

Amendment No. 913

Assembly Amendment to Assembly Bill No. 150 First Reprint (BDR 34-88)

Proposed by: Assembly Committee on Ways and Means

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

AAK



Date: 6/2/2023

A.B. No. 150—Revises provisions governing the waiver of certain fees by the Board of Regents of the University of Nevada. (BDR 34-88)



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

18 Existing law requires the waiver to be granted to a student who enrolls in any program
19 offered by a school within the System, including, without limitation, a trade or vocational
20 program, a graduate program or a professional program. (NRS 396.5449) Existing law
21 provides that a pupil enrolled in high school may earn college credit for a dual credit course
22 taken while in high school and apply the credit received for such a course to the total number
23 of credits required for graduation from his or her high school. (NRS 389.160) **Section 1.3:** (1)
24 ~~revises the requirement for the waiver to be granted to a student who enrolls in any program~~
25 ~~offered by a school within the System by excluding a course or program in a field other than~~

26 health, social work, science, technology, engineering, art or mathematics in support of which
27 an appropriation has not been made by the Legislature;] **clarifies that the waiver applies to**
28 **any course or program, whether for a degree or not, offered during any academic**
29 **period;** and (2) requires the waiver to be granted to an eligible student who enrolls in a dual
30 credit course offered by a school within the System.

31 Existing law requires the amount of the waiver to be limited based on the federal
32 education benefits to which a student is entitled during a semester. (NRS 396.5449) **Section**
33 **1.3** removes this requirement and instead requires the amount of the waiver to equal the full
34 amount of the registration fees, laboratory fees and any other mandatory fees assessed against
35 the student for that semester.

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

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 the provisions of
4 NRS 10.155 and policies established by the Board of Regents, to the extent that
5 those policies do not conflict with any statute. The qualification "bona fide" is
6 intended to ensure that the residence is genuine and established for purposes other
7 than the avoidance of tuition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (l) All students who are:

26 (1) Veterans using Post-9/11 Educational Assistance pursuant to 38 U.S.C.
27 §§ 3301 to 3327, inclusive, and became eligible for such benefits on or after
28 January 1, 2013; or

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

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

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

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

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

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

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

46 396.5449 1. The Board of Regents shall grant a waiver of the payment of
47 registration fees, laboratory fees and any other mandatory fees assessed each
48 semester against a student who ~~is Native American and demonstrates that the~~
49 ~~student;~~

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

1 ~~of which is located within the boundaries of this State,]~~ regardless of membership
2 status;

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

6 (c) ~~[Has been] Is [a];~~

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

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

10 (3) Currently a resident on qualified tribal land, whether his or her
11 actual residence was located within or outside of the boundaries of this State, and
12 has been such a resident for not less than 1 year;

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

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

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

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

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

28 3. The waiver must be granted to a student who enrolls in any *course or*
29 *program, whether for a degree or not,* offered by a school within the System,
30 including, without limitation, a trade or vocational program, a graduate program,
31 ~~[or]~~ a professional program ~~[;]~~ *or a dual credit course through a program for dual*
32 *credit, [except a course or program in a field other than health, social work,*
33 *science, technology, engineering, arts or mathematics in support of which an*
34 *appropriation has not been made by the Legislature.] offered during any*
35 *academic period, including courses offered during the summer and between*
36 *terms or semesters.*

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

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

43 6. *As used in this section:*

44 (a) *“Program for dual credit” means a program through which a pupil*
45 *enrolled in high school, including, without limitation, a pupil enrolled in grade 9,*
46 *10, 11 or 12 in a charter school or a pupil enrolled in a program designed to meet*
47 *the requirements of an adult standard diploma, may enroll in a dual credit course*
48 *offered by a school within the System.*

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

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

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

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

7 For the Fiscal Year 2023-2024	(\$450,000)	<u>\$457,449</u>
8 For the Fiscal Year 2024-2025	(\$450,000)	<u>\$457,449</u>

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

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