

(Reprinted with amendments adopted on April 19, 2021)

FIRST REPRINT

A.B. 213

ASSEMBLY BILL NO. 213—ASSEMBLYMEN FLORES,
MARZOLA, TORRES; AND DURAN

MARCH 9, 2021

Referred to Committee on Education

SUMMARY—Revises provisions governing education.
(BDR 34-242)

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 fixing a tuition charge against certain students; providing that a student does not have to certify his or her citizenship or immigration status or complete the Free Application for Federal Student Aid to receive certain scholarships or grants; prohibiting certain college tuition and savings programs from excluding persons based solely on the citizenship or immigration status of the person or his or her family; authorizing the Board of Regents to use a percentage of appropriated money to administer the Silver State Opportunity Grant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, the Board of Regents of the University of Nevada may not
- 2 fix tuition charges against certain students, including, without limitation, students
- 3 whose families have been bona fide residents of this State for at least 12 months
- 4 before the student matriculates at a university, state college or community college
- 5 and students whose parent, legal guardian or spouse was stationed at a military
- 6 installation associated with Nevada on the date the student enrolled at a university,
- 7 state college or community college. (NRS 396.540) **Section 1** of this bill also
- 8 prohibits the Board of Regents from fixing tuition charges against: (1) students
- 9 whose parent, legal guardian or spouse was stationed at a military installation
- 10 associated with Nevada on the date the student is admitted to a university, state
- 11 college or community college; (2) students who are members of any federally
- 12 recognized Indian tribe or nation in this State; and (3) students who graduated from



* A B 2 1 3 R 1 *

a high school in this State, regardless of whether the student or the student's family is a bona fide resident.

Existing law sets forth various requirements to obtain a scholarship or grant under the Governor Guinn Millennium Scholarship Program and the Silver State Opportunity Grant Program. These requirements include, without limitation, certifying that the applicant is a citizen of or legal immigrant to the United States to receive a Millennium Scholarship and completing the Free Application for Federal Student Aid to receive a Silver State Opportunity Grant. (NRS 396.930, 396.952, 396.956) **Section 2** of this bill removes the requirement to certify that the applicant is a citizen of or legal immigrant to the United States to receive a Millennium Scholarship. **Sections 3 and 4** of this bill remove the requirement to complete the Free Application for Federal Student Aid to receive a Silver State Opportunity Grant. **Section 4.5** of this bill authorizes the Board of Regents to use not more than 5 percent of money received from a direct legislative appropriation to administer the Silver State Opportunity Grant Program.

Existing law requires that to be a recipient of a Silver State Opportunity Grant or a Nevada Promise Scholarship, a student must be a bona fide resident of this State for at least 12 months before matriculation of the student at a university, state college or community college. (NRS 396.952, 396.9665) **Sections 3 and 5** of this bill provide that a student may also be a recipient of a Silver State Opportunity Grant or a Nevada Promise Scholarship if the student graduated from a high school located in this State.

Existing law requires the Board of Regents to distribute scholarships under the Nevada Promise Scholarship Program first to students who complete the Free Application for Federal Student Aid and then, if there is money remaining for additional distributions, to students who are prohibited by federal law from completing the Free Application for Federal Student Aid. (NRS 396.968) **Section 6** of this bill removes this requirement.

Under existing federal law, a state may provide a qualified tuition program to help families pay for college education. (26 U.S.C. § 529) Existing state law establishes the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Program. (NRS 353B.010-353B.190, 353B.300-353B.370) **Section 7** of this bill prohibits a prepaid tuition program or college savings program from excluding a person or his or her family from participating in such a program based solely on the citizenship or immigration status of the person or his or her family.

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 ~~enrolled at~~ *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)(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 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 within the 5 years immediately preceding the date of matriculation of the veteran at a university, state college or community college within the System; ~~and~~

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

(l) Members of any federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State; and

(m) 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.

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States who were honorably discharged than the exemption provided pursuant to paragraph (j) of 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. 2. NRS 396.930 is hereby amended to read as follows:

396.930 1. Except as otherwise provided in subsections 2 and 4, a student may apply to the Board of Regents for a Millennium Scholarship if the student:

(a) Except as otherwise provided in paragraph (e) of subsection 2, has been a resident of this State for at least 2 years before the student applies for the Millennium Scholarship;

(b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this State:

(1) After May 1, 2000, but not later than May 1, 2003; or



(2) After May 1, 2003, and, except as otherwise provided in paragraphs (c), (d) and (f) of subsection 2, not more than 6 years before the student applies for the Millennium Scholarship;

(c) Does not satisfy the requirements of paragraph (b) and:

(1) Was enrolled as a pupil in a public or private high school in this State with a class of pupils who were regularly scheduled to graduate after May 1, 2000;

(2) Received his or her high school diploma within 4 years after he or she was regularly scheduled to graduate; and

(3) Applies for the Millennium Scholarship not more than 6 years after he or she was regularly scheduled to graduate from high school;

(d) Except as otherwise provided in paragraph (e), maintained in high school in the courses designated by the Board of Regents pursuant to paragraph (b) of subsection 2, at least:

(1) A 3.00 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2003 or 2004;

(2) A 3.10 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2005 or 2006; or

(3) A 3.25 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2007 or a later graduating class;

(e) Does not satisfy the requirements of paragraph (d) and received at least the minimum score established by the Board of Regents on a college entrance examination approved by the Board of Regents that was administered to the student while the student was enrolled as a pupil in a public or private high school in this State; and

(f) Except as otherwise provided in NRS 396.936, is enrolled in at least:

(1) Nine semester credit hours in a community college within the System;

(2) Twelve semester credit hours in another eligible institution; or

(3) A total of 12 or more semester credit hours in eligible institutions if the student is enrolled in more than one eligible institution.

2. The Board of Regents:

(a) Shall define the core curriculum that a student must complete in high school to be eligible for a Millennium Scholarship.

(b) Shall designate the courses in which a student must earn the minimum grade point averages set forth in paragraph (d) of subsection 1.

(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to



1 exempt such students from the 6-year limitation on applications that
2 is set forth in subparagraph (2) of paragraph (b) of subsection 1.

3 (d) Shall establish criteria with respect to students who have a
4 documented physical or mental disability or who were previously
5 subject to an individualized education program under the
6 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et
7 seq., or a plan under Title V of the Rehabilitation Act of 1973, 29
8 U.S.C. §§ 791 et seq. The criteria must provide an exemption for
9 those students from:

10 (1) The 6-year limitation on applications that is set forth in
11 subparagraph (2) of paragraph (b) of subsection 1 and subparagraph
12 (3) of paragraph (c) of subsection 1 and any limitation applicable to
13 students who are eligible pursuant to subparagraph (1) of paragraph
14 (b) of subsection 1.

15 (2) The minimum number of credits prescribed in paragraph
16 (f) of subsection 1.

17 (e) Shall establish criteria with respect to students who have a
18 parent or legal guardian on active duty in the Armed Forces of the
19 United States to exempt such students from the residency
20 requirement set forth in paragraph (a) of subsection 1 or
21 subsection 4.

22 (f) Shall establish criteria with respect to students who have
23 been actively serving or participating in a charitable, religious or
24 public service assignment or mission to exempt such students from
25 the 6-year limitation on applications that is set forth in subparagraph
26 (2) of paragraph (b) of subsection 1. Such criteria must provide for
27 the award of Millennium Scholarships to those students who qualify
28 for the exemption and who otherwise meet the eligibility criteria to
29 the extent that money is available to award Millennium Scholarships
30 to the students after all other obligations for the award of
31 Millennium Scholarships for the current school year have been
32 satisfied.

33 3. If the Board of Regents requires a student to successfully
34 complete courses in mathematics or science to be eligible for a
35 Millennium Scholarship, a student who has successfully completed
36 one or more courses in computer science described in NRS
37 389.0186 must be allowed to apply not more than one unit of credit
38 received for the completion of such courses toward that
39 requirement.

40 4. Except as otherwise provided in paragraph (c) of subsection
41 1, for students who did not graduate from a public or private high
42 school in this State and who, except as otherwise provided in
43 paragraph (e) of subsection 2, have been residents of this State for at
44 least 2 years, the Board of Regents shall establish:



(a) The minimum score on a standardized test that such students must receive; or

(b) Other criteria that students must meet,
➔ to be eligible for Millennium Scholarships.

5. In awarding Millennium Scholarships, the Board of Regents shall enhance its outreach to students who:

(a) Are pursuing a career in education or health care;

(b) Come from families who lack sufficient financial resources to pay for the costs of sending their children to an eligible institution; or

(c) Substantially participated in an antismoking, antidrug or antialcohol program during high school.

6. The Board of Regents shall establish a procedure by which an applicant for a Millennium Scholarship is required to execute an affidavit declaring the applicant's eligibility for a Millennium Scholarship pursuant to the requirements of this section. ~~[The affidavit must include a declaration that the applicant is a citizen of the United States or has lawful immigration status, or that the applicant has filed an application to legalize the applicant's immigration status or will file an application to legalize his or her immigration status as soon as he or she is eligible to do so.]~~

Sec. 3. NRS 396.952 is hereby amended to read as follows:

396.952 1. The Silver State Opportunity Grant Program is hereby created for the purpose of awarding grants to eligible students to pay for a portion of the cost of education at a community college or state college within the System.

2. The Board of Regents shall administer the Program.

3. In administering the Program, the Board of Regents shall for each semester, subject to the limits of money available for this purpose, award a grant to each eligible student to pay for a portion of the cost of education at a community college or state college within the System.

4. To be eligible for a grant awarded under the Program, a student must:

(a) Except as otherwise provided in this section, be enrolled, or accepted to be enrolled, during a semester in at least 12 credit hours at a community college or state college within the System;

(b) Be enrolled in a program of study leading to a recognized degree or certificate;

(c) Demonstrate proficiency in English and mathematics sufficient for placement into college-level English and mathematics courses pursuant to regulations adopted by the Board of Regents for such placement;

(d) Be a bona fide resident of the State of Nevada *or have graduated from a high school located in this State* for the purposes



1 of determining pursuant to NRS 396.540 whether the student is
2 assessed a tuition charge; and

3 (e) Complete the Free Application for Federal Student Aid
4 provided for by 20 U.S.C. § 1090 ~~or~~ *or, if the student is prohibited*
5 *by law from completing the Free Application for Federal Student*
6 *Aid, an alternative determination for financial aid prescribed by*
7 *the Board of Regents for each semester of participation in the*
8 *Program on or before the deadline prescribed by the Board of*
9 *Regents.*

10 5. A student who is enrolled, or accepted to be enrolled, in the
11 final semester of his or her program of study in less than 12 credit
12 hours at a community college or state college within the System is
13 eligible for a grant awarded under the Program.

14 **Sec. 4.** NRS 396.956 is hereby amended to read as follows:

15 396.956 1. The Board of Regents:

16 (a) Shall adopt regulations prescribing the procedures and
17 standards for determining the eligibility of a student for a grant from
18 the Program.

19 (b) Shall adopt regulations prescribing the methodology by
20 which the Board of Regents or a designee thereof will calculate:

21 (1) The cost of education of a student at each community
22 college and state college within the System, which must be
23 consistent with the provisions of 20 U.S.C. § 10871l.

24 (2) For each student, the amounts of the student contribution,
25 family contribution and federal contribution to the cost of education
26 of the student.

27 (3) The maximum amount of the grant for which a student is
28 eligible.

29 (c) Shall adopt regulations prescribing the process by which
30 each student may meet the credit-hour requirement described in
31 NRS 396.952 for eligibility for a grant awarded under the Program.

32 (d) May adopt any other regulations necessary to carry out the
33 Program.

34 2. The regulations prescribed pursuant to this section must
35 provide that:

36 (a) In determining the student contribution to the cost of
37 education, the student contribution must not exceed the amount that
38 the Board of Regents determines the student reasonably could be
39 expected to earn from employment during the time the student is
40 enrolled at a community college or state college within the System,
41 including, without limitation, during breaks between semesters. This
42 paragraph and any regulations adopted pursuant to this section must
43 not be construed to require a student to seek or obtain employment
44 as a condition of eligibility for a grant under the Program.



(b) Determination of the family contribution to the cost of education must be based on the family resources reported in the Free Application for Federal Student Aid *or, if the student is prohibited by law from completing the Free Application for Federal Student Aid, the alternative determination for financial aid prescribed by the Board of Regents* submitted by the student.

(c) Determination of the federal contribution to the cost of education must be equal to the total amount that the student and his or her family are expected to receive from the Federal Government as grants.

Sec. 4.5. NRS 396.958 is hereby amended to read as follows:

396.958 *1. The Board of Regents may use not more than 5 percent of money received from a direct legislative appropriation from the State General Fund for the Program to pay the costs of administering the Program.*

2. In addition to any direct legislative appropriation from the State General Fund, the Board of Regents may accept gifts, grants, bequests and donations to fund grants awarded under the Program.

Sec. 5. NRS 396.9665 is hereby amended to read as follows:

396.9665 1. To be eligible to receive a Nevada Promise Scholarship, a student must:

(a) Be a bona fide resident of this State *or have graduated from a high school located in this State*, as construed in NRS 396.540.

(b) Have not previously been awarded an associate's degree or bachelor's degree.

(c) Have obtained a high school diploma awarded by a public or private high school located in this State or public high school that is located in a county that borders this State and accepts pupils who are residents of this State or have successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055 before 20 years of age.

(d) Complete the application for the Nevada Promise Scholarship Program in accordance with the regulations prescribed by the Board of Regents.

(e) Complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 or, if the student is prohibited by law from completing the Free Application for Federal Student Aid, an alternative determination for financial aid prescribed by the Board of Regents for each academic year of participation in the Program on or before the deadline prescribed by the Board of Regents.

(f) Before enrolling in a community college, participate in one training meeting related to financial aid, the Free Application for



1 Federal Student Aid and college orientation, as prescribed by the
2 Board of Regents by regulation.

3 (g) Have met at least once with a mentor assigned to the student
4 through the mentoring program established by the Board of Regents
5 pursuant to NRS 396.965 before the first semester of enrollment at a
6 community college and at least twice for each academic year while
7 participating in the Program.

8 (h) Complete at least 8 hours of community service during the
9 last year of high school and before the first semester of enrollment
10 at a community college and at least 8 hours of community service
11 each semester thereafter, not including summer academic terms,
12 while participating in the Program. Community service performed to
13 satisfy the requirements of this paragraph must not include religious
14 proselytizing or service for which the student receives any type of
15 compensation or which directly benefits a member of the family of
16 the student.

17 (i) Submit all information deemed necessary by the Board of
18 Regents to determine the student's eligibility for gift aid.

19 (j) Except as otherwise provided in subsection 2, be enrolled in
20 at least 12 semester credit hours in a program of study leading to a
21 recognized degree or certificate at a community college for the fall
22 semester of the academic year immediately following the school
23 year in which the student was awarded a high school diploma or
24 have successfully completed the high school equivalency
25 assessment selected by the State Board pursuant to NRS 390.055.

26 (k) Except as otherwise provided in subsection 2 and this
27 paragraph, be enrolled in at least 12 semester credit hours in a
28 program of study leading to a recognized degree or certificate at a
29 community college for each fall semester and spring semester
30 beginning with the first semester for which the student received a
31 Nevada Promise Scholarship, not including summer academic
32 terms. A student who is on schedule to graduate at:

33 (1) The end of a semester may enroll in the number of
34 semester credit hours required to graduate.

35 (2) The end of a fall semester is not required to enroll in
36 credit hours for the spring semester.

37 (l) Meet satisfactory academic progress, as defined by federal
38 requirements established pursuant to Title IV of the Higher
39 Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined
40 by the community college in which the student is enrolled.

41 2. The Board of Regents shall establish criteria with respect to
42 students who have a documented physical or mental disability or
43 who were previously subject to an individualized education program
44 under the Individuals with Disabilities Act, 20 U.S.C. §§ 1400 et
45 seq., or a plan under Title V of the Rehabilitation Act of 1973, 29



U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:

(a) The limitation on eligibility for a Nevada Promise Scholarship set forth in paragraph (b) of subsection 3; and

(b) The minimum number of credits prescribed in paragraphs (j) and (k) of subsection 1.

3. A student who meets the requirements of subsection 1 is eligible for a Nevada Promise Scholarship from the Program until the occurrence of the first of the following events:

(a) The student is awarded an associate's degree or bachelor's degree; or

(b) Except as otherwise provided in subsection 2, the student receives a Nevada Promise Scholarship from the Program for 2 academic years, not including the initial academic year.

Sec. 6. NRS 396.968 is hereby amended to read as follows:

396.968 1. The Board of Regents shall award Nevada Promise Scholarships in accordance with this section to students who are enrolled at a community college and are eligible to receive such scholarships under the provisions of NRS 396.9665.

2. For each eligible student, the Board of Regents shall:

(a) Calculate the maximum amount of a Nevada Promise Scholarship which the student is eligible to receive based on criteria established by regulation pursuant to this section.

(b) Determine the actual amount of the Nevada Promise Scholarship, if any, which will be awarded to the student, which must not exceed the maximum amount calculated pursuant to paragraph (a), but which may be in a lesser amount if the Board of Regents receives notice from the State Treasurer pursuant to subsection 3 that the money available in the Nevada Promise Scholarship Account for any semester is insufficient to award to all eligible students the maximum amount of a Nevada Promise Scholarship which each student is eligible to receive.

(c) If the student is to receive a Nevada Promise Scholarship, award the student a Nevada Promise Scholarship in the amount determined pursuant to paragraph (b). The Board of Regents shall disburse the amount of the Nevada Promise Scholarship awarded to the student, on behalf of the student, directly to the community college in which the student is enrolled.

3. The Board of Regents shall submit a request for a disbursement from the Nevada Promise Scholarship Account created by NRS 396.9645 for the maximum amount of money that will be required to fund a scholarship for each eligible student. Within the limits of money available in the Nevada Promise Scholarship Account, the State Treasurer shall disburse the amount requested to the Board of Regents for disbursement to each



community college. If there is insufficient money in the Account to disburse that amount to each community college, the State Treasurer shall provide notice that insufficient money remains in the Nevada Promise Scholarship Account to the Board of Regents. The State Treasurer shall include in the notice the amount of money available for the award of Nevada Promise Scholarships for the academic year and request that a new request be submitted.

4. The Board of Regents shall adopt regulations prescribing:

(a) The criteria for determining the maximum amount of a Nevada Promise Scholarship for an eligible student which is equal to the difference between the amount of the registration fee and other mandatory fees charged to the student by the community college in which the student is enrolled for the academic year, excluding any amount of those fees that is waived by the community college in which the student is enrolled, and the total amount of any other gift aid received by the student for the academic year.

(b) The procedures for submitting a request for disbursement from the Nevada Promise Scholarship Account.

(c) The procedures and standards for determining the actual amount of the Nevada Promise Scholarship which will be awarded to each student upon receiving notice that there is insufficient money to award all eligible students the maximum amount of the scholarship which each student is eligible to receive. Such procedures and standards ~~[-~~

~~— (1) Must prohibit the Board of Regents from awarding any money to a student who is prohibited by law from completing the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 unless all students who have completed the Free Application for Federal Student Aid have been awarded the maximum amount calculated pursuant to paragraph (a) of subsection 2; and~~

~~— (2) May~~ *may* include, without limitation, administration of the program on a first-come, first-served basis for all students who ~~[have completed the Free Application for Federal Student Aid and]~~ are ~~[otherwise]~~ eligible to participate in the Program.

(d) Procedures to ensure that all money from a Nevada Promise Scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the Nevada Promise Scholarship Account and not the student.

Sec. 7. Chapter 353B of NRS is hereby amended by adding thereto a new section to read as follows:

A prepaid tuition program or college savings program established pursuant to this chapter must not prohibit a person or his or her family from participating in such a program based solely on the immigration or citizenship status of the person or his or her family.



- 1 **Sec. 8.** 1. This section and sections 1, 2, 5, 6 and 7 of this act
2 become effective on July 1, 2021.
3 2. Sections 3, 4 and 4.5 of this act become effective on July 1,
4 2022.

