

ASSEMBLY BILL NO. 150—ASSEMBLYWOMEN ANDERSON,  
CONSIDINE, BACKUS, TAYLOR; COHEN, LA RUE HATCH,  
SUMMERS-ARMSTRONG AND THOMAS

FEBRUARY 13, 2023

Referred to Committee on Education

SUMMARY—Revises provisions governing the waiver of certain fees by the Board of Regents of the University of Nevada. (BDR 34-88)

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; 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:**

1 Existing law requires the Board of Regents of the University of Nevada to grant  
2 a waiver of registration fees, laboratory fees and other mandatory fees assessed  
3 each semester for a Native American student who demonstrates that the student: (1)  
4 is a member of a federally recognized Indian tribe or nation, all or part of which is  
5 located in this State, or who is certified by the enrollment department of such a  
6 tribe or nation or by the Bureau of Indian Affairs as being a descendant of an  
7 enrolled member of the tribe or nation, regardless of membership status; (2) is  
8 eligible for enrollment in a school within the Nevada System of Higher Education;  
9 (3) has been a resident of this State for at least 1 year; (4) has maintained at least a  
10 2.0 grade point average, on a 4.0 scale, each semester, or the equivalent of a 2.0  
11 grade point average if a different scale is used; and (5) has completed the Free  
12 Application for Federal Student Aid. (NRS 396.5449) **Section 1.3** of this bill  
13 removes the requirement to be a resident of this State for at least 1 year to be  
14 eligible for the waiver.

15 Existing law requires the waiver to be granted to a student who enrolls in any  
16 program offered by a school within the System, including, without limitation, a  
17 trade or vocational program, a graduate program or a professional program.



18 (NRS 396.5449) Existing law provides that a pupil enrolled in high school may  
19 earn college credit for a dual credit course taken while in high school and apply the  
20 credit received for such a course to the total number of credits required for  
21 graduation from his or her high school. (NRS 389.160) **Section 1.3:** (1) revises the  
22 requirement for the waiver to be granted to a student who enrolls in any program  
23 offered by a school within the System by excluding a course or program in a field  
24 other than health, social work, science, technology, engineering, art or mathematics  
25 in support of which an appropriation has not been made by the Legislature; and (2)  
26 requires the waiver to be granted to an eligible student who enrolls in a dual credit  
27 course offered by a school within the System.

28 Existing law requires the amount of the waiver to be limited based on the  
29 federal education benefits to which a student is entitled during a semester. (NRS  
30 396.5449) **Section 1.3** removes this requirement and instead requires the amount of  
31 the waiver to equal the full amount of the registration fees, laboratory fees and any  
32 other mandatory fees assessed against the student for that semester.

33 Existing law prohibits the Board of Regents from assessing tuition charges  
34 against certain students. (NRS 396.540, 396.5449) **Section 1** of this bill makes a  
35 conforming change to reflect the prohibition against the Board of Regents assessing  
36 tuition charges against students who have been granted the waiver. **Section 1.7** of  
37 this bill makes an appropriation to the System to defray the cost of granting the  
38 waiver.

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

1 **Section 1.** NRS 396.540 is hereby amended to read as follows:  
2 396.540 1. For the purposes of this section:

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

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

11 (c) "Tuition charge" means a charge assessed against students  
12 who are not residents of Nevada and which is in addition to  
13 registration fees or other fees assessed against students who are  
14 residents of Nevada.

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

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

22 (b) All students whose families reside outside of the State of  
23 Nevada, providing such students have themselves been bona fide



1 residents of the State of Nevada for at least 12 months before their  
2 matriculation at a university, state college or community college  
3 within the System;

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

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

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

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

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

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

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

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

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

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

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



1 (l) All students who are:

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

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

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

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

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

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

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

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

27 396.5449 1. The Board of Regents shall grant a waiver of the  
28 payment of registration fees, laboratory fees and any other  
29 mandatory fees assessed each semester against a student who is  
30 Native American and demonstrates that the student:

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

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

41 (c) ~~Has been~~ *Is* a bona fide resident of this State; ~~for not less~~  
42 ~~than 1 year;~~

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



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

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

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

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

16 3. The waiver must be granted to a student who enrolls in any  
17 *course or* program offered by a school within the System, including,  
18 without limitation, a trade or vocational program, a graduate  
19 program, ~~[or]~~ a professional program ~~[ ]~~ or a dual credit course  
20 through a program for dual credit, *except a course or program in a*  
21 *field other than health, social work, science, technology,*  
22 *engineering, arts or mathematics in support of which an*  
23 *appropriation has not been made by the Legislature.*

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

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

31 6. *As used in this section:*

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

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

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

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



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

5 For the Fiscal Year 2023-2024..... \$450,000  
6 For the Fiscal Year 2024-2025..... \$450,000

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

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

