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CHAPTER 397 - WESTERN REGIONAL EDUCATION COMPACT

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NRS 397.001 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 397.002](#) to [397.005](#), inclusive, have the meanings ascribed to them in those sections. (Added to NRS by [2021, 2606](#))

NRS 397.002 “Compact” defined. “Compact” means the Western Regional Education Compact set forth in [NRS 397.020](#). (Added to NRS by [2021, 2606](#))

NRS 397.003 “Nevada Office” defined. “Nevada Office” means the Nevada Office of the Western Interstate Commission for Higher Education created by [NRS 397.030](#). (Added to NRS by [2021, 2606](#))

NRS 397.004 “Participant” defined. “Participant” means a person who receives a stipend from the Western Interstate Commission for Higher Education to participate in a program administered by the Nevada

Office or the office of the Western Interstate Commission for Higher Education established pursuant to Article 7 of the Compact.

(Added to NRS by [2021, 2606](#))

NRS 397.005 “State” defined. “State” means a state, territory or possession of the United States, the District of Columbia and the U.S. Pacific Territories and Freely Associated States.

(Added to NRS by [2015, 1502](#); A [2021, 2606](#))

NRS 397.010 Execution of compact authorized; notice of intention to withdraw.

1. The Governor is hereby authorized and directed to execute a compact on behalf of this state with each or all of the 16 members of the Western Interstate Commission for Higher Education for the purpose of cooperating with such states in the formation of a Western Interstate Commission for Higher Education.

2. Notice of intention to withdraw from such Compact shall be executed and transmitted by the Governor.

(Added to NRS by [1959, 74](#); A [1969, 61](#); [2021, 2606](#))

NRS 397.020 Form and contents. The form and contents of such compact shall be substantially as provided in this section and the effect of its provisions shall be interpreted and administered in conformity with the provisions of this chapter:

Western Regional Education Compact

The contracting states do hereby agree as follows:

ARTICLE 1

WHEREAS, The future of this Nation and of the Western States is dependent upon the quality of the education of its youth; and

WHEREAS, Many of the Western States individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, professional, and graduate training, nor do all the states have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

WHEREAS, It is believed that the Western States, or groups of such states within the region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the region and of the students thereof;

Now, therefore, the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming and the U.S. Pacific Territories and Freely Associated States do hereby covenant and agree as follows:

ARTICLE 2

Each of the compacting states pledges to each of the other compacting states faithful cooperation in carrying out all the purposes of this compact.

ARTICLE 3

The compacting states hereby create the Western Interstate Commission for Higher Education, hereinafter called the commission. Said commission shall be a body corporate of each compacting state and an agency thereof. The commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states.

ARTICLE 4

The commission shall consist of three resident members from each compacting state. At all times one commissioner from each compacting state shall be an educator engaged in the field of higher education in the state from which the commissioner is appointed.

The commissioners from each state shall be appointed by the governor thereof as provided by law in such state. Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner shall have been appointed.

The terms of each commissioner shall be four years; provided, however, that the first three commissioners shall be appointed as follows: one for two years, one for three years, and one for four years. Each commissioner shall hold office until his or her successor shall be appointed and qualified. If any office becomes vacant for any reason, the governor shall appoint a commissioner to fill the office for the remainder of the unexpired term.

ARTICLE 5

Any business transacted at any meeting of the commission must be by affirmative vote of a majority of the whole number of compacting states.

One or more commissioners from a majority of the compacting states shall constitute a quorum for the transaction of business.

Each compacting state represented at any meeting of the commission is entitled to one vote.

ARTICLE 6

The commission shall elect from its number a chair and a vice chair, and may appoint, and at its pleasure dismiss or remove, such officers, agents, and employees as may be required to carry out the purpose of this compact; and shall fix and determine their duties, qualifications and compensation, having due regard for the importance of the responsibilities involved.

The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the commission.

ARTICLE 7

The commission shall adopt a seal and bylaws and shall adopt and promulgate rules and regulations for its management and control.

The commission may elect such committees as it deems necessary for the carrying out of its functions.

The commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The chair may call such additional meetings and upon the request of a majority of the commissioners of three or more compacting states shall call additional meetings.

The commission shall submit a budget to the governor of each compacting state at such time and for such period as may be required.

The commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the region.

On or before the fifteenth day of January of each year, the commission shall submit to the governors and legislatures of the compacting states a report of its activities for the preceding calendar year.

The commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the governor of any compacting state or the designated representative of the governor. The commission shall not be subject to the audit and accounting procedure of any of the compacting states. The commission shall provide for an independent annual audit.

ARTICLE 8

It shall be the duty of the commission to enter into such contractual agreements with any institutions in the region offering graduate or professional education and with any of the compacting states as may be required in the judgment of the commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states. The commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health, and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

For this purpose the commission may enter into contractual agreements:

(a) With the governing authority of any educational institution in the region, or with any compacting state, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties, and

(b) With the governing authority of any educational institution in the region or with any compacting state to assist in the placement of graduate or professional students in educational institutions in the region providing the desired services and facilities, upon such terms and conditions as the commission may prescribe.

It shall be the duty of the commission to undertake studies of needs for professional and graduate educational facilities in the region, the resources for meeting such needs, and the long-range effects of the compact on higher education; and from time to time to prepare comprehensive reports on such research for presentation to the Western Governors' Conference and to the legislatures of the compacting states. In conducting such studies, the commission may confer with any national or regional planning body which may be established. The commission shall draft and recommend to the governors of the various compacting states, uniform legislation dealing with problems of higher education in the region.

For the purposes of this compact the word "region" shall be construed to mean the geographical limits of the several compacting states.

ARTICLE 9

The operating costs of the commission shall be apportioned equally among the compacting states.

ARTICLE 10

This compact shall become operative and binding immediately as to those states adopting it whenever five or more of the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska, and Hawaii have duly adopted it prior to July 1, 1953. This compact shall become effective as to any additional states or territory adopting thereafter at the time of such adoption.

ARTICLE 11

This compact may be terminated at any time by consent of a majority of the compacting states. Consent shall be manifested by passage and signature in the usual manner of legislation expressing such consent by the legislature and governor of such terminating state. Any state may at any time withdraw from this compact by means of appropriate legislation to that end. Such withdrawal shall not become effective until two years after written notice thereof by the governor of the withdrawing state accompanied by a certified copy of the requisite legislative action is received by the commission. Such withdrawal shall not relieve the withdrawing state from its obligations hereunder accruing prior to the effective date of withdrawal. The withdrawing state may rescind its action of withdrawal at any time within the two-year period. Thereafter, the withdrawing state may be reinstated by application to and the approval by a majority vote of the commission.

ARTICLE 12

If any compacting state shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder, shall be suspended from the effective date of such default as fixed by the commission.

Unless such default shall be remedied within a period of two years following the effective date of such default, this compact may be terminated with respect to such defaulting state by affirmative vote of three-fourths of the other member states.

Any such defaulting state may be reinstated by: (a) performing all acts and obligations upon which it has heretofore defaulted, and (b) application to and the approval by a majority vote of the commission.

(Added to NRS by [1959, 74](#); A [1969, 61](#); [2015, 1502](#); [2021, 2606](#))

NRS 397.030 Number, qualifications, terms, removal and authority of Commissioners; creation of Nevada Office.

1. In furtherance of the provisions contained in the Compact, there must be three Commissioners from the State of Nevada, appointed by the Governor to serve on the Western Interstate Commission for Higher Education created by the Compact and in the Nevada Office of the Western Interstate Commission for Higher Education, which is hereby created.

2. The qualifications and terms of the three Nevada State Commissioners must be in accordance with Article 4 of the Compact. A Nevada State Commissioner shall hold office until his or her successor is appointed and qualified, but the successor's term expires 4 years after the legal date of expiration of the term of his or her predecessor.

3. Any Nevada State Commissioner may be removed from office by the Governor upon charges and after a hearing.

4. The term of any Nevada State Commissioner who ceases to hold the required qualifications terminates when a successor is appointed.

5. The three Nevada State Commissioners, acting jointly, shall appoint a Director of the Nevada Office. The Director serves at the pleasure of the three Nevada State Commissioners.

6. Except as otherwise provided in subsection 7, the three Nevada State Commissioners, acting jointly, may:

(a) Adopt regulations as necessary to carry out the provisions of this chapter.

(b) At a meeting held in accordance with the provisions of [chapter 241](#) of NRS, delegate to an officer or employee of the Nevada Office the authority to undertake any actions authorized or required by the provisions of this chapter, including, without limitation, the authority to enter into an agreement that will be binding on the Nevada Office.

7. The three Nevada State Commissioners may not delegate the authority to enter into any agreement that will be binding on the Western Interstate Commission for Higher Education. Any agreement that will be binding on the Western Interstate Commission for Higher Education must be approved by that Commission.

(Added to NRS by [1959, 78](#); A [1981, 65](#); [1985, 419](#); [2003, 938](#); [2015, 1506, 2121](#); [2021, 2610, 2740](#))

NRS 397.040 Authority of state officers; declaration of state policy; state agencies' cooperation with Nevada Office.

1. All officers of the State are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of the Compact in every particular, it being hereby declared to be the policy of this state to perform and carry out the Compact and to accomplish the purposes thereof.

2. All officers, bureaus, departments and persons of and in the State Government or administration of the State are hereby authorized and directed at convenient times and upon request of the Nevada Office to furnish the Nevada Office with information and data possessed by them and to aid the Nevada Office by any means lying within their legal rights.

(Added to NRS by [1959, 78](#); A [2021, 2610](#))

NRS 397.050 Western Regional Higher Education Compact Account: Creation; uses of money in Account. Repealed. (See chapter 407, [Statutes of Nevada 2021, at page 2618.](#))

NRS 397.055 Contract with institution or state outside region.

1. Whenever the three Nevada State Commissioners are unable to enroll Nevada residents in graduate or professional schools pursuant to contractual agreements authorized by Article 8 of the Compact, or the cost of attending a school within the region is excessive, they may enter into contractual agreements with the governing authority of any educational institution offering accredited graduate and professional education outside the region of the Compact or with any state outside the region.

2. The terms and conditions of any such agreements must adhere to the same standards which are observed in the selection of participants.

(Added to NRS by [1975, 330](#); A [1981, 1017](#); [2003, 939](#); [2021, 2611](#))

NRS 397.0557 Nevada Office of the Western Interstate Commission for Higher Education authorized to apply for and accept grants, gifts and donations. The Nevada Office may apply for and accept any grant, gift or donation.

(Added to NRS by [1995, 357](#); A [2015, 1506](#); [2021, 2611](#))

NRS 397.060 Choice of applicants; reciprocity agreements authorizing out-of-state institutions to provide distance education to residents of Nevada. The three Nevada State Commissioners, acting jointly:

1. Shall:

(a) Choose from among Nevada residents who apply for a program administered by the Nevada Office, and have at least 1 year's residence in this state immediately before applying for the program, those most qualified to participate in a program administered by the Nevada Office.

(b) Compile a list of Nevada applicants for programs administered by the office of the Western Interstate Commission for Higher Education established pursuant to Article 7 of the Compact and transmit the list to that office.

2. May enter into any reciprocity agreement, including, without limitation, the State Authorization Reciprocity Agreement as implemented by the Western Interstate Commission for Higher Education, for the purpose of authorizing a postsecondary educational institution that is located in another state or territory of the United States to provide distance education to residents of this State if the requirements contained in the agreement for authorizing a postsecondary educational institution that is located in another state or territory of the United States to provide distance education to residents of this State are substantially similar to the requirements for licensure of a postsecondary educational institution by the Commission on Postsecondary Education pursuant to [NRS 394.383](#) to [394.560](#), inclusive. As used in this subsection, "postsecondary educational institution" has the meaning ascribed to it in [NRS 394.099](#).

(Added to NRS by [1959, 79](#); A [1960, 375](#); [1967, 1055](#); [1981, 1036](#); [1983, 1345](#); [1985, 849](#); [2003, 939](#); [2013, 1671](#); [2015, 1506](#); [2021, 2611](#))

NRS 397.0615 Stipend to be provided to participant. Financial support provided to a participant must be provided in the form of a stipend that the participant is not required to repay, except as otherwise provided in [NRS 397.0645](#).

(Added to NRS by [1995, 355](#); A [1997, 946](#); [2003, 939](#); [2015, 1507](#); [2021, 2612](#))

NRS 397.0617 Condition to receipt of support fee: Requirement that certain participants practice profession in health professional shortage area, medically underserved area or to benefit medically underserved population; waiver of stipend for compliance with condition; assessment of default charge or conversion of stipend to loan for noncompliance. Repealed. (See chapter 407, [Statutes of Nevada 2021, at page 2618.](#))

NRS 397.062 Nevada Office of the Western Interstate Commission for Higher Education's Account.

1. There is hereby created an account in the State General Fund entitled the Nevada Office of the Western Interstate Commission for Higher Education's Account. Any money received by the three Nevada State Commissioners as the proceeds of any penalty, appropriated or authorized from the State General Fund for the

purposes of carrying out the provisions of this chapter or pursuant to [NRS 397.0557](#) must be deposited in this Account.

2. The three Nevada State Commissioners, acting jointly, shall administer the Account and the money in the Account may be used to:

- (a) Pay miscellaneous expenses incurred in administering the Nevada Office of the Western Interstate Commission for Higher Education's Loan and Stipend Fund;
 - (b) Pay expenses incurred in collecting money due the State from a loan made pursuant to [NRS 397.064](#);
 - (c) Pay dues to the Western Interstate Commission for Higher Education; and
 - (d) Pay administrative expenses of the Nevada Office.
- (Added to NRS by [1985, 848](#); A [2003, 940](#); [2015, 1508](#); [2021, 2612](#))

NRS 397.063 Nevada Office of the Western Interstate Commission for Higher Education's Loan and Stipend Fund; use of money in Fund.

1. All money received as payment for a loan made pursuant to [NRS 397.064](#) must be accounted for in the Nevada Office of the Western Interstate Commission for Higher Education's Loan and Stipend Fund which is hereby created as an enterprise fund.

2. The three Nevada State Commissioners, acting jointly, shall administer the Fund, and the money in the Fund must be used solely to provide stipends to participants.

(Added to NRS by [1977, 428](#); A [1983, 312](#); [1985, 849](#); [1997, 125](#); [2001, 2753](#); [2003, 940](#); [2015, 1508](#); [2021, 2613](#))

NRS 397.064 Required terms of stipends converted to loans; regulations.

1. If a stipend received from the Nevada Office of the Western Interstate Commission for Higher Education's Loan and Stipend Fund is converted into a loan pursuant to [NRS 397.0645](#), the loan must be made upon the following terms:

(a) All loans must bear a competitive interest rate, which must be established by the three Nevada State Commissioners, acting jointly.

(b) A delinquency charge may be assessed on any installment delinquent 10 days or more in an amount that must be established by the three Nevada State Commissioners, acting jointly.

(c) The reasonable costs of collection and attorney's fees may be recovered in the event of delinquency.

2. The three Nevada State Commissioners, acting jointly, shall adopt regulations governing the repayment of loans, including, without limitation, the period allowed for the repayment and the minimum amount of money that may be repaid in an installment.

(Added to NRS by [1985, 846](#); A [1995, 357](#); [1997, 947](#); [2003, 941](#); [2007, 610](#); [2015, 1509](#); [2021, 2613](#))

NRS 397.0645 Period that participant must practice profession in Nevada to avoid repayment of stipend; conversion of stipend to loan; decrease in amount owed for partial completion of period of required practice.

1. A participant must repay the stipend received by the participant unless the participant:

(a) Graduates with a degree, certificate or similar credential in the area for which the participant received the stipend.

(b) Except as otherwise provided in [NRS 397.0685](#), practices, in Nevada, the profession for which the degree, certificate or similar credential was awarded for 1 year for each year the participant receives a stipend.

(c) Except as otherwise provided in [NRS 397.069](#):

(1) Commences the participant's practice obligation within 1 year after the completion or termination of the education, internship or residency for which the participant received the stipend.

(2) Completes the participant's practice obligation within 5 years after the completion or termination of the education, internship or residency for which the participant received the stipend.

(d) Reports the participant's practice status annually to the Nevada Office on forms provided by the Nevada Office.

(e) Maintains the participant's permanent residence in the State of Nevada throughout the period of the participant's practice obligation. For purposes of this paragraph:

(1) Merely owning a residence in this State does not satisfy the requirement that a participant must maintain a permanent residence in this State.

(2) A participant who leaves the State for a limited period of time without forming the intent of changing the participant's permanent residence is not considered to have moved the participant's residence.

(f) If the participant received the stipend to participate in a program administered by the Nevada Office, completes the practice required by paragraph (b) of subsection 1 in a health professional shortage area or an area with a medically underserved population in this State.

2. Except as otherwise provided in subsection 3, if a participant does not meet the requirements prescribed in subsection 1, the three Nevada State Commissioners, acting jointly:

(a) Shall convert the stipend into a loan to be repaid in accordance with [NRS 397.064](#) from the first day of the term for which the participant received the stipend.

(b) Shall assess a default charge against the participant if the participant received the stipend to participate in a program administered by the Nevada Office.

(c) May assess a default charge against the participant if the participant received the stipend to participate in a program administered by the office of the Western Interstate Commission for Higher Education established pursuant to Article 7 of the Compact.

3. If the period for the required practice is only partially completed, the three Nevada State Commissioners, acting jointly, may decrease the amount owed under the loan for the time the participant practiced his or her profession as required.

4. As used in this section:

(a) "Area with a medically underserved population" means an area:

(1) Designated as such by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 254c; and

(2) Which meets any additional requirements prescribed by the Nevada Department of Health and Human Services.

(b) "Health professional shortage area" means a geographic area:

(1) Designated as such by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 254e; and

(2) Which meets any additional requirements prescribed by the Nevada Department of Health and Human Services.

(Added to NRS by [1995, 356](#); A [2003, 941](#); [2015, 1510](#); [2021, 2614](#))

NRS 397.065 Repayment of state's contributions for stipends by participant who received stipend before July 1, 1995. Repealed. (See chapter 407, [Statutes of Nevada 2021, at page 2618.](#))

NRS 397.0653 Repayment of stipends received on or after July 1, 1995; exceptions. Repealed. (See chapter 407, [Statutes of Nevada 2021, at page 2618.](#))

NRS 397.0655 Delegation of negotiation of terms of repayment. Repealed. (See chapter 407, [Statutes of Nevada 2021, at page 2618.](#))

NRS 397.066 Insurance as security for stipend or loan; joint liability on stipend or loan. Repealed. (See chapter 407, [Statutes of Nevada 2021, at page 2618.](#))

NRS 397.067 Conditions under which immediate repayment of loan may be required. Repealed. (See chapter 407, [Statutes of Nevada 2021, at page 2618.](#))

NRS 397.068 Penalties for failure to comply with regulations. A participant shall comply with any requirements prescribed by regulations adopted by the three Nevada State Commissioners. If the participant fails to comply, the three Nevada State Commissioners, acting jointly, may:

1. For each infraction, impose a fine of not more than \$200 against any participant in any academic or practicing year, and may deny additional money to any participant who fails to pay the fine when due; and

2. Expel the participant from the program for which the participant received the stipend.

(Added to NRS by [1985, 847](#); A [2003, 942](#); [2015, 1512](#); [2021, 2616](#))

NRS 397.0685 Reduction of period of required practice; regulations.

1. A participant may petition the three Nevada State Commissioners for a reduction of the period of required practice prescribed by paragraph (b) of subsection 1 of [NRS 397.0645](#).

2. The three Nevada State Commissioners, acting jointly, may, after receiving a written petition stating the reasons therefor, reduce the period of required practice in accordance with the regulations adopted pursuant to subsection 3.

3. The three Nevada State Commissioners, acting jointly, shall adopt regulations to carry out the provisions of this section.

(Added to NRS by [1985, 848](#); A [1995, 359](#); [2003, 943](#); [2015, 1512](#); [2021, 2616](#))

NRS 397.069 Exemption or extension of period for participant to complete required practice; regulations.

1. A participant may petition the three Nevada State Commissioners for:

(a) An exemption from the requirement prescribed by subparagraph (1) of paragraph (c) of subsection 1 of [NRS 397.0645](#).

(b) An extension of the period for completing the required practice prescribed by subparagraph (2) of paragraph (c) of subsection 1 of [NRS 397.0645](#).

2. The three Nevada State Commissioners, acting jointly, may after receiving a written petition stating the reasons therefor, grant an exemption to the requirement prescribed by subparagraph (1) of paragraph (c) of subsection 1 of [NRS 397.0645](#) or an extension of the period for completing the required practice prescribed by

subparagraph (2) of paragraph (c) of subsection 1 of [NRS 397.0645](#) in accordance with the regulations adopted pursuant to subsection 3.

3. The three Nevada State Commissioners, acting jointly, shall adopt regulations to carry out the provisions of this section.

(Added to NRS by [1985, 848](#); A [2003, 943](#); [2021, 2616](#))

NRS 397.0695 Credit on loan for professional services provided without compensation. A participant obligated to repay a stipend that is converted to a loan pursuant to [NRS 397.0645](#) may, as determined by the three Nevada State Commissioners, acting jointly, receive credit towards payment of the loan for professional services provided without compensation to the State or any of its political subdivisions.

(Added to NRS by [1985, 848](#); A [2003, 943](#); [2015, 1513](#); [2021, 2617](#))

NRS 397.070 Accounts, biennial reports and recommendations. The three Nevada State Commissioners, acting jointly, shall:

1. Keep accurate accounts of their activities and the activities of the Nevada Office.
2. Report to the Governor and the Legislature before September 1 of any year preceding a regular session of the Legislature, setting forth in detail the transactions conducted by the Commissioners and the Nevada Office during the biennium ending June 30 of such year.
3. Make recommendations for any legislative action deemed by the Commissioners to be advisable, including amendments to the statutes which may be necessary to carry out the intent and purposes of the Compact between the signatory states.

(Added to NRS by [1959, 79](#); A [1969, 1457](#); [2021, 2617](#))

NRS 397.080 Signing Compact. When the Governor, on behalf of the states, executes the Compact, the Governor shall attach his or her signature thereto under a recital that such Compact is executed pursuant to the provisions of this chapter, subject to the limitations and qualifications contained in this chapter, in aid and furtherance thereof.

(Added to NRS by [1959, 79](#))