

SENATE BILL NO. 148—SENATORS HARDY; AMODEI, BREEDEN, CARE, CEGAVSKE, COFFIN, COPENING, HORSFORD, MATHEWS, MCGINNESS, NOLAN, PARKS, RAGGIO, RHOADS, SCHNEIDER, TOWNSEND, WASHINGTON, WIENER AND WOODHOUSE

FEBRUARY 19, 2009

Referred to Committee on Health and Education

SUMMARY—Authorizes the Board of Regents of the University of Nevada to waive tuition and certain fees for certain members of the Armed Forces of the United States and their spouses and dependents. (BDR 34-198)

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; authorizing the Board of Regents of the University of Nevada to waive tuition and fees for certain members of the Armed Forces of the United States and certain spouses and dependent children of persons who were killed or disabled while serving in the Armed Forces of the United States; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to charge tuition to students who are not bona fide residents of Nevada and to charge certain fees to students who are bona fide residents. (NRS 396.540) Existing law also authorizes the Board of Regents to waive certain fees for a member of the Nevada National Guard or a recruit for the Nevada National Guard. (NRS 396.544) **Section 5** of this bill expands the waiver of fees for a member of a reserve component of the Armed Forces of the United States.

Section 2 of this bill authorizes the waiver of certain fees and tuition for a widow, widower or dependent child of a person who is killed while serving in the Nevada National Guard.

Section 3 of this bill authorizes the waiver of tuition for a dependent child of a person who sustained a permanent partial disability while serving in the Armed Forces of the United States.



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Section 4 of this bill authorizes the waiver of certain fees for a spouse or dependent child of a person who is killed or sustains a total disability while serving in the Armed Forces of the United States. The waiver applies to those spouses and children who are bona fide residents of Nevada.

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 provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *The Board of Regents may grant a waiver of registration fees and laboratory fees for a widow, widower or dependent child of a person who was killed while performing his duties as a member of the Nevada National Guard. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, including, without limitation, tuition charges pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.*

2. A person is eligible for a waiver pursuant to subsection 1 if he maintains at least a 2.0 grade point average, on a 4.0 grading scale, each semester, or the equivalent of a 2.0 grade point average if a different scale is used.

3. A widow or widower may use a waiver granted pursuant to this section for 10 years after the date of the death of the member. A dependent child may use a waiver granted pursuant to this section for 10 years after he attains the age of 18 years or, if he enrolls in the System before the age of 18 years, for 10 years after the date of such enrollment.

4. The Board of Regents may request the Adjutant General to verify that a person is the widow, widower or dependent child of a person who was killed while he was performing his duties as a member of the Nevada National Guard. The Adjutant General shall, upon receiving such a request, notify the Board of Regents in writing concerning the status of that person.

Sec. 3. 1. *The Board of Regents may grant a waiver of the tuition charge for a dependent child of a person who sustained a permanent partial disability while performing his duties as a member of the Armed Forces of the United States. 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.*

2. A dependent child is eligible for a waiver pursuant to subsection 1 if he:



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1 (a) Maintains at least a 2.0 grade point average, on a 4.0
2 grading scale, each semester, or the equivalent of a 2.0 grade point
3 average if a different scale is used; and

4 (b) Is not eligible to receive benefits pursuant to the
5 Dependents' Educational Assistance Program, 38 U.S.C. §§ 3500
6 et seq., or any other program of the Federal Government which
7 offers educational benefits to dependents of members of the
8 Armed Forces of the United States.

9 3. A dependent child may use a waiver granted pursuant to
10 this section for 10 years after he attains the age of 18 years or, if
11 he enrolls in the System before the age of 18 years, for 10 years
12 after the date of such enrollment.

13 4. A dependent child who is otherwise eligible for a waiver
14 pursuant to this section may not be granted such a waiver unless
15 the member of the Armed Forces of the United States received a
16 certificate of honorable discharge or a certificate of satisfactory
17 service from the Armed Forces. The Board of Regents may request
18 such documentation as it deems necessary to verify that such a
19 certificate was issued.

20 5. The Board of Regents may request such documentation as
21 it deems necessary to verify that a person who is seeking a waiver
22 of the tuition charge is the dependent child of a member of the
23 Armed Forces of the United States who has a permanent partial
24 disability sustained while performing his duties as a member of the
25 Armed Forces.

26 6. As used in this section "permanent partial disability"
27 means a disability rated as partial for purposes of disability
28 compensation which is based upon an impairment reasonably
29 certain to continue throughout the life of the person who is
30 disabled.

31 **Sec. 4. 1.** The Board of Regents may grant a waiver of
32 registration fees and laboratory fees for any person who is a bona
33 fide resident pursuant to NRS 396.540 and who is:

34 (a) A spouse or dependent child of a person who sustained a
35 permanent total disability while performing his duties as a
36 member of the Armed Forces of the United States.

37 (b) A widow, widower or dependent child of a person who was
38 killed while performing his duties as a member of the Armed
39 Forces of the United States.

40 2. A person is eligible for a waiver pursuant to subsection 1 if
41 he maintains at least a 2.0 grade point average, on a 4.0 grading
42 scale, each semester, or the equivalent of a 2.0 grade point average
43 if a different scale is used.

44 3. A dependent child may use a waiver granted pursuant to
45 this section for 10 years after he attains the age of 18 years or, if



1 *he enrolls in the System before the age of 18 years, for 10 years*
2 *after the date of such enrollment.*

3 4. *A spouse may use a waiver granted pursuant to this section*
4 *for 10 years after:*

5 *(a) The effective date of the evaluation of the person who has a*
6 *disability which is conducted by the United States Department of*
7 *Veterans' Affairs; or*

8 *(b) The date on which the United States Department of*
9 *Veterans' Affairs notifies the spouse of the disability evaluation,*
10 *↪ whichever date the spouse selects.*

11 5. *A widow or widower may use a waiver granted pursuant to*
12 *this section for 10 years after the date of the death of the member*
13 *of the United States Armed Services.*

14 6. *A person who is otherwise eligible for a waiver pursuant to*
15 *paragraph (a) of subsection 1 may not be granted such a waiver*
16 *unless the member of the Armed Forces of the United States*
17 *received a certificate of honorable discharge or a certificate of*
18 *satisfactory service from the Armed Forces. The Board of Regents*
19 *may request such documentation as it deems necessary to verify*
20 *that such a certificate was issued.*

21 7. *The Board of Regents may request such documentation as*
22 *it deems necessary to verify that a person who is seeking a waiver*
23 *pursuant to this section:*

24 *(a) Is the spouse or dependent child of a person who sustained*
25 *a permanent total disability while performing his duties as a*
26 *member of the Armed Forces of the United States; or*

27 *(b) Is the widow, widower or dependent child of a person who*
28 *was killed while performing his duties as a member of the Armed*
29 *Forces of the United States.*

30 8. *As used in this section "permanent total disability" means*
31 *a disability rated as total for purposes of disability compensation*
32 *which is based upon an impairment reasonably certain to continue*
33 *throughout the life of the person who is disabled.*

34 **Sec. 5.** NRS 396.544 is hereby amended to read as follows:

35 396.544 1. The Board of Regents ~~of the University of~~
36 ~~Nevada~~ may grant a waiver of registration fees and laboratory fees
37 for any member of the active Nevada National Guard, including,
38 without limitation, a recruit, *and any member of a reserve*
39 *component of the Armed Forces of the United States* who attends a
40 school within the System as a full-time or part-time student. For the
41 purpose of assessing fees and charges against a person to whom a
42 waiver is granted pursuant to this subsection, including, without
43 limitation, tuition charges pursuant to NRS 396.540, such a person
44 shall be deemed to be a bona fide resident of this State.



2. To be eligible for a waiver pursuant to subsection 1, a person must:

(a) Be a member in good standing of ~~the~~ :

(1) *The* active Nevada National Guard, including, without limitation, a recruit, at the beginning of and throughout the entire semester for which the waiver is granted; ~~and~~ or

(2) *A reserve component of the Armed Forces of the United States at the beginning of and throughout the entire semester for which the waiver is granted; and*

(b) Maintain at least a 2.0 grade point average, on a 4.0 grading scale, each semester, or the equivalent of a 2.0 grade point average if a different grading scale is used.

3. The Board of Regents may request the Adjutant General to verify the membership in the active Nevada National Guard of a person who is seeking or has been granted a waiver of registration fees and laboratory fees pursuant to subsection 1. The Adjutant General shall, upon receiving such a request, notify the Board of Regents in writing concerning the status and dates of membership of that person in the active Nevada National Guard.

4. *The Board of Regents may request such documentation as it deems necessary to verify that a person who is seeking or has been granted a waiver of registration fees and laboratory fees pursuant to subsection 1 is a member in good standing of a reserve component of the Armed Forces of the United States.*

5. If a waiver is granted pursuant to subsection 1 for a recruit and the recruit does not enter full-time National Guard duty within 1 year after enlisting, the recruit shall reimburse the Board of Regents for all registration fees and laboratory fees waived on behalf of the recruit if his failure to enter full-time National Guard duty is attributable to his own conduct.

~~5-~~ 6. As used in this section:

(a) "Full-time National Guard duty" has the meaning ascribed to it in 32 U.S.C. § 101(19).

(b) "Recruit" means a person who has enlisted in the Nevada National Guard but has not begun his required military duty.

Sec. 6. This act becomes effective on July 1, 2009.

