

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**Eighty-First Session
May 20, 2021**

The Committee on Ways and Means was called to order by Chair Maggie Carlton at 8:16 a.m. on Thursday, May 20, 2021, Online and in Room 3137 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. 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 Maggie Carlton, Chair
Assemblywoman Daniele Monroe-Moreno, Vice Chair
Assemblywoman Teresa Benitez-Thompson
Assemblyman Jason Frierson
Assemblywoman Michelle Gorelow
Assemblyman Gregory T. Hafen II
Assemblywoman Sandra Jauregui
Assemblyman Glen Leavitt
Assemblywoman Brittney Miller
Assemblywoman Sarah Peters
Assemblyman Tom Roberts
Assemblywoman Robin L. Titus
Assemblywoman Jill Tolles
Assemblyman Howard Watts

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Melissa Hardy, Assembly District No. 22
Assemblyman Edgar Flores, Assembly District No. 28
Assemblywoman Natha C. Anderson, Assembly District No. 30



STAFF MEMBERS PRESENT:

Sarah Coffman, Assembly Fiscal Analyst
Brody Leiser, Principal Deputy Fiscal Analyst
Adam Drost, Senior Program Analyst
Jaimarie Mangoba, Program Analyst
Mary O'Hair, Committee Manager
Anna Freeman, Committee Secretary
Bet Torres, Committee Assistant

OTHERS PRESENT:

Colonel Jerome Guerrero, Deputy Chief of Staff Personnel, Nevada Army National Guard
Kent Ervin, Legislative Liaison, Nevada Faculty Alliance
Andrew Clinger, Chief Financial Officer, Nevada System of Higher Education
Andrew LePeilbet, Chair, United Veterans Legislative Council
Dora Martinez, representing the Nevada Disability Peer Action Coalition
Mariana Kihuen, Director, Government Affairs, College of Southern Nevada
Anthony Ruiz, Senior Advisor of Government Relations and Community Affairs, Nevada State College
Maria Nieto Orta, Nevada State Coordinator, Mi Familia Vota
Marla McDade Williams, representing the Reno-Sparks Indian Colony
Will Adler, representing Pyramid Lake Paiute Tribe
James McCoy, Interim Vice President of Academic Affairs, College of Southern Nevada
Dylan Keith, Policy Analyst, Vegas Chamber
Leonardo Benevides, Government Relations, Clark County School District
Mary Pierczynski, representing Nevada Association of School Superintendents

Chair Carlton:

[Roll was called. Committee rules and protocol were explained.] We have a bill draft request introduction, a work session on Senate Bill 439, a work session on Assembly Bill 189, and then we will go through as many bills as we can before we head to the floor.

Bill Draft Request (BDR) 18-1103: Makes various changes related to emergency management.

Sarah Coffman, Assembly Fiscal Analyst:

Bill Draft Request (BDR) 18-1103 transfers the Division of Emergency Management and its powers and duties from the Department of Public Safety to the Office of the Military, grants the Adjutant General of the Office of the Military authority over the Division of Emergency Management; revises provisions governing the Adjutant General of the Office of the Military; and provides matters properly relating thereto.

Chair Carlton:

Are there any comments or questions on the BDR introduction? [There were none.]

ASSEMBLYWOMAN MONROE-MORENO MOVED TO INTRODUCE
BILL DRAFT REQUEST 18-1103.

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

Chair Carlton:

Are there any questions or comments on the motion? [There were none.]

THE MOTION PASSED (ASSEMBLYMEN FRIERSON AND
BENITEZ-THOMPSON WERE ABSENT FOR THE VOTE).

**Assembly Bill 189 (1st Reprint): Expands Medicaid coverage for postpartum care and
other services for pregnant women. (BDR 38-130)**

Sarah Coffman, Assembly Fiscal Analyst:

Assembly Bill 189, as amended in the first reprint, expands Medicaid eligibility for pregnant women through four initiatives: 12-month postpartum coverage; the expansion of eligibility to 200 percent of the federal poverty level; coverage for lawfully residing pregnant women; and presumptive eligibility for pregnant women. I would note that, as of the first reprint, the Division of Health Care Financing and Policy has a fiscal note on this bill of \$56.8 million in fiscal year (FY) 2022 and \$63.1 million in FY 2023. However, an amendment was submitted that would eliminate the provision for 12-month postpartum coverage and the expansion of eligibility to 200 percent of the federal poverty level, which leaves remaining the coverage of lawfully residing pregnant women and the presumptive eligibility of pregnant women. The Division of Health Care Financing and Policy provided a revised fiscal note of \$1.9 million total, with State General Fund appropriations of \$713,856.

I would also note that the Division of Welfare and Supportive Services provided an unsolicited fiscal note on the first reprint on May 14, 2021. They have since reviewed the revised conceptual amendment and have indicated that, if the conceptual amendment is approved, they would withdraw their fiscal note.

Chair Carlton:

Are there any questions from the Committee? [There were none.]

ASSEMBLYWOMAN MONROE-MORENO MOVED TO AMEND AND
DO PASS ASSEMBLY BILL 189, AS AMENDED.

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

Chair Carlton:

Are there any questions or comments on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Gorelow will handle the floor statement. Next, we will 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 Titus:

I represent Assembly District No. 38. This bill revises provisions governing the waiver of registration and lab fees by the Board of Regents of the University of Nevada for active members of the Nevada National Guard.

In 2005, Senate Bill 78 of the 73rd Session made permanent the fee waiver program for active members of the Nevada Army National Guard attending school as either full- or part- time students in the Nevada System of Higher Education (NSHE). This program allows active Guard members to register for courses without a registration fee during the reenlistment program to have that turned over to a family member in lieu of themselves. The program already exists for the active member if they reenlist; they could use this for a family member. It does not expand the eligibility; this money is already obligated. This is an encouragement to reenlist so only the active members who have been there for six years and then reenlist would be eligible for this program. There is a fiscal note of \$0 from NSHE because this money is already obligated. National Guardsmen could use this schooling themselves or could use it for a family member.

Assemblywoman Benitez-Thompson:

Could you quantify how many are typically used in a year?

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

Currently, between the Army and Air National Guard, there are approximately 700 being utilized. The total number of Guardsmen, both Air and Army, is approximately 4,400 so about 15 percent of them currently utilize this program. There are approximately 2,100 members with six or more years of service who are currently eligible for the program. Based on our estimate of 15 percent usage, if we apply that to eligible dependents, we would be looking at between 200 to 300 family members who would take advantage of this program.

Assemblywoman Benitez-Thompson:

Do you anticipate 200 to 300 more participants in addition to the current 700?

Colonel Jerome Guerrero:

Potentially, yes. However, some of those members are attending school part time and may choose to transfer this opportunity to a spouse or child. Between 700 and 1,000 would be a good estimate.

Chair Carlton:

If a member is unable to finish school due to reenlistment, could the opportunity be transferred to a family member and then transferred back upon return?

Colonel Jerome Guerrero:

The way the bill is written, once that member elects to transfer that tuition waiver, that stays with the selected individual. If for some reason that individual was unable to use the waiver, they could transfer it one time to another family member.

Assemblywoman Titus:

Only one person at a time can use this waiver. If the Guard member chooses to use it, no family member can. If the Guard member does not use it, one family member can use it. There is no double dipping. Again, the important thing to understand is why we brought this forward: the National Guard needs encouragement for members to reenlist. It saves money to have someone reenlist as opposed to having a new enlistee go through the training. They wanted to give more incentive to stay with the Guard. Getting these men and women to reenlist saves money in the long run.

Colonel Jerome Guerrero:

I can speak more to that. On the Army side, we currently recruit an average of 400 soldiers per year to refill our ranks. It costs approximately \$80,000 for basic training and an additional \$20,000 to \$80,000 depending on the specific skills received. That constant turnover requires us to find ways to entice our members to stay. When a member stays for 10 years, there is a higher chance that they will stay for 20 years to receive a retirement benefit. That initial 6-year term is the most crucial piece for us to try to get members to reenlist. That is why this targets that demographic.

Chair Carlton:

Are there any other questions from the Committee? [There were none.] I will open the meeting for support of Assembly Bill 156. [There was none.] I will open the meeting for opposition. [There was none.] Is there anyone wishing to testify in neutral?

Kent Ervin, Legislative Liaison, Nevada Faculty Alliance:

We support the idea of supporting our National Guard families with access to higher education. It is a policy decision on which groups to include. I would like to give a brief philosophical discussion of the cost of such bills. As you know, offering courses is not free; the costs are spread among the state, the students, and various federal and state student aid programs. Also, since there are now many online programs, there is not necessarily a connection between students here in Nevada and students anywhere else in the world.

Our fiscal concerns are that federal aid be garnered first when possible so if you are giving a complete waiver, it would be better to be the last dollar. Why should the federal government not share in the cost when that aid is available? Secondly, for the students who may be out of state, they should count toward the weighted student credit hour formula so that the state provides an amount of support. I would note that there are real costs when, for example, lab fees are waived. That means money is not going to a departmental account that supports the equipment and supplies in that lab course. There are costs involved. Thank you.

Chair Carlton:

You came close to opposition. Be careful with your words when speaking in neutral in the future.

Assemblywoman Benitez-Thompson:

Does it make a difference whether 200 to 300 dependents or if 2,100 dependents use this waiver? At what point is this a cost absorbed by NSHE and at what point does the scale tip?

Andrew Clinger, Chief Financial Officer, Nevada System of Higher Education:

On the fiscal note, we put no impact because, given the variables here, it is difficult to calculate. Where the fiscal impact comes in is whether there is greater utilization of the waivers than there would be without the expansion. If they have the ability to transfer to a spouse or child, does that then increase the number of waivers being utilized? Currently it costs approximately \$2.5 million per year in waivers. I think there is a fiscal impact because in our estimation, it would increase the utilization. I just do not have the data to know what that will look like.

Assemblywoman Benitez-Thompson:

In section 1, subsection 7, the Adjutant General is responsible for keeping track and notifying NSHE of a transfer of the waiver. On the NSHE side, will there be tracking of that? Would you know from your enrolled students who is attending on that waiver?

Andrew Clinger:

We would need to work with the Adjutant General to ensure that is tracked. I am not sure that we could track it independently.

Assemblywoman Benitez-Thompson:

The waiver says it is for registration and laboratory fees. Are student credit hours, or what we call tuition, covered?

Andrew Clinger:

Yes, this does cover that.

Chair Carlton:

Are there any other questions or comments? [There were none.]

Assemblywoman Titus:

The overall take-home that I hope you have is that this will create cost savings to the overall system of thousands and thousands of dollars by getting these men and women to reenlist during that one period of time. It is not only good for Nevada, but it is also good for the Guardsmen.

Chair Carlton:

We will close the hearing on Assembly Bill 156, and we will go back into work session. We have a clarification on Assembly Bill 189. There was some confusion on where the Division of Welfare and Supportive Services was on the bill. We need to clarify by rescinding the previous motion and taking a new motion.

Sarah Coffman:

The piece that the Division of Welfare and Supportive Services indicated did not require a fiscal note was the elimination of the expansion of eligibility to 200 percent of the federal poverty level. However, they still believe there is a fiscal impact related to the coverage for lawfully residing pregnant women as well as presumptive eligibility for pregnant women. They have indicated that they would require additional General Fund appropriations of \$150,900 in FY 2022 as well as federal funds of \$1.4 million to fulfill the previously indicated requirements as part of their unsolicited fiscal note. The motion would be to rescind the previous motion which provided for the funding for Medicaid of \$1.9 million total with the General Fund appropriation of \$713,856 and the addition of this new revenue for the Division of Welfare and Supportive Services.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RESCIND THE PREVIOUS MOTION TO AMEND AND DO PASS ASSEMBLY BILL 189, AS AMENDED.

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

Chair Carlton:

Are there any questions or comments on the motion? [There were none.]

THE MOTION PASSED.

Sarah Coffman:

The corrected amounts are for the Division of Welfare and Supportive Services to receive General Fund appropriations of \$150,900 and authorizations for federal funds of \$1.4 million for FY 2023 and to provide the Division of Health Care Financing and Policy total General Fund appropriations of \$713,856 in FY 2023 and \$1.2 million for authorization of federal funds.

Chair Carlton:

With that, I would accept a motion to amend and do pass, as amended.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO AMEND AND DO PASS ASSEMBLY BILL 189, AS AMENDED.

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

Chair Carlton:

Are there any questions or comments on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

Chair Carlton:

We will begin the work session on Senate Bill 439, which we heard yesterday. The Education team from the Fiscal Analysis Division of the Legislative Counsel Bureau will walk us through the amendment, then I will open the hearing for questions.

Senate Bill 439 (1st Reprint): Revises provisions relating to education. (BDR 34-1099)

Jaimarie Mangoba, Program Analyst:

Proposed amendment 3410 to Senate Bill 439 revised section 3 regarding the requirement to transfer funding to the Education Stabilization Account based on the total of budgeted expenditures for a county's school district fund, rather than the total actual expenditures that exceed 16.6 percent of the total expenditures for the fund [[Exhibit C](#)]. The amendment further adds section 32.5 which revises provisions relating to the school districts' ending fund balances which are considered for collective bargaining purposes. Specifically, the amendment reduces the portion of a budgeted ending fund balance of a county school district fund, which is not subject to collective bargaining, from 16.6 percent to 12 percent. The amendment also excludes any fund balances greater than 16.6 percent from collective bargaining and requires those amounts to be transferred to the Education Stabilization Account, pursuant to *Nevada Revised Statutes* 387.1213.

Chair Carlton:

These were the concerns that seemed to bubble to the top. I know there were other concerns shared in the Committee meeting yesterday. Assemblywoman Titus asked about the access to the Department of Agriculture and what funds they can access. We would like to get that answer on the record.

Adam Drost, Senior Program Analyst:

As closed by the Full Money Committees, the nutrition education program match funding was transferred to the Department of Agriculture. I would note that the Department of Agriculture has been administering the national school lunch program since it was approved by the 2013 Legislature to transfer from the Department of Education to the Department of Agriculture. Since that time, the Department of Agriculture has been administering that program. This would align the maintenance of effort funding with the department administering the program.

Assemblywoman Titus:

They can only access the nutrition moneys, not the rest of the moneys. That was not clarified in the statute, but you clarified well. Thank you.

Assemblywoman Tolles:

We had confirmation from the Nevada Department of Education as well as the Legislative Counsel Bureau on section 5 about making sure that we include charter schools with the school districts in the amendment and conforming changes to the bill. I do not see that in this amendment. Is that another forthcoming amendment?

Chair Carlton:

That will be addressed in the K-12 funding bill. That is the appropriate place for that discussion.

Assemblywoman Tolles:

If it is just in the K-12 funding budget, will we need to continue revisiting it every 2 years? If it were put into statute, the parity would be set.

Sarah Coffman:

In the K-12 funding bill, they can revise *Nevada Revised Statutes* within the bill. Our legal staff also has the capability of amending current statute within the K-12 funding bill.

Assemblywoman Tolles:

If we address that, it will translate into statute going forward and not need to be revisited every two years, correct?

Sarah Coffman:

Yes, that is correct.

Assemblyman Hafen:

I have a technical question on page 3 [[Exhibit C](#)]. It looks like the actual was proposed language that is now being deleted but the budgeted is new language. Was the budgeted deleted and now reinserted?

Chair Carlton:

The bill had budgeted in one place and actual in another.

Sarah Coffman:

Yes, that was a clarification in [Senate Bill 543](#). In section 3 it identified actual amounts and in section 77 it indicated budgeted amounts. [Senate Bill 439](#) indicated that it will be moved to actual and this amendment makes these two subsections consistent as budgeted amounts.

Assemblyman Roberts:

Is moving from actual to budgeted a functional change?

Chair Carlton:

Per conversations with representatives from Clark County School District, they are currently at 2 percent. I do not believe this will have a large impact. Local governments use budgeted numbers, so we are trying to keep everyone on the same playing field.

I believe we have reached a happy medium on the concern over the 16.6 percent with the proposal on page 5. There is still a backstop. We will still ensure money goes into reserve, but at a certain point it will need to go into the stabilization account. Knowing that Clark County School District is at 2 percent right now, I wonder when some of this will ever actually be implemented but we need to set up safeguards knowing that every county has different reserve numbers. We are trying to pick something that, as we move forward, will give them a backstop for money to go into the stabilization account in the future.

Assemblywoman Tolles:

I want to acknowledge the stakeholders. I think the number landed upon is reasonable and meets the needs for the stabilization account. I will be supporting.

Assemblywoman Miller:

I appreciate the Committee listening to concerns coming from educators. I know hard work went into this. I am glad a number was able to be reached that is comparable for everyone. I appreciate it, and I know many other people in the state appreciate it as well.

Chair Carlton:

People do not think we do, but we really listen and try to fix the problems presented to us. Are there any other questions or comments?

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO AMEND AND
DO PASS SENATE BILL 439.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

Chair Carlton:

Are there any questions or comments on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I will take the floor statement on this one. We will now return to bill hearings beginning with Assembly Bill 165 and Assemblywoman Hardy.

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

Assemblywoman Melissa Hardy, Assembly District No. 22:

Assembly Bill 165 represents a key tool in supporting our military veterans. This bill comes to you today as a recommendation from the United Veterans Legislative Council, and I am honored to sponsor it. The Nevada Legislature has a record of proactively addressing

student-veteran 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.

A.B. 165 removes the 5-year limitation on assessing tuition charges against honorably discharged veterans. Additionally, the bill prohibits the Board of Regents from assessing a tuition charge against any veteran who was honorably discharged.

Those who serve in the military risk so much for us. Sometimes transitioning back into civilian life and deciding whether to get more education takes time. Removing the 5-year limitation gives them time.

The fiscal note attached is from NSHE. It says \$0 but some of it is undetermined depending on how many veterans take advantage of this. In 2019-2020 there were 725 new and continuing veterans deemed residents for tuition purposes.

Chair Carlton:

The 5-year limit was intended to get a feel for how many people would access this program. I can understand eliminating the 5-year limitation. Ultimately, if there is no end date, a veteran could go to school for 10 years. There is no cut off at a degree or at a year. It could spin out of control. I know that is not anyone's intention, but I believe we need to put safeguards and backstops in or it will have an adverse effect on NSHE, which would have an adverse effect on all the other students. Was there any conversation of extending it to 10 years?

Assemblywoman Hardy:

No, there was no conversation about having any kind of limit. A veteran could leave the service, have a career, and 10 years down the road decide to go to school. I understand that we do not know how many people we are talking about. Is it a small percentage of the thousands that attend an NSHE institution? That is why we did not want to put a cap on it. It is relating to our veterans, and they may decide that they want a different career 10 or 15 years down the road. We want to give this special group of people opportunities.

Chair Carlton:

I agree, but I do not see anything in the bill that limits the amount of degrees either; they could continue with graduate school. They could get a PhD, I believe. I am concerned that, without any parameters, it could have an unintended consequence. As we move forward, we may need to address that.

Assemblywoman Benitez-Thompson:

If both A.B. 165 and A.B. 156 are codified, would we end up with the ability to transfer or reassign a waiver with no limit? If that is the case, what would be the financial impact?

Andrew Clinger, Chief Financial Officer, Nevada System of Higher Education:

I think we are talking about two related but different populations. In A.B. 156, the previous bill, it is a member of the Nevada National Guard. In this bill, A.B. 165, it is a veteran. It is a bit

of a different population, but I would say the same thing I said regarding the National Guard fee waiver. It is hard to determine how much eliminating the 5-year limit will increase utilization. You would assume there would be increased utilization, but it is hard to predict what that will be.

Assemblywoman Benitez-Thompson:

If a person is both a veteran and a member of the National Guard, could they transfer the tuition waiver without a time limit?

Andrew Clinger:

These are different in that one is waiving tuition and one is essentially waiving the nonresident tuition. If you qualified for both, you would want to take the full tuition waiver because that is the greater benefit.

Assemblywoman Benitez-Thompson:

Perhaps I am mixing up the two because there are such similar enrollment numbers; 700 and 725. I do not know how many unique individuals would fall into one category or if there is a lot of crossover in that same population.

Andrew Clinger:

I do not know what that overlap looks like.

Chair Carlton:

We want to make sure, when it comes together, we know what the long-term impact could be. Is there anyone here in support of Assembly Bill 165?

Andrew LePeilbet, Chair, United Veterans Legislative Council:

I represent the combat wounded veterans of the Purple Heart in the state of Nevada, the 65,000 disabled American veterans in the state of Nevada, and I am the current Chair of the United Veterans Legislative Council for Nevada, representing 250,000 veterans—500,000 Nevadans when you count their families. We are in support of A.B. 165. Many of our National Guard members become veterans because of so many deployments. There are only 4,400 people in both our Air and Army Guard. Most of them, you will find, have been getting their education while in the Guard. I suspect this number is not very big for the Guard, although I believe this number could be determined through Guard personnel. As for the veterans, many of them, after serving multiple deployments in the last 20 years, have had a very difficult time of restarting their education. This bill would help them get started again. Most of them, when they get back from their final deployment, are trying to keep their families together and get their feet back on the ground. Sometimes that takes more than five years. The United Veterans Legislative Council is fully in support of A.B. 165.

Dora Martinez, representing the Nevada Disability Peer Action Coalition:

The Nevada Disability Peer Action Coalition supports this bill. I am also a proud Air National Guard mom. Thank you so much and have a beautiful morning.

Chair Carlton:

Is there anyone here in opposition to A.B. 165? [There were none.] Is there anyone wishing to testify in neutral?

Kent Ervin, Legislative Liaison, Nevada Faculty Alliance:

First, ditto on my previous comments on the fiscal questions, reworded to be completely neutral. Since there has been some questions, I would like to explain some terms. Tuition and fees are often used interchangeably, which is understandable. The *Nevada Revised Statutes* (NRS) makes a distinction. If you look at NRS 396.540, which is section 1, subsection 1(c) in this bill, it says tuition charge means a charge as such to those 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. Tuition is only charged to out-of-state students, including international students who have no way of becoming a Nevada resident. For these students, their credit hours do not count toward the weighted formula for state funding so there is no state support for those students.

Registration fees are different. Those are charged to both in-state and out-of-state students and are applied on a per-credit-hour basis, anywhere from \$150 to \$250 per credit hour, depending on the institution.

For the in-state students, there is no tuition, but the state supports them through the resident weighted student credit hour formula. The percentage of the total cost supported by the state varies from approximately 50 percent for the two universities, up to approximately 75 percent for the community colleges, maybe a little more.

There are additional fees that are applied for certain groups of students or for certain courses. These include health fees, student union fees, athletics fees, laboratory or studio course fees, and technology fees. Those fees are dedicated to only those uses and are held in separate, restricted accounts.

As you look at the fiscal impacts of these various bills that look at different buckets, they have different fiscal impacts. I hope you all will consider those different fiscal impacts. Thank you.

Assemblywoman Hardy:

I want to thank you for hearing this bill, and I hope we can support it and support our veterans in their educational goals. As I said before, they sacrifice and give so much. I hope we can get to a place where we can support this.

Chair Carlton:

We will close the hearing on A.B. 165 and open the hearing on Assembly Bill 213.

Assembly Bill 213 (1st Reprint): Revises provisions governing education. (BDR 34-242)

Assemblyman Edgar Flores, Assembly District No. 28:

I am here to present Assembly Bill 213, which many people refer to as the in-state dream act. There are many sections to this bill, but I will hone my focus today to those sections specifically pertaining to the fiscal notes.

When I presented this bill to the Education Committee, Presidents Sandoval, Solis, and Zaragoza all prepared remarks and presented the bill alongside of me. I start with those remarks because I thought it was an impactful way of saying to our students that, if you graduated high school in the state of Nevada, it is important that you know you have the opportunity to attend one of our schools in the Nevada System of Higher Education (NSHE) and that you know that you are welcome here.

I have to say this for my constituents: this bill is for you. Specifically, section 1 of A.B. 213 provides members of any federally recognized tribe or nation, all or part of which is located within the boundaries of the state of Nevada, will be considered residents for tuition purposes and, as such, will not be charged out-of-state tuition. That provision is a reasonable step forward in recognizing the native tribes of Nevada and providing them access to higher education by not charging them nonresident tuition.

Further, A.B. 213 recognizes the existing Board of Regents policy that students who graduate from a high school located in Nevada will also be considered residents for tuition purposes. Additionally, section 2 of this bill eliminates the affidavit requirement for the Governor Guinn Millennium Scholarship whereby currently students must sign an affidavit declaring that they are a citizen of the United States, have lawful immigration status, or have filed for lawful immigration status. This is a significant step in reducing the barriers for undocumented students to access the Millennium Scholarship, the longest standing state-supported scholarship program.

Sections 3 and 5 of this bill align with existing practice whereby Nevada high school graduates will be considered to meet the residency requirement for the Silver State Opportunity Grant and the Nevada Promise Scholarship.

Under federal law, some students are prohibited from completing the FAFSA [Free Application for Federal Student Aid] and therefore are not eligible to receive the Silver State Opportunity Grant. Under the provision of section 3 of A.B. 213, students who are prohibited by federal law from completing the FAFSA will be eligible for the Silver State Opportunity Grant by completing an alternative application that will be established by NSHE.

In addition, section 4.5 of this bill will allow NSHE to use not more than 5 percent of the funds appropriated to support the program to pay for the cost of administering the program, which would include administering the non-FAFSA applications.

I want to say that these are practices that are in play now. The Nevada System of Higher Education will be able to testify further to that. The Treasurer's Office is also here. I want to make clear that a lot of this we are already doing. The only big change is that, before, if you were a citizen of a tribe in the state of Nevada, you had to live in tribal jurisdiction to qualify for

some of these benefits. You may move outside of that jurisdiction, and we want to ensure that you still get in-state tuition.

Chair Carlton:

If there are cross-jurisdictional lines within that tribal land, we are not opening this to residents of other states, correct?

Assemblyman Flores:

That is correct. If you are a citizen of a tribe in the state of Nevada, that will make you eligible for in-state tuition regardless of whether you continue to live on tribal land.

Assemblyman Leavitt:

If this is already in practice, why is there a fiscal note? Is there currently a cumbersome process but it still goes through?

Assemblyman Flores:

It is difficult to determine how many students we will capture. We tried reaching out to some of the tribes in the state of Nevada, but it is hard to estimate how many people we will capture. The fiscal conversation is rooted in that, today, if you have a student who lives on tribal land and is a citizen of a tribe in the state of Nevada, they have in-state tuition qualification. However, if they were to move out of that tribal land, we do not have data to say how many students have moved out of tribal land but are still in the state of Nevada. That is where the fiscal conversation comes in. Unfortunately, there is no data for us to track that.

Assemblyman Leavitt:

If they are still in the state, how does that make a difference? If they live on tribal land, they receive in-state tuition. If they move somewhere else in the state and have a physical address in the state, why would they have to prove that they qualify for in-state tuition?

Assemblyman Flores:

If we have a native student who is a citizen of a tribe and they graduate from a Nevada high school, they already qualify for in-state tuition. This would capture those students who are citizens of a Nevada tribe but move and graduate high school out of state and then return to Nevada. However, the data is unclear on how many students like that there are. I do not believe it is very many but there are students in that situation. I think this is an important conversation because, after a tribal member has left the state and returns, they may wait a year to qualify for in-state tuition. The data demonstrates that, if you wait, you are statistically less likely to return to school. We do not want that native student who leaves the state and returns to have to wait. We want them enrolled immediately so that gap does not lead to them not enrolling.

Chair Carlton:

In essence, we are giving out of state students in-state tuition rates. That is how I see it.

Assemblyman Flores:

As we know, there are tribal lands that do not follow the jurisdictional boundary lines of our states. It is common to have someone move from one state to another without leaving tribal land. They may even attend college in another state but have a hard time adjusting. They find themselves coming back to Nevada to try to make it work again. It is a small group that we are capturing, but I want to make it clear that they are citizens of a tribe registered with the state of Nevada. It is usually people who are still living on tribal land but not within the state boundary of Nevada. They may cross over how we would see our state lines, but they are still within their own tribal land; they are just moving back and forth over the state line.

Chair Carlton:

Are there any other questions on this component of the bill? [There were none.] I would like more information on the Silver State Opportunity Grant and the proposal of using an alternative method for determining financial aid to be prescribed by the Board of Regents. What was the thought process behind that? Have you come up with any iterations of what that might look like?

Assemblyman Flores:

In conversation with NSHE, we recognize that there are a whole host of students who do not qualify for filling out the FAFSA. The objective is to have a secondary form created by NSHE, which is why we would allocate up to 5 percent of the funding to allow for the creation and administration of the form. The students would fill out the application similar to the FAFSA except that it would be our own, revised, new version that would not be reported to the federal government. It would be handled here in Nevada. We are already extending the Millennium Scholarship, for example, to all of our students who graduated from high school in the state of Nevada; whether you have legal immigration status is not relevant.

The next question I asked in speaking with our college and university presidents was, "What can we do to make sure we are sending a welcome letter to a lot of our high school students?" In reference to the Silver State Opportunity Grant and the Nevada Promise Scholarship, we wanted to make sure that we do not have priority lists where we classify some students above others or leave some students ineligible. That conversation is how we reached the consensus with this language.

I also want to make it clear: I received questions from people asking what it means for a student to be undocumented and why we are extending these benefits to them. I practice immigration law. I will tell you that most of our students who are undocumented will not remain undocumented throughout their lives. At some point they are going to get status, either because they are eligible for a benefit such as DACA [Deferred Action for Childhood Arrivals], TPS [Temporary Protected Status], and/or eventually become permanent legal residents, or because other benefits through the federal government are in the pipeline for them. We have already invested to ensure these students go through our K-12 system, and we have a vested interest in continuing to ensure that they graduate and can put all those benefits, resources, and capabilities to work for our state.

Assemblywoman Miller:

I have a question about section 1.2(m). We have been talking about scenarios and the availability of this for students who are part of tribal communities. However, paragraph m indicates students who graduated from a high school located in this state. I am reading this as a scenario of a student moving to Nevada in March or April and graduating high school after being here a month or two, and now this will apply to them. Can you address that, please?

Assemblyman Flores:

That is in practice now; if you graduate from a high school in the state of Nevada, you will be eligible for the Millennium Scholarship and in-state tuition. We are simply codifying that into statute. That is a practice now with NSHE; we are simply putting that on the books.

Andrew Clinger, Chief Financial Officer, Nevada System of Higher Education:

That is correct. The current Board policy is for students who graduate from a Nevada high school to be granted in-state tuition. This is simply codifying that; Assemblyman Flores's comment is accurate.

Assemblywoman Benitez-Thompson:

There will not be an effective change in interpretation or weight from this going into the *Nevada Revised Statutes*, is that correct?

Andrew Clinger:

That is correct.

Assemblywoman Benitez-Thompson:

I do not see a fiscal note relating to having to create a Pell Grant type of program that is specific just to the institutions. Will that not take additional resources, or do you have a model you are already using?

Andrew Clinger:

I believe you are referring to the alternative FAFSA language that is on page 8 of the bill. Section 4.5, which is on page 9 of the bill, grants NSHE the authority to use up to 5 percent of the Silver State Opportunity Grant funds for administration. That is why there is not a fiscal note. That language gives us the resources to implement the alternative to FAFSA.

Assemblywoman Benitez-Thompson:

Could you quantify how much that might be?

Andrew Clinger:

The Silver State Opportunity grant is \$5 million per year so the administration costs could be up to \$250,000 per year.

Assemblywoman Benitez-Thompson:

Up to \$250,000 per year to pay for the cost of administering the program: realistically, do you think you will reach that amount?

Andrew Clinger:

I do not know at this point. We obviously want to get as much of those funds out to the students as possible. We will keep those administrative costs as low as we can.

Assemblywoman Benitez-Thompson:

We see similar language in other places of the bill. Will all administrative costs come out of the Silver State Opportunity Grant fund but also be used for administration of the Millennium Scholarship and the Nevada Promise Scholarship?

Andrew Clinger:

The 5 percent is just for setting up the alternative FAFSA for the Silver State Opportunity Grant.

Assemblyman Flores:

Presently, if we were to make no changes, an individual is already eligible to apply for the Millennium Scholarship and the Nevada Promise Scholarship, so we do not need administrative funding for those. Undocumented students are not currently eligible for the Silver State Opportunity Grant because they cannot fill out the FAFSA. Now, with this new form that NSHE is going to create, they will be eligible.

Andrew Clinger:

The difference is that the Silver State Opportunity Grant is a need-based grant. Families fill out the FAFSA, and the dollars are allocated depending on their income level. That is the reason for the alternative form. Those students who cannot fill out the FAFSA will now have an alternative. The Nevada Promise Scholarship is not a need-based scholarship; as long as the criteria are met, you can receive that scholarship.

Assemblywoman Benitez-Thompson:

The Nevada Promise Scholarship is currently the last dollar. Because these are all fixed pots of money and we always have more applicants than we can award, would this change the order in which these funds are disbursed?

Andrew Clinger:

This would not change the order, but it does open the Silver State Opportunity Grant to students who would otherwise be ineligible.

Chair Carlton:

Is the 5 percent administration cost ongoing or a one-time cost to set this up?

Andrew Clinger:

This would be up to 5 percent moving forward. There would obviously be some startup costs initially. Potentially there could be ongoing costs of tracking and maintaining our own internal system for these documents.

Chair Carlton:

Do we do this with any of the other scholarships?

Andrew Clinger:

This was an attempt to not put a fiscal note on this development of the alternative FAFSA. This is a way to self fund it.

Chair Carlton:

You know full well that this amount will not go to a student now, it will go to NSHE. At the beginning of the session, when everyone was afraid of money, this was a way to accomplish the mission without adding a fiscal note. The concern I have is that these are dollars meant to go to students. I think that is another conversation we should have. I am always concerned about indirect consequences. If it is a one-time cost, that is one thing. If this is an ongoing cost and we are scraping money off the top of scholarships, I think that is a bigger policy discussion. Committee members, are there other questions? [There were none.] Is there anyone wishing to testify in support of A.B. 213?

Kent Ervin, Legislative Liaison, Nevada Faculty Alliance:

The Nevada Faculty Alliance, the statewide association of NSHE faculty, is in support of A.B. 213. I would like to acknowledge that we are presently on the lands of indigenous peoples and that our universities and colleges are on the lands of indigenous peoples. In particular, the land grant institutions were initially funded through transfers of lands of indigenous peoples. We should all acknowledge and recognize that. All of my completely neutral comments about fiscal impacts for various buckets apply here. For this bill, the reason we are in support is, it is a matter of recognizing students who are Nevadans in all senses of the word except for some jurisdictional issues. Treating those students as Nevada residents for the purposes of in-state tuition makes sense to us as well as all of the things to ensure that those students who are Nevadans—except for those particular jurisdictional issues—are able to apply for all of the available state and federal scholarships that they can.

Mariana Kihuen, Director, Government Affairs, College of Southern Nevada:

I am here on behalf of Dr. Zaragoza, our CSN [College of Southern Nevada] President. He was traveling the day this bill was heard in the Assembly Education Committee, but he wanted to express his support for giving more of our students access to higher education. We are immigrants ourselves, like many of our students. We speak on their behalf and want to give them more access to scholarships and grants, particularly the Silver State Opportunity Grant. I know that our CSN Generation Dreamers Club advisor, Esther Pla-Cazares submitted a letter of support to the Education Committee. I am here to echo her sentiments in support of this bill. We thank Assemblyman Flores for bringing it forward.

Anthony Ruiz, Senior Advisor of Government Relations and Community Affairs, Nevada State College:

Nevada State College is in full support of A.B. 213 and was proud to support the bill in the policy committee. We appreciate the partnership with Assemblyman Flores on this bill to increase access to higher education in the state. Thank you.

Maria Nieto Orta, Nevada State Coordinator, Mi Familia Vota:

I am the Nevada State Coordinator for Mi Familia Vota as well as the cochair for the Undocu Council, a subcommittee of directly impacted people for the Nevada Immigrant Coalition. Mi Familia Vota and the Undocu Council are in full support of A.B. 213. Assembly Bill 213 will allow students to access state-funded financial aid, regardless of their status. As a current student with DACA at UNLV [University of Nevada, Las Vegas], I know the financial hardship that comes with going to school. Providing equal opportunity regardless of a person's family background or status will allow more students the opportunity to strive for higher education. Many times, there are not enough resources or support to go to college. This bill will show undocumented students, like myself, that the state of Nevada wants all Nevadans to be able to achieve higher education. This will cause an increase in students obtaining a college degree, which will then have an increase in the contribution of our state. We urge you to support this bill. Thank you for your time.

Chair Carlton:

Is there anyone wishing to testify in opposition? [There were none.] Is there anyone wishing to testify in neutral? [There were none.]

Assemblyman Flores:

I do not think I did a good job in the beginning of the conversation in making it clear that, when it comes to students graduating from a high school in the state of Nevada, we are simply codifying what the practice is now. When it comes to the Millennium Scholarship, we are not changing who qualifies, we are simply putting that into statute. When it comes to the Nevada Promise Scholarship, there are undocumented students who already qualify for that as well; we are putting that into statute. There was a tiered system with the Nevada Promise Scholarship that we are changing, but undocumented students already qualified for that; we are putting that into statute. The Silver State Opportunity Grant is the only one, because you have to fill out the FAFSA, for which undocumented students did not qualify. That is where we need to create an alternative form, because that is the one situation in which undocumented students do not currently qualify. That is a significant change from what is in practice now. Thank you.

Chair Carlton:

We will close the hearing on Assembly Bill 213 and open the hearing on Assembly Bill 262.

[Assembly Bill 262 \(1st Reprint\)](#): Revises provisions governing education. (BDR 34-946)

Assemblywoman Natha C. Anderson, Assembly District No. 30:

I am proposing Assembly Bill 262 based upon an ongoing conversation with representatives from the tribal community across our state. More importantly, it is a way for us to recognize our history as a state. It is also a way for us to recognize the contributions of the Native American community for our beautiful, wonderful land. Yesterday, this Committee made history by clearly showing that education is the priority for our state. We need to also continue this when it comes to higher education, especially for our Native American community. The conversation started because, as many of you know I am a teacher, so I was looking at some statistics. Our Native American students graduated almost 10 percent less,

across the state, than the other cohorts. This has to do with a number of reasons, but probably one of the largest reasons is, there is a feeling of "Why should I graduate? What is the purpose?" Speaking with students as well as other cohorts, the number one question seems to be, "Where do we go from here? Why should I graduate? How is this going to help me later in life?" One of the solutions was to offer free tuition to our Nevada System of Higher Education for our Native American students.

When I started doing more research, I found out that NSHE had, at one point, offered this. It was in the 1970s and 1980s. It was slowly taken away for whatever reason—I cannot find the reason of why it was stopped, but it is something that has been utilized in the past by our Board of Regents. Again, they recognized the investment of higher education for communities that have not always been adequately helped.

Then, doing more research, I found out that 28 percent of Native Americans live below the poverty line, compared to a 7.4 percent national average. The number one reason Native students do not pursue a college education, whether it is a community college or a university, is the cost of attendance, pure and simple. This is a way for us to do something about it.

In speaking with people within the Native community, one individual said that if you have ever been to a reservation in Nevada, you will realize how remote they truly are and how these locations have contributed to the difficulty of attending college. It is not a reality for many. The reservations do not have the same economic opportunities as urban areas and most students who leave the reservation to attend college face numerous financial challenges in addition to the other challenges of leaving a community that is so much a part of their world. It is very unique, according to this individual.

The bill has had a tremendous amount of support in the Assembly Education Committee. I was honored to have Arlen D. Melendez, Chairman of the Reno-Sparks Indian Colony attend with me, as well as former Assembly member Shea Backus and Ryan Boone, the president of the UNLV Native American Student Association. They all presented the bill with me. I ask that you look at that testimony. I think the reason I am having a hard time presenting this bill to this body is because of the financial impact, not the policy statement. I think all of us realize the policy makes sense. It is a matter of how to make sure it is economically sound. Probably the most important reason [to pass the bill] is that it shows that we invest in our students. It shows that we invest in our communities. It is also an opportunity for us to reset some mistakes from the past. As we have worked through provisions of the bills, you will see an amendment that has been offered [[Exhibit D](#)]. The main reason for this is conversations we have had with NSHE about concerns that they brought up.

The amendment today would waive the in-state fees for labs and courses only for students with ties to a Nevada tribe. That tie would be a decision of the Nevada tribe. As you heard from the past bill, there are some individuals who have an enrollment in one of our Nevada tribes but may not be a Nevada resident at this time. This way, we would be able to bring them back to our state and work with them to keep them in our state; to invest in them as they

have invested in us. Again, that would be a decision of the Bureau of Indian Affairs whether they are able to get this; it is not a decision of NSHE. It keeps the integrity of the bill and goes a long way in giving important students a chance at successfully completing their college education.

In closing, I would like to point out that this investment in a community has not always been traditionally given. As stated in the Intertribal Council of Nevada's letter from April 1, 2021, this bill has the capacity to change the socioeconomic landscape within our tribal communities. This theme was mentioned in a few other letters, particularly McDermitt Paiute Shoshone tribe member, Darla Camas, who is an educator working with secondary students to obtain credits to graduate. She comments "I hear and see the dreams that my students have." The passing of A.B. 262 would open the door for many generations to come to make these dreams reality. Thank you for your consideration.

Chair Carlton:

With the amendment, it would limit this to descendants of an enrolled member of a tribe or nation, regardless of the status, but they are not actually Nevada residents. I want to make sure I understand that correctly. The statement about the certification of the person by the tribe or nation; what safeguards are there to ensure that not everyone comes to one of the tribes and asks to send students to Nevada who may be from tribes across the country. Nevada students are one thing. There is a nexus. They are Nevadans, they are part of the system. I am seeing this and it could open a large door by allowing the tribe or nation to make this decision and not having a backstop to make sure that we do not end up with a large section of people coming from other states and automatically becoming Nevadans within a day and the impact that would have on NSHE.

Assemblywoman Anderson:

As I spoke with this group, there were so many areas outside of my world when it comes to how enrollment is done. I believe Ms. McDade Williams has more information if you are okay with her answering how that is handled in different nations.

Marla McDade Williams, representing the Reno-Sparks Indian Colony:

I am with Strategies 360 and I am here today on behalf of the Reno-Sparks Indian Colony. I am an enrolled member of the Te-Moak Tribe of Western Shoshone. There are 27 tribal communities in Nevada, not 27 separate tribes. The Te-Moak Tribe of Western Shoshone actually has four bands. I grew up on the South Fork Indian Reservation in Lee, Nevada. There is an Elko Band, Wells Band, Battle Mountain Band, but the Te-Moak Tribe is in charge of determining who is eligible to be an enrolled member of our tribe. We have what is called a quarter-blood limitation. I am 5/16th Te-Moak so I am eligible for enrollment. My daughter is not eligible for enrolment in the Te-Moak tribe. She is enrolled in the Walker River Paiute tribe. Walker River only recognizes people who have an ancestral tie to the Walker River Paiute tribe; she is enrolled on descendance—that is what is referenced in the bill. The tribe has determined that it is important for them to recognize all of their tribal history so, unlike my tribe, they did not cut off people who have ties to their reservations. It differs throughout all the tribes in this state. Washoe tribe, for example, I believe, is a quarter. One of the people we talked with, as we have gone through this process, lives on the Washoe reservation, her family is Washoe, she is Washoe, but she is not eligible for enrollment in the tribe so she would need to go to the Bureau of Indian

Affairs and get what they call a Certificate of Indian Blood, which acknowledges that you have ancestors who were Washoe tribal members and you are a Washoe tribal member but you are not eligible for enrollment in the Washoe tribe. She would then become eligible. If you are from a tribe outside of Nevada, you do not have a tribal affiliation here in the state of Nevada.

Chair Carlton:

Nevada is a very transient state, even within the tribal nations. We have had people who may have some type of tie but live in another state, how far down the lineage will this descendancy go? They could find a remote family member to access this benefit. We are not opposed to the benefit. We are just trying to figure out where the parameters are so that there is not an unintended consequence of Mr. Clinger calling me 16 months from now telling me he just got 1,000 students from someplace and his hair is on fire. We want to make sure we understand this descendancy part too.

Marla McDade Williams:

The Cherokee Nation, whose members would not be eligible for a waiver of fees in Nevada, have a long lineage of people that they recognize. Nevada tribes are generally not that large. I think there are between 1,500 and 3,000 people who are enrolled in any of the larger tribes in the state. I can also tell you, based on the fiscal note that was put together by NSHE, they have 837 students who self-identified as Native American. My bet is that less than half, probably a quarter of those people, are willing to invest in determining if they have an ancestral history that would qualify them for this bill. If they do, it is likely that they are identifying as a tribe that is not a Nevada-based tribe.

Chair Carlton:

Understanding the criteria before we get to the fiscal impact will make it easier for us to understand how this will work.

Assemblyman Leavitt:

If you are in a Nevada tribe and you are located in Nevada, and you are a student, and you meet the criteria, then you would receive the Millennium Scholarship. The big difference is that you do not have to maintain a GPA [grade point average] over 2.0 and you do not have to live in Nevada. I do not disagree with the concept, but I wonder why the criteria was minimized to a 2.0 GPA. I am also trying to figure out, along with Chair Carlton's line of questioning, how that eligibility is expanded to any tribal member of any tribe throughout the nation.

Marla McDade Williams:

The amendment in front of you takes out the provisions related to the out-of-state tribes. That was in the bill you heard previously but we are not dealing with that piece, we are only dealing with the in-state tuition and fees for students. My experience is that, if you live on a reservation in a remote area, you are not able to mortgage your home, you are unable to take loans off of your home to help with tuition. As students are able to qualify for the Millennium Scholarship, if their fees are waived, that money will go further for them and they will not have to work two or three jobs while trying to attend school and support themselves. Again, this started as a bill to recognize that the lands that the university systems are on are traditional homelands of the Washoe, Paiute, and Shoshone people in the state of Nevada. That is what we are seeking to remedy with this legislation—recognizing that those lands were sacrificed by the tribal people to

a larger society. We are asking that larger society to recognize that and allow these students to benefit in any way that they can so that they can get their education and contribute back to society in a different way. When Chairman Melendez testified in the policy committee, he testified that right now where UNR [University of Nevada, Reno] is, was a traditional encampment of tribal people in this area. I am from Elko. People had to migrate at some point and that is why you have the Reno-Sparks Indian Colony, which consists of Washoe, Paiute, and Shoshone people. All of those people had to migrate here from other areas and try to figure out how to make a living for themselves. That is the genesis of the bill—trying to rectify some of those historical injustices and get people back to a place where they can be whole. Education is the only equalizer that we have at this point.

Chair Carlton:

I think you could find consensus on this Committee on where we are trying to get. We need to make sure we craft it in such a way that it does not open it up to misuse. In conversations that I have had with Assemblywoman Anderson over the last couple of months, if this were strictly for Nevada students I do not think a lot of this conversation would have happened but, I believe it is the concern of how far open this has become. Originally, it was wide open. It is coming back but it is still not limited to Nevada students. It is still fairly expanded. We are trying to make sure that we understand, with that expansion, what the possible consequences and impact would be to NSHE. I think that is why you are hearing concerns. When we see a fiscal note for \$2.5 million per year, we want to make sure that is accurate. That could be inaccurate on either end of the spectrum; it could be too high or too low. That is where a lot of the questions and concerns are: the expansion of this and the possible misuse with that descendant language is not entirely clear. I think you would find a lot of support for Nevada students or those students who have a tie to Nevada, even if they are in a tribal nation bifurcated by jurisdiction—I would consider them Nevadans. With some of the other components of this and the expansion, I think that is where some of the concerns lie. Those are the things we will need some data on to understand what the possible fiscal impacts could be. If I could give free education to every kid in the state, I would do it, but since that is not where we are at this moment in time, we have to ensure we address this appropriately. You do not want to sink the ship because you put too many people on it.

Assemblywoman Benitez-Thompson:

In order to determine if you need more funds, we have to quantify things. It can be hard, but it can make a difference as to the fiscal impact. There are a lot of amazing bills to which we want to say yes, but they all have an undetermined fiscal impact. They say smaller institutions would be harder hit with the loss of registration fees and other types of fees than the larger institutions would be. Could you give me some information that would help me, as a legislator, think about the fiscal impacts of these bills?

Andrew Clinger, Chief Financial Officer, Nevada System of Higher Education:

I think, from a fiscal standpoint, one thing to keep in mind is the difference between a waiver of registration fees versus some of the other bills that we have heard today that have a waiver of nonresident tuition, which means the student still pays in-state tuition. This bill waives all fees. Some of the other bills simply waive the out-of-state portion, so the students would still pay in-state fees. As you determine the fiscal impact, I think that is one thing, as a legislator, to keep in mind. There is a huge difference in fiscal impact to NSHE. As you know, if we are waiving

the out-of-state fee and the student is determined an in-state student, not only do we continue to collect the in-state student fees, we also receive funding from the state for students within the state as well. When you waive it altogether, that is a much more significant impact.

Assemblywoman Benitez-Thompson:

How true is the undetermined fiscal impact if we pass all of these? I appreciate what you just said. I feel like we are not getting much feedback from the institution to help us make the decision. It feels like we are guessing. We cannot guess in Ways and Means. If you need resources, we have to have a number and we have to fund it. I like that we have all of these bills at once. I think seeing them in aggregate helps to show how complex making some of these decisions can be.

Andrew Clinger:

It is almost impossible to determine if you are talking about, for example, the expansion of a National Guard fee waiver to spouses and kids, how much more demand there will be for that waiver based on that change. I will use this bill as an example. We used 837 as the estimate for our fiscal note but I can tell you with almost certainty that those 837 Native American students are not all Nevada tribe members but we do not have data to say how many of them are. This fiscal note is probably overstated but we do not know how many of those 837 are members of a Nevada tribe. The other thing I would point out is that the National Guard fee waiver waives registration fees and lab fees. Assembly Bill 262, in its current form, waives all fees. There are many other fees that are charged.

Chair Carlton:

As we move forward, and for the benefit of future Legislatures, is there a way for NSHE to start quantifying some of these things so that we can make some of these decisions? Can you add a box to an existing form so that we can start tracking some of these things? When the legislative session ends, however these move forward, you can come back next time to talk to the people sitting here and say what you did last session and what the impact was. As these bills move forward, if they need to expand or contract it, they can make decisions based on data and what the real impact has been. My biggest concern is for the community college system and Nevada State College. I think the two universities are better suited to absorb a bump in the road like this, but I believe it could have a significant impact on the community colleges and Nevada State College. These decision points are across the board for all institutions. Maybe some of these need a pilot program with a smaller portion of the population first and then have a conversation about expanding or changing it. There needs to be a way for us in the future for that "cannot be determined" note go away so we can have conversations about what really is going to happen to the system.

Andrew Clinger:

I am happy to work on that for the future. I agree; more data is better.

Assemblyman Leavitt:

Circling back to the conversation about the Millennium Scholarship: that seems like it would be something that would be equally difficult to track because you do not know how many students will take advantage of that. You know how many students are eligible for it, but you do not

know how many will take advantage of it. We can quantify that a little bit, but we are not able to quantify this in an effective way. Can we use the same strategy?

Andrew Clinger:

I think, in that case, it is more well-known, and we have some history with the Millennium Scholarship. There are also times where the projections are not right. I think this biennium is an example. Part of that is potentially due to the pandemic. What we saw with the Millennium Scholarship is that, in second- and third-year eligible students, we saw a significant jump in the utilization numbers which I believe ended up costing additional funding. You do your best to project but even in that case, it is not perfect. The difficulty on some of these is that, not only is the population unknown, but it is also a question of how many people will take advantage of it if they are eligible. Without any history, it is hard to predict what that will be.

Chair Carlton:

Is there anyone wishing to testify in support of Assembly Bill 262?

Will Adler, representing Pyramid Lake Paiute Tribe:

Pyramid Lake Paiute Tribe would like to support Assembly Bill 262. What a state gives out as a waiver indicates who they value. We do understand that this is a long-term conversation, but tribal communities have had a long-term problem with getting higher education into their communities and bringing that education back to the community. The best way to do that is not by hiring an outside consultant, it is by educating a member of that community because they bring that back to the community. Any way we can increase higher education participation among tribal members in Nevada would be great. The amendment to A.B. 262 limits eligibility to tribes and tribal nations that have their borders at least touching or within the state of Nevada. It is tribes or partial tribal relations to the state and descendants of those tribes. As the representative of the Reno-Sparks Indian Colony, Marla McDade Williams, said, it is very difficult to get enrollment into tribal nations. It is not something that is given out willy-nilly. In fact, lots of tribal communities struggle with this because, as populations get more diluted, it is a struggle to say where the line is and what the cutoff is. It becomes a heated battle amongst tribes and their descendancies who is or is not a member of that tribe. Tribal membership is not flippantly given out and it would be a restrictive and thoughtful process these tribes have to go through to say who is a descendant of their members. If there is any dispute of that membership, it has to go to the council and it usually is fought over, in real time, about membership and what is or is not available. I think its scope is restrictive and I think it is valuing the right people in the state of Nevada. Pyramid Lake Paiute Tribe would like to support A.B. 262.

Kent Ervin, Legislative Liaison, Nevada Faculty Alliance:

I would like to repeat my previous comments about the various fiscal buckets. I will restate my acknowledgement that the universities and colleges are on the lands of indigenous peoples that were here before others were. Their initial funding, through the land grant system, came from transfers of land of indigenous peoples—some transferred by treaties and others forcibly. Furthermore, the state of Nevada became a state partially through the transfer of traditional lands of the indigenous peoples. I would like to thank Assemblywoman Anderson for bringing this bill and getting us to a point where, with appropriate fiscal support, we support it. I note that this is the bucket I talked about earlier, which is the part that in-state students pay: the per credit charge. I note that section 1, subsection 1 restricts this to students who have been a resident of the state

for not less than one year so we are talking about residents already, so they would not be charged out-of-state tuition anyway. We are talking about a pretty small population of Native American students with a connection to Nevada tribes getting this waiver of in-state registration fees, laboratory fees, and other mandatory fees—that is where the fiscal impact is that I hope you can support. Thank you.

Chair Carlton:

Is there anyone wishing to testify in opposition? [There were none.] Is there anyone wishing to testify in neutral? [There were none.]

Assemblywoman Anderson:

Thank you for this consideration. I look forward to continued discussions.

Chair Carlton:

We will close the hearing on Assembly Bill 262. We will move on to Assembly Bill 319.

Assembly Bill 319 (1st Reprint): Establishes a pilot program relating to dual credit courses. (BDR S-925)

Assemblyman Roberts:

I am here today to discuss dual enrollment in Assembly Bill 319. The idea for this bill came from the Southern Nevada Forum during the interim. I was a cochair along with Assemblywoman Jauregui, Senator Cannizzaro, and Senator Pickard. Specifically, our committee was on economic and workforce development. This was one of the ideas that came out of the committee. We all accepted one bill draft request; I chose this one. We held eight meetings over a six-month period. We had 120 stakeholders involved in the process. We took suggestions from the stakeholders. We came up with hundreds of ideas, and we trimmed them down to the final three. This bill provides dual credit courses for both community college and high school students that are at-risk. It is a pilot program; the original idea was for a fully funded program, but it came with a \$15 million fiscal note.

Chair Carlton:

How does this differ from other dual credit programs?

Assemblyman Roberts:

Senate Bill 172 is similar to this, but I do not believe it competes with it because this is a pilot program specifically for the College of Southern Nevada. There is a conceptual amendment that would align this bill with that bill by deleting any references to cooperative agreements [[Exhibit E](#)].

Senate Bill 172: Revises provisions relating to education. (BDR 34-185)

Chair Carlton:

I thought there is a currently established program for dual credits. Did I misunderstand?

Mariana Kihuen, Director, Government Affairs, College of Southern Nevada:

Regarding S.B. 172: there will not be a required cooperative agreement between CSN [College of Southern Nevada] and CCSD [Clark County School District]. The parties can still write an MOU [memorandum of understanding] if they wish to but we wanted to make sure that the technical language did not conflict with S.B. 172, based on the recommendation by the LCB [Legislative Counsel Bureau] staff who reached out to us. The amendment gives us more flexibility to have the program.

In terms of the second question, CSN already has several pathways of dual enrollment programs. Our wish list was to create and expand four pathways of dual enrollment in the state. Superintendent Jara and Dr. Zaragoza have been sharing a vision about where Nevada should be in terms of dual enrollment and to expand many of the programs CSN is currently offering. However, as Assemblyman Roberts indicated, it would require a larger fiscal note. What we did was create a pilot program that would blend our Jumpstart Concurrent Enrollment Program that allows 15 credits for high school students, so the first semester of college, combined with the CTE [career and technical education] track dual enrollment. This will allow students to have a career and technical education path in addition to having the 15 core credits of the Jumpstart program. It is a good combination. We feel confident that we will be able to show the success of this program and, hopefully, come back in 2023 and show the results so that we can either expand this pilot program or expand those dual enrollment pathways that I just discussed.

James McCoy, Interim Vice President of Academic Affairs, College of Southern Nevada:

This bill is projected to support high schools that are underrepresented—zip codes that have students who would otherwise not have access to early college experiences. In this pilot, we will marry the current CTE program and the articulated college credit program by deploying high school teachers who are credentialed to deliver the college curriculum to provide that opportunity for students to earn both high school and college credit at the same time. After students complete this pilot program, we hope that they will be employable in their chosen CTE pathway.

Chair Carlton:

I have heard of a number of programs across the country. I attended a seminar on a program on the East Coast where, as the students are leaving high school, they almost have an associate degree. That gets them on track to succeed. I am hearing that you are taking the current program you have to the next level and adding components to make it a more complete program; is that accurate?

Marian Kihuen:

That is correct.

Assemblywoman Benitez-Thompson:

I do not understand why this is a money conversation. We fund NSHE and we fund K-12 education. There are already understandings about how the established pots of money work. Why was new money from the state requested?

Marian Kihuen:

There was not a fiscal note ever submitted as part of this bill. The College of Southern Nevada has a private donor who designated philanthropic dollars for dual enrollment programs. Earlier in the legislative session, we said that we feel so confident in this model that we will provide those dollars. There have not been any issues in the fiscal note discussion. I assumed, based on process and procedures, that the bill would end up in this Committee, but we are not requesting any state money for this program. Our hope, at this point, is to demonstrate a dual enrollment pilot program that will work for southern Nevada, and eventually, the rest of the state.

Assemblywoman Benitez-Thompson:

Dual enrollment programs have been happening without having to make a case for new dollars. I will wait to see the other bill come over, but I know as we have talked about other education pieces, the funding is already there. I am not sure why we would need new funding for a student who is already hypothetically funded in our systems. I understand that the fiscal note was removed so I will leave it at that for now.

Marian Kihuen:

The vision initially to request more money was to expand the current four pathways of dual enrollment. We were looking to model states such as Florida and Texas that already have state statutes on dual enrollment, and they receive state money for those dual enrollment tracks. Again, we did not go down that path. Plan B was to use our philanthropic dollars for the pilot program so, at this point, we do not need that money. However, Dr. Zaragoza and Superintendent Jara's vision is to have more dual enrollment programs in our statutes and also request state funding specifically for those types of programs.

In this case, we are targeting underserved students because, obviously, they tend to be the most underserved in dual enrollment programs. At this point, no additional money is requested. I would be happy to have that discussion as well about our vision moving forward.

James McCoy:

I would just emphasize that this pilot is focused on providing access to early college experiences for the most underserved populations. As you can imagine, those students who have access to money to pay for course registration fees at an NSHE institution and are able to pay for textbooks and those sorts of things, have access to dual enrollment. What we are trying to prove with this concept is that every high school student in Nevada should have the opportunity to access early college experiences. Every student should have the opportunity to get on a pathway toward a career through that postsecondary access while still in high school. While school districts across the state and NSHE institutions across the state can go after grant moneys to support costs associated with deploying this college curriculum in the high schools, it is only as good as the next grant. In future legislative sessions, we are hoping to follow models of other states and provide every student the opportunity, while still in high school, to have access to these programs and to remove the financial barriers to that access.

Assemblyman Leavitt:

My nephew went to Nevada State High School. From what I recall, he said he graduated from Nevada State High School with an associate's degree. Is the goal of this pilot program

to expand that to other high schools? Nevada State High School does not ask for additional funding to operate; did you look at that model to see how it works for them?

James McCoy:

Nevada State High School is a wonderful charter school with dual enrollment programs. Students do indeed complete the first two years of college. It is funded entirely by the charter school. Rather than paying for high school teachers to deploy both high school and college curriculum, they use their charter funding to support student registration fees at any NSHE institution. They are not affiliated with Nevada State College, they are a state charter school, and they send students to all our NSHE institutions across the state. They are fully funding that model through their own state charter budget.

Chair Carlton:

Are there any other questions? [There were none.] Is there anyone wishing to testify in support of A.B. 319?

Dylan Keith, Policy Analyst, Vegas Chamber:

It is my duty to oversee the Southern Nevada Forum. I would like to thank the sponsors, all the other cochairs, attendees, and stakeholders that brought this bill forward. The Vegas Chamber is in strong support of the economic development and workforce development that this bill will bring. We strongly support this program regularly going out to our underserved communities to make sure there is more parity and equity for those individuals. Thank you very much.

Leonardo Benevides, Government Relations, Clark County School District:

The Clark County School District (CCSD) is in strong support of A.B. 319. We want to thank Assemblyman Roberts along with CSN and the Vegas Chamber for their work in pushing forward this bill as well as the Southern Nevada Forum for making this a high-need priority. At CCSD, we think that dual enrollment expansion is a very important opportunity to serve our underserved students. As for the fiscal note, our CTE team has been in constant discussions with CSN on the implementation of this pilot program and we appreciate CSN's willingness to cover the cost. Once again, we are in strong support of this bill. Thank you.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We realize that this program is focused primarily on southern Nevada but the superintendents around the state are very much in support of dual credit programs, especially for our more at-risk students or students more in need. This program will be helpful. We appreciate it and are in support. Thank you.

Chair Carlton:

Is there anyone else wishing to testify in support of A.B. 319? [There were none.] Is there anyone in opposition? [There were none.] Is there anyone wishing to testify in neutral on A.B. 319? [There were none.]

Assemblyman Roberts:

I appreciate your hearing this bill today. I also appreciate my cosponsor, Assemblywoman Jauregui, who worked on this issue. We look forward to the slight amendment, and I would urge passing of this bill.

Chair Carlton:

With that, we will close the hearing on Assembly Bill 319. We have one more bill introduction to do. I will turn it over to Ms. Coffman.

Sarah Coffman, Assembly Fiscal Analyst:

Bill Draft Request S-1041 relates to property, defining certain terms, temporarily requiring a court to stay certain proceedings for evictions under certain circumstances where a tenant who has defaulted in the payment of rent has a pending application for rental assistance, establishing procedures related to certain claims for wrongful eviction, temporarily expanding the circumstances under which a court is required to stay proceedings for evictions in order to facilitate alternative dispute resolutions, requiring notice for certain proceedings for eviction to contain certain information and other matters properly related thereto.

Chair Carlton:

Are there any questions or comments from the Committee? [There were none.]

ASSEMBLYWOMAN MONROE-MORENO MOVED TO INTRODUCE
BILL DRAFT REQUEST S-1041.

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

Chair Carlton:

Are there any questions or comments on the motion? [There were none.]

THE MOTION PASSED (ASSEMBLYWOMAN BENITEZ-THOMPSON
WAS ABSENT FOR THE VOTE).

I will open the meeting for public comment. [There was none.]

This meeting is adjourned [at 11:01a.m.].

RESPECTFULLY SUBMITTED:

Anna Freeman
Committee Secretary

APPROVED BY:

Assemblywoman Maggie Carlton, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a mockup of proposed amendment 3410 to Senate Bill 439 (R1) submitted by Jaimarie Mangoba, Program Analyst, Fiscal Division, Legislative Counsel Bureau.

[Exhibit D](#) is a proposed amendment to Assembly Bill 262 (R1) submitted by Assemblywoman Natha C. Anderson, Assembly District No. 30.

[Exhibit E](#) is a proposed conceptual amendment to Assembly Bill 319, submitted by Assemblyman Tom Roberts, Assembly District No. 13.