

Amendment No. 791

Assembly Amendment to Assembly Bill No. 262 First Reprint (BDR 34-946)
Proposed by: Assembly Committee on Ways and Means
Amends: Summary: No Title: Yes 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.



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 **of the University of Nevada** from assessing registration fees, **certain** fees associated with course enrollment and laboratory fees against certain students; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~Existing law prohibits the Board of Regents of the University of Nevada from assessing tuition charges against certain students, including, without limitation, students whose families have been bona fide residents of this State for at least 12 months before the student matriculates at a university, state college or community college. (NRS 396.540) Section 1.5 of this bill prohibits the Board of Regents from assessing tuition charges against students who are members of a federally recognized Indian tribe or nation or are certified by 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, and who are not bona fide residents of this State.]~~

Section 1.2 of this bill requires the Board of Regents **of the University of Nevada** to grant a waiver of registration fees, per-credit fees or other fees associated with course enrollment and laboratory fees 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; ~~and~~ (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 ~~1.4~~; **and (5) has completed the Free Application for Federal Student Aid. Section 1.4 of this bill requires the Board of Regents to prepare and submit an annual report to the Director of**

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the Legislative Counsel Bureau for transmittal to the Nevada Legislature concerning the number of students eligible and the total funding available for such a waiver.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto ~~the new section to read as follows:~~ the provisions set forth as sections 1.2 and 1.4 of this act.

Sec. 1.2. 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;

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

(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~~; and

(e) Has completed the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090.

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 program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program.

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~~ or nation, all or part of which is located within the boundaries of this State.

Sec. 1.4. The Board of Regents shall, on or before September 1 of each calendar year, prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Nevada Legislature that includes, without limitation, aggregated data for:

1. The number of students that qualify for a waiver of registration fees, laboratory fees and any other mandatory fees pursuant to section 1.2 of this act.

2. The total funding made available for the waiver of registration fees, laboratory fees and any other mandatory fees pursuant to section 1.2 of this act, including, without limitation, gifts, grants, donations and federal contributions.

Sec. 1.5. ~~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 enrolled at an institution of the System if such students 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)(9);~~

~~(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~~

1 ~~nexus to this State, including, without limitation, the Marine Corps Mountain~~
2 ~~Warfare Training Center located at Pickel Meadow, California, on the date of~~
3 ~~discharge;~~

4 ~~— (j) Except as otherwise provided in subsection 3, veterans of the Armed Forces~~
5 ~~of the United States who were honorably discharged within the 5 years immediately~~
6 ~~preceding the date of matriculation of the veteran at a university, state college or~~
7 ~~community college within the System; [and]~~

8 ~~— (k) Veterans of the Armed Forces of the United States who have been awarded~~
9 ~~the Purple Heart []; and~~

10 ~~— (l) Students who are members of a federally recognized Indian tribe or~~
11 ~~nation, or are certified by the enrollment department of such a tribe or nation or~~
12 ~~by the Bureau of Indian Affairs as being a descendant of an enrolled member of~~
13 ~~such a tribe or nation, regardless of membership status, and who are not bona~~
14 ~~fiide residents of this State.~~

15 ~~— 3. The Board of Regents may grant more favorable exemptions from tuition~~
16 ~~charges for veterans of the Armed Forces of the United States who were honorably~~
17 ~~discharged than the exemption provided pursuant to paragraph (j) of subsection 2, if~~
18 ~~required for the receipt of federal money.~~

19 ~~— 4. The Board of Regents may grant exemptions from tuition charges each~~
20 ~~semester to other worthwhile and deserving students from other states and foreign~~
21 ~~countries, in a number not to exceed a number equal to 3 percent of the total~~
22 ~~matriculated enrollment of students for the last preceding fall semester.] (Deleted~~
23 ~~by amendment.)~~

24 Sec. 1.6. The first report that the Board of Regents is required to
25 prepare and submit to the Director of the Legislative Counsel Bureau
26 pursuant to section 1.4 of this act must be submitted on or before September 1,
27 2022.

28 Sec. 1.8. The provisions of subsection 1 of NRS 218D.380 do not apply to
29 any provision of this act which adds or revises a requirement to submit a
30 report to the Legislature.

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