

Assembly Bill No. 150—Assemblywomen Anderson, Considine,
Backus, Taylor; Cohen, La Rue Hatch, Summers-Armstrong
and Thomas

CHAPTER.....

AN ACT relating to education; revising provisions prohibiting the Board of Regents of the University of Nevada from assessing tuition charges against certain students who are Native American; revising provisions requiring the Board of Regents to grant certain waivers of fees for certain students who are Native American; making an appropriation to the Nevada System of Higher Education; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Regents of the University of Nevada to grant a waiver of registration fees, laboratory fees and other mandatory fees assessed each semester for a Native American student who demonstrates that the student: (1) is a member of a federally recognized Indian tribe or nation, all or part of which is located in this State, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of the tribe or nation, regardless of membership status; (2) is eligible for enrollment in a school within the Nevada System of Higher Education; (3) has been a resident of this State for at least 1 year; (4) has maintained at least a 2.0 grade point average, on a 4.0 scale, each semester, or the equivalent of a 2.0 grade point average if a different scale is used; and (5) has completed the Free Application for Federal Student Aid. (NRS 396.5449) **Section 1.3** of this bill: (1) allows a student who is a member or descendant of an Indian tribe or nation located outside of this State and who meets all other requirements to receive such a waiver; and (2) revises the residency requirement to include students who are bona fide residents of this State, who are members or descendants of Indian tribes or nations located at least partially in this State or who have resided on qualified tribal land for at least 1 year.

Existing law requires the waiver to be granted to a student who enrolls in any program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program. (NRS 396.5449) Existing law provides that a pupil enrolled in high school may earn college credit for a dual credit course taken while in high school and apply the credit received for such a course to the total number of credits required for graduation from his or her high school. (NRS 389.160) **Section 1.3:** (1) clarifies that the waiver applies to any course or program, whether for a degree or not, offered during any academic period; and (2) requires the waiver to be granted to an eligible student who enrolls in a dual credit course offered by a school within the System.

Existing law requires the amount of the waiver to be limited based on the federal education benefits to which a student is entitled during a semester. (NRS 396.5449) **Section 1.3** removes this requirement and instead requires the amount of the waiver to equal the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

Existing law prohibits the Board of Regents from assessing tuition charges against certain students. (NRS 396.540, 396.5449) **Section 1** of this bill makes a



conforming change to reflect the prohibition against the Board of Regents assessing tuition charges against students who have been granted the waiver. **Section 1.7** of this bill makes an appropriation to the System to defray the cost of granting the waiver.

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

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

Section 1. NRS 396.540 is hereby amended to read as follows:
396.540 1. For the purposes of this section:

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

(b) “Matriculation” has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) “Tuition charge” means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

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

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

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

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

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



(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date on which the student is admitted to an institution of the System if such students enroll and maintain continuous enrollment at an institution of the System;

(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(8);

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

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

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

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

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

(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged;

(k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart;

(l) All students who are:

(1) Veterans using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive, and became eligible for such benefits on or after January 1, 2013; or

(2) Spouses or dependents using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive;



(m) All students who are using Survivors' and Dependents' Educational Assistance pursuant to 38 U.S.C. §§ 3500 to 3566, inclusive; ~~and~~

(n) Students who graduated from a high school located in this State, regardless of whether the student or the family of the student have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System ~~;~~ *and*

(o) All students who have been granted a waiver pursuant to NRS 396.5449.

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States than the exemptions provided pursuant to subsection 2, if required for the receipt of federal money.

4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

Sec. 1.3. NRS 396.5449 is hereby amended to read as follows:

396.5449 1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who : ~~is Native American and demonstrates that the student;~~

(a) ~~Is a member of a federally recognized Indian tribe or nation [, all or part of which is located within the boundaries of this State,] or [who is] certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of [such] a tribe or nation, [all or part of which is located within the boundaries of this State,]~~ regardless of membership status;

(b) *Is eligible for enrollment in a school within the System ~~;~~ , including, without limitation, enrollment in a dual credit course through a program for dual credit;*

(c) ~~Has been~~ *Is* ~~[a] :~~

(1) A bona fide resident of this State , as defined in NRS 396.540;

(2) A member or descendant of an enrolled member of an Indian tribe or nation, all or part of which is located within the boundaries of this State; or

(3) Currently a resident on qualified tribal land, whether his or her actual residence was located within or outside of the



boundaries of this State, and has been such a resident for not less than 1 year;

(d) Has maintained at least a 2.0 grade point average, on a 4.0 scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used; and

(e) Has completed the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 ~~[]~~ *unless the student is or will be enrolled exclusively in one or more dual credit courses through a program for dual credit.*

2. The amount of the waiver must be equal to ~~[]~~:

~~— (a) If the student is entitled to receive any federal educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the student that remain unpaid after the student’s account has been credited with the full amount of the federal educational benefits to which the student is entitled for that semester; or~~

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

3. The waiver must be granted to a student who enrolls in any *course or* program , *whether for a degree or not*, offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program , ~~[or]~~ a professional program ~~[]~~ *or a dual credit course through a program for dual credit, offered during any academic period, including courses offered during the summer and between terms or semesters.*

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

5. The Board of Regents may request documentation confirming that the student is a member or descendant of a member of a federally recognized Indian tribe or nation . ~~[, all or part of which is located within the boundaries of this State.]~~

6. *As used in this section:*

(a) *“Program for dual credit” means a program through which a pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school or a pupil enrolled in a program designed to meet the requirements of an adult standard diploma, may enroll in a dual credit course offered by a school within the System.*

(b) *“Qualified tribal land” means any real property:*



(1) For which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law; and

(2) Over which a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State, exercises governmental power.

Sec. 1.7. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education to defray the cost of granting waivers pursuant to NRS 396.5449 the following sums:

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|------------------------------------|-----------|
| For the Fiscal Year 2023-2024..... | \$457,449 |
| For the Fiscal Year 2024-2025..... | \$457,449 |

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 2. This act becomes effective on July 1, 2023.

