

73rd REGULAR SESSION OF THE NEVADA LEGISLATURE 22nd SPECIAL SESSION

Overview of Enacted Legislation Impacting the
Nevada System of Higher Education (NSHE)

<u>Measure</u>	<u>Topic</u>	<u>Description</u>	<u>Statutes of Nevada</u> <u>2005</u>
<i>Assembly Joint Resolution(s)</i>			
AJR 11 of the 72 nd Session	Appointment of Board of Regent Members	Proposing to amend the <i>Nevada Constitution</i> to provide for the election and the gubernatorial appointment of certain members of the Board of Regents	File No. 89
<i>Assembly Bills</i>			
AB 104	WICHE	Making an appropriation to the Western Interstate Commission for Higher Education (WICHE) for upgrades in its accounting system	Chapter 153
AB 107	National Direct Student Loan Program	Providing a supplemental appropriation for matching money for the National Direct Student Loan Program	Chapter 19
AB 234	Anatomical Gifts	Transferring certain duties pertaining to anatomical gifts from the Bureau of Consumer Protection in the Office of the Attorney General to the University of Nevada School of Medicine	Chapter 88
AB 280	Transfer of Credits	Revising provisions regarding the degrees and transferability of credits earned within the NSHE	Chapter 319
AB 334	Protection of Social Security Numbers	Requiring a governmental entity to ensure that social security numbers are maintained in a confidential manner	Chapter 486
AB 395	False Educational Credentials	Prohibiting the use of a false or misleading degree or honorary degree granted by a private entity or public postsecondary educational institution	Chapter 194

<u>Measure</u>	<u>Topic</u>	<u>Description</u>	<u>Statutes of Nevada 2005</u>
AB 527	UCCSN Name Change	Renaming the University and Community College System of Nevada as the Nevada System of Higher Education	Chapter 119
AB 534	NSHE Bonding Authority	Authorizing the Board of Regents to issue revenue bonds to finance a portion of the cost of construction for a parking facility at CCSN and a residence hall at WNCC, and further increasing bonding authority for certain projects at UNR and UNLV	Chapter 297
AB 571	Group Insurance	Establishing for next biennium amount to be paid to Public Employees' Benefits Program for group insurance for certain active and retired public officers and employees	Chapter 295
AB 576	Appropriations Act	Making various changes regarding state financial administration and makes appropriations for support of civil government of State	Chapter 434
AB 577	Pay Bill	Increasing salaries of certain state employees	Chapter 435
AB 580	Assembly "Pork Barrel" Bill	Makes various changes relating to public administration	Chapter 482
<i>Senate Concurrent Resolution(s)</i>			
SCR 9	Nevada Medal	Congratulating Dr. Donald K. Grayson for being selected as the recipient of the Nevada Medal given by the Desert Research Institute	File No. 18
SCR 19	William S. Boyd School of Law	Commending Dean Richard Morgan and the William S. Boyd School of Law for the success of the law school and contributions to the betterment of the State of Nevada	File No. 37
SCR 38	International Education	Expressing support for international education and foreign exchange student programs	File No. 69

<u>Measure</u>	<u>Topic</u>	<u>Description</u>	<u>Statutes of Nevada 2005</u>
<i>Senate Bills</i>			
SB 22	Disabled Persons	Creating the Interagency Advisory Board on Transition Services within the Office of Disability Services to study matters relating to transition services for persons transitioning from secondary school to adult living	Chapter 377
SB 32	Residency for Tuition Purposes	Lengthening certain minimum periods of residency required for students at institutions of the NSHE to qualify for free tuition	Chapter 374
SB 56	Distance Education	Making various changes concerning distance education programs	Chapter 480
SB 78	Nevada National Guard Fee Waiver	Making permanent the authority of the Board of Regents to grant waivers for registration and laboratory fees for active members of the Nevada National Guard	Chapter 181
SB 83	Open Meeting Law	Requiring a public body to allow a person whose character, alleged misconduct, professional competence, or physical or mental health is being considered in a closed meeting to attend the meeting with an attorney and present testimony	Chapter 467
SB 105	UNSOM and Nevada Cancer Institute	Making an appropriation to the University of Nevada School of Medicine for support of its partnership with the Nevada Cancer Institute and Center for Excellence to expand research, treatment, education and teaching opportunities in Nevada	Chapter 392
SB 107	Report on Capital Improvements	Requiring the Board of Regents to report certain information concerning capital improvements to the Legislature	Chapter 372
SB 149	Compensation for Board of Regents	Providing a salary for members of the Board of Regents for attending meetings and making various changes regarding host accounts	Chapter 317

<u>Measure</u>	<u>Topic</u>	<u>Description</u>	<u>Statutes of Nevada 2005</u>
SB 156	UNR College of Agriculture	Encouraging the Board of Regents to establish a program of agronomy, horticulture, landscape ecology, and design and plant sciences within the College of Agriculture at the University of Nevada, Reno	Chapter 303
SB 175	Vehicle Accident Reports	Revising provisions governing vehicle accident reports	Chapter 216
SB 193	Committee on Anatomical Dissection	Making various changes concerning the Committee on Anatomical Dissection established by the Nevada System of Higher Education	Chapter 192
SB 233	NSHE Exclusion, Instructional Wine-Making Facilities	Defining instructional wine-making facilities to specifically exclude the Nevada System of Higher Education	Chapter 345
SB 267	Open Meeting Law	Making various changes relating to the meetings of public bodies	Chapter 466
SB 338	Business Disclosures	Requiring a domestic or foreign limited-liability company to disclose the names of certain owners of the domestic or foreign limited-liability company to the Board of Regents under certain circumstances	Chapter 459
SB 303	William S Boyd School of Law	Revising the provisions governing the appointment of Commissioners on Uniform State Laws to represent the State of Nevada	Chapter 360
SB 410	NSHE Exemption from Prescription Drug Pools	Exempting the Nevada System of Higher Education from the requirement to purchase prescription drugs, pharmaceutical services, or medical supplies and related services through the Purchasing Division of the Department of Administration	Chapter 204
SB 421	Open Meeting Law	Requiring all public bodies subject to the Open Meeting Law to make and retain an audio recording or transcripts of each meeting	Chapter 373

<u>Measure</u>	<u>Topic</u>	<u>Description</u>	<u>Statutes of Nevada</u> <u>2005</u>
SB 426	Public Works	Revising provisions regarding the payment of the prevailing wages on projects of the NSHE; and authorizing the NSHE to enter into installment-purchase and lease-purchase agreements under certain circumstances	Chapter 508
SB 461	Gifted and Talented Pupils	Providing for the enrollment of certain pupils in university school for profoundly gifted pupils	Chapter 481
SB 522	Authorizations Act	Authorizing expenditures by agencies of State Government	Chapter 510
SB 524	CIP Bill	Relating to Capital Improvement Projects	Chapter 398
<i>22nd Special Session</i>			
AB 3	Green Building	Relating to energy, conservation, construction and renovation, and creating incentives and standards for green buildings	Chapter 2 <i>22nd Special Session</i>
SB 1	Senate “Pork Barrel” Bill	Making various changes relating to state financial administration	Chapter 7 <i>22nd Special Session</i>
SB 4	Millennium Scholarship	Revising provisions governing the Millennium Scholarship	Chapter 10 <i>22nd Special Session</i>

SUMMARY OF LEGISLATION

Following are summary reviews of the bills and resolutions enacted during the 73rd Regular Session of the Nevada Legislature and the 22nd Special Session that in some manner impact the Nevada System of Higher Education. The provisions of a bill impacting the System or higher education in general only are discussed. These summaries do not constitute a legal analysis and are not intended to be used in place of Nevada Revised Statutes.

Assembly Joint Resolutions

Assembly Joint Resolution No. 11 (File No. 89, *Statutes of Nevada 2003*) proposes to amend the *Nevada Constitution* to provide for the election of certain members of the Board of Regents and the gubernatorial appointment of certain members of the Board of Regents. The Board shall consist of nine members, one elected from each congressional district, and the remaining members will be appointed by the Governor. Expiration of the four year terms will be staggered every two years for elected and appointed members.

The Nevada Legislature approved AJR 11 in two consecutive legislative Sessions (2003 and 2005); as such the measure will go to a vote of the citizens of Nevada. If the public supports the measure the resolution becomes effective on January 1, 2008, for purposes of nominating and electing members to the Board of Regents from each congressional district, and on January 5, 2009, for all other purposes.

Assembly Bills

Assembly Bill 104 (Chapter 153, *Statutes of Nevada 2005*) appropriates \$67,900 from the State General Fund to the Western Interstate Commission for Higher Education for information technology upgrades to its accounting system.

This measure is effective upon passage and approval.

Assembly Bill 107 (Chapter 19, *Statutes of Nevada 2005*) appropriates \$1,400 from the State General Fund to the Nevada System of Higher Education to supplement and balance the National Direct Student Loan Program account for Fiscal Year 2004-2005.

This measure is effective upon passage and approval.

Assembly Bill 234 (Chapter 88, *Statutes of Nevada 2005*) transfers from the Bureau of Consumer Protection of the Office of the Attorney General to the University of Nevada School of Medicine duties related to the administration of organ donation. Specifically, those duties include administering educational programs related to anatomical gifts, carrying out programs to publicly acknowledge donor families; preparing and distributing information on organ donation, and managing the State's Anatomical Gift Account.

This measure is effective January 1, 2006.

Assembly Bill 280 (Chapter 319, *Statutes of Nevada 2005*) encourages the Board of Regents to periodically review its mission for higher education and the core curriculum at each institution. In addition, the Board, in cooperation with the State Board and the Council to Establish Academic Standards for Public Schools, must ensure that students in a NSHE teacher education program are provided instruction in the standards for high school pupils. Further, the bill specifies the manner in which a student is determined to have completed a full course of study for the issuance of a diploma from the System dependent on the student's choice of catalog for graduation requirements. The bill also requires that all courses earned toward the completion of an Associate's degree at a community college automatically transfer to a university or state college within the System.

This provision of the bill concerning issuance of a diploma is effective on July 1, 2005, all other provisions of the bill are effective upon passage and approval.

Assembly Bill 334 (Chapter 486, *Statutes of Nevada 2005*) requires that governmental agencies ensure that social security numbers in its books and records are maintained in a confidential manner. The Student Information System maintained by the Nevada System of Higher Education and utilized by each of its institutions uses social security numbers as a primary identifier, in addition to a unique student identifier that is assigned by each institution.

This measure is effective on January 1, 2007.

Assembly Bill 395 (Chapter 194, *Statutes of Nevada 2005*) makes it unlawful for a person to knowingly use or attempt to use false or misleading educational credentials in connection with admission to any postsecondary institution or in connection with any business, employment, occupation, profession, trade or public office. The measure provides that such an offense shall be considered a misdemeanor punishable by a fine of up to \$5,000 or by imprisonment in a county jail for up to six months, or by both fine and imprisonment. In addition, a civil penalty up to \$5,000 may also be imposed under certain circumstances.

This measure is effective in July 1, 2005.

Assembly Bill 527 (Chapter 119, *Statutes of Nevada 2005*) renames the University and Community College System of Nevada (UCCSN) as the Nevada System of Higher Education (NSHE) as requested by the Board of Regents.

This measure is effective upon passage and approval.

Assembly Bill 534 (Chapter 297, *Statutes of Nevada 2005*) authorizes the Board of Regents to issue revenue bonds in a total principal amount not to exceed \$20 million to finance the construction of parking facilities at the Community College of Southern Nevada and an amount not to exceed principal of \$10 million to finance construction of a residence hall at Western Nevada Community College. Further, the measure increases the maximum amount of revenue bonds that may be used for construction of certain facilities at the University of Nevada, Reno by \$100.8 million and by \$140 million for the University of Nevada, Las Vegas.

This measure is effective upon passage and approval.

Assembly Bill 571 (Chapter 295, *Statutes of Nevada 2005*) establishes for the 2005-2007 biennium the amount to be paid to the Public Employees' Benefits Program for group medical insurance for active and retired public officers and employees. The monthly premium for active employees is \$481.19 during FY 2006, and increases to \$500.20 per month in FY 2007. For retirees, the monthly premium is \$321.27 in FY 2006 and \$336.97 in FY 2007.

The measure is effective on July 1, 2005.

Assembly Bill 576 (Chapter 434, *Statutes of Nevada 2005*) contains the Legislatively-approved budget appropriation for all state agencies for the 2005-2007 biennium. For the NSHE institutions, the measure provides \$548.2 million in FY 2006 and \$566.8 million in FY 2007 to support personnel and operating costs. The measure further allows NSHE institutions to balance forward to a maximum of two fiscal years the state funds associated with documented research grants.

The primary provisions of the act are effective on July 1, 2005.

Assembly Bill 577 (Chapter 435, *Statutes of Nevada 2005*) establishes the salary limits for employees working in unclassified service of the state. The measure also appropriates a pool of funds to the State Board of Examiners designated to be justified by state agencies to fund a cost of living salary adjustment for all state workers at 2 percent in FY 2006 and 4 percent in FY 2007, and pay for an additional step increase for classified employees who are at the top of their compensation scale. For the NSHE, the measure provides the cost of living adjustments and the additional step increase for classified employees in the amount of \$3.5 million in FY 2006 and \$7.4 million in FY 2007. Further, the measure provides for the cost of living salary adjustment for the NSHE's professional employees in the amount of \$5.6 million in FY 2006 and \$17.5 million in FY 2007.

The measure is effective July 1, 2005.

Assembly Bill 580 (Chapter 482, *Statutes of Nevada 2005*) modifies funding for public administration. The measure provides that appropriations are not intended to finance the ongoing expenditures of state agencies, and may not be included as base budget expenditures in the proposed budget for the Executive Branch of state government for the 2007-2009 biennium.

For the NSHE, the measure appropriates \$150,000 in each year of the biennium to support personnel and operational costs for UNLV's Women's Research Institute of Nevada, effective July 1, 2005.

In addition, the measure appropriates to the Interim Finance Committee a total of \$4.0 million for allocation to UNR's School of Medicine to provide for expenses related to the design, engineering, and construction of an academic medical center with an organ transplant center located in Clark County, effective July 1, 2005.

Senate Concurrent Resolutions

Senate Concurrent Resolution 9 (File No. 18, *Statutes of Nevada 2005*) congratulates Dr. Donald K. Grayson as recipient of the 2005 Nevada Medal awarded by the Desert Research Institute for his many contributions to archaeology, paleoecology, and biogeography sciences. In particular, Dr. Grayson is well-known for his continued investigation of how the mammalian fossil record from archaeological and late Quaternary paleontological sites can contribute to effective study of climate changes over time.

Senate Concurrent Resolution 19 (File No. 37, *Statutes of Nevada 2005*) commends Dean Richard Morgan for his hard work, dedication, and commitment to the creation and development of the William S. Boyd School of Law at the University of Nevada, Las Vegas. The Legislature noted that under Dean Morgan's leadership the law school has become an outstanding center for legal education enhancing the practice of law in Nevada, and serving the citizens of the state.

Senate Concurrent Resolution 38 (File No. 69, *Statutes of Nevada 2005*) expresses support for international education and foreign exchange student programs as a critical component of higher education in Nevada. The resolution acknowledges that international education programs contribute to the economy of the state and to a diverse college environment, enhancing both academic and co-curricular programs. The Legislature encourages Nevada's colleges and universities to develop courses of study designed to increase students' understanding of global issues and cultural differences. Further, the measure encourages the continued development of foreign language courses. Study abroad programs and opportunities for domestic and international students to interact are also encouraged. Finally, the Legislature recommends developing innovative public educational forums and venues to explore global issues and showcase world cultures.

Senate Bills

Senate Bill 22 (Chapter 377, *Statutes of Nevada 2005*) creates the Interagency Advisory Board on Transition Services within the Office of Disability Services to study and report on services for persons with disabilities who are transitioning from secondary school to adult living. The fifteen member board includes a representative of the NSHE or an entity that provides postsecondary education, vocational training, supported employment services, integrated employment services or continuing adult education, appointed by the Governor.

The provisions of the measure concerning the creation of the Advisory Board and its membership are effective upon passage and approval and expire by limitation on June 30, 2013.

Senate Bill 32 (Chapter 374, *Statutes of Nevada 2005*), requested by the Board of Regents, requires the family of a student to reside in Nevada for at least 12 months prior to matriculation at a NSHE institution in order to qualify for in-state tuition. In addition, [financially] independent students whose family are not Nevada residents must reside in the state for at least 12 months prior to matriculation to qualify for in-state tuition.

This measure is effective on July 1, 2005.

Senate Bill 56 (Chapter 480, *Statutes of Nevada 2005*) makes numerous changes concerning charter schools and distance education. Pertinent to the NSHE, the bill allows a teacher, instructor or professor at a community college or university to teach core academic subjects in distance education programs at a system of public instruction.

The aforementioned provision of the act is effective on July 1, 2005.

Senate Bill 78 (Chapter 181, *Statutes of Nevada 2005*) eliminates the expiration provision established during the 2003 Session of the Nevada Legislature pertinent to fee waivers for active members of the Nevada National Guard, effectively authorizing the Board of Regents to continue the fee waiver program.

This measure is effective upon passage and approval.

Senate Bill 83 (Chapter 467, *Statutes of Nevada 2005*) requires a public body to allow a person whose character, alleged misconduct, professional competence, or physical or mental health is being considered in a closed meeting of a public body to attend the closed meeting, have an attorney or other representative present, and present testimony and written evidence during the meeting. Further, the public body must notify such person in writing of the closed meeting, including notification of the general topics to be discussed, and of his aforementioned right to have counsel present at the meeting.

This measure is effective on October 1, 2005.

Senate Bill 105 (Chapter 392, *Statutes of Nevada 2005*) appropriates \$10 million from the State General Fund to the University of Nevada School of Medicine for construction of a building where research, treatment, education, and teaching opportunities in Nevada will be expanded in partnership with the Nevada Cancer Institute and the Center of Excellence.

This measure is effective upon passage and approval.

Senate Bill 107 (Chapter 372, *Statutes of Nevada 2005*) requires the Board of Regents to prepare a report concerning any capital improvements owned, leased or operated by the Board for each fiscal year. The report must be prepared in accordance to generally accepted accounting

principles and be submitted by February 1 of each year to the Director of the Legislative Counsel Bureau.

This measure is effective on October 1, 2005.

Senate Bill 149 (Chapter 317, *Statutes of Nevada 2005*) provides that each member of the Board of Regents is entitled to receive \$80 for each meeting of the Board that he or she attends. Under existing state law Board members serve without compensation, but do receive a travel per diem. Further, the measure provides that expenditures from a host account provided for a Board member must not exceed \$2,500 annually. Monthly reports must be submitted to the Chancellor accounting for host expenditures. In addition, SB 149 specifies that host accounts may only be used for activities that are directly related to duties of the Board member, including reasonable expenses for meals, beverages, and small gifts. A host account may not be used for expenses related to attending sporting events or a political fundraising event.

This measure is effective on July 1, 2005.

Senate Bill 156 (Chapter 303, *Statutes of Nevada 2005*) encourages the Board of Regents to establish within the College of Agriculture of the University of Nevada, Reno a program of agronomy, horticulture, landscape ecology, and design and plant sciences; and to further offer a Bachelor of Science degree in those areas. The Board must submit to the 74th Session of the Nevada Legislature a report regarding the System's status towards establishing such a program.

This measure is effective on July 1, 2005.

Senate Bill 175 (Chapter 216, *Statutes of Nevada 2005*) requires the NSHE police department to provide within seven days of receipt of a written request a copy of the vehicle accident report to the person who claims to have sustained damages from the accident or his insurer. Current law provides that such reports must be provided; SB 175 mandates the aforementioned time restraint on providing such information.

This measure is effective upon passage and approval.

Senate Bill 193 (Chapter 192, *Statutes of Nevada 2005*) revises provisions governing membership and certain duties of the Committee on Anatomical Dissection. The bill requires that the member appointed by the President of the University of Nevada, Reno or the University of Nevada, Las Vegas, be elected as chairman of the committee, and shall hold office for a term of one year. The committee must meet at least twice a year at a time and place specified by the chairman. Current law provides that a report of the committee's activities must be provided biennially to the NSHE Presidents and the State Board of Health. The bill amends the reporting requirement to provide that the Governor and the Director of the Legislative Counsel Bureau must also receive the biennial report.

In addition, SB 193 requires the committee to charge and collect certain fees from institutions within the NSHE and any other entity which receives dead bodies for medical science purposes. Finally, the measure prohibits any entity from receiving a dead body unless it is determined by

the committee that it is eligible to do so. Any entity that receives a dead body without the committee determining first that it is eligible to do so is guilty of a gross misdemeanor.

This measure is effective on October 1, 2005.

Senate Bill 233 (Chapter 345, *Statutes of Nevada 2005*) authorizes the operation of an “instructional wine-making facility.” The measure specifically defines “instructional wine-making facility” to exclude any university, college, or community college that is part of the Nevada System of Higher Education.

This measure is effective upon passage and approval.

Senate Bill 267 (Chapter 466, *Statutes of Nevada 2005*) concerns the Open Meeting Law and provides that any statement which is made by a member of a public body during a public meeting is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action. Further, a witness who is testifying before a public body is absolutely privileged to publish defamatory matter as part of a public meeting; however, it is unlawful to misrepresent any fact knowingly when testifying before a public body. Supporting materials provided to members of the public body must be made available to a person requesting such materials at the same time the materials are provided to the public body.

In addition, SB 267 provides that in posting notice for a public meeting if the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, or to take administrative action against a person, his or her name must be noted as such on the agenda. A person who is being considered by a public body during a closed meeting may waive the closure of the meeting and request that the meeting be held in public. Further, such a person must be allowed to attend the closed meeting, have an attorney present during the closed meeting, and present written evidence and provide testimony.

The measure provides that a closed hearing shall not be held to consider the character, alleged misconduct, or professional competence of a person who is appointed public officer or who serves at the pleasure of a public body as chief executive or administrative officer, including a President of a university or college within the NSHE, a superintendent of a county school district, a county manager, or city manager.

This measure is effective on October 1, 2005.

Senate Bill 303 (Chapter 360, *Statutes of Nevada 2005*) revises the provisions governing the appointment of Commissioners on Uniform State Laws to include two members of the faculty of the William S. Boyd School of Law of the University of Nevada, Las Vegas. In addition, the Legislative Commission must appoint two additional members of the faculty of the William S. Boyd School of Law from a list submitted by the Dean of the Law School, who will serve 4 year terms.

This measure is effective on July 1, 2005.

Senate Bill 338 (Chapter 459, *Statutes of Nevada 2005*) provides, in part, that if the NSHE sells, leases, transfers or conveys land to, or exchanges land with, a domestic or foreign limited-liability company, the Board of Regents must require the company to submit a disclosure to the Board setting forth the name of any person who holds ownership interest of one percent or more in the company. Upon request, the disclosure must be made available to the public for inspection.

This measure is effective on October 1, 2005.

Senate Bill 410 (Chapter 204, *Statutes of Nevada 2005*), a measure requested by the Board of Regents, exempts the Nevada System of Higher Education from the requirement to purchase prescription drugs, pharmaceutical services, or medical supplies and related services through the Purchasing Division of the Department of Administration.

This measure is effective upon passage and approval.

Senate Bill 421 (Chapter 373, *Statutes of Nevada 2005*) mandates that all meetings of public bodies, public or closed, must be recorded, the tapes of which must be retained for at least one year. Failures to record proceedings of a public body due to factors beyond its control (e.g. a power failure) will not constitute a violation of the law.

This measure is effective on July 1, 2005.

Senate Bill 426 (Chapter 509, *Statutes of Nevada 2005*) provides that the general provisions and wage provisions of state law concerning public works projects apply to any contract for construction work of the NSHE for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work. Further, the measure authorizes the NSHE for a temporary period to enter into installment-purchase and lease-purchase agreements under certain circumstances.

This measure is effective on July 1, 2005.

Senate Bill 461 (Chapter 481, *Statutes of Nevada 2005*) provides for the enrollment of certain pupils in a university school for profoundly gifted pupils in lieu of enrolling in the schools that such pupils are otherwise scheduled to attend. The measure defines “university school for profoundly gifted pupils” to mean a school that is located on the campus of a university within the NSHE, is operated through a written agreement with the university, is operated by or is itself a non-profit corporation, demonstrates at least 5 years of successful experience providing educational services to profoundly gifted students, provides a full-time alternative program for education, and does not charge tuition to enrolled pupils.

This measure is effective on July 1, 2005.

Senate Bill 522 (Chapter 510, *Statutes of Nevada 2005*) authorizes all non-appropriated expenditures for State agencies. For the NSHE, authorized funds are comprised primarily of Student Fee revenues and discretionary income used to support budgeted personnel and

operational costs. The measure also includes the General Fund salary adjustment revenue transfers which must be justified by the NSHE in order to obtain full funding for the Legislatively-approved professional and classified salary adjustments. Further, the bill maintains language established during the 2003 Legislative Session that allows the 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. In total, the act provides the NSHE institutions with \$177.3 million in FY 2006 and \$200.4 million in FY 2007.

The primary provisions of the act are effective July 1, 2005.

Senate Bill 524 (Chapter 398, *Statutes of Nevada 2005*) provides funding for capital improvement projects through a combination of state funds and the issuance of general obligation bonds. The measure also authorizes state agencies, including the NSHE, to expend other funds, such as private donations and estate tax, to supplement the state funds approved for capital projects. For the NSHE, the bill authorizes a total of \$256.6 million for capital projects (\$20.5 million in General Fund, \$144.4 million in general obligation bonds, and \$91.7 million in other funds). Specific projects include FF&E for CCSN's Health Sciences Building, NSC's first building, UNLV's Science/Engineering/Technology Building, TMCC's Red Mountain Project, UNLV's College of Urban Affairs Building, UNR's Science and Math Education Building, the CAVE facility at DRI, the Automotive Technology Building and an expanded classroom addition at CCSN, UNLV's Student Services Addition, planning for UNR's Academic Medical Center and the Biotechnology/Genomics Teaching/Research Facility, and several health and safety code projects at WNCC. Also included is authorization to expend \$15.0 million for NSHE's campus maintenance projects financed through a combination of HECC (general obligation bonds) and SHECC funds. In addition, the measure maintains debt service within the current tax code of 15.85 cents in order to finance the capital improvement projects.

The majority of the measure is effective upon passage and approval.

22ND Special Session

Assembly Bill 3 (Chapter 2, *Statutes of Nevada 22nd Special Session*) concerns energy, conservation, construction and renovation, and creates incentives and standards for green building. Among its provisions, AB 3 provides that any committee or task force on sustainable energy created by a governing body must consider factors including standards for efficient use of water and energy, performance guidelines for new and remodeled buildings and retrofit projects. In addition, each occupied public building whose construction is sponsored or financed by the State must meet the requirements to be certified with the Leadership in Energy and Environmental Design Green Building Rating System or an equivalent standard, as adopted by the Office of Energy. The Commission on Economic Development shall grant partial abatement of property tax (for not more than 10 years and not exceeding 50 percent of the property tax payable) on a property whose building meets the equivalent of the silver level or higher of the aforementioned rating system. In addition, the NSHE must be given the essentials of green building construction and design to assist students in preparing for the Leadership in Energy and Environmental Design Professional Accreditation Exam or its equivalent.

This measure is effective upon passage and approval for the purposes of preparatory administrative tasks, and on October 1, 2005, or July 1, 2006, for other purposes depending on the provision of the bill.

Senate Bill 1 (Chapter 7, *Statutes of Nevada 22nd Special Session*) relates to the financial administration of the state, and provides specific appropriations to several state entities. The measure specifies that the bill's appropriations are not intended to finance the ongoing expenditures of state agencies, and may not be included as base budget expenditures in the proposed budget for the Executive Branch of state government for the 2007-2009 biennium.

For the NSHE, the measure provides \$50,000 to replenish the Trust Fund for the Education of Dependent Children created by *Nevada Revised Statutes* 396.545. The fund provides for the financing of higher education for children of slain law enforcement and emergency medical personnel. This provision of the act is effective July 1, 2005.

In addition, the measure appropriates to the Chancellor's Office the sum of \$300,000 for expenses relating to the continuation of the Pediatric Dental Residency Program, effective upon passage and approval. Effective July 1, 2005, the bill appropriates \$250,000 to the Center for Basque Studies at UNR to establish a Basque Genealogy Center. Further, the measure appropriates \$1.0 million to DRI for the purchase of equipment and services necessary to analyze ground water yields in arid basins, effective upon passage and approval.

The measure includes appropriations that fall outside the NSHE's organization, although the project affects the System due to the expected partnership with UNR's School of Medicine. Senate Bill 1 appropriates \$10.0 million to the Nevada Cancer Institute of Nevada to support operational costs, including researcher start-up packages and equipment, and to provide cancer research, education, and outreach to define needs and implement preventive health strategies. Further, the bill appropriates \$150,000 to the Nevada Cancer Institute to conduct a pain management study. Both of the aforementioned provisions are effective July 1, 2005.

Senate Bill 4 (Chapter 10, *Statutes of Nevada 22nd Special Session*) concerns the Millennium Scholarship program. The measure revises the statutory definition of "Millennium Scholarship" to be named the Governor Guinn Millennium Scholarship. In addition, SB 4 mandates that the Board of Regents establish criteria for exempting certain students with disabilities from the eligibility provisions whereby a student must apply for the scholarship within 6 years of graduation from a Nevada high school and enroll in at least 6 credit hours at a community college or 12 credit hours at a university or state college.

Further, the measure specifies that an eligible scholar may receive Millennium Scholarship monies for enrollment in a summer school term. The bill provides that an eligible student may not receive a Millennium Scholarship for more than the cost of 12 credit hours per semester. In addition, the Millennium Scholarship may not be awarded to pay for remedial coursework.

In order to maintain eligibility, a Millennium Scholar must maintain at least a 2.60 grade point average during the first year of enrollment, and at least a 2.75 grade point average during the

second year of enrollment and thereafter. Senate Bill 4 also enacts a “two strikes you’re out” provision, where by a student who fails to maintain eligibility in two subsequent semesters of enrollment, will no longer be eligible for a Millennium Scholarship.

The Board of Regents must establish procedures to ensure that any Millennium dollars refunded are refunded to the Trust Fund and not the student. The bill provides that each year the first \$7.6 million from the Abandoned Property Trust Fund must be transferred to the Millennium Scholarship Trust Fund. In addition, the Legislature appropriated \$35 million from the State General Fund to the Millennium Scholarship Fund.

The provisions of Senate Bill 4 regarding the limitation on the number of semester credits to which a student is eligible and the grade point average required in the second year of enrollment are effective on January 1, 2006. The provision concerning transfer of dollars from the Abandoned Property Trust Fund to the Millennium Scholarship Trust Fund are effective on July 1, 2005, and the remaining provisions of the bill are effective upon passage and approval.