

SENATE BILL NO. 415—SENATORS HECK, TOWNSEND, HARDY,
CEGAVSKE, BEERS AND WASHINGTON

MARCH 19, 2007

JOINT SPONSORS: ASSEMBLYMEN HARDY, COBB,
GANSERT AND MABEY

Referred to Committee on Human Resources and Education

SUMMARY—Provides that certain alien students are not eligible to receive certain types of financial assistance through the Nevada System of Higher Education and revises provisions governing eligibility for a millennium scholarship. (BDR 34-222)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 higher education; providing that certain alien students are not eligible to receive certain types of financial assistance through the Nevada System of Higher Education; providing for the exemption of students who have a parent or legal guardian in the Armed Forces of the United States from the residency requirement for eligibility for a millennium scholarship; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 505** of the federal Illegal Immigration Reform and Immigrant
2 Responsibility Act of 1996 prohibits states from providing a postsecondary
3 education benefit to an alien who is not lawfully present in the United States unless
4 any citizen or national of the United States is eligible for such a benefit. (8 U.S.C. §
5 1623) The federal Personal Responsibility and Work Opportunity Reconciliation
6 Act of 1996 (PRWORA) restricts the eligibility of aliens for state and local
7 benefits, including postsecondary education benefits. (8 U.S.C. §§ 1601 et seq.)
8 Under the PRWORA, an alien who is not a qualified alien or nonimmigrant is not
9 eligible for any state or local benefit except certain benefits such as emergency
10 medical services, emergency disaster relief and certain public health assistance. (8
11 U.S.C. § 1621)



* S B 4 1 5 R 1 *

Existing state law grants free tuition in the Nevada System of Higher Education to students who are bona fide residents of Nevada for a certain period. (NRS 396.540) Existing law also authorizes the Board of Regents of the University of Nevada to provide loans to certain nursing students and scholarships to certain students under the Governor Guinn Millennium Scholarship Program who are residents of Nevada for a certain period. (NRS 396.890, 396.930) **Section 1** of this bill amends the definition of "bona fide resident" to exclude an alien who is not eligible for a state or local benefit in accordance with the PRWORA. Therefore, alien students who are not eligible for state or local benefits under the PRWORA are not eligible for free tuition in the System, nursing loans or Millennium Scholarships.

Existing law authorizes the Board of Regents to enter into agreements for tuition waivers for students from other states and foreign countries. (NRS 396.543) **Section 2** of this bill prohibits the granting of such waivers to alien students who are not eligible for a state or local benefit under the PRWORA.

Existing law establishes the requirements for eligibility for a millennium scholarship, including that a student must be a resident of Nevada for 2 years before applying to receive a scholarship. (NRS 396.930) **Section 3** of this bill provides an exception from the 2-year residency requirement for students who have a parent or legal guardian on active duty serving in the Armed Forces of the United States.

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

Section 1. NRS 396.540 is hereby amended to read as follows:
396.540 1. For the purposes of this section:

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

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

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

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

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

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide



1 residents of the State of Nevada for at least 12 months before their
2 matriculation at a university, state college or community college
3 within the System;

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

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

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

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

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

20 **Sec. 2.** NRS 396.543 is hereby amended to read as follows:

21 396.543 1. The Board of Regents may enter into an
22 agreement with another state for the granting of full or partial
23 waivers of the nonresident tuition to residents of the other state who
24 are students at or are eligible for admission to any branch of the
25 System if the agreement provides that, under substantially the same
26 circumstances, the other state will grant reciprocal waivers to
27 residents of Nevada who are students at or are eligible for admission
28 to universities or colleges in the other state.

29 2. Each agreement must specify:

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

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

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

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

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

42 **Sec. 3.** NRS 396.930 is hereby amended to read as follows:

43 396.930 1. Except as otherwise provided in subsections 2 and
44 3, a student may apply to the Board of Regents for a millennium
45 scholarship if he:



(a) Has been a *bona fide* resident of ~~this State~~ *Nevada* for at least 2 years before he applies for the scholarship;

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

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

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

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

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

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

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

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

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

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

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

(e) Is enrolled in at least:

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

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

2. The Board of Regents:

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

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

(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1.

(d) Shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29



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

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

8 (2) The minimum number of credits prescribed in paragraph
9 (e) of subsection 1.

10 *(e) Shall establish criteria with respect to students who have a*
11 *parent or legal guardian on active duty in the Armed Forces of the*
12 *United States to exempt such students from the residency*
13 *requirement set forth in paragraph (a) of subsection 1 or*
14 *subsection 3.*

15 3. Except as otherwise provided in paragraph (c) of subsection
16 1, for students who did not graduate from a public or private high
17 school in this State and who , *except as otherwise provided in*
18 *paragraph (e) of subsection 2*, have been *bona fide* residents of this
19 State for at least 2 years, the Board of Regents shall establish:

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

22 (b) Other criteria that students must meet,
23 ➤ to be eligible for millennium scholarships.

24 4. In awarding scholarships, the Board of Regents shall
25 enhance its outreach to students who:

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

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

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

32 *5. As used in this section, “bona fide resident” has the*
33 *meaning ascribed to it in NRS 396.540.*

34 **Sec. 4.** This act becomes effective on July 1, 2007.



