

(Reprinted with amendments adopted on April 19, 2021)

FIRST REPRINT

A.B. 262

ASSEMBLY BILL NO. 262—ASSEMBLYMEN ANDERSON, DURAN, PETERS, BRITTNEY MILLER, WATTS; BILBRAY-AXELROD, BROWN-MAY, COHEN, CONSIDINE, FLORES, GONZÁLEZ, GORELOW, MARTINEZ, MARZOLA, O’NEILL, ORENTLICHER, THOMAS AND TORRES

MARCH 15, 2021

JOINT SPONSORS: SENATORS BROOKS AND LANGE

Referred to Committee on Education

SUMMARY—Revises provisions governing education. (BDR 34-946)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to education; prohibiting the Board of Regents of the University of Nevada from assessing tuition charges against certain students; prohibiting the Board of Regents from assessing registration fees, fees associated with course enrollment and laboratory fees against certain students; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law prohibits the Board of Regents of the University of Nevada from
- 2 assessing tuition charges against certain students, including, without limitation,
- 3 students whose families have been bona fide residents of this State for at least 12
- 4 months before the student matriculates at a university, state college or community
- 5 college. (NRS 396.540) **Section 1.5** of this bill prohibits the Board of Regents from
- 6 assessing tuition charges against students who are members of a federally
- 7 recognized Indian tribe or nation or are certified by such a tribe or nation or by the
- 8 Bureau of Indian Affairs as being a descendant of an enrolled member of the tribe
- 9 or nation, regardless of membership status, and who are not bona fide residents of
- 10 this State.
- 11 **Section 1** of this bill requires the Board of Regents to grant a waiver of
- 12 registration fees, per-credit fees or other fees associated with course enrollment and
- 13 laboratory fees for a Native American student who demonstrates that the student:



14 (1) is a member of a federally recognized tribe or nation, or who is certified by the
15 enrollment department of such a tribe or nation or by the Bureau of Indian Affairs
16 as being a descendant of an enrolled member of the tribe or nation, regardless of
17 membership status; (2) is eligible for enrollment in a school within the Nevada
18 System of Higher Education; (3) has been a resident of this State for at least 1 year;
19 and (4) has maintained at least a 2.0 grade point average, on a 4.0 scale, each
20 semester, or the equivalent of a 2.0 grade point average if a different scale is used.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 396 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The Board of Regents shall grant a waiver of the payment*
4 *of registration fees, laboratory fees and any other mandatory fees*
5 *assessed each semester against a student who is Native American*
6 *and demonstrates that the student:*

7 *(a) Is a member of a federally recognized Indian tribe or*
8 *nation, or who is certified by the enrollment department of such a*
9 *tribe or nation or by the Bureau of Indian Affairs as being a*
10 *descendant of an enrolled member of such a tribe or nation,*
11 *regardless of membership status;*

12 *(b) Is eligible for enrollment in a school within the System;*

13 *(c) Has been a resident of this State for not less than 1 year;*
14 *and*

15 *(d) Has maintained at least a 2.0 grade point average on a 4.0*
16 *scale, each semester or the equivalent of a 2.0 grade point average*
17 *if a different scale is used.*

18 *2. The amount of the waiver must be equal to:*

19 *(a) If the student is entitled to receive any federal educational*
20 *benefits for a semester, the balance of registration fees, laboratory*
21 *fees and any other mandatory fees assessed against the student*
22 *that remain unpaid after the student's account has been credited*
23 *with the full amount of the federal educational benefits to which*
24 *the student is entitled for that semester; or*

25 *(b) If the student is not entitled to receive any federal*
26 *educational benefits for a semester, the full amount of the*
27 *registration fees, laboratory fees and any other mandatory fees*
28 *assessed against the student for that semester.*

29 *3. The waiver must be granted to a student who enrolls in any*
30 *program offered by a school within the System, including, without*
31 *limitation, a trade or vocational program, a graduate program or a*
32 *professional program.*



1 4. *For the purpose of assessing fees and charges against a*
2 *person to whom such a waiver is granted, the person shall be*
3 *deemed to be a bona fide resident of this State.*

4 5. *The Board of Regents may request documentation*
5 *confirming that the student is a member or descendant of a*
6 *member of a federally recognized tribe.*

7 **Sec. 1.5.** NRS 396.540 is hereby amended to read as follows:

8 396.540 1. For the purposes of this section:

9 (a) "Bona fide resident" shall be construed in accordance with
10 the provisions of NRS 10.155 and policies established by the Board
11 of Regents, to the extent that those policies do not conflict with any
12 statute. The qualification "bona fide" is intended to ensure that the
13 residence is genuine and established for purposes other than the
14 avoidance of tuition.

15 (b) "Matriculation" has the meaning ascribed to it in regulations
16 adopted by the Board of Regents.

17 (c) "Tuition charge" means a charge assessed against students
18 who are not residents of Nevada and which is in addition to
19 registration fees or other fees assessed against students who are
20 residents of Nevada.

21 2. The Board of Regents may fix a tuition charge for students
22 at all campuses of the System, but tuition charges must not be
23 assessed against:

24 (a) All students whose families have been bona fide residents of
25 the State of Nevada for at least 12 months before the matriculation
26 of the student at a university, state college or community college
27 within the System;

28 (b) All students whose families reside outside of the State of
29 Nevada, providing such students have themselves been bona fide
30 residents of the State of Nevada for at least 12 months before their
31 matriculation at a university, state college or community college
32 within the System;

33 (c) All students whose parent, legal guardian or spouse is a
34 member of the Armed Forces of the United States who:

35 (1) Is on active duty and stationed at a military installation in
36 the State of Nevada or a military installation in another state which
37 has a specific nexus to this State, including, without limitation, the
38 Marine Corps Mountain Warfare Training Center located at Pickel
39 Meadow, California; or

40 (2) Was on active duty and stationed at a military installation
41 in the State of Nevada or a military installation in another state
42 which has a specific nexus to this State, including, without
43 limitation, the Marine Corps Mountain Warfare Training Center
44 located at Pickel Meadow, California, on the date on which the



1 student enrolled at an institution of the System if such students
2 maintain continuous enrollment at an institution of the System;

3 (d) All students who are using benefits under the Marine
4 Gunnery Sergeant John David Fry Scholarship pursuant to
5 38 U.S.C. § 3311(b)(9);

6 (e) All public school teachers who are employed full-time by
7 school districts in the State of Nevada;

8 (f) All full-time teachers in private elementary, secondary and
9 postsecondary educational institutions in the State of Nevada whose
10 curricula meet the requirements of chapter 394 of NRS;

11 (g) Employees of the System who take classes other than during
12 their regular working hours;

13 (h) Members of the Armed Forces of the United States who are
14 on active duty and stationed at a military installation in the State of
15 Nevada or a military installation in another state which has a
16 specific nexus to this State, including, without limitation, the Marine
17 Corps Mountain Warfare Training Center located at Pickel Meadow,
18 California;

19 (i) Veterans of the Armed Forces of the United States who were
20 honorably discharged and who were on active duty while stationed
21 at a military installation in the State of Nevada or a military
22 installation in another state which has a specific nexus to this State,
23 including, without limitation, the Marine Corps Mountain Warfare
24 Training Center located at Pickel Meadow, California, on the date of
25 discharge;

26 (j) Except as otherwise provided in subsection 3, veterans of the
27 Armed Forces of the United States who were honorably discharged
28 within the 5 years immediately preceding the date of matriculation
29 of the veteran at a university, state college or community college
30 within the System; ~~and~~

31 (k) Veterans of the Armed Forces of the United States who have
32 been awarded the Purple Heart ~~and~~; *and*

33 *(l) Students who are members of a federally recognized Indian*
34 *tribe or nation, or are certified by the enrollment department of*
35 *such a tribe or nation or by the Bureau of Indian Affairs as being*
36 *a descendant of an enrolled member of such a tribe or nation,*
37 *regardless of membership status, and who are not bona fide*
38 *residents of this State.*

39 3. The Board of Regents may grant more favorable exemptions
40 from tuition charges for veterans of the Armed Forces of the United
41 States who were honorably discharged than the exemption provided
42 pursuant to paragraph (j) of subsection 2, if required for the receipt
43 of federal money.

44 4. The Board of Regents may grant exemptions from tuition
45 charges each semester to other worthwhile and deserving students



1 from other states and foreign countries, in a number not to exceed a
2 number equal to 3 percent of the total matriculated enrollment of
3 students for the last preceding fall semester.

4 **Sec. 2.** This act becomes effective on July 1, 2021.

