



University of  
Nevada, Las Vegas



University of  
Nevada, Reno



Nevada State  
College



College of  
Southern Nevada



Great Basin  
College



Truckee Meadows  
Community  
College



Western Nevada  
College



Desert Research  
Institute

# 2009

## SUMMARY OF LEGISLATION

Legislation affecting the Nevada System of Higher Education  
enacted during the 75<sup>th</sup> regular Session

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# 2009 Summary of Legislation

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## Introduction

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This report is prepared by the Nevada System of Higher Education to summarize legislation from the 75th regular session of the Nevada State Legislature that impacts Nevada's public system of higher education.

The Nevada System of Higher Education worked closely with the Executive Branch and members of the Nevada Legislature to ensure that the needs of a growing postsecondary system were protected during hard economic times. A number of bills were brought forward for consideration by the Legislature including measures on the Governor Guinn Millennium Scholarship, the Green Jobs Initiative, and education benefits for veterans of the U.S. Armed Forces.

I hope this summary will assist you in reviewing the key legislation that affects the institutions, faculty, and students of the Nevada System of Higher Education.

Sincerely,

A handwritten signature in black ink that reads "James E. Rogers". The signature is written in a cursive style with a large, sweeping initial "J".

James E. Rogers  
Chancellor

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## 75<sup>th</sup> Regular Session of the Nevada State Legislature

### Overview of Enacted Legislation Impacting the Nevada System of Higher Education

Measure	Topic	Description	Statutes of Nevada 2009
<b>Assembly Bills</b>			
AB26	University Schools for Profoundly Gifted Pupils	Requires annual reports by sponsors of charter schools to the State Board of Education	Chapter 231
AB96	Millennium Scholarship	Clarifies that a student who is enrolled in more than one NSHE institution is eligible for a Millennium Scholarship under certain circumstances	Chapter 38
AB100	University Schools for Profoundly Gifted Pupils	Revises the duties of the Deputy Superintendent for Administrative and Fiscal Services in the Department of Education relating to reports on the funds and accounts of university schools for profoundly gifted pupils	Chapter 234
AB107	Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease	Creates the Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease within the Health Division of the Department of Health and Human Services	Chapter 81
AB137	State Public Health Laboratory	Authorizes the University of Nevada School of Medicine to designate certain branch laboratories of the State Public Health Laboratory	Chapter 15
AB188	Tuition and Fee Waiver	Authorizes the Board of Regents to waive certain fees and tuition for a child, widow, or widower of a person who was killed while serving in the Nevada National Guard and for the spouse or child of a person who is identified as a prisoner of war or missing in action while serving in the Armed Forces of the United States	Chapter 28
AB216	Nevada Academy of Health	Changes the membership of the Nevada Academy of Health, eliminates its scheduled expiration date, and makes changes to the matters it is charged with researching	Chapter 30
AB325	Student Victims of Sexual Crimes	Expands the prohibition on the public disclosure of the identity of a victim of a sexual assault to include a victim of statutory sexual seduction or sexual conduct involving a pupil or student	Chapter 300
AB327	NSHE Diversity Reporting	Requires the Board of Regents to submit a biennial report to the Legislature concerning the participation of	Chapter 157

<b>Measure</b>	<b>Topic</b>	<b>Description</b>	
		ethnic and racial minorities, women, and other members of protected classes across the NSHE	
AB401	NSHE Bonding Capacity	Extends the authority of the Board of Regents to issue bonds for certain capital construction projects for an additional 20 years from its scheduled year of expiration in 2009	Chapter 307
AB429	University Schools for Profoundly Gifted Pupils	Provides that university schools for profoundly gifted pupils are subject to the same minimum expenditures requirements that apply to schools districts and charter schools	Chapter 131
AB463	Employment of Consultants	Limits the circumstances under which a department, division, or other agency, including NSHE, may employ a person as a consultant	Chapter 384
AB488	PERS Rehires	Revises the criteria that must be considered by the Board of Regents when employing a retired state worker to fill a critical needs position in order that the employee may continue to receive allowances under the Public Employees' Retirement System (PERS)	Chapter 346
AB535	Board of Regents' Bill Draft Requests	Eliminates the Board of Regents' authority to request bill drafts	Chapter 348
AB549	Abandoned Property Trust Account	Suspends the annual transfer of money from the Abandoned Property Trust Account to the Millennium Scholarship Trust Fund for the fiscal year ending on June 30, 2009	Chapter 317
AB562	Appropriations Act	Makes various changes regarding state financial administration and appropriates fund for the support of civil government of the State	Chapter 388
AB564	Capital Improvement	Relates to NSHE capital improvement projects	Chapter 440

### ***Assembly Concurrent Resolutions***

ACR17	Interim Study on Reapportionment and Redistricting	Directs the Legislative Commission to conduct an interim study of the requirements for reapportionment and redistricting in the State of Nevada	File No. 76
ACR34	Federal Stimulus Oversight	Directs the Interim Finance Committee to create the Subcommittee for Federal Stimulus Oversight	File No. 97

Measure	Topic	Description	
<b>Senate Bills</b>			
SB63	College Savings Plan	Limits the sources of money of the Nevada College Savings Trust Fund to money deposited in accordance with savings trust agreements and earnings	Chapter 254
SB137	Recycling at NSHE Institutions	Requires the Board of Regents to prescribe procedures for the recycling of waste materials at any of its facilities where services for the collection of solid waste are provided	Chapter 222
SB152	Green Jobs Initiative	Requires the Board of Regents to weatherize facilities, retrofit, and to use sources of renewable energy to serve those facilities	Chapter 490
SB188	Solar Thermal Systems Demonstration Program	Requires the Public Utilities Commission of Nevada to establish the Solar Thermal Systems Demonstration Program	Chapter 414
SB209	Millennium Scholarship	Provides for an exemption from the 6-year limitation on applications for the Millennium Scholarship for students who actively participated in a charitable, religious, or public service assignment or mission	Chapter 192
SB227	Identity Theft Prevention	Requires that data collectors operating in Nevada either comply with certain standards or use encryption	Chapter 355
SB239	Governor's Workforce Investment Board	Requires the Governor's Workforce Investment Board to establish industry sector councils, which are to be composed, among others, of representatives from the universities and community colleges	Chapter 417
SB267	Open Meeting Law	Requires public bodies to provide copies of documents under certain circumstances	Chapter 419
SB283	Domestic Partnerships	Establishes domestic partnership contracts, which with certain exceptions, provide the same rights, protections, benefits, responsibilities, obligation, and duties as any other civil contracts recognized by the State	Chapter 393
SB298	Energy Efficiency and Renewable Energy	Authorizes the Board of Regents to plan for and establish programs for the study of energy efficiency and renewable energy resources within the Nevada System of Higher Education	Chapter 217
SB318	Free Tuition for Certain Veterans	Requires free tuition for certain veterans of the United States Armed Forces	Chapter 420

<b>Measure</b>	<b>Topic</b>	<b>Description</b>	<b><i>Statutes of Nevada 2009</i></b>
SB358	Renewable Energy	Creates the Renewable Energy and Energy Efficiency Authority and the Nevada Energy Commissioner and directs these offices to work with NSHE institutions on creating certain energy policies	Chapter 321
SB389	University Schools for Profoundly Gifted Pupils	Requires the implementation of the turnaround plan and a restructuring plans for public schools, including charter schools sponsored by NSHE institutions, that have demonstrated the need for improvement for 5 or more consecutive years	Chapter 422
SB400	Public Employees' Benefits Program	Appropriates funds to NSHE for stale claims owed to the Public Employees' Benefits Program	Chapter 407
SB415	Public Employees' Benefits Program	Establishes the State's share of premiums or contributions to group insurance for state employees who participate in the Public Employees' Benefits Program	Chapter 394
SB421	Longevity and Merit Pay	Suspends longevity and merit pay for state employees for the 2009-2011 biennium	Chapter 276
SB423	Appropriation for Electricity, Heating, and Cooling	Appropriates monies to assist state agencies, including NSHE, in paying electric, heating, and cooling costs	Chapter 425
SB427	Employee Benefits	Makes various changes to the Public Employees' Retirement System and the Public Employees' Benefits Program	Chapter 426
SB428	Millennium Scholarship Trust Fund	Authorizes the payment of administrative costs for the Millennium Scholarship Trust Fund from the Nevada College Savings Trust Fund	Chapter 277
SB431	Authorizations Act	Authorizes expenditures by agencies of state government	Chapter 392
SB433	Furlough Leave for State Employees	Requires that state employees shall take one day of unpaid furlough leave each month	Chapter 391

### ***Senate Concurrent Resolutions***

SCR13	Campus Safety	Urges colleges and universities in this State to establish campus safety programs for the prevention and intervention of violence	File No. 25
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<b>Measure</b>	<b>Topic</b>	<b>Description</b>	<b><i>Statutes of Nevada 2009</i></b>
SCR14	Service Recognition	Honors Thalia Dondero for her outstanding service to the Nevada System of Higher Education and community organizations	File No. 26
SCR18	Institution Commemoration	Commemorates the 50th anniversary of the Nevada Desert Research Institute	File No. 37
SCR22	K-12 Collaboration	Encourages the Department of Education, school districts and the Nevada System of Higher Education to increase participation in adult high school programs and enrollment in college	File No. 49
SCR27	Education Personnel	Honors educational personnel for the services they provide to their students and all of Nevada	File No. 63
SCR37	Interim Study of Nevada's Tax Structure	Establishes a subcommittee in the 2009-2010 interim to study Nevada's revenue structure	File No. 102

### ***Senate Joint Resolutions***

SJR4 of the 74 <sup>th</sup> Session	Appointed Board of Regents	Proposed to amend the <i>Nevada Constitution</i> to require the Legislature to provide for the organization and duties of the Board of Regents and for the appointment of its members by the Governor	<b>FAILED</b>
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## Summary of Legislation

*Following are summary reviews of the measures enacted during the 75th regular Session of the Nevada Legislature that in some manner impact the Nevada System of Higher Education (NSHE). The provisions of a bill impacting the System or higher education are discussed in general. These summaries do not constitute a legal analysis and are not intended to be used in place of Nevada Revised Statutes. For additional information on any of the measures summarized herein, please contact the NSHE System Administration Office.*

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### Assembly Bills

**Assembly Bill 26** (Chapter 231, *Statutes of Nevada 2009*) requires annual reports to the State Board of Education by sponsors of charter schools, including university schools for profoundly gifted pupils, such as the Davidson Academy of Nevada, which is located at the University of Nevada, Reno. The report is to include an evaluation of the progress of each charter school in achieving its educational goals and objects and a description of all administrative support and services provided by the sponsor.

This measure is effective on July 1, 2009.

**Assembly Bill 96** (Chapter 38, *Statutes of Nevada 2009*) clarifies that a student enrolled in more than one NSHE institution is eligible for a Millennium Scholarship if that student is enrolled in 12 or more credits. The bill provides that the Scholarship must be administered by the institution at which the student is enrolled in a program of study leading to a recognized degree or certificate. It also directs the Board of Regents to establish procedures and guidelines for the administration of Millennium Scholarships for students who are enrolled in more than one institution.

This measure is effective on July 1, 2009.

**Assembly Bill 100** (Chapter 234, *Statutes of Nevada 2009*) contains various provisions relating to charters schools including university schools for profoundly gifted pupils, such as the Davidson Academy of Nevada, which is located at the University of Nevada, Reno. The bill requires the Deputy Superintendent for Administrative and Fiscal Services in the Department of Education to investigate, inspect, and report on the funds and

accounts of university schools for profoundly gifted pupils and to report the condition of the accounts to the Board of Regents and to the respective governing bodies of the university schools for profoundly gifted pupils.

This measure is effective on July 1, 2009.

**Assembly Bill 107** (Chapter 81, *Statutes of Nevada 2009*) creates the Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease within the Health Division of the Department of Health and Human Services. The measure prescribes the duties of the Committee, authorizes the Health Division to enter into contracts for all necessary services, and to apply for and accept gifts, grants, donations, and bequests for these purposes. The act specifies that one member of the committee with knowledge of matters relating to public health will be appointed by the Board of Regents to represent of the Nevada System of Higher Education.

The provisions of this measure creating the advisory committee are effective on July 1, 2010.

**Assembly Bill 137** (Chapter 15, *Statutes of Nevada 2009*) changes the name of the State Hygienic Laboratory, which is maintained by the University of Nevada School of Medicine, to the State Public Health Laboratory. The measure also requires that, if the University of Nevada School of Medicine designates a branch laboratory that is to be controlled by a public agency other than itself, then the School of Medicine must enter into a cooperative agreement with that agency, and this agreement must set forth the powers and duties of each.

This measure is effective on July 1, 2009.

**Assembly Bill 188** (Chapter 28, *Statutes of Nevada 2009*) authorizes the Board of Regents to waive registration and laboratory fees for a child, widow, or widower of a person who was killed while performing his or her duties as a member of the Nevada National Guard. The measure also authorizes the fee waiver for the spouse or child of a person who is identified as a prisoner of war or declared missing in action while performing his or her duties as a member of the Armed Forces of the United States permanently stationed in Nevada.

This measure is effective on July 1, 2009.

**Assembly Bill 216** (Chapter 30, *Statutes of Nevada 2009*) reduces the membership of the Nevada Academy of Health from 14 to 13 members. Pursuant to existing state law, one member of the Nevada Academy of Health represents the NSHE and is appointed by the Board of Regents. The measure requires the Academy to study issues relating to the improvement of health and health care in this State while eliminating the requirement that it make recommendations relating to a statewide biomedical and health research program. The bill also removes the previous expiration date of the Nevada Academy of Health of June 30, 2009.

The provisions of this measure removing the expiration date are effective on May 7, 2009; all remaining provisions are effective on July 1, 2009.

**Assembly Bill 325** (Chapter 300, *Statutes of Nevada 2009*) expands the prohibition on the public disclosure of the identity of a victim of a sexual assault to include a victim of statutory sexual seduction or sexual conduct involving a pupil or student.

The amendatory provisions of this measure apply to a person who is convicted on or after October 1, 2009.

**Assembly Bill 327** (Chapter 157, *Statutes of Nevada 2009*) requires the Board of Regents to submit a biennial report to the Legislature concerning the participation of ethnic and racial minorities, women, and other members of protected classes across the Nevada System of Higher Education. The report must include information about (1) the number of students and

employees divided by ethnic category and gender, (2) any information about how policy changes may have affected the number of members of protected classes enrolled at or employed by the System, and (3) the efforts by the System to enroll and retain students in underrepresented ethnic and racial categories.

This measure is effective on July 1, 2009.

**Assembly Bill 401** (Chapter 307, *Statutes of Nevada 2009*) extends the authority of the Board of Regents to issue revenue bonds for certain capital construction projects across the System for an additional 20 years from its scheduled year of expiration in 2009.

This measure is effective on May 28, 2009.

**Assembly Bill 429** (Chapter 131, *Statutes of Nevada 2009*) contains various provisions relating to charters schools, including university schools for profoundly gifted pupils, such as the Davidson Academy of Nevada, which is located at the University of Nevada Reno. The bill provides that university schools for profoundly gifted pupils are subject to the minimum expenditure requirements that apply to school districts in the State. The measure also amends requirements for a university school for profoundly gifted pupils to report on the expenditures of the school for the preceding fiscal year and the proposed expenditures for the current fiscal year. It also provides that this information may then be used by the Department to determine whether the university schools for profoundly gifted pupils have met the minimum expenditure requirements for textbooks, instructional supplies, instructional software, and instructional hardware.

This measure is effective on July 1, 2009.

**Assembly Bill 463** (Chapter 384, *Statutes of Nevada 2009*) prevents a department, division, or other agency in the State of Nevada from employing as consultants individuals (a) who are current employees of that agency, (b) who are former employees for less than one year's time, or (c) whose employment contract is for more than 2 years. The bill also requires each NSHE institution to submit a report every 6 months to the Interim Finance Committee that includes the number of

consultants employed and the sum paid to each consultant, and the purpose and duration of employment. In addition, Assembly Bill 463 requires that information concerning an agency's use of consultants and temporary employment services be included and explained in the agency's budget process.

This measure is effective on June 1, 2009.

**Assembly Bill 488** (Chapter 346, *Statutes of Nevada 2009*) holds that, in order to employ a retired public employee to fill a position for which there is a critical labor shortage, the Board of Regents must make the determination based upon the appropriate and necessary delivery of services to the public. In making this determination, the Board of Regents is required to submit a written report to the Public Employees' Retirement System that includes (1) the rate of turnover for this position, (2) the number of openings and the number of qualified candidates for those openings, (3) the length of time the position has been vacant, (4) the difficulty in filling the position due to special circumstances, and (5) the efforts made to recruit for the position.

The provisions of this measure concerning the rehiring of state workers are effective on May 29, 2009.

**Assembly Bill 535** (Chapter 348, *Statutes of Nevada 2009*), among its various provisions, removes the expiration date on legislation passed in the 2007 Legislative Session that disallowed bill draft requests by the Board of Regents through the 2011 Session—permanently eliminating the Board's authority to request the drafting of legislative measures on behalf of the Nevada System of Higher Education.

The provisions of this act removing the expiration date are effective on July 1, 2009.

**Assembly Bill 549** (Chapter 317, *Statutes of Nevada 2009*) suspends the transfer of \$7,600,000 of the balance in the Abandoned Property Trust Account to the Millennium Scholarship Trust Fund for Fiscal Year 2009.

This measure is effective on May 28, 2009.

**Assembly Bill 562** (Chapter 388, *Statutes of Nevada 2009*) contains the legislatively-approved budget appropriations for all state agencies for the 2009-2011 biennium. For NSHE, the measure provides State General Fund monies totaling \$500.07 million in both FY 2010 and FY 2011 to support the System's personnel and operating costs. In addition, the bill maintains the language established during the 2003 Legislative Session that allows NSHE institutions to balance forward for maximum period of two fiscal years the state funds associated with documented research grants.

The measure clarifies that, subject to the actions the federal government may take that conflict with the allocations approved by the Nevada Legislature for the federal Stabilization Funds, the Governor may recommend and the Interim Finance Committee may approve transfers between NSHE and the Department of Education of the amounts appropriated from the General Fund as long as corresponding transfers of the federal stabilization funds occur.

The primary provisions of this measure are effective July 1, 2009.

**Assembly Bill 564** (Chapter 440, *Statutes of Nevada 2009*) funds the state's 2009 Capital Improvement Program in the amount of \$336.4 million. The approved construction projects are funded from a variety of sources, including general obligation bonds and other state appropriations, and non-state revenues, including federal grants, private donations, and agency/institutional revenues. The measure provides \$87.4 million for capital improvement projects for NSHE, which represents 36 percent of the total revenues approved in Assembly Bill 564. The NSHE projects are funded through a combination of \$69.6 million in state funds and \$17.8 million of non-state revenues. The bill funds new construction, planning, critical upgrades and compliance measures, deferred maintenance, and furniture, fixtures, and equipment.

The funding for new construction is provided for the Medical Education Learning Lab Building, fully planned during the 2007-2009 biennium. In addition, dollars are provided to plan and design a Hotel College at UNLV. Funds are also provided

for furniture, fixtures, and equipment for the Davidson Math and Science Center and for the Center for Molecular Medicine, both located on the UNR campus.

Assembly Bill 564 includes funding for critical upgrades and compliance projects, specifically to complete laboratory renovations and upgrades to the fire alarm, HVAC, and lighting systems at the Cheyenne campus of CSN, and for WNC to complete ADA and life safety retrofit projects needed on the Carson campus. Finally, the measure authorizes system-wide expenditures for NSHE's deferred maintenance projects financed through HECC and SHECC funds (slot tax revenues).

In addition, the bill extends to FY 2011 the reversion dates for several current projects approved in prior legislative sessions. The projects for which extension dates are approved include: UNR's Knowledge Center, NSC's Academic and Student Services Center, UNLV's Science and Engineering Complex, UNLV's Greenspun College of Urban Affairs, GBC's Electrical and Industrial Technology Building, CSN's West Charleston Campus Classroom and Library Building, UNR's Davidson Math and Science Center, and UNLV's Student Services Building Addition and Frazier Hall Renovation

The provisions of the measure are effective on June 3, 2009.

### **Assembly Concurrent Resolutions**

**Assembly Concurrent Resolution 17** (File No. 76, *Statutes of Nevada 2009*) directs the Legislative Commission to conduct an interim study of the requirements for reapportionment and redistricting in the State of Nevada. The 2011 Legislature will be required to reapportion and redistrict the election districts for state offices, including the Board of Regents.

**Assembly Concurrent Resolution 34** (File No. 97, *Statutes of Nevada 2009*) directs the Interim Finance Committee to appoint the Subcommittee for Federal Stimulus Oversight to oversee the use of funds allocated from money that is received by the State of Nevada from the Federal Government under the federal American Recovery and

Reinvestment Act of 2009. The resolution charges the subcommittee with the tasks of maximizing the achievement of goals and reviewing the plans of state agencies, including NSHE, for the expenditure of this money.

### **Senate Bills**

**Senate Bill 63** (Chapter 254, *Statutes of Nevada 2009*) limits the sources of money of the Nevada College Savings Trust Fund to money deposited in accordance with savings trust agreements and earnings on that money. The bill also moves the Administrative Account and the Endowment Account in the Trust Fund to the State General Fund. The Nevada College Savings Program is Nevada's qualified state tuition program under federal law.

This measure is effective on July 1, 2009.

**Senate Bill 137** (Chapter 222, *Statutes of Nevada 2009*) concerns recycling. Under existing state law, the Board of Regents must recycle paper and paper products. Senate Bill 137 mandates the recycling of waste materials in addition to the recycling of paper and paper products. The measure provides that any money received for the recycling of materials may be used to carry out institutional recycling programs. The measure requires the Board to develop procedures for the recycling of waste products.

This measure is effective on October 1, 2009.

**Senate Bill 152** (Chapter 490, *Statutes of Nevada 2009*) requires that, 90 days after the effective date of this act, the Board of Regents will determine specific projects to weatherize and retrofit public buildings, facilities, and structures, including traffic control systems, and to use sources of renewable energy to serve those facilities. The measure specifies various criteria for prioritizing and selecting these projects, including (1) the length of time necessary to commence the project, (2) the number of workers, (3) the effectiveness of the project in reducing energy consumption, (4) its overall cost, (5) whether the project will be powered by renewable energy sources, et al. The bill also requires the Board of Regents to provide a report to the Interim Finance Committee that describes the

projects selected and a report of the dates on which those projects are scheduled to be completed.

This measure is effective on June 9, 2009.

**Senate Bill 188** (Chapter 414, *Statutes of Nevada 2009*) requires the Public Utilities Commission of Nevada to establish the Solar Thermal Systems Demonstration Program to carry out the installation of at least 3,000 solar thermal systems in homes, businesses, schools, and other governmental buildings by 2019. Among the categories of facilities to be included in Demonstration Program is “school property,” that includes any real property, building, or facility that is owned, leased or occupied by an institution of higher education.

This measure is effective on July 1, 2009.

**Senate Bill 209** (Chapter 192, *Statutes of Nevada 2009*) requires the Board of Regents to establish criteria to exempt students who actively participated in charitable, religious, or public service assignments or missions from the 6-year limitation to apply for the Governor Guinn Millennium Scholarship. The criteria must provide for the award of Millennium Scholarships to those students who qualify for the exemption to the extent that money is available after all other obligations for the award of Millennium Scholarships for the current school year have been satisfied.

This measure is effective on July 1, 2009.

**Senate Bill 227** (Chapter 355, *Statutes of Nevada 2009*) requires that data collectors either comply with certain standards or use encryption to protect information that is either transmitted electronically or contained on a data storage device that is moved beyond the controls of the data collector. The measure also holds that data collectors are not liable for a breach of the security of the system data so long as they comply with the provisions of this act and are not grossly negligent or intentionally engage in misconduct.

This measure is effective on July 1, 2010.

**Senate Bill 239** (Chapter 417, *Statutes of Nevada 2009*) requires the Governor’s Workforce Investment Board to establish industry sector councils to identify job training and education programs to best meet regional economic development goals. The industry sector councils must include representatives from universities and community colleges.

This measure is effective on June 3, 2009.

**Senate Bill 267** (Chapter 419, *Statutes of Nevada 2009*) expands the Open Meeting Law to include all workshops and hearings that concern administrative regulations conducted by public bodies in the State. In addition, public bodies subject to the Open Meeting Law must make one copy of certain documents available to the public at the meeting in which they are discussed. The measure also amends the definition of “university foundation” to exclude certain nonprofit organizations affiliated with a university or college for the purposes of provisions applicable to university foundations, including (1) the Open Meeting Law, (2) the requirements relating to public records, and (3) the exemption from the tax on the transfer of real property.

This measure is effective on July 1, 2009.

**Senate Bill 283** (Chapter 393, *Statutes of Nevada 2009*) establishes domestic partnership contracts, which, with certain exceptions, provide the same rights, protections, benefits, responsibilities, obligation, and duties as any other civil contracts recognized by the State. The measure clarifies that such a domestic partnership is not a marriage under the *Nevada Constitution*. The bill also clarifies that any public or private employer may voluntarily provide health care benefits to or for the domestic partner of an officer or employee upon such terms and conditions as the affected parties may deem appropriate.

This measure is effective on October 1, 2009.

**Senate Bill 298** (Chapter 217, *Statutes of Nevada 2009*) authorizes the Board of Regents to plan for and establish academic programs for the study of energy efficiency and renewable energy resources within the Nevada System of Higher Education. The programs may be carried out through joint

ventures with one or more public or private entities, and institutions may apply for any available grants and accept any gifts, grants, or donations for the support of the programs.

This measure is effective on May 26, 2009.

**Senate Bill 318** (Chapter 420, *Statutes of Nevada 2009*) mandates free tuition for honorably discharged veterans of the U.S. Armed Forces who at the time of discharge were stationed in Nevada. Free tuition will also be extended to those veterans who at the time of discharge were stationed at the Marine Corps Mountain Warfare Training Center located at Pickel Meadows, California. Under existing state law and Board policy, members of the U.S. Armed Forces who are on active duty and stationed at a military installation in Nevada are deemed residents for tuition purposes and therefore pay resident registration fees only. Senate Bill 318 effectively extends that same benefit to veterans.

This measure is effective on July 1, 2009.

**Senate Bill 358** (Chapter 321, *Statutes of Nevada 2009*) creates the Renewable Energy and Energy Efficiency Authority and the Nevada Energy Commissioner. The measure directs the Commissioner and NSHE to review the policies of this State relating to the research and development of the geothermal energy resources in this State and make recommendations to the appropriate state and federal agencies concerning methods for the development of those resources. The bill authorizes the Commissioner to enter into contracts with NSHE researchers to conduct studies and develop technology related to renewable energy and energy efficiency, including the design of energy efficiency and retrofit projects. In addition, the measure requires the Commissioner to prepare a comprehensive state energy plan, which must include the promotion of the development by NSHE institutions of research and educational programs relating to renewable energy. Senate Bill 358 directs the Nevada Renewable Energy Integration and Development Consortium of the Nevada System of Higher Education, to the extent that funds are available, to serve as a information source concerning renewable energy and energy efficiency research, to work with the Nevada Institute for Renewable

Energy Commercialization to establish a mechanism for transferring technology to the marketplace, and to provide information concerning renewable energy and energy efficiency to the Office of Energy and the Renewable Energy and Energy Efficiency Authority. Finally, to the extent money is available, the Board of Regents must establish programs within the fields of science, engineering, business administration and political science that are designed to improve the ability of students in those fields to serve the renewable energy industry in this State.

The primary provisions of this measure are effective on May 28, 2009 and June 30, 2011; the section directing NSHE to develop education programs is effective on July 1, 2011.

**Senate Bill 389** (Chapter 422, *Statutes of Nevada 2009*) applies to public schools, including charter school sponsored by NSHE institutions, such as university schools for profoundly gifted pupils, that are not Title I schools and that have failed to make adequate yearly progress for 5 years. The bill requires these schools to implement a turnaround plan to improve academic achievement of pupils as well as a restructuring plan. The measure holds that charter schools sponsored by NSHE institutions are to receive technical assistance in the manner set forth in federal law, and also that the Nevada Department of Education may take corrective action as provided for under state law.

The provisions of this measure requiring the adoption of plans are effective on July 1, 2009, for the purpose of adopting regulations, and on July 1, 2010, for all other purposes.

**Senate Bill 400** (Chapter 407, *Statutes of Nevada 2009*) appropriates \$110,800 to NSHE for stale claims owed to the Public Employees' Benefits Program.

This measure is effective on June 1, 2009.

**Senate Bill 415** (Chapter 394, *Statutes of Nevada 2009*) establishes the State's share of premiums or contributions to group insurance for state employees who participate in the Public Employees' Benefits Program as \$626.52/month

for fiscal year 2009-2010 and \$680.84/month for fiscal year 2010-2011. The measure also establishes the base amount used to calculate the premiums or contributions to group insurance for retired state employees who continue to participate in PEBP as \$317.30/month for fiscal year 2009-2010 and \$344.30/month for fiscal year 2010-2011.

This measure is effective on July 1, 2009.

**Senate Bill 421** (Chapter 276, *Statutes of Nevada 2009*) suspends for the next 2 years semi-annual payments commonly known as “longevity pay” to state employees with 8 years of more of continuous service, who have been rated standard or better. The measure also suspends for the next two years annual merit pay increases for state employees who are rated standard or better (on performance evaluations) and have not attained the top step of their pay grade.

This measure is effective on July 1, 2009.

**Senate Bill 423** (Chapter 425, *Statutes of Nevada 2009*) appropriates monies in the 2009-2011 interim to assist state agencies, including the Nevada System of Higher Education, in paying electric, heating, and cooling costs. Requests for such funding must first be approved by the State Board of Examiners before being submitted to the Interim Finance Committee, who, in turn, will require documentation and reporting to ensure the productive use of the money appropriated.

This measure is effective on July 1, 2009.

**Senate Bill 427** (Chapter 426, *Statutes of Nevada 2009*) reduces postretirement increases to The Public Employees’ Retirement System (PERS) for retirees who become members on or after January 1, 2010, so that the increase in benefits is capped at 4 percent at the 12<sup>th</sup> anniversary and each year thereafter. Currently, it would increase again to 5 percent at the 14<sup>th</sup> anniversary.

Under existing law, a member of PERS (other than a police officer or firefighter) is eligible to retire at age 65 if he has at least 5 years of service, at age 60 if he has at least 10 years of service, and at any age if he has at least 30 years of service. This bill increases the age at which a member whose

effective date of membership is on or after January 1, 2010, is eligible to retire with at least 10 years of service from 60 years to 62 years.

This bill further provides that the monthly retirement allowance for each member whose effective date of membership is on or after January 1, 2010, will be determined by multiplying the member’s average compensation by 2.5 percent for every year of service. Previously, the monthly retirement allowance was calculated by multiplying a member’s average compensation, over the member’s 36 consecutive months of highest compensation, by 2.5 percent for every year of service earned before July 1, 2001, and 2.67 percent for every year of service earned thereafter. The measure also limits, for a member whose effective date of membership is on or after January 1, 2010, to 10 percent per year the amount of an increase in compensation that can be considered when determining a retirement allowance, as calculated over a 60-month period that commences 24 months immediately preceding the 36 consecutive months of highest compensation.

Further, for employees who are initially hired by the State on or after January 1, 2010, this bill (1) eliminates the subsidy for coverage under the Public Employees’ Benefits Program (PEBP) for retired employees who have less than 15 years of service, with the exception of disabled retirees and (2) requires continuous coverage under PEBP by persons since their retirement to qualify for the subsidy.

This measure is effective on January 1, 2010.

**Senate Bill 428** (Chapter 277, *Statutes of Nevada 2009*) authorizes the payment of administrative costs for the Millennium Scholarship Trust Fund from the Nevada College Savings Trust Fund. Formerly, administrative costs were paid from money drawn from the Trust Fund itself. Existing law still caps these costs at 3 percent of the average annual revenue to the State from the tobacco settlement agreement.

This measure is effective on July 1, 2009.

**Senate Bill 431** (Chapter 392, *Statutes of Nevada 2009*) authorizes all non-appropriated

expenditures for State agencies. With respect to NSHE, authorized funds are comprised primarily of student fee revenues, federal stimulus funds authorized through the American Recovery and Reinvestment Act, federal or county revenues, and discretionary income used to support budgeted personnel and operational costs.

The bill maintains language established during the 2003 Legislative Session that allows NSHE to expend excess student fee revenues on salaries and benefits for additional faculty hired to provide additional class sections without the approval of the Interim Finance Committee. The measure clarifies that the federal stimulus funds authorized by this bill are available for both fiscal years of the biennium, and may be transferred from one fiscal year to the other with the recommendation of the Governor and the approval of the Interim Finance Committee.

Subject to the actions the federal government may take that conflict with the allocations approved by the Nevada Legislature for the stabilization funds, the Governor may recommend and the Interim Finance Committee may approve transfers of the Stabilization Funds between NSHE and the Department of Education.

In total, the bill provides NSHE institutions with \$301.8 million in FY 2010 and \$312.3 million in FY 2011 to support the higher education budgets during the next two year period.

The primary provisions of this measure are effective July 1, 2009.

**Senate Bill 433** (Chapter 391, *Statutes of Nevada 2009*) requires that all state employees shall take one day of unpaid furlough leave each month for the period beginning on July 1, 2009, and ending on June 30, 2011. The measure allows the Board of Regents either to implement this furlough requirement or to adopt another method by which overall costs for professional employees will be reduced by an equivalent amount. The bill further provides that the Board of Regents will determine those positions within the Nevada System of Higher Education that will not be subject to the furlough requirement.

This measure is effective on July 1, 2009.

### **Senate Concurrent Resolutions**

**Senate Concurrent Resolution 13** (File No. 25, *Statutes of Nevada 2009*) urges the Nevada System of Higher Education, each institution within the System, and each private institution of postsecondary education in this State to develop and implement campus safety programs. It recommends that such campus safety programs 1) address attitudes, beliefs and perceptions that contribute to violence, 2) support healthy group norms, promote bystander intervention and set clear expectations for administrators, students, faculty and visitors to the campus, 3) establish policies and procedures for addressing violence and train students and faculty to ensure that these policies are followed, and 4) provide appropriate crisis management services to students.

**Senate Concurrent Resolution 14** (File No. 26, *Statutes of Nevada 2009*) commends Thalia Dondero for her unwavering dedication and



commitment to the education of the young people of Nevada and commends her unique sense of civic duty in serving her community to improve the quality of life for all Nevadans. The Legislature noted Mrs. Dondero's service on the Nevada

Board of Regents, her instrumental role in the formation of Nevada State College, and her advocacy for the Health Sciences System.

**Senate Concurrent Resolution 18** (File No. 37, *Statutes of Nevada 2009*) commemorates the 50th anniversary of the Desert Research Institute, which was established on March 23, 1959, and commends it for its contribution to the security of the nation and to the general welfare of the State of Nevada through the development of educational and scientific research. The resolution specifically recognizes President Stephen G. Wells for his years of service and leadership and Dr. John Hallett for his groundbreaking investigations of precipitation.

**Senate Concurrent Resolution 22** (File No. 49, *Statutes of Nevada 2009*) encourages the Nevada Department of Education and school districts to work in collaboration with the Nevada System of Higher Education to increase participation in adult education programs, to increase the number of adults who obtain adult high school diplomas, and to enroll those adults in a college to continue their education. It also encourages adults who obtain an adult standard diploma to further their education by enrolling in college.

**Senate Concurrent Resolution 27** (File No. 63, *Statutes of Nevada 2009*) expresses the gratitude to all educational personnel in pre-kindergarten through postsecondary levels in Nevada; recognizes the need to raise public awareness of their unquantifiable contributions and to promote greater respect for and understanding of their roles in education; and encourages the schools, communities, and residents of this State to recognize that educational personnel are vital to the very fabric of our society and to continue to support those who educate our children, peers, and neighbors.

**Senate Concurrent Resolution 37** (File No. 102, *Statutes of Nevada 2009*) requires the Interim Finance Committee to appoint a subcommittee in the 2009-2010 interim to study Nevada's revenue structure and make recommendations to provide for the long-term stabilization of revenue. The measure also requires the Interim Finance Committee to retain the services of an independent consultant to review and make recommendations concerning Nevada's revenue structure. Furthermore, the resolution requires the creation of a Technical Working Group to ensure the implementation of revenue stabilization recommendations, and it requires that NSHE's Vice Chancellor of Finance be a member of this group.



**Senate Joint Resolution 4** of the 74<sup>th</sup> Session of the Nevada Legislature proposed to amend the *Nevada Constitution* to provide that members of the Board of Regents would be appointed by the Governor. Further, the measure proposed to require the Legislature to provide for the organization and duties of the Board. In order to amend the *Nevada Constitution*, the measure must be approved in identical form by two consecutive sessions of the Nevada Legislature and then by a vote of the people. The resolution was successfully passed by the 2007 Legislature, but **FAILED** to pass the 2009 Legislature and therefore will not appear on the 2010 ballot for approval by the voters of Nevada.