

ASSEMBLY BILL NO. 347—ASSEMBLYMEN COBB, HAMBRICK,
MCARTHUR, GUSTAVSON, GOEDHART; CHRISTENSEN,
GANSERT, GOICOECHEA, GRADY, HARDY, SETTELMAYER,
STEWART AND WOODBURY

MARCH 13, 2009

JOINT SPONSOR: SENATOR WASHINGTON

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning foreign nationals.
(BDR 3-136)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets **[omitted material]** is material to be omitted.

AN ACT relating to foreign nationals; prohibiting an award of punitive damages to a person who is not a citizen of the United States; prohibiting the use of threats relating to the immigration status of a person to compel a person to perform certain acts; requiring a person to submit proof of citizenship to register to vote; prohibiting a person from voting when that person knows that he is not entitled to vote; providing that a person is not eligible for a Governor Guinn Millennium Scholarship if the person is not a citizen of the United States; providing that a person is not eligible to receive certain state benefits if the person is not a citizen of the United States; providing that a person applying for a driver's license must submit proof that the person is lawfully present in the United States; providing penalties; and providing other matters properly relating thereto.



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Legislative Counsel's Digest:

Section 1 of this bill prohibits a court from awarding punitive damages to a person who is not a citizen of the United States.

Existing law provides that a person commits a category B felony if the person uses certain threats to obtain property from another person. (NRS 205.320) **Section 2** of this bill provides that a person commits a category B felony if the person causes another person to give property by threatening to report to law enforcement the immigration status of the person.

Existing law provides that a person commits a category B felony if the person engages in certain acts with the intent to compel another person to do an act or abstain from doing an act. (NRS 207.190) **Section 3** of this bill provides that a person commits a category B felony if the person compels another person to do an act or abstain from doing an act by threatening to report to law enforcement the immigration status of the person.

Existing law provides that a person is eligible to vote only if the person is a citizen of the United States and registered to vote. (NRS 293.485) To register to vote, a person must submit certain information to a county clerk, including, without limitation, proof of identification and residence. (NRS 293.517) **Sections 5 and 7-11** of this bill provide that to register to vote, a person must submit proof that the person is a citizen of the United States. **Section 5** describes the documents a person may submit to prove that the person is a citizen of the United States. **Section 6** of this bill provides that a person commits a category E felony if he votes in an election knowing that he is not entitled to vote in that election.

Existing law provides that a person may apply for a Governor Guinn Millennium Scholarship if the person meets certain criteria. (NRS 396.930) **Section 12** of this bill provides that a person is not eligible to receive a Millennium Scholarship if the person is not a citizen of the United States.

Existing law provides that a person is not eligible to receive certain state or local benefits if the person is not lawfully present in the United States. (NRS 422.065, 422A.085) **Sections 13 and 14** of this bill provide that a person who is not a citizen of the United States is not eligible for certain state public benefits, including, without limitation, grants, loans, professional licenses, commercial licenses and assistance for disability, housing, postsecondary education, food or unemployment.

Under existing law, the Department of Motor Vehicles may not issue a driver's license to certain persons. (NRS 483.250) In addition, a person must provide proof of his name and age by displaying certain documents. (NRS 483.290) **Section 15** of this bill prohibits the Department from issuing a driver's license to a person who is not lawfully present in the United States. **Section 16** of this bill requires a person to submit with an application for a driver's license proof that he is lawfully present in the United States.

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

Section 1. Chapter 42 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law, where a court, by law, may award the recovery of damages for the sake of example or by way of punishing the defendant, a court shall not award the recovery of such damages to a person who is not a citizen of the United States.



Sec. 2. NRS 205.320 is hereby amended to read as follows:

205.320 A person who, with the intent to extort or gain any money or other property or to compel or induce another to make, subscribe, execute, alter or destroy any valuable security or instrument or writing affecting or intended to affect any cause of action or defense, or any property, or to influence the action of any public officer, or to do or abet or procure any illegal or wrongful act, whether or not the purpose is accomplished, threatens directly or indirectly:

1. To accuse any person of a crime;
2. To injure a person or property;
3. To publish or connive at publishing any libel;
4. To expose or impute to any person any deformity or disgrace; ~~to~~
5. To expose any secret ~~H~~ ; or

6. To report to law enforcement officials the immigration status of a person,

➔ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 3. NRS 207.190 is hereby amended to read as follows:

207.190 1. It is unlawful for a person, with the intent to compel another to do or abstain from doing an act which the other person has a right to do or abstain from doing, to:

- (a) Use violence or inflict injury upon the other person or any of his family, or upon his property, or threaten such violence or injury;
- (b) Deprive the person of any tool, implement or clothing, or hinder him in the use thereof; ~~to~~
- (c) Attempt to intimidate the person by threats or force ~~H~~ ; or
- (d) Threaten to report to law enforcement officials the immigration status of the person.**

2. A person who violates the provisions of subsection 1 shall be punished:

(a) Where physical force , ~~to~~ the immediate threat of physical force **or a threat described in paragraph (d) of subsection 1** is used, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

(b) Where no physical force or immediate threat of physical force is used, for a misdemeanor.



1 **Sec. 4.** Chapter 293 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 5 and 6 of this act.

3 **Sec. 5.** 1. *Except as otherwise provided in subsection 3, a*
4 *county clerk, field registrar, employee of a voter registration*
5 *agency or person assisting a voter pursuant to subsection 13 of*
6 *NRS 293.5235 shall not register a person to vote unless the person*
7 *submits proof of citizenship to the county clerk.*

8 2. *Proof of citizenship may be established by any of the*
9 *following:*

10 (a) *A valid United States passport, or a legible photocopy of the*
11 *pertinent pages thereof, identifying the person and showing the*
12 *passport number.*

13 (b) *A birth certificate or a legible photocopy thereof.*

14 (c) *United States naturalization documentation, or a legible*
15 *photocopy thereof, or the number on a Certificate of*
16 *Naturalization. If a person provides the number on a Certificate of*
17 *Naturalization to prove citizenship, the person must not be*
18 *registered to vote until the county clerk verifies the number with*
19 *the United States Citizenship and Immigration Services.*

20 (d) *Any document or method of proof of citizenship established*
21 *by federal law.*

22 (e) *A driver's license bearing an indication that the person*
23 *holding the license is a citizen of the United States.*

24 3. *A person who is registered to vote on or before October 1,*
25 *2009, is deemed to have provided proof of citizenship and is not*
26 *required to submit proof of citizenship pursuant to this section.*

27 **Sec. 6.** *A person who votes in any election knowing that he is*
28 *not entitled to vote at that election pursuant to subsection 1 of*
29 *NRS 293.485 is guilty of a category E felony and shall be*
30 *punished as provided in NRS 193.130.*

31 **Sec. 7.** NRS 293.505 is hereby amended to read as follows:

32 293.505 1. All justices of the peace, except those located in
33 county seats, are ex officio field registrars to carry out the
34 provisions of this chapter.

35 2. The county clerk shall appoint at least one registered voter to
36 serve as a field registrar of voters who, except as otherwise provided
37 in NRS 293.5055, shall register voters within the county for which
38 he is appointed. Except as otherwise provided in subsection 1, a
39 candidate for any office may not be appointed or serve as a field
40 registrar. A field registrar serves at the pleasure of the county clerk
41 and shall perform his duties as the county clerk may direct.

42 3. A field registrar shall demand of any person who applies for
43 registration all information required by the application to register to
44 vote and shall administer all oaths required by this chapter.



4. When a field registrar has in his possession five or more completed applications to register to vote, he shall forward them to the county clerk, but in no case may he hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his possession immediately after the fifth Sunday preceding an election. Within 5 days after the fifth Sunday preceding any general election or general city election, a field registrar shall return all unused applications in his possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Delegate any of his duties to another person; or

(b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself out to be or attempt to exercise the duties of a field registrar unless he has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a voter on the subject of marking his ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

↳ while he is registering an elector.

11. When the county clerk receives applications to register to vote from a field registrar, he shall issue a receipt to the field registrar. The receipt must include:

(a) The number of persons registered; and

(b) The political party of the persons registered.



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12. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or

(b) Register a person who fails to provide satisfactory proof of *citizenship pursuant to section 5 of this act*, identification and the address at which he actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting a voter pursuant to subsection 13 of NRS 293.5235 or any other person providing a form for the application to register to vote to an elector for the purpose of registering to vote:

(a) If the person who assists an elector with completing the form for the application to register to vote retains the form, shall enter his name on the duplicate copy or receipt retained by the voter upon completion of the form; and

(b) Shall not alter, deface or destroy an application to register to vote that has been signed by an elector except to correct information contained in the application after receiving notice from the elector that a change in or addition to the information is required.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 8. NRS 293.5057 is hereby amended to read as follows:

293.5057 A person who does not maintain a residence in this State may register to vote for the office of President and Vice President of the United States if he files a sworn statement with the county clerk or field registrar of voters that he is not registered to vote in any other state and provides evidence:

1. Of his domicile in this State in accordance with the provisions of NRS 41.191;

2. That he maintains an account at a financial institution located in this State; ~~for~~

3. That his motor vehicle is registered in this State ~~H~~; or

4. *That he is a citizen of the United States pursuant to section 5 of this act.*

Sec. 9. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any elector residing within the county may register:



(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his identity and right to vote, and providing proof of his **citizenship pursuant to section 5 of this act**, his residence and his identity;

(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235 ~~§~~ **and proof of citizenship pursuant to section 5 of this act**;

(c) Pursuant to the provisions of NRS 293.501 or 293.524; or

(d) At his residence with the assistance of a field registrar pursuant to NRS 293.5237.

➔ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering him. If the applicant registers to vote pursuant to this subsection and fails to provide proof of his residence and identity, the applicant must provide proof of his residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.

2. The application to register to vote must be signed and verified under penalty of perjury by the elector registering.

3. Each elector who is or has been married must be registered under his own given or first name, and not under the given or first name or initials of his spouse.

4. An elector who is registered and changes his name must complete a new application to register to vote. He may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote; or

(d) At any voter registration agency.

➔ If the elector fails to register under his new name, he may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. Except as otherwise provided in subsection 7, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be



1 deemed to be registered upon the completion of his application to
2 register to vote.

3 6. After the county clerk determines that the application to
4 register to vote of a person is complete and that the person is eligible
5 to vote pursuant to NRS 293.485, he shall issue a voter registration
6 card to the voter which contains:

7 (a) The name, address, political affiliation and precinct number
8 of the voter;

9 (b) The date of issuance; and

10 (c) The signature of the county clerk.

11 7. If an elector submits an application to register to vote or an
12 affidavit described in paragraph (c) of subsection 1 of NRS 293.507
13 that contains any handwritten additions, erasures or interlineations,
14 the county clerk may object to the application to register to vote if
15 he believes that because of such handwritten additions, erasures or
16 interlineations, the application to register to vote of the elector is
17 incomplete or that the elector is not eligible to vote pursuant to NRS
18 293.485. If the county clerk objects pursuant to this subsection, he
19 shall immediately notify the elector and the district attorney of the
20 county. Not later than 5 business days after the district attorney
21 receives such notification, the district attorney shall advise the
22 county clerk as to whether:

23 (a) The application to register to vote of the elector is complete
24 and the elector is eligible to vote pursuant to NRS 293.485; and

25 (b) The county clerk should proceed to process the application
26 to register to vote.

27 ➔ If the District Attorney advises the county clerk to process the
28 application to register to vote, the county clerk shall immediately
29 issue a voter registration card to the applicant pursuant to
30 subsection 6.

31 **Sec. 10.** NRS 293.5235 is hereby amended to read as follows:

32 293.5235 1. Except as otherwise provided in NRS 293.502, a
33 person may register to vote by mailing an application to register to
34 vote *and proof of citizenship pursuant to section 5 of this act* to the
35 county clerk of the county in which he resides. The county clerk
36 shall, upon request, mail an application to register to vote to an
37 applicant. The county clerk shall make the applications available at
38 various public places in the county. An application to register to
39 vote may be used to correct information in the registrar of voters'
40 register.

41 2. An application to register to vote which is mailed to an
42 applicant by the county clerk or made available to the public at
43 various locations or voter registration agencies in the county may be
44 returned to the county clerk by mail or in person. For the purposes



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1 of this section, an application which is personally delivered to the
2 county clerk shall be deemed to have been returned by mail.

3 3. The applicant must complete the application, including,
4 without limitation, checking the boxes described in paragraphs (b)
5 and (c) of subsection 10 , ~~and~~ signing the application ~~and~~ *and*
6 *submitting proof of citizenship pursuant to section 5 of this act.*

7 4. The county clerk shall, upon receipt of an application,
8 determine whether the application is complete.

9 5. If he determines that the application is complete, he shall,
10 within 10 days after he receives the application, mail to the
11 applicant:

12 (a) A notice informing him that he is registered to vote and a
13 voter registration card as required by subsection 6 of NRS 293.517;
14 or

15 (b) A notice informing him that the registrar of voters' register
16 has been corrected to reflect any changes indicated on the
17 application.

18 6. Except as otherwise provided in subsection 5 of NRS
19 293.518, if the county clerk determines that the application is not
20 complete, he shall, as soon as possible, mail a notice to the applicant
21 informing him that additional information is required to complete
22 the application. If the applicant provides the information requested
23 by the county clerk within 15 days after the county clerk mails the
24 notice, the county clerk shall, within 10 days after he receives the
25 information, mail to the applicant:

26 (a) A notice informing him that he is registered to vote and a
27 voter registration card as required by subsection 6 of NRS 293.517;
28 or

29 (b) A notice informing him that the registrar of voters' register
30 has been corrected to reflect any changes indicated on the
31 application.

32 ➤ If the applicant does not provide the additional information
33 within the prescribed period, the application is void.

34 7. The applicant shall be deemed to be registered or to have
35 corrected the information in the register:

36 (a) If the application is received by the county clerk or
37 postmarked not more than 3 working days after the applicant
38 completed the application, on the date the applicant completed the
39 application; or

40 (b) If the application is received by the county clerk or
41 postmarked more than 3 working days after the applicant completed
42 the application, on the date the application is received by the county
43 clerk.

44 8. If the applicant fails to check the box described in paragraph
45 (b) of subsection 10, the application shall not be considered invalid



1 and the county clerk shall provide a means for the applicant to
2 correct the omission at the time the applicant appears to vote in
3 person at his assigned polling place.

4 9. The Secretary of State shall prescribe the form for an
5 application to register to vote by mail which must be used to register
6 to vote by mail in this State.

7 10. The application to register to vote by mail must include:

8 (a) A notice in at least 10-point type which states:
9

10 NOTICE: You are urged to return your application to
11 register to vote to the County Clerk in person or by mail. If
12 you choose to give your completed application to another
13 person to return to the County Clerk on your behalf, and the
14 person fails to deliver the application to the County Clerk,
15 you will not be registered to vote. Please retain the duplicate
16 copy or receipt from your application to register to vote.
17

18 (b) The question, "Are you a citizen of the United States?" and
19 boxes for the applicant to check to indicate whether or not the
20 applicant is a citizen of the United States.

21 (c) The question, "Will you be at least 18 years of age on or
22 before election day?" and boxes for the applicant to check to
23 indicate whether or not the applicant will be at least 18 years of age
24 or older on election day.

25 (d) A statement instructing the applicant not to complete the
26 application if the applicant checked "no" in response to the question
27 set forth in paragraph (b) or (c).

28 (e) A statement informing the applicant that if the application is
29 submitted by mail and the applicant is registering to vote for the first
30 time, the applicant must submit the information set forth in
31 paragraph (a) of subsection 2 of NRS 293.2725 to avoid the
32 requirements of subsection 1 of NRS 293.2725 upon voting for the
33 first time.

34 11. Except as otherwise provided in subsection 5 of NRS
35 293.518, the county clerk shall not register a person to vote pursuant
36 to this section unless that person has provided all of the information
37 required by the application.

38 12. The county clerk shall mail, by postcard, the notices
39 required pursuant to subsections 5 and 6. If the postcard is returned
40 to the county clerk by the United States Postal Service because the
41 address is fictitious or the person does not live at that address, the
42 county clerk shall attempt to determine whether the person's current
43 residence is other than that indicated on his application to register to
44 vote in the manner set forth in NRS 293.530.



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13. A person who, by mail, registers to vote pursuant to this section may be assisted in completing the application to register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

14. An application to register to vote must be made available to all persons, regardless of political party affiliation.

15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

17. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 11. NRS 293.524 is hereby amended to read as follows:

293.524 1. The Department of Motor Vehicles shall provide an application to register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. An application that is not signed must not be used to register or correct the registration of the applicant. *An application that does not include proof of citizenship pursuant to section 5 of this act must not be used to register the applicant.*

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.

4. The county clerk shall accept any application to register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the fifth Sunday preceding an election if he receives the application not later than 5 days after



1 that date. Upon receipt of an application, the county clerk or field
2 registrar of voters shall determine whether the application is
3 complete. If he determines that the application is complete, he shall
4 notify the applicant and the applicant shall be deemed to be
5 registered as of the date of the submission of the application. If he
6 determines that the application is not complete, he shall notify the
7 applicant of the additional information required. The applicant shall
8 be deemed to be registered as of the date of the initial submission of
9 the application if the additional information is provided within 15
10 days after the notice for the additional information is mailed. If the
11 applicant has not provided the additional information within 15 days
12 after the notice for the additional information is mailed, the
13 incomplete application is void. Any notification required by this
14 subsection must be given by mail at the mailing address on the
15 application not more than 7 working days after the determination is
16 made concerning whether the application is complete.

17 5. The county clerk shall use any form submitted to the
18 Department to correct information on a driver's license or
19 identification card to correct information in the registrar of voters'
20 register, unless the person indicates on the form that the correction
21 is not to be used for the purposes of voter registration. The
22 Department shall forward each such form to the county clerk or, if
23 applicable, to the registrar of voters of the county in which the
24 person resides in the same manner provided by subsection 3 for
25 applications to register to vote.

26 6. Upon receipt of a form to correct information, the county
27 clerk shall compare the information to that contained in the registrar
28 of voters' register. If the person is a registered voter, the county
29 clerk shall correct the information to reflect any changes indicated
30 on the form. After making any changes, the county clerk shall notify
31 the person by mail that his records have been corrected.

32 7. The Secretary of State shall, with the approval of the
33 Director, adopt regulations to:

34 (a) Establish any procedure necessary to provide an elector who
35 applies to register to vote pursuant to this section the opportunity to
36 do so;

37 (b) Prescribe the contents of any forms or applications which the
38 Department is required to distribute pursuant to this section; and

39 (c) Provide for the transfer of the completed applications of
40 registration from the Department to the appropriate county clerk for
41 inclusion in the election board registers and registrar of voters'
42 register.



1 **Sec. 12.** NRS 396.930 is hereby amended to read as follows:
2 396.930 1. Except as otherwise provided in subsections 2 and
3 3, a student may apply to the Board of Regents for a Millennium
4 Scholarship if he:

5 (a) Except as otherwise provided in paragraph (e) of subsection
6 2, has been a resident of this State for at least 2 years before he
7 applies for the Millennium Scholarship ~~and~~ *and is a citizen of the*
8 *United States;*

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

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

12 (2) After May 1, 2003, and, except as otherwise provided in
13 paragraph (c) of subsection 2, not more than 6 years before he
14 applies for the Millennium Scholarship;

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

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

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

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

23 (d) Maintained in high school in the courses designated by the
24 Board of Regents pursuant to paragraph (b) of subsection 2, at least:

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

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

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

32 (e) Is enrolled in at least:

33 (1) Six semester credit hours in a community college within
34 the System; or

35 (2) Twelve semester credit hours in another eligible
36 institution.

37 2. The Board of Regents:

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

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

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



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

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

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

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

17 (e) Shall establish criteria with respect to students who have a
18 parent or legal guardian on active duty in the Armed Forces of the
19 United States to exempt such students from the residency
20 requirement set forth in paragraph (a) of subsection 1 or
21 subsection 3.

22 3. Except as otherwise provided in paragraph (c) of subsection
23 1, for students who did not graduate from a public or private high
24 school in this State and who, except as otherwise provided in
25 paragraph (e) of subsection 2, have been residents of this State for at
26 least 2 years, the Board of Regents shall establish:

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

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

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

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

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

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

39 5. The Board of Regents shall establish a procedure by which
40 an applicant for a Millennium Scholarship is required to execute an
41 affidavit declaring his eligibility for a Millennium Scholarship
42 pursuant to the requirements of this section. The affidavit must
43 include a declaration that the applicant is a citizen of the United
44 States . ~~for has lawful immigration status, or that the applicant has~~
45 ~~filed an application to legalize his immigration status or will file an~~



~~application to legalize his immigration status as soon as he is eligible to do so.~~

Sec. 13. NRS 422.065 is hereby amended to read as follows:

422.065 1. Notwithstanding any other provision of state or local law, a person or governmental entity that provides a ~~{state or}~~ local public benefit:

(a) Shall comply with the provisions of 8 U.S.C. § 1621 regarding the eligibility of an alien for such a benefit.

(b) Is not required to pay any costs or other expenses relating to the provision of such a benefit after July 1, 1997, to an alien who, pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

2. Notwithstanding any other provision of law and except as otherwise provided in subsections 3 and 4, a person or governmental entity that provides a state public benefit shall not provide a state public benefit to a person who is not a citizen of the United States.

3. Subsection 2 does not apply:

(a) To a person who is eligible for a state public benefit pursuant to 8 U.S.C. § 1622(b); and

(b) With respect to a state public benefit listed in 8 U.S.C. § 1621(b).

4. A person or governmental entity that issues business or professional licenses may provide a business or professional license to a person who is not a citizen of the United States, but shall not provide a business or professional license to a person who is not lawfully present in the United States.

5. Compliance with the provisions of ~~{8 U.S.C. § 1621}~~ *this section* must not be construed to constitute any form of discrimination, distinction or restriction made, or any other action taken, on the basis of national origin.

~~{3-}~~ **6.** As used in this section ~~{, “state or local public benefit” has the meaning ascribed to it}~~:

(a) “Local public benefit” means a benefit listed in 8 U.S.C. § ~~{1621-}~~ 1621(c) which is provided by an agency of a local government or by appropriated funds of a local government.

(b) “State public benefit” means a benefit listed in 8 U.S.C. § 1621(c) which is provided by an agency of this State or by appropriated funds of this State.

Sec. 14. NRS 422A.085 is hereby amended to read as follows:

422A.085 1. Notwithstanding any other provision of state or local law, a person or governmental entity that provides a ~~{state or}~~ local public benefit:

(a) Shall comply with the provisions of 8 U.S.C. § 1621 regarding the eligibility of an alien for such a benefit.



(b) Is not required to pay any costs or other expenses relating to the provision of such a benefit after July 1, 1997, to an alien who, pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

2. *Notwithstanding any other provision of law and except as otherwise provided in subsections 3 and 4, a person or governmental entity that provides a state public benefit shall not provide a state public benefit to a person who is not a citizen of the United States.*

3. *Subsection 2 does not apply:*

(a) *To a person who is eligible for a state public benefit pursuant to 8 U.S.C. § 1622(b); and*

(b) *With respect to a state public benefit listed in 8 U.S.C. § 1621(b).*

4. *A person or governmental entity that issues business or professional licenses may provide a business or professional license to a person who is not a citizen of the United States, but shall not provide a business or professional license to a person who is not lawfully present in the United States.*

5. Compliance with the provisions of ~~18 U.S.C. § 1621~~ *this section* must not be construed to constitute any form of discrimination, distinction or restriction made, or any other action taken, on the basis of national origin.

~~6. As used in this section [“state or local public benefit” has the meaning ascribed to it] :~~

(a) *“Local public benefit” means a benefit listed in 8 U.S.C. § 1621(c) which is provided by an agency of a local government or by appropriated funds of a local government.*

(b) *“State public benefit” means a benefit listed in 8 U.S.C. § 1621(c) which is provided by an agency of this State or by appropriated funds of this State.*

Sec. 15. NRS 483.250 is hereby amended to read as follows:

483.250 The Department shall not issue any license pursuant to the provisions of NRS 483.010 to 483.630, inclusive:

1. To any person who is under the age of 18 years, except that the Department may issue:

(a) A restricted license to a person between the ages of 14 and 18 years pursuant to the provisions of NRS 483.267 and 483.270.

(b) An instruction permit to a person who is at least 15 1/2 years of age pursuant to the provisions of subsection 1 of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

(d) A driver's license to a person who is 16 or 17 years of age pursuant to NRS 483.2521.

2. To any person whose license has been revoked until the expiration of the period during which he is not eligible for a license.



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3. To any person whose license has been suspended, but upon good cause shown to the Administrator, the Department may issue a restricted license to him or shorten any period of suspension.

4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to legal capacity.

5. To any person who is required by NRS 483.010 to 483.630, inclusive, to take an examination, unless he has successfully passed the examination.

6. To any person when the Administrator has good cause to believe that by reason of physical or mental disability that person would not be able to operate a motor vehicle safely.

7. To any person who is not a resident of this State.

8. To any child who is the subject of a court order issued pursuant to title 5 of NRS which delays his privilege to drive.

9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which delays his privilege to drive until the expiration of the period of delay.

10. To any person who is not eligible for the issuance of a license pursuant to NRS 483.283.

11. To any person who is not lawfully present in the United States.

Sec. 16. NRS 483.290 is hereby amended to read as follows:

483.290 1. Every application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the name, date of birth, sex and residence address of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) ***Include such information as the Department may require to determine that the applicant is lawfully present in the United States.***

(g) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Except as otherwise provided in subsections 5, 6 and 7, every applicant must furnish proof of his name and age by



1 displaying an original or certified copy of at least one of the
2 following documents:

3 (a) If the applicant was born in the United States, including,
4 without limitation, the District of Columbia or any territory of the
5 United States:

6 (1) A birth certificate issued by a state, a political subdivision
7 of a state, the District of Columbia or any territory of the United
8 States;

9 (2) A driver's license issued by another state, the District of
10 Columbia or any territory of the United States;

11 (3) A passport issued by the United States Government;

12 (4) A military identification card or military dependent
13 identification card issued by any branch of the Armed Forces of the
14 United States;

15 (5) For persons who served in any branch of the Armed
16 Forces of the United States, a report of separation;

17 (6) A Certificate of Degree of Indian Blood issued by the
18 United States Government; or

19 (7) Such other documentation as specified by the Department
20 by regulation; or

21 (b) If the applicant was born outside the United States:

22 (1) A Certificate of Citizenship, Certificate of Naturalization,
23 Permanent Resident Card or Temporary Resident Card issued by the
24 Bureau of Citizenship and Immigration Services;

25 (2) A Consular Report of Birth Abroad issued by the
26 Department of State;

27 (3) A driver's license issued by another state, the District of
28 Columbia or any territory of the United States;

29 (4) A passport issued by the United States Government; or

30 (5) Any other proof acceptable to the Department other than
31 a passport issued by a foreign government.

32 3. At the time of applying for a driver's license, an applicant
33 may, if eligible, register to vote pursuant to NRS 293.524.

34 4. Every applicant who has been assigned a social security
35 number must furnish proof of his social security number by
36 displaying:

37 (a) An original card issued to the applicant by the Social
38 Security Administration bearing the social security number of the
39 applicant; or

40 (b) Other proof acceptable to the Department, including, without
41 limitation, records of employment or federal income tax returns.

42 5. The Department may refuse to accept a driver's license
43 issued by another state, the District of Columbia or any territory of
44 the United States if the Department determines that the other state,
45 the District of Columbia or the territory of the United States has less



1 stringent standards than the State of Nevada for the issuance of a
2 driver's license.

3 6. With respect to any document described in paragraph (b) of
4 subsection 2, the Department may:

5 (a) If the document has expired, refuse to accept the document
6 or refuse to issue a driver's license to the person presenting the
7 document, or both; and

8 (b) If the document specifies a date by which the person
9 presenting the document must depart from the United States, issue
10 to the person presenting the document a driver's license that expires
11 on the date on which the person is required to depart from the
12 United States.

13 7. The Administrator shall adopt regulations setting forth
14 criteria pursuant to which the Department will issue or refuse to
15 issue a driver's license in accordance with this section to a person
16 who is a citizen of a foreign country. The criteria must be based
17 upon the purpose for which that person is present within the United
18 States.

19 8. Notwithstanding any other provision of this section, the
20 Department shall not accept a consular identification card as proof
21 of the age or identity of an applicant for an instruction permit or for
22 a driver's license. As used in this subsection, "consular
23 identification card" has the meaning ascribed to it in NRS 232.006.

24 **Sec. 17.** NRS 293.523 is hereby repealed.

TEXT OF REPEALED SECTION

293.523 Registration of naturalized citizen. A naturalized
citizen need not produce his certificate of naturalization in order to
qualify to be registered.

