differential fees for nonresident students.

The nonresident tuition differential shall not be applicable to:

- (1) East-West Center student grantees pursuing baccalaureate or advanced degrees[.];
- (2) United States military personnel stationed in Hawaii on active duty, and their authorized dependents during the period [such] that the personnel are stationed in the State[. nor to];
- (3) Hawaiians, as defined in section 304- , residing outside of Hawaii; [students]
- (4) Students from any Pacific island or Asian district, commonwealth, territory, or insular jurisdiction, state, or nation [which] that does not provide public institutions of higher learning[, nor to employees]; and
- (5) Employees of the university, their spouses, and dependents.

The board may waive entirely or reduce the tuition fee or any of the other fees for graduate teaching and research assistants. The board may enter into agreements with government and university officials of any other state or foreign country to provide for reciprocal waiver of the nonresident tuition differential. The board may waive the nonresident tuition differential for selected students from Pacific and Asian jurisdictions when their presence would be beneficial to the university or the State.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

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

(Approved July 1, 1993.)

### Note

1. Edited pursuant to HRS §23G-16.5.