

ACT 138

H.B. NO. 1170

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

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

SECTION 1. The legislature finds that facilitating postsecondary education and training for all interested high school graduates is a matter of state-wide concern. Postsecondary options assist graduates by preparing them for jobs and career pathways that typically pay higher wages, which enables them to achieve their educational and career goals and afford the State's high cost of living. Increased enrollment and completion of postsecondary education and training will increase the State's human capital.

The legislature further finds that the university of Hawaii amended its administrative rules to streamline the enrollment process for all applicants for admission into the university of Hawaii system; however, the current statutory requirements regarding residency for tuition purposes pose challenges for some local graduating high school seniors or recent graduates. Specifically, some students experiencing homelessness have difficulty providing evidence of bona fide residency as required by statute, and students who have complex family situations may be incorrectly considered nonresidents. The legislature further finds that recognizing local high school graduates as residents to qualify for resident tuition fees would facilitate the enrollment of these students at one of the university of Hawaii's campuses.

Accordingly, the purpose of this Act is to simplify the residency determination for the State's high school graduates to enroll in postsecondary education and training at the university of Hawaii by considering graduates of the State's high schools to be residents for tuition purposes.

SECTION 2. Section 304A-402, Hawaii Revised Statutes, is amended 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) Both the following criteria are met:

~~[(1)]~~ (A) 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)]~~ (B) 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)-]~~ subparagraph (A); or

(2) The adult or minor student:

(A) Graduated from a high school in the State within two years 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

(B) Will enroll in an undergraduate degree program.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved May 30, 2025.)