

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Eighty-First Session
March 2, 2021**

The Committee on Education was called to order by Chair Shannon Bilbray-Axelrod at 1:32 p.m. on Tuesday, March 2, 2021, Online. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Shannon Bilbray-Axelrod, Chair
Assemblywoman Brittney Miller, Vice Chair
Assemblywoman Bea Duran
Assemblyman Edgar Flores
Assemblywoman Michelle Gorelow
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Lisa Krasner
Assemblywoman Elaine Marzola
Assemblyman Richard McArthur
Assemblywoman Rochelle T. Nguyen
Assemblywoman Jill Tolles
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Robin Titus, Assembly District No. 38

STAFF MEMBERS PRESENT:

Kristi Robusto, Committee Policy Analyst
Nick Christie, Committee Manager
Sarah Baker, Committee Secretary
Melissa Loomis, Committee Assistant



OTHERS PRESENT:

Colonel Jerome Guerrero, Deputy Chief of Staff for Personnel, Nevada Army National Guard
David Sousa, Former Member, Nevada Army National Guard
Andrew LePeilbet, Chair, United Veterans Legislative Council; Military Order of the Purple Heart; and Disabled American Veterans
Kent Ervin, representing Nevada Faculty Alliance
Anthony Yarbrough, Secretary, United Veterans Legislative Council
Byron Brooks, Private Citizen, Las Vegas, Nevada
Katherine Miller, Director, Nevada Department of Veterans Services
Sondra Cosgrove, Private Citizen, Las Vegas, Nevada
Ed Gonzalez, Private Citizen, Henderson, Nevada

Chair Bilbray-Axelrod:

[Roll was called. Committee rules and protocol were explained.] Please note for the record that we have a quorum.

Assemblywoman Miller is celebrating her birthday today. Happy, Happy Birthday.

We have two bill hearings this afternoon. I will now open the hearing on Assembly Bill 156.

Assembly Bill 156: Revises provisions governing the waiver by the Board of Regents of the University of Nevada of certain fees for active members of the Nevada National Guard. (BDR 34-23)

Assemblywoman Robin Titus, Assembly District No. 38:

This bill revises provisions governing waivers of registration and lab fees by the Board of Regents for active members of the Nevada National Guard. With me this afternoon is Jerome Guerrero, Deputy Chief of Staff with the Nevada Army National Guard. I am going to provide some background and then turn it over to him.

In 2005, Senate Bill 78 of the 73rd Session made permanent the fee waiver program for active members of the Nevada National Guard attending school as either a full- or part-time student in the Nevada System of Higher Education (NSHE). This program allows eligible active Guard members to register for courses without a registration fee, granting them resident tuition, as well as without laboratory fees if applicable.

To be eligible for the fee waiver program, active members must be in good standing with the Nevada National Guard and maintain at least a 2.0 GPA on a 4.0 grading scale, or the equivalent of a 2.0 GPA if a different grading scale is used. The fee waiver program was originally introduced and passed as a valuable recruitment and retention tool for the Guard and for Nevada to maintain its ability to respond to current emergencies. The program also expands education and career pathways for members of the National Guard. The

emergencies and necessary responses may have changed since the original legislation. However, the Guard and its members are still just as critical to Nevada.

With the COVID-19 pandemic, we have been reminded of the Guard's critical role. They have been active since last April in assisting with community-based testing, contact tracing, food distribution, laboratory and logistical support, testing, and staffing emergency operations throughout the state. They also provide infrastructure support to allow vaccination sites to operate, among other critical duties.

A.B. 156 would authorize an active member of the Nevada National Guard who reenlists to assign their waiver to a spouse or child in lieu of themselves during the reenlistment period. This allowance would be irrespective of whether the Guard member used a waiver prior to reenlistment. I think it is critical that we encourage our members to reenlist, and this would be one of the incentives to do so. Again, I want to emphasize that it is in lieu of using the benefit for themselves.

Colonel Jerome Guerrero, Deputy Chief of Staff for Personnel, Nevada Army National Guard:

This bill directly provides increased retention for our units. Just to recap some of the things Assemblywoman Titus mentioned, we have supported 1.6 million COVID-19 tests and over 600,000 vaccinations throughout the state of Nevada. We have also helped support the distribution of 2.9 million meals to students in partnership with various community partners and the school districts, and have been involved in call center support, contracting support, and state and county labs. You can see that we have been very busy over the course of the past year with COVID-19. Prior to that, we continuously provided support during wildland fires and flooding emergencies throughout the state.

Retention for us falls anywhere between 10 and 20 percent per year, meaning we are losing that percentage of our force every year. The average cost for a basic trainee to go through the training pipeline is about \$86,000. When you include the special military occupational skill each soldier receives, that is typically another \$20,000 to \$60,000 spent to get each individual trained. We are really invested in keeping our soldiers and airmen in uniform. We believe this bill will do an incredible job to help bridge that gap between that initial six-year reenlistment and get them past the ten-year mark. Data has shown that once we get a service member to their tenth year, they will typically make it to their twentieth year and be eligible for retirement.

We believe this bill will help improve retention so we can better serve the citizens of Nevada and help our soldiers and airmen in uniform improve their quality of life. Many of our soldiers and their spouses are both working full-time and, frankly, they would struggle to get a college education if we were not to provide this. Another issue the military is facing at large is that suicide rates in the military are rather high. Statistical data has shown that adults over the age of 25 with any type of college degree are in the lowest percentile for suicide attempts. We are hoping that when we introduce this bill and get it passed, it could help affect our suicide rates within the military.

One last thing: About 500 members of the Army Guard and about 200 airmen on the air side currently use the waiver program this semester.

Assemblywoman Titus:

I will now go through the bill and then we can open it up to questions. On the bill itself, section 1 clarifies that if members reenlist and choose to assign their waiver to a spouse or child, it is in lieu of their using it, so it would not be like they are double-dipping for those services. Just to reiterate, it is already existing law that they get these benefits and privileges, and we are just expanding on that. Section 1, subsection 5 talks about who they can assign their fee waiver to and what the requirements will be. Subsection 7 talks about having a record of assignment and basically just reassigns it. Subsection 8 defines a spouse to include a domestic partner as set forth in the *Nevada Revised Statutes* (NRS).

With that, we will happily take any questions.

Chair Bilbray-Axelrod:

Mr. Guerrero, what does it cost to train a member if they do not reenlist? I know you said the number, but can you say it again?

Jerome Guerrero:

The cost for basic training is \$86,000. From basic training, they would go on to one of their advanced military occupational skills, and depending on what skill they joined the Guard to get, it is anywhere from an additional \$20,000 up to \$60,000, depending on the length of the schooling.

Chair Bilbray-Axelrod:

I am glad I asked you to clarify, because I thought you said \$8,000, and that seemed low. Thank you for bringing up the suicide rate for college graduates. I was not aware of that, but that is definitely an incentive to get our soldiers into universities.

Do I have other questions from members?

Assemblywoman Hardy:

I want to make sure I understand: Are Guard members eligible for the fee waiver for each period of reenlistment? Is that correct?

Assemblywoman Titus:

That is correct. They have the one-time reenlistment, and it is in lieu of themselves getting it.

Chair Bilbray-Axelrod:

We will go ahead and hear testimony in support, opposition, and neutral for A.B. 156. We will begin with support.

David Sousa, Former Member, Nevada Army National Guard:

I served as a battalion career counselor for the 422nd Expeditionary Signal Battalion. This bill is vital for our military careers. As a career counselor, it is imperative for us to give the soldier the most information they can have for their career, and for us to give back to our families. There is a GI bill called the Harry W. Colmery Veterans Educational Assistance Act, also known as the Forever GI Bill, which also addresses the issue of transferring fee waivers to their family members, and this is huge for us in the military community. Colonel Guerrero did talk about the cost of bringing in a new soldier, but the experience of a fifteen-year soldier is more valuable than the dollar amount you hear today. I ask you to support this bill for passage.

Andrew Lepeilbet, Chair, United Veterans Legislative Council; Military Order of the Purple Heart; and Disabled American Veterans:

I represent the thousands of wounded combat veterans in the Military Order of the Purple Heart and the 70,000 disabled American veterans in the state of Nevada. We are totally in support of this bill. It helps retention significantly in our military. When an individual does not require that waiver for his own education, it will now pass to the spouse or the child, which is well overdue and an essential element to retaining our National Guard members. The groups I represent totally support the passage of this bill.

Chair Bilbray-Axelrod:

Next, we will hear testimony in opposition. [There was none.]. We will move on to neutral. Is there anyone wishing to testify in neutral?

Kent Ervin, representing Nevada Faculty Alliance:

We are supportive of bills to support our National Guard and other military personnel in their efforts to get their college educations. We are in the neutral position because of the unfunded mandate in a time of budget cuts and would like to point out that there may be better ways to provide direct support to the students involved than a tuition waiver.

Chair Bilbray-Axelrod:

I think that would probably be considered opposition. We are going to put that in the opposition column. I would also remind Committee members that we are a policy committee, not a money committee.

Is there anyone else in neutral? [There was no one.]

With that, I will close the hearing on A.B. 156 and open the hearing on Assembly Bill 165.

Assembly Bill 165: Revises provisions governing tuition for veterans. (BDR 34-681)

Assemblywoman Melissa Hardy, Assembly District 22:

I am pleased to have the opportunity to present A.B. 165, which represents a key tool in supporting our military veterans. With me this afternoon to help present the bill is Anthony Yarbrough, secretary with the United Veterans Legislative Council (UVLC) of the

Nevada Department of Veterans Services, and Byron Brooks. I have had the honor of working with him. He has been my veterans outreach coordinator and he is also a distinguished Army veteran.

This bill comes before you as a recommendation from the UVLC and I am honored to sponsor it. The Nevada Legislature has a record of proactively addressing student veterans' transition issues. The various pieces of legislation passed by this body demonstrate our support of veterans, active members of the Armed Forces, and their dependents.

In 2013, Nevada was among the first states to offer in-state tuition rates to qualifying nonresident veterans who enrolled in a NSHE institution. Assembly Bill 260 of the 77th Session enabled in-state tuition at Nevada's public colleges and universities if the veteran was honorably discharged within the two years immediately preceding matriculation. This body passed this important legislation two years before the federal government enacted a similar requirement.

In 2015, Assembly Bill 76 of the 78th Session took these benefits a step further by extending from two years to five years the time period in which an honorably discharged veteran would be exempted from nonresident tuition at NSHE institutions. According to the Veterans Enrollment Reports from NSHE's Office of Academic and Student Affairs, in academic year 2016-17, 280 veterans were deemed residents for tuition purposes. In addition, in academic year 2019-20, 725 new and continuing veterans were deemed residents for tuition purposes. The essential measures passed in 2013 and 2015 have saved hundreds of veterans and their families thousands of dollars in out-of-pocket tuition fees.

Our military veterans give us so much. They risk their own lives and sacrifice time with families, good pay, and a safe working environment in order to allow us to feel safe at home. Including a time frame in which they must pursue higher education following their service assumes our veterans know what path they would like to take upon leaving the military. However, it takes time to transition from the military world to the civilian world to the academic world. We owe them this time.

The federal government also recognizes this important transition time for veterans, which is why they enacted the Forever GI Bill. For veterans who separate from active service on or after January 1, 2013, the new GI bill removes the "use it or lose it" rule that gave veterans an expiration date to use their education benefits. Our veterans deserve the opportunity to come home and have access to quality higher education so they can pursue their postmilitary goals whenever they are ready. We can provide it, and Nevada can and will become a place for opportunity.

This is why I am proud to introduce A.B. 165, which removes the five-year limitation on assessing tuition charges against honorably discharged veterans. Additionally, the Board of Regents could not assess those tuition charges against all veterans that were honorably discharged. I think you will agree with me that our veterans who risk their own lives to

protect us at home and spread the cause of freedom and liberty around the world have earned the right to achieve higher education here at home.

I would like to add some final information. The Johnny Isakson and David P. Rowe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, which became public law on January 5, 2021, is a comprehensive federal bill touching all aspects of veterans' benefits and health care. Among the many provisions, the act expands eligibility for in-state tuition to all GI Bill students, directs the U.S. Department of Veterans Affairs (VA) to create a website with a database to include any public school's in-state tuition requirements, and allows the VA to disapprove any school that does not provide certain information on these requirements.

Even though the provisions of Assembly Bill 165 may now be required by federal law, I believe enacting these provisions in the NRS is necessary to ensure that we continually take care of our veterans and continue demonstrating our commitment to them in our state. I think this bill will go a long way toward keeping more Nevadans working in our state, raising families here, and taking advantage of the high quality, high paying jobs for which Nevada has long been known. I urge your support for A.B. 165.

Anthony Yarbrough, Secretary, United Veterans Legislative Council:

I have been very deep in the fight for the last four sessions trying to reach this goal, and I can tell you that every session has been a challenge, trying to resolve this particular situation. Of course, there is always the issue of money. This time, I think we have really got it, and it does not hurt one bit to make it consistent with the federal law. That certainly makes it better. I can tell you that the history you gave us, Assemblywoman Hardy, was spot on, every word, and I do not know that I can add to that, because you have said it all.

Byron Brooks, Private Citizen, Las Vegas, Nevada:

This piece of legislation will protect federal regulations through state legislation in order to thwart education policy deviations. It will ensure that Nevada continues to provide veterans seeking higher education with the best chance of success by minimizing financial obligations and recognizing that some transitioning veterans may face significant obstacles, which will delay their entry into the education arena. Removing the five-year timetable and allowing out-of-state veterans to declare residency, which the state is providing, acts as an additional pathway for veterans to be successful through higher education opportunities.

Another consideration to support this legislation is that our higher education institutions will have another tool in marketing individual campus capabilities to separating service members currently stationed at one of the military installations in Nevada, but may have a home of record in another state.

I do want to clarify that while I am on the Board of Regents, I am here testifying in support of this bill as an individual, a veterans advocate, and as Assemblywoman Hardy's veterans outreach coordinator. Having said that, NSHE has previously determined that with the expansion of Assembly Bill 76 of the 78th Session, the number of veterans seeking residency

status will grow by eliminating this five-year timetable, and Nevada will see a much larger influx of veterans attending one of our higher education campuses. The potential long-term economic possibility of an influx is that veterans who graduate from one of our higher education institutions will hopefully stay in Nevada and contribute to our local economy.

[Assemblywoman Miller assumed the Chair.]

Vice Chair Miller:

We will open it up for questions from Committee members. [There were none.]. We will move on to testimony in support of A.B. 165.

Katherine Miller, Director, Nevada Department of Veterans Services:

I wanted to come talk with you today to let you know that changes in veterans' benefits occur with regularity and can and do cause confusion among veterans and their families as to what benefits they might be eligible to receive. A case in point was the passage of the Veterans Health Care and Benefits Improvement Act of 2020 mentioned earlier by Assemblywoman Hardy. This new law removes the requirement for covered individuals to enroll in a course at a public institution of higher learning within three years. The nice thing about A.B. 165 is that it would ensure Nevada law necessarily follows suit in eliminating these enrollment time limits, making very clear to veterans that this former federal barrier to seeking a college degree has been eliminated.

Andrew Lepeilbet, Chair, United Veterans Legislative Council; Military Order of the Purple Heart; and Disabled American Veterans:

I represent the thousands of wounded combat veterans in the Military Order of the Purple Heart and the 70,000 disabled American veterans in the state of Nevada. I am the current chair of the United Veterans Legislative Council representing nearly 250,000 veterans and 500,000 Nevadans when you include their families.

One of the subjects here in support of this bill—and we are in support—is recognizing the many tours of duty our veterans have participated in for the past twenty years. We as a nation never experienced that. It takes a while to readjust, especially after multiple tours of duty, some of which are eyeball-to-eyeball with an enemy. People wonder why we need to have anything longer than five years, but it takes quite a while for many veterans to readjust. We must help them reintegrate back into society and help them function, and this bill gives them the opportunity to get the education they want without the limitation of that short period of time. We fully support this bill.

David Sousa, Former Member, Nevada Army National Guard:

I support A.B. 165. As I retired from the active Army in 2015, this legislation will allow me to use my benefits in the state of Nevada. It is important that people like me and people who are out of state get this opportunity to come to the state of Nevada and receive these benefits past the five-year limitation currently on the books. If you pass this bill, it will match the Forever GI Bill's "use it or lose it" clause, where we will have the opportunity to use it.

When I got out of the military, personally, it was hard for me to go back into school, look for a job, seek medical care, and deal with the multitude of other tasks I faced. This will open the doors and allow me to get the education I need.

Sondra Cosgrove, Private Citizen, Las Vegas, Nevada:

I am a history professor at the North Las Vegas campus of the College of Southern Nevada (CSN), and many of my students are veterans. They are some of my best students. I love my veteran students. They have busy, busy lives. Sometimes they have families or need to take a mental health break and get some counseling. I always want to make sure they are able to do that and not feel the stress of potentially losing their benefits. I wholeheartedly support this bill.

Vice Chair Miller:

We will open it up to those who wish to testify in opposition. [There was no one.]. We will open it up to testimony in neutral.

Kent Ervin, representing Nevada Faculty Alliance:

We are in neutral on this bill. We are in support of all the changes to the bill. I would like to make a couple of observations. There are 18 million veterans in the United States, and the intent for this bill, in what I have heard, seems to be to allow them to come to Nevada and become residents immediately and get in-state tuition, which is wonderful. I will just point out that many of our courses are now online, whole degree programs are online, and what I have not heard is whether this bill would classify those students as in-state for funding purposes. That is a question on this bill.

Vice Chair Miller:

Again, that sounds more like it is in opposition. We are not able to respond to questions, but you are more than welcome to follow up with the Assemblywoman sponsoring this bill, or anyone else who testified in support.

Do we have anyone else in neutral?

Ed Gonzalez, Private Citizen, Henderson, Nevada:

I was actually trying to testify in support, but I could not get through. I want to speak in support of A.B. 165. Anything we can do to remove obstacles for our veterans and make higher education more affordable to our veteran communities is always greatly appreciated.

Vice Chair Miller:

We will make sure your testimony is recorded in support. Do we have anyone else in neutral? [There was no one.]

Assemblywoman Hardy, would you like to make any final remarks?

Assemblywoman Hardy:

During the interim, I served on the Veterans Services Commission, which I consider an honor. One thing I knew going into this legislative session was that I wanted to sponsor a bill that would help our veterans. They and their families risk and sacrifice so much, we just cannot even imagine, so whatever we can do as citizens and as a Legislature to help them in their lives, it is important that we do that.

Vice Chair Miller:

With that, I will close the hearing on A.B. 165. Next on our agenda is public comment. [There was no one.]

Let us wait a few more moments. Is there anyone who wishes to give public comment? [There was no one.]

This meeting is adjourned [at 2:22 p.m.]

RESPECTFULLY SUBMITTED:

Sarah Baker
Committee Secretary

APPROVED BY:

Assemblywoman Shannon Bilbray-Axelrod, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.