



***Nevada Governor's Office of the Western Regional Education Compact
Nevada Western Interstate Commission for Higher Education (Nevada WICHE)***

Commission Meeting Minutes
Thursday, October 28, 2021
3:30 p.m. – 4:30 p.m.

In Attendance:

Fred Lokken: Executive Commissioner, Nevada WICHE
Melody Rose: Nevada WICHE Commissioner, Chancellor of NSHE
Yvonne Nevarez-Goodson: Deputy General Counsel for System Administration
Crystal Abba: Vice Chancellor for Academic and Student Affairs, NSHE
Renee Davis: Associate Director for Academic and Student Affairs, NSHE
Cathy Dinauer: Nevada WICHE Commissioner
Jennifer Ouellette: Nevada WICHE Director

- 1. Call to order.** - The meeting was called to order at 3:30 p.m. This meeting was posted in accordance with *Nevada Revised Statutes (NRS) 241*, Nevada's Open Meeting Law (OML).
- 2. Public Comment.** - There was no public comment.
- 3. Pursuant to NRS 233B.061, Workshop to solicit data, views, arguments or other comments from interested persons regarding the Commission's intent to adopt, amend and repeal regulations set forth in the Nevada Administrative Code (NAC) Chapter 397 to implement the amendments to NRS Chapter 397 enacted by Assembly Bill 247 and Senate Bill 446 of the 2021 Legislative Session, and any Commission direction thereon. For possible action.** - Director Ouellette explained that AB 247 removed several program provisions such as: payback, interest rates and penalties from Nevada Revised Statutes. It also directed the Commission to reestablish these provisions into administrative regulations, so they can be revised regularly with public input. She stated that the purpose of this workshop was to solicit comments from the public for consideration in the development of such regulations.

Commissioner Lokken acknowledged the outstanding efforts of Director Ouellette for two heavy lift bills. Deputy General Counsel Nevarez-Goodson noted that the purpose of this

agenda item is a legal requirement when an agency wants to adopt administrative regulations within the Nevada Administrative Code. Although no public was present, she said that it was her understanding the Commission intended to propose regulations for permanent adoption. It would put provisions that were once in statute into regulation and allow for better administrative operation of the Nevada WICHE program.

Vice Chancellor Abba asked for clarification on whether the proposed regulation would be an exact codification of what is in statute now, or if there is some discretion in terms of revisions that may be necessary. Deputy General Counsel Nevarez-Goodson confirmed that the decision to propose regulation and content of the regulations would be at the discretion of the Commission, since they have the legal authority by statute to adopt regulations.

4. **Pursuant to NRS 233B.0608(3), presentation and acceptance or other direction concerning the Director's Statement Regarding Small Business Impact related to the Commission's intent to adopt, amend and repeal Regulations set forth in NAC Chapter 397. *For possible action.*** - Director Ouellette referenced the Executive Director's statement regarding small business impact. She explained that NRS 397 governs the conditions of tuition support for students who accept tuition support from the Nevada Office of WICHE. Commission staff concluded that the proposed regulation would have no effect on small businesses, and no comment by small businesses was solicited.

Deputy General Counsel Nevarez-Goodson stated that this agenda item was a legal requirement to solicit comments from small businesses. Alternatively, the director has the authority to certify by statement that the proposed regulation will have no effect on small businesses which satisfies the legal mandate. The statement prepared by Director complies with the law.

5. **Director/Executive Commissioner Updates** – Director Ouellette provided a general update of the program status. The 2021 legislative session marked the passage of Assembly Bill 247 and Senate Bill 446, the biggest changes to NRS 397 since the program was first created in 1959. Major legislative changes included:
 - I. Eliminating the loan requirements for funding awarded to participants. In return for funding, students had to repay a portion of it and complete professional work service hours. This was unattractive to students and an administrative burden.
 - II. Repealed and replaced program policies from statutes to regulations. It will be more efficient to revise regulations since it is no longer necessary to go through the legislative process when needing to make changes to the program.
 - III. Updating and modernizing terminology and language throughout. The agency will now be known as the Nevada office of WICHE.

- IV. Senate bill 446 removed NV WICHE from the Governor's office and the 2021 Appropriations and Authorizations Act moved the program to NSHE.

Commissioner Lokken asked for an estimate of the remaining loan amounts, and about how long it will take before it goes away completely. Director Ouellette stated that the amount of the remaining loans is around \$1.5 million, assuming there are no conversions for people who do not complete their service requirements. However, in the next couple of months, grants will most likely need to be converted into loans, which will cause the remaining loan amount figure to go up.

Commissioner Lokken added that the loan component is an odd role for an agency to have, with Alaska being the only other state who adopts that policy. He mentioned that ever since he joined the Commission in 2015, there had never really been discussion about eliminating the loan component. Instead, there was talk about how to administer it, which was inconsistent over the years, and caused the program to carry unknown, bad debt. The program has gone through two subsequent audits since 2015, and in the last five years, Director Ouellette is the fourth Director of the program.

6. **Commission Delegation to Director.** *For Possible Action.* – Deputy General Counsel Nevarez-Goodson stated that under current statutory authority, as well as how it was amended during the last Legislative Session, Commissioners may delegate any and all responsibilities to their director. This agenda item sets forth six different scenarios that the Commission may delegate to its Director. The following provisions were each amended through AB 247 of the 2021 Legislative Session:

- I. Pursuant to NRS 397.030 - Authority to transmit proposed language to the Legislative Counsel Bureau pursuant to NRS Chapter 233B for the development of proposed, permanent administrative regulations for future consideration and approval by the Commission.
- II. Pursuant to NRS 397.062 and 397.063, as amended by Sections 15 and 16, authority to administer and account for the commissions account within the state budget, which is referred to as the Nevada Office of the WICHE account.
- III. Pursuant to NRS 397.064, as amended by Section 17 and section 18, authority to convert a stipend into a loan for failure to satisfy the criteria for the stipend, as well as to enter the terms of the loan under the authority granted to the Commission within the statute.
- IV. Pursuant to NRS 397.068, as amended by Section 19, authority to determine participant infractions for failure to comply with requirements. The delegation would include the imposition of authorized fines. The Director would be required to these infractions and fines to the Commission.

- V. Pursuant to NRS 397.0685, as amended by Section 20, authority to reduce the amount of time required for professional practice, so that the stipend would not then be converted into a loan.
- VI. Pursuant to NRS Chapter 397, the legislative amendments left a gap in place regarding existing loans effective before July 1, 2021, versus stipend loans that are issued past the effective date of AB 247. Because the Commission has the current authority to administer those loans, it could delegate that authority to the Director to resolve outstanding loan contract issues that were awarded before July 1, 2021. It would also eliminate the legal obligation to publicly notify persons before taking action on their accounts.

Commissioner Lokken recommended a motion for all six delegations. Commissioner Rose made a motion to accept the recommendation and Commissioner Dinauer seconded the motion. The motion carried unanimously.

- 7. Nevada WICHE – Nevada System of Higher Education Memorandum of Understanding. For Possible Action.** – Vice Chancellor Abba explained the Memorandum of Understanding concerning the administration of the Nevada Office of WICHE within NSHE. The Nevada Legislature moved the agency out of the Governor’s Office and back to NSHE. The Memorandum acknowledges the independence of the agency, while simultaneously being incorporated into the Academic and Student Affairs Department of NSHE to provide cross-support for both the Nevada Office of WICHE and the NSHE Academic Affairs Department.

Vice Chancellor Abba asked for signatures for the Memorandum from two of the three commissioners, except for Commissioner Rose who would sign in her role as Chancellor of NSHE and abstain from this vote in her capacity as a Commissioner. Commissioner Dinauer made a motion to accept the MOU and Commissioner Lokken seconded the motion. The motion passed with both votes in favor and the abstention by Chancellor Rose.

- 8. Public Comment.** - There was no public comment.
- 9. New Business.** – Commissioner Lokken asked for a meeting to be scheduled, where the Commissioners could discuss the future of the agency. He would like to see the State serviced in three major zones: rural, north, and south where there are major issues. This could be done by requesting money for funding in the form of a grant. He also noted that the program should look into funding more students in the veterinary medicine field.
- 10. Adjournment.** Having no further business and receiving no public comment, the meeting was adjourned at 4:03pm.