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ASSEMBLY BILL NO. 468—ASSEMBLYMEN GUSTAVSON; COBB,  
GOEDHART, GOICOECHEA, GRADY, HAMBRICK AND  
SETTELMAYER

MARCH 16, 2009

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JOINT SPONSOR: SENATOR MCGINNESS

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Referred to Committee on Government Affairs

SUMMARY—Enacts certain provisions of the Nevada Taxpayer  
and Citizenship Protection Act. (BDR 18-1089)

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.

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AN ACT relating to citizenship; requiring the Office of the Attorney General to negotiate and implement a cooperative law enforcement agreement with the Attorney General of the United States regarding the enforcement of federal immigration laws by certain state and local employees; making various changes concerning the verification of the immigration status of public employees and certain employees who work on public works projects; providing that certain alien students are not eligible to receive certain types of financial assistance through the Nevada System of Higher Education; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Federal law authorizes the Attorney General of the United States to enter into  
2 written agreements with states under which certain officers or employees of the  
3 state or a political subdivision of the state who are determined by the Attorney  
4 General of the United States to be qualified to perform a function of an immigration  
5 officer regarding the investigation, apprehension or detention of aliens in the  
6 United States may carry out such a function, at the expense of the state or political  
7 subdivision, and to the extent such function is consistent with state and local law. (8  
8 U.S.C. § 1357(g)) **Section 1** of this bill requires the Attorney General of this State  
9 to negotiate and implement such an agreement.



\* A B 4 6 8 \*

10 Existing law requires the Director of the Department of Business and Industry  
11 to maintain an Internet website which provides a link that may be used by  
12 employers to verify the social security number of an employee. (NRS 232.521)  
13 **Section 2** of this bill provides that the Director may also maintain a link to any  
14 other source which the Director determines will assist the employer in verifying the  
15 immigration status of an employee. **Section 3** of this bill requires a public employer  
16 to verify the immigration status of a person before allowing the person to work for  
17 the employer and provides that the public employer may comply with this  
18 requirement by using one of the links maintained on the Internet website of the  
19 Department of Business and Industry. **Section 4** of this bill similarly requires a  
20 public body to require contractors and other persons who work on a public work to  
21 verify the immigration status of each employee in the same manner as required for  
22 public employers.

23 Section 505 of the federal Illegal Immigration Reform and Immigrant  
24 Responsibility Act of 1996 prohibits states from providing a postsecondary  
25 education benefit to an alien who is not lawfully present in the United States unless  
26 any citizen or national of the United States is eligible for such a benefit. (8 U.S.C. §  
27 1623) The federal Personal Responsibility and Work Opportunity Reconciliation  
28 Act of 1996 (PRWORA) restricts eligibility of aliens for state and local benefits,  
29 including postsecondary education benefits. (8 U.S.C. §§ 1601 et seq.) Under  
30 PRWORA, an alien who is not a qualified alien or nonimmigrant is not eligible for  
31 any state or local benefit except certain benefits such as emergency medical  
32 services, emergency disaster relief and certain public health assistance. (8 U.S.C. §  
33 1621) Existing state law grants free tuition in the Nevada System of Higher  
34 Education to students who are bona fide residents of Nevada for a certain period.  
35 (NRS 396.540) Existing law also authorizes the Board of Regents of the University  
36 of Nevada to provide loans to certain nursing students. (NRS 396.890) **Section 5** of  
37 this bill amends the definition of "bona fide resident" to exclude an alien who is not  
38 eligible for a state or local benefit in accordance with PRWORA from free tuition  
39 or nursing loans. Existing law also authorizes the Board of Regents to enter into  
40 agreements for tuition waivers for students from other states and foreign countries.  
41 (NRS 396.543) **Section 6** of this bill prohibits the Board of Regents from granting  
42 tuition waivers to alien students who are not eligible for a state or local benefit  
43 under PRWORA.

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

1 **Section 1.** Chapter 228 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *1. The Attorney General of this State shall negotiate and*  
4 *enter into a written agreement with the Attorney General of the*  
5 *United States providing for the designation of certain investigative*  
6 *or law enforcement officers as qualified to perform certain*  
7 *functions of an immigration officer in relation to the investigation,*  
8 *apprehension or detention of aliens in this State.*

9 *2. An agreement entered into pursuant to subsection 1 must:*

10 *(a) Meet the requirements of 8 U.S.C. § 1357(g).*

11 *(b) Be signed on behalf of the State by the Attorney General*  
12 *and the Governor.*



1       3. *This section shall not be construed to require the existence*  
2 *of an agreement pursuant to subsection 1 for any investigative or*  
3 *law enforcement officer of this State or a political subdivision*  
4 *thereof to communicate with the Federal Government regarding*  
5 *the immigration status of any person, or otherwise to cooperate*  
6 *with the Federal Government in the identification, apprehension,*  
7 *detention or removal of aliens not lawfully present in the United*  
8 *States, to the full extent permitted by law.*

9       4. *As used in this section:*

10      (a) *“Alien” has the meaning ascribed to it in 8 U.S.C. § 1101.*

11      (b) *“Immigration officer” has the meaning ascribed to it in 8*  
12 *U.S.C. § 1101.*

13      (c) *“Investigative or law enforcement officer” has the meaning*  
14 *ascribed to it in NRS 179.435.*

15       **Sec. 2.** NRS 232.521 is hereby amended to read as follows:

16       232.521 1. The Director shall include on the Internet website  
17 maintained by the Department ~~fa~~:

18      (a) *A link which connects to the Social Security Administration*  
19 *where an employer may verify the social security number of an*  
20 *employee ~~fa~~; and*

21      (b) *A link to any other source which the Director determines*  
22 *will assist an employer in determining the immigration status of*  
23 *an employee, including, without limitation, the E-Verify*  
24 *employment eligibility verification system maintained by the*  
25 *United States Department of Homeland Security in partnership*  
26 *with the United States Social Security Administration and located*  
27 *at the Internet address <https://www.vis-dhs.com>.*

28       2. The ~~link~~ links required pursuant to subsection 1 must be  
29 maintained in the area of the website that encourages and promotes  
30 the growth, development and legal operation of businesses within  
31 the State of Nevada.

32       **Sec. 3.** Chapter 281 of NRS is hereby amended by adding  
33 thereto a new section to read as follows:

34       *Before a public employer allows a person to begin work for the*  
35 *employer, the public employer must verify the immigration status*  
36 *of the person. The public employer may comply with this*  
37 *requirement by verifying the social security number of the person*  
38 *using the link maintained on the Internet website of the*  
39 *Department of Business and Industry pursuant to NRS 232.521 or*  
40 *by verifying the immigration status of the person using any other*  
41 *link on that Internet website for that purpose.*

42       **Sec. 4.** Chapter 338 of NRS is hereby amended by adding  
43 thereto a new section to read as follows:

44       1. *A public body shall include in each contract for a public*  
45 *work a clause requiring each contractor, subcontractor and other*



1 *person who provides labor, equipment, materials, supplies or*  
2 *services for the public work to verify the immigration status of*  
3 *each employee before allowing the person to begin work.*

4 2. *A contractor, subcontractor or other person may comply*  
5 *with subsection 1 by verifying the social security number of the*  
6 *person using the link maintained on the Internet website of the*  
7 *Department of Business and Industry pursuant to NRS 232.521 or*  
8 *by verifying the immigration status of the person using any other*  
9 *link on that Internet website for that purpose.*

10 3. *Failure to comply with the provisions of this section shall*  
11 *be deemed a material breach of contract.*

12 **Sec. 5.** NRS 396.540 is hereby amended to read as follows:

13 396.540 1. For the purposes of this section:

14 (a) "Bona fide resident" shall be construed in accordance with  
15 the provisions of NRS 10.155 and policies established by the Board  
16 of Regents, to the extent that those policies do not conflict with *this*  
17 *section* or any *other* statute. *The term does not include an alien*  
18 *who is not eligible for a state or local public benefit as determined*  
19 *in accordance with 8 U.S.C. § 1621.* The qualification "bona fide"  
20 is intended to assure that the residence is genuine and established for  
21 purposes other than the avoidance of tuition.

22 (b) "Matriculation" has the meaning ascribed to it in regulations  
23 adopted by the Board of Regents.

24 (c) "Tuition charge" means a charge assessed against students  
25 who are not *bona fide* residents of Nevada and which is in addition  
26 to registration fees or other fees assessed against students who are  
27 *bona fide* residents of Nevada.

28 2. The Board of Regents may fix a tuition charge for students  
29 at all campuses of the System, but tuition must be free to:

30 (a) All students whose families have been bona fide residents of  
31 the State of Nevada for at least 12 months prior to the matriculation  
32 of the student at a university, state college or community college  
33 within the System;

34 (b) All students whose families reside outside of the State of  
35 Nevada, providing such students have themselves been bona fide  
36 residents of the State of Nevada for at least 12 months before their  
37 matriculation at a university, state college or community college  
38 within the System;

39 (c) All public school teachers who are employed full time by  
40 school districts in the State of Nevada;

41 (d) All full-time teachers in private elementary, secondary and  
42 postsecondary educational institutions in the State of Nevada whose  
43 curricula meet the requirements of chapter 394 of NRS;

44 (e) Employees of the System who take classes other than during  
45 their regular working hours; and



1 (f) Members of the Armed Forces of the United States.

2 3. ~~[The]~~ *Except as otherwise provided in this subsection, the*  
3 Board of Regents may grant tuitions free each semester to other  
4 worthwhile and deserving students from other states and foreign  
5 countries, in a number not to exceed a number equal to 3 percent of  
6 the total matriculated enrollment of students for the last preceding  
7 fall semester. *Free tuition must not be granted pursuant to this*  
8 *subsection to an alien who is not eligible for a state or local public*  
9 *benefit as determined in accordance with 8 U.S.C. § 1621.*

10 **Sec. 6.** NRS 396.543 is hereby amended to read as follows:

11 396.543 1. The Board of Regents may enter into an  
12 agreement with another state for the granting of full or partial  
13 waivers of the nonresident tuition to residents of the other state who  
14 are students at or are eligible for admission to any branch of the  
15 System if the agreement provides that, under substantially the same  
16 circumstances, the other state will grant reciprocal waivers to  
17 residents of Nevada who are students at or are eligible for admission  
18 to universities or colleges in the other state.

19 2. Each agreement must specify:

20 (a) The criteria for granting the waivers; and

21 (b) The specific universities, state colleges and community  
22 colleges for which the waivers will be granted.

23 3. The Board of Regents shall provide by regulation for the  
24 administration of any waivers for which an agreement is entered  
25 into pursuant to subsection 1.

26 4. *A waiver must not be granted pursuant to this section to an*  
27 *alien who is not eligible for a state or local public benefit as*  
28 *determined in accordance with 8 U.S.C. § 1621.*

29 5. The waivers granted pursuant to this section must not be  
30 included in the number of waivers determined for the purpose of  
31 applying the limitation in subsection 3 of NRS 396.540.

32 **Sec. 7.** This act becomes effective on July 1, 2009.

