

Amendment No. 412

Senate Amendment to Senate Bill No. 347	(BDR 34-119)
Proposed by: Senate Committee on Education	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 347—SENATOR DONATE

MARCH 21, 2023

JOINT SPONSOR: ASSEMBLYMAN WATTS

Referred to Committee on Education

SUMMARY—Revises provisions relating to higher education. (BDR 34-119)

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 higher education; ~~deconsolidating the Nevada System of Higher Education; separating the University of Nevada from the System; creating a board of trustees for each state college and community college; creating the Nevada Office of Higher Education Administrative Services; providing for the appointment of the Director and employees of the Office and each board of trustees; establishing the powers and duties of each board of trustees; establishing the composition of the University of Nevada and the System; revising the powers and duties of the Board of Regents of the University; revising provisions relating to the duties and responsibilities of certain officers within the University and the System;~~ **classifying and defining the missions of the institutions within the Nevada System of Higher Education; creating the Commission on Higher Education Funding; prescribing the membership and duties of the Commission;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Article 11 of the Nevada Constitution, which is known as the Education Article, requires
2 the Nevada Legislature to provide for the establishment of a State University that is controlled
3 by a Board of Regents whose duties are prescribed by law. (Nev. Const. Art. 11, § 4) Existing
4 law provides that the universities, state colleges, community colleges, administrative services,
5 research facilities and departments within the Public Service Division, administered under the
6 direction of the Board of Regents of the University of Nevada, is collectively known as the
7 Nevada System of Higher Education. (NRS 396.020) ~~[This]~~ **Section 1 of this bill** ~~generally~~
8 ~~deconsolidates the Nevada System of Higher Education by: (1) separating the universities~~
9 ~~which constitute the University of Nevada from the System; (2) establishing an individual~~
10 ~~board of trustees for each state college and community college in this State; and (3) creating~~
11 ~~the Nevada Office of Higher Education Administrative Services to take over certain functions~~
12 ~~of the System and to provide certain support to the University and the System.~~
13 ~~— Sections 54-56 of this bill provide that the State University, known as the University of~~
14 ~~Nevada and administered by the Board of Regents, consists of campuses known as the~~

University of Nevada, Reno, the University of Nevada, Las Vegas and the Desert Research Institute and any research facilities established within those campuses, in addition to the Public Service Division. Sections 51-53 of this bill: (1) create a board of trustees for each state college and community college within the System; (2) provide for the appointment by the Governor of the members of each board; and (3) establish the powers and duties of each board. Sections 46-50 of this bill: (1) create the Nevada Office of Higher Education Administrative Services, which consists of a Director, a Deputy Director and certain divisions; (2) require the Governor to appoint the members of the Office and fix the salary of the Director; and (3) require the Office to provide certain administrative and technical support to the Board of Regents, individual boards of trustees of each state college and community college and the presidents of each institution within the University or System. Section 56 provides that the Nevada System of Higher Education consists of the state colleges, community colleges and administrative services. Section 54 defines the term "higher education governing body" to mean the Board of Regents of the University of Nevada and each board of trustees of a state college or community college.

Sections 1-43 and 57-234 of this bill amend various provisions of existing law specifically related to education consistent with the provisions of this bill which: (1) transfer the direction and control of state colleges and community colleges from the Board of Regents to individual boards of trustees for the state and community colleges; and (2) transfer certain other powers and duties to the Office, including, without limitation, provisions relating to certain education loans and scholarships. Sections 235-463 of this bill similarly amend other provisions of existing law not specifically related to education. Section 465 of this bill provides for the appointment of certain members to various boards, councils or commissions, consistent with the provisions of this bill, by the Governor, the Chief Justice of the Nevada Supreme Court and the Director of the Office. Section 466 of this bill requires the Office and each higher education governing body to cooperate in carrying out the provisions of this bill. Section 467 of this bill provides that any contract, lease or other agreement entered into by the System or the Board of Regents before July 1, 2024, and in effect after July 1, 2024, shall be deemed a contract, lease or agreement entered into with the University, System, Office or higher education governing body, as applicable, consistent with the provisions of this bill.] classifies each institution within the System as one of four types: (1) a doctoral university; (2) a master's college; (3) a baccalaureate college; or (4) a baccalaureate and associate's college. Section 1 also defines the characteristics and mission of each type of institution. Section 2 of this bill creates the Commission on Higher Education Funding during the 2023-2025 biennium and prescribes its membership. Section 3 of this bill: (1) prescribes the duties of the Commission; (2) authorizes the Commission to request the drafting of not more than 2 legislative measures for the 83rd Session of the Legislature which relate to matters within the scope of the Commission; and (3) requires the Commission to report to the Governor, the Chancellor of the System and the Legislature on its activities and any recommendations.

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

Delete existing sections 1 through 468 of this bill and replace with the following new sections 1 through 5:

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The doctoral university institutions of this State are the campuses of the University of Nevada, known as the University of Nevada, Reno, and the University of Nevada, Las Vegas.

2. The master's college institution of this State is Nevada State College.

3. The baccalaureate college institution of this State is Great Basin College.

1 4. The baccalaureate and associate's college institutions of this State are
2 the College of Southern Nevada, Truckee Meadows Community College and
3 Western Nevada College.

4 5. A baccalaureate and associate's college institution shall offer courses in
5 academic subjects and nonacademic subjects as authorized by the president of the
6 institution, in consultation with the Chancellor of the System. The academic
7 courses must be of the same standard as those offered in the first 2 years of a
8 degree program offered at a baccalaureate college institution, master's college
9 institution or doctoral university institution.

10 6. A baccalaureate and associate's college institution may offer targeted 4-
11 year degrees supporting local workforce needs as authorized by the president of
12 the institution, in consultation with the Chancellor of the System.

13 7. Credits earned by a student at any institution described in subsections 1
14 to 4, inclusive, must be accepted by any other institution described in subsections
15 1 to 4, inclusive, for credit towards a baccalaureate degree.

16 8. As used in this section:

17 (a) "Baccalaureate and associate's college institution" means an institution
18 where associate's degrees represent not less than 50 percent of all degrees
19 awarded each year. The term includes a community college.

20 (b) "Baccalaureate college institution" means an institution, other than a
21 master's college institution or doctoral university institution, where
22 baccalaureate or higher degrees represent not less than 50 percent of all degrees
23 awarded each year.

24 (c) "Doctoral university institution" means an institution that has not less
25 than \$5,000,000 in total research expenditures each year and awards not less
26 than 20 research or scholarship doctoral degrees each year.

27 (d) "Master's college institution" means an institution that awards not less
28 than 50 master's degrees each year.

29 Sec. 2. 1. The Commission on Higher Education Funding, consisting of
30 12 members, is hereby created.

31 2. The Commission consists of the following members:

32 (a) One member appointed by the Governor, who serves as Chair;

33 (b) Two members appointed by the Majority Leader of the Senate;

34 (c) Two members appointed by the Speaker of the Assembly; and

35 (d) Seven members representing public institutions of higher education in
36 this State, as follows:

37 (1) Two members representing the doctoral university institutions
38 defined in section 1 of this act, which must include one member appointed by
39 the president of each such institution;

40 (2) One member representing the master's college institution defined
41 in section 1 of this act, appointed by the president of such institution;

42 (3) One member representing the baccalaureate college institution
43 defined in section 1 of this act, appointed by the president of such institution;
44 and

45 (4) Three members representing the baccalaureate and associate's
46 college institutions defined in section 1 of this act, which must include one
47 member appointed by the president of each such institution.

48 3. Each member of the Commission appointed pursuant to paragraph
49 (a), (b) or (c) of subsection 1 must:

50 (a) Be a resident of this State;

51 (b) Not have been, for a period of at least 2 years immediately preceding
52 appointment to the Commission;

53 (1) Registered as a lobbyist pursuant to NRS 218H.200;

1 (2) An employee of this State; or

2 (3) An elected official in this State;

3 (c) Have relevant experience or demonstrated ability in:

4 (1) Higher education;

5 (2) Economics;

6 (3) Public finance; or

7 (4) A related discipline necessary to higher education funding;

8 (d) Have the education, experience and skills necessary to effectively
9 execute the duties and responsibilities of a member of the Commission; and

10 (e) Be able to bring knowledge and professional judgment to the
11 deliberations of the Commission.

12 4. Each member of the Commission serves until June 30, 2025. Each
13 member may be removed by the appointing authority for good cause. A
14 vacancy on the Commission must be filled in the same manner as the original
15 appointment.

16 5. The Commission shall:

17 (a) Elect a Vice Chair from among its members at its first meeting. A
18 vacancy in the office of Vice Chair must be filled by the Commission by
19 election for the remainder of the term.

20 (b) Adopt such rules governing the conduct of the Commission as it deems
21 necessary.

22 (c) Hold its first meeting on or before December 31, 2023, and hold such
23 additional number of meetings as may be necessary to accomplish the tasks
24 assigned to it in the time allotted.

25 6. A majority of the members of the Commission constitutes a quorum
26 and a majority of those present must concur in any decision.

27 7. The Office of Finance shall assist the Commission in obtaining meeting
28 rooms, data processing services, administrative and clerical assistance and any
29 other professional consulting or staff services deemed necessary by the
30 Commission to assist the Commission in its work.

31 8. While engaged in the business of the Commission, each member is
32 entitled to receive the per diem allowance and travel expenses provided for
33 state officers and employees generally.

34 Sec. 3. 1. The Commission on Higher Education Funding created by
35 section 2 of this act shall:

36 (a) Evaluate models for higher education funding that are used in other
37 states to support institutions similar to those defined in section 1 of this act;

38 (b) Conduct a cost analysis of the delivery of higher education services
39 that support the missions of the institutions defined in section 1 of this act,
40 which must include, without limitation:

41 (1) The scale of the service area of each institution;

42 (2) The size and compensation of the teaching and administrative
43 faculty of each institution;

44 (3) The number of students at each institution, if any, who are:

45 (I) Residents of this State or who qualify for tuition as if they are
46 residents of this State;

47 (II) First generation students;

48 (III) Eligible for or recipients of a federal Pell grant;

49 (IV) Eligible for or recipients of gift aid other than a federal Pell
50 grant; or

51 (V) Recipients of a Nevada Promise Scholarship;

52 (4) The support services needed to ensure the educational success of
53 students at each institution;

1 (5) The delivery of education services to support, for each institution,
2 the workforce certification and curriculum for each degree offered by the
3 institution as defined in section 1 of this act; and

4 (6) A determination of recommended funding for each institution
5 based on the analysis conducted pursuant to subparagraphs 1 to 5, inclusive;
6 and

7 (c) Develop mechanisms for the appropriation of state funding to
8 implement the recommended funding for each institution as determined by the
9 cost analysis described in paragraph (b).

10 2. The Commission may request the drafting of not more than 2
11 legislative measures for the 83rd Session of the Legislature which relate to
12 matters within the scope of the Commission. Each request must be submitted
13 to the Legislative Counsel on or before December 31, 2024.

14 3. The Commission shall, on or before February 1, 2025, submit a report
15 of the activities and any recommendations of the Commission to the Governor,
16 the Chancellor of the Nevada System of Higher Education and the Director of
17 the Legislative Counsel Bureau for transmittal to the Legislature.

18 4. As used in this section:

19 (a) "First generation student" means a student who has minimal prior
20 exposure to or knowledge of experiences at an institution described in section 1
21 of this act. The term includes, without limitation, a student whose parents do
22 not have any postsecondary education experience.

23 (b) "Gift aid" has the meaning ascribed to it in NRS 396.9615.

24 (c) "Nevada Promise Scholarship" has the meaning ascribed to it in NRS
25 396.9625.

26 Sec. 4. As soon as practicable on or before October 1, 2023:

27 1. The Governor shall appoint the member required to be appointed to
28 the Commission pursuant to paragraph (a) of subsection 2 of section 2 of this
29 act.

30 2. The Majority Leader of the Senate shall appoint the members
31 required to be appointed to the Commission pursuant to paragraph (b) of
32 subsection 2 of section 2 of this act.

33 3. The Speaker of the Assembly shall appoint the members required to be
34 appointed to the Commission pursuant to paragraph (c) of subsection 2 of
35 section 2 of this act.

36 4. The president of each institution of higher education in this State shall
37 appoint the members required to be appointed to the Commission pursuant to
38 paragraph (d) of subsection 2 of section 2 of this act.

39 5. As used in this section, "Commission" means the Commission on
40 Higher Education Funding created by section 2 of this act.

41 Sec. 5. 1. This section and section 4 of this act become effective upon
42 passage and approval.

43 2. Section 1 of this act becomes effective:

44 (a) Upon passage and approval for the purpose of adopting any
45 regulations and performing any other preparatory administrative tasks that
46 are necessary to carry out the provisions of this act; and

47 (b) On July 1, 2024, for all other purposes.

48 3. Sections 2 and 3 of this act:

49 (a) Become effective upon passage and approval; and

50 (b) Expire by limitation on June 30, 2025.