

ASSEMBLY BILL NO. 350—ASSEMBLYWOMEN BILBRAY-AXELROD;
AND NGUYEN

MARCH 18, 2019

Referred to Committee on Education

SUMMARY—Revises provisions relating to higher education.
(BDR 34-1054)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted-material~~ is material to be omitted.

AN ACT relating to higher education; creating the Administrative Services Office within the Nevada System of Higher Education; replacing the position of Chancellor of the System with the Director of the Office; requiring the Board of Regents to establish an advisory board at each state college and community college to provide certain feedback concerning matters relating to the state college or community college; establishing the Articulation and Transfer Board to perform certain duties relating to the transition of pupils to educational institutions within the System; clarifying the composition of the System; revising provisions relating to the duties and responsibilities of certain officers within the System; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Article 11 of the Nevada Constitution, which is known as the Education Article, requires the Nevada Legislature to provide for the establishment of a State University that is controlled by a Board of Regents whose duties are prescribed by law. (Nev. Const. Art. 11, § 4) As required by the Education Article, the Legislature has provided by law for the establishment of the State University. Additionally, the Legislature provided by law for the establishment of the Nevada System of Higher Education, which consists of the State University, state colleges, community colleges, administrative services, departments within the Public Service Division and certain research facilities. (NRS 396.020) **Section 2** of this bill creates the Administrative Services Office within the System, which consists of a Director, a Deputy Director and certain divisions.



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Section 3 of this bill requires the Office to provide administrative and technical support to the Board of Regents, any research facility within the System and the presidents of each university, state college or community college within the System. **Section 4** of this bill prescribes certain requirements governing the operation of the Office.

Section 5 of this bill requires the Board of Regents to establish an advisory board at each state college and community college. **Section 5** requires an advisory board to: (1) evaluate the president of the state college or community college for which the advisory board was established and provide feedback to the Board of Regents; and (2) review budget requests of the state college or community college for which the advisory board was established and provide feedback to the president of the state college or community college concerning the requests.

Section 6 of this bill creates the Articulation and Transfer Board and provides for the appointment by the Governor of members of the Board. **Section 7** of this bill establishes procedures for the Board to conduct its business. **Section 8** of this bill requires the Board to: (1) coordinate and facilitate the ability of pupils enrolled in public high schools in this State to successfully make the transition to educational institutions within the System; and (2) submit annual reports concerning the activities of the Board to the Governor and the Director of the Legislative Counsel Bureau.

Section 10 of this bill clarifies that the State University described in the Education Article consists of the University of Nevada, Las Vegas and the University of Nevada, Reno. **Section 10** also: (1) provides that the Administrative Services Office established by **section 2** is part of the System; and (2) removes references to specific research facilities, therefore providing that any research facility established at the State University is part of the System.

Existing law prescribes certain qualifications for the Chancellor of the System and requires the Board of Regents to appoint a Chancellor. (NRS 396.210) **Section 12** of this bill eliminates the Chancellor position and replaces it with the Director of the Administrative Services Office. **Section 12** requires the Governor to appoint: (1) the Director of the Administrative Services Office; (2) the Deputy Director of the Office; and (3) an assistant director for each division in the Office, who is the head of the division. **Section 12** also prescribes qualifications for the Director. **Section 13** of this bill requires the Governor to fix the salary of the Director in an amount not to exceed 95 percent of the salary of the office of the Governor during the same period. **Section 14** of this bill requires the Governor to prescribe the duties of the officers of the Office.

Existing law requires the Chancellor and other officers of the system to make certain reports to the Board of Regents. (NRS 396.240) **Section 15** of this bill instead requires the Director, Deputy Director of the Office and the assistant directors of each division of the Office to make these reports.

Existing law prescribes grounds for the dismissal or removal of certain persons from a position within the System. (NRS 396.320) **Section 16** of this bill makes these grounds for dismissal or removal from a position applicable to the Director, the Deputy Director of the Office and any assistant director of a division of the Office.

Section 17 of this bill revises provisions of law authorizing certain entities and persons within the System to issue subpoenas relating to disciplinary hearings to only allow the Board of Regents and the presidents of the branches and facilities within the System to issue such subpoenas. (NRS 396.323)

Existing law: (1) prescribes certain duties and responsibilities of the Chancellor and the Vice Chancellor for Finance relating to the finances of the System; and (2) authorizes a holder of a security or trustee to take certain action to enforce his or her rights against the Chancellor of the University. (NRS 396.381, 396.8455, 396.853, 396.864) **Sections 18, 20 and 21** of this bill impose the duties and



responsibilities relating to the finances of the System on the Assistant Director of the General Services Division of the Office. **Section 22** of this bill removes the right of a holder of a security or trustee to take certain action to enforce his or her rights against the Chancellor of the University. **Section 26** of this bill makes a conforming change.

Existing law requires the presidents of educational institutions within the System, the Chancellor and the Board of Regents to make all rules and regulations necessary for the administration and enforcement of the Public Services Division. (NRS 396.610) **Section 19** of this bill transfers the responsibility to make such rules and regulations to the presidents of educational institutions and the Board of Regents.

Section 26 of this bill eliminates the provision in existing law locating the seat of the State University at the Office of the Chancellor of the System. (NRS 396.010)

Assembly Joint Resolution No. 5 of the 79th Session of the Nevada Legislature proposes to amend the Nevada Constitution to eliminate the provisions concerning the Board of Regents and to authorize the Legislature to provide by statute for the governance, control and management of the State University. (File No. 34, Statutes of Nevada 2017, p. 4580) This bill becomes effective upon passage of this resolution by the 2019 Legislature and approval and ratification of the voters at the 2020 general election.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. 1. *There is hereby created an Administrative Services Office.*

2. *The Office consists of a Director, a Deputy Director and the following divisions:*

(a) *General Services Division.*

(b) *University and Research Institutions Division.*

(c) *State College and Community College Division.*

(d) *Public Service Division.*

3. *The head of a division is an assistant director.*

Sec. 3. *The Office shall provide administrative and technical support to the Board of Regents, any research facility within the System and the presidents of each university, state college or community college within the System for the purpose of increasing the ability of each such entity to:*

1. *Provide extension instruction on the collegiate level; and*

2. *Conduct research and service activities throughout this State.*

Sec. 4. *The Office shall maintain its principal offices at Carson City, Nevada. The offices must be kept open at such times as the business of the Office and the convenience or the interest of*



1 *the public may require. The offices are under the supervision of*
2 *the Director.*

3 **Sec. 5. 1. The Board of Regents shall establish an advisory**
4 **board at each state college and community college.**

5 **2. The Board of Regents shall appoint five members to serve**
6 **on each advisory board. If a vacancy occurs in the membership of**
7 **an advisory board, the Board of Regents shall appoint a person to**
8 **fill the vacancy.**

9 **3. An advisory board established pursuant to subsection 1**
10 **shall, for the state college or community college at which the**
11 **advisory board has been established:**

12 **(a) Evaluate the performance of the president of the state**
13 **college or community college and provide feedback concerning the**
14 **president to the Board of Regents; and**

15 **(b) Before a budget request for the state college or community**
16 **college is submitted to the Board of Regents, review the request**
17 **and provide feedback concerning the request to the president of**
18 **the state college or community college.**

19 **Sec. 6. 1. The Articulation and Transfer Board, consisting**
20 **of 15 members appointed by the Governor, is hereby created.**

21 **2. The Governor shall appoint the members to the Board as**
22 **follows:**

23 **(a) Five members from a list of candidates submitted by the**
24 **State Board of Education;**

25 **(b) Five members from a list of candidates submitted by the**
26 **State College and Community College Division of the Office; and**

27 **(c) Five members from a list of candidates submitted by the**
28 **Board of Regents of the University of Nevada.**

29 **3. The Governor shall appoint the Chair of the Board from**
30 **among its members.**

31 **4. After the initial terms, each member appointed to the**
32 **Board pursuant to subsection 2 serves a term of 4 years, except**
33 **that each member continues to serve until a successor is**
34 **appointed. A member of the Board may be reappointed.**

35 **5. If a vacancy occurs during the term of a member of the**
36 **Board appointed pursuant to subsection 2, the Governor shall**
37 **appoint a person to fill the vacancy for the remainder of the**
38 **unexpired term.**

39 **Sec. 7. 1. The Articulation and Transfer Board created by**
40 **section 6 of this act shall meet at the call of the Chair.**

41 **2. Each member of the Board is entitled to receive a salary of**
42 **\$80 for each meeting of the Board that he or she attends.**

43 **3. Each member of the Board is entitled to receive in**
44 **attending meetings of the Board, or while on the business of the**
45 **Board within the State:**



- 1 (a) *A per diem expense allowance not to exceed the greater of:*
2 (1) *The rate of \$60; or*
3 (2) *The maximum rate established by the Federal*
4 *Government for the locality in which the travel is performed.*
5 (b) *The travel allowance provided for state officers and*
6 *employees generally.*
7 4. *The Office shall provide such:*
8 (a) *Administrative support;*
9 (b) *Equipment; and*
10 (c) *Office space,*
11 ➔ *as is necessary for the Board to carry out its duties.*

12 **Sec. 8.** *The Articulation and Transfer Board created by*
13 *section 6 of this act shall:*

14 1. *Coordinate and facilitate the ability of pupils enrolled in*
15 *public high schools in this State to successfully make the*
16 *transition from high school to community college and from*
17 *community college to a state college or university within the*
18 *Nevada System of Higher Education and consider other similar*
19 *issues.*

20 2. *On or before December 31 of each year, submit a written*
21 *report concerning the activities of the Board to the Governor and*
22 *to the Director of the Legislative Counsel Bureau for transmittal*
23 *to the Legislative Committee on Education, if the report is received*
24 *during an odd-numbered year, or to the next session of the*
25 *Legislature, if the report is received during an even-numbered*
26 *year.*

27 **Sec. 9.** NRS 396.005 is hereby amended to read as follows:
28 396.005 As used in this chapter, unless the context otherwise
29 requires:

30 1. "Board of Regents" means the Board of Regents of the
31 University of Nevada.

32 2. "Community college" means all of the community colleges
33 within the Nevada System of Higher Education.

34 3. *"Director" means the Director of the Office.*

35 4. *"Office" means the Administrative Services Office created*
36 *by section 2 of this act.*

37 5. "State college" means all of the state colleges within the
38 Nevada System of Higher Education.

39 ~~4.~~ 6. "System" means the Nevada System of Higher
40 Education.

41 ~~5.~~ 7. "University" means all of the universities within the
42 Nevada System of Higher Education.

43 **Sec. 10.** NRS 396.020 is hereby amended to read as follows:

44 396.020 The legal and corporate name of the State University
45 is the University of Nevada. The System of:



1 1. ~~[Universities;]~~ *The State University, as described in Section*
2 *4 of Article 11 of the Nevada Constitution, which consists of:*

- 3 (a) *The University of Nevada, Las Vegas; and*
4 (b) *The University of Nevada, Reno.*

- 5 2. State colleges;
6 3. Community colleges;

7 4. ~~[Administrative services;]~~ *The Administrative Services*
8 *Office;*

9 5. ~~[Research facilities, including, without limitation:~~

10 ~~—(a)] The Desert Research Institute;~~

11 ~~[(b) The Ethics Institute; and~~

12 ~~—(c) The Center for the Analysis of Crime Statistics.]~~

13 6. *Any research facility* established ~~[within the Department of~~
14 ~~Criminal Justice]~~ at the *State* University ; ~~[of Nevada, Las Vegas;]~~

15 and

16 ~~[6.]~~ 7. Departments within the Public Service Division,
17 ➔ administered under the direction of the Board of Regents is
18 hereby collectively known as the Nevada System of Higher
19 Education. The System is comprised of such branches and facilities
20 as the Board of Regents deems appropriate.

21 **Sec. 11.** NRS 396.070 is hereby amended to read as follows:

22 396.070 1. Each member of the Board of Regents is entitled
23 to receive a salary of \$80 for each meeting of the Board that he or
24 she attends.

25 2. Each member of the Board of Regents is entitled to receive
26 in attending meetings of the Board, or while on Board of Regents'
27 business within the State:

28 (a) A per diem expense allowance not to exceed the greater of:

29 (1) The rate of \$60; or

30 (2) The maximum rate established by the Federal
31 Government for the locality in which the travel is performed.

32 (b) The travel allowance provided for state officers and
33 employees generally.

34 3. If an account is established for a member of the Board of
35 Regents to pay for hosting expenditures of the member:

36 (a) The annual expenditures from the account may not exceed
37 \$2,500.

38 (b) The account may be used only to pay for activities that are
39 directly related to the duties of the member of the Board of Regents,
40 including reasonable expenses for meals, beverages and small gifts.
41 The account must not be used to pay for expenses associated with
42 attending a sporting event or a political fundraising event.

43 (c) The member of the Board of Regents must submit a monthly
44 report of expenditures from the account to the ~~[Chancellor]~~
45 *Assistant Director* of the ~~[System.]~~ *General Services Division of*



1 *the Office.* The report must include, without limitation, the amount
2 of money expended from the account, the specific purpose and
3 activity for which the money was expended and, if applicable, the
4 person for whom the money was expended.

5 (d) The ~~{Chancellor}~~ *Assistant Director* of the ~~{System}~~ *General*
6 *Services Division of the Office* shall compile the monthly reports
7 into an annual report on or before January 30 of each year. The
8 monthly reports and annual reports are public records and must be
9 made available for public inspection.

10 4. As used in this section, "hosting expenditures" means
11 reasonable expenses by or on behalf of a member of the Board of
12 Regents who is conducting business activities necessary to provide a
13 benefit to the System by establishing goodwill, promoting programs
14 of the System or otherwise advancing the mission of the System.

15 **Sec. 12.** NRS 396.210 is hereby amended to read as follows:

16 396.210 1. ~~{After consultation with the faculty, the Board of~~
17 ~~Regents}~~ *The Governor* shall appoint ~~{a Chancellor of the System.}~~
18 *:*

19 (a) *A Director;*

20 (b) *A Deputy Director of the Office; and*

21 (c) *An assistant director for each division of the Office.*

22 2. The ~~{Chancellor shall}~~ *Director must* have ~~{a}~~ *:*

23 (a) *A degree from a college or university recognized as equal in*
24 *rank to those having membership in the Association of American*
25 *Universities {;} ;*

26 (b) *At least 5 years of responsible experience in the field of*
27 *higher education administration; and*

28 (c) *Broad management skills in areas related to functions of*
29 *the position.*

30 3. *The Director shall devote his or her entire time and*
31 *attention to the business of his or her office and shall not engage*
32 *in other gainful employment or occupation.*

33 **Sec. 13.** NRS 396.220 is hereby amended to read as follows:

34 396.220 The ~~{Board of Regents}~~ *Governor* shall fix the salary
35 of the ~~{Chancellor}~~ *Director which must not exceed 95 percent* of
36 the ~~{System.}~~ *salary of the office of the Governor during the same*
37 *period.*

38 **Sec. 14.** NRS 396.230 is hereby amended to read as follows:

39 396.230 The ~~{Board of Regents}~~ *Governor* shall prescribe the
40 duties of the ~~{Chancellor and such other officers}~~ *Director, Deputy*
41 *Director* of the ~~{System as}~~ *Office and* the ~~{Board deems~~
42 ~~appropriate.}~~ *assistant directors of each division of the Office.*

43 **Sec. 15.** NRS 396.240 is hereby amended to read as follows:

44 396.240 The ~~{Chancellor and other officers}~~ *Director, Deputy*
45 *Director* of the ~~{System.}~~ *Office and the assistant directors of each*



division of the Office shall make such reports to the Board of Regents as they deem appropriate or as the Board of Regents may require.

Sec. 16. NRS 396.320 is hereby amended to read as follows:

396.320 1. The willful neglect or failure on the part of *the Director, the Deputy Director of the Office, any assistant director of a division of the Office or any* teacher, instructor, professor ~~[.] or~~ president ~~for chancellor~~ in the System to observe and carry out the requirements of this chapter is sufficient cause for the dismissal or removal of the person from his or her position.

2. It is sufficient cause for the dismissal of *the Director, the Deputy Director of the Office, any assistant directors of a division of the Office or any* teacher, instructor, professor ~~[.] or~~ president ~~for chancellor~~ in the System when the person advocates, or is a member of an organization which advocates, overthrow of the Government of the United States or of the State by force, violence or other unlawful means.

Sec. 17. NRS 396.323 is hereby amended to read as follows:

396.323 1. The Board of Regents ~~[, the Chancellor of the System]~~ and the presidents of all the branches and facilities within the System may issue subpoenas in all instances involving disciplinary hearings of members of the System.

2. Those persons may issue subpoenas requiring the attendance of witnesses before them together with all books, memoranda, papers and other documents relative to the matters under investigation or to be heard, administer oaths and take testimony thereunder.

3. The district court in and for the county in which any hearing is being conducted by any of the persons named in subsection 1 may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the person holding the hearing.

4. In case of the refusal of any witness to attend or testify or produce any papers required by the subpoena, the person holding the hearing may report to the district court in and for the county in which the hearing is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in the manner prescribed in this chapter; and

(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the person holding the hearing named in the subpoena, or has refused to answer questions propounded to the witness in the course of the hearing,



1 ➡ and asking an order of the court compelling the witness to attend
2 and testify or produce the books or papers before the person.

3 5. The court, upon petition of the person holding the hearing,
4 shall enter an order directing the witness to appear before the court
5 at a time and place to be fixed by the court in the order, the time
6 must not be more than 10 days after the date of the order, and then
7 and there show cause why the witness has not attended or testified
8 or produced the books or papers before the person holding the
9 hearing. A certified copy of the order must be served upon the
10 witness. If it appears to the court that the subpoena was regularly
11 issued by the person holding the hearing, the court shall thereupon
12 enter an order that the witness appear before the person at the time
13 and place fixed in the order and testify or produce the required
14 books or papers, and upon failure to obey the order the witness must
15 be dealt with as for contempt of court.

16 **Sec. 18.** NRS 396.381 is hereby amended to read as follows:

17 396.381 1. Before the sale or delivery by the System of an
18 obligation to repay money in any form, other than an obligation
19 issued under the University Securities Law, the Board of Regents
20 may delegate to the ~~{Chancellor}~~ *Assistant Director* of the ~~{System~~
21 ~~or the Vice Chancellor for Finance}~~ *General Services Division* of
22 the ~~{System}~~ *Office* the authority to sign a contract for the sale or
23 exchange of the obligation or to accept a binding bid for the
24 obligation subject to the requirements specified by the Board of
25 Regents concerning:

- 26 (a) The rate or rates of interest on the obligation;
27 (b) The dates on which and the prices at which the obligation
28 may be prepaid before maturity;
29 (c) The price at which the obligation will be sold or the property
30 for which the obligation will be exchanged;
31 (d) The principal amount of the obligation and the amount of
32 principal and interest due on any specific dates; and
33 (e) Covenants to protect the owner of the obligation and the
34 System that the ~~{Chancellor or}~~ *Assistant Director of* the ~~{Vice~~
35 ~~Chancellor for Finance}~~ *General Services Division of the Office*
36 determines are necessary or desirable to obtain favorable terms for
37 the System. A determination made pursuant to this paragraph,
38 absent fraud or gross abuse of discretion, is conclusive.

39 2. All terms of the obligation other than:

- 40 (a) The rate or rates of interest;
41 (b) The dates and prices for the prepayment of the obligation;
42 (c) The price for the sale of the obligation or property for which
43 it will be exchanged;
44 (d) The principal amount of the obligation;



(e) The requirements for the payment of principal and interest on specific dates; and

(f) Covenants to protect the owner of the obligation and the System that the ~~{Chancellor or}~~ *Assistant Director of the {Vice Chancellor for Finance} General Services Division of the Office* determines are necessary or desirable to obtain favorable terms for the System as provided in paragraph (e) of subsection 1,
must be approved by the Board of Regents before the obligation is delivered.

3. The final rate or rates of interest, dates and prices of prepayments, price for the sale of the obligation or property for which it is exchanged, principal amount, requirements for payment of principal and interest on specific dates, and covenants as described in paragraph (e) of subsection 1, are not required to be approved by the Board of Regents if each of those terms complies with the requirements specified by the Board of Regents before the contract for the purchase or delivery of the obligation is signed or the bid for the obligation is accepted.

4. The proceeds of any money borrowed pursuant to this section may be invested as provided in NRS 396.861 and 396.8615.

Sec. 19. NRS 396.610 is hereby amended to read as follows:

396.610 All rules and regulations necessary for the proper administration and enforcement of the Public Service Division of the System must be made by the presidents ~~{, the Chancellor}~~ and the Board of Regents.

Sec. 20. NRS 396.8455 is hereby amended to read as follows:

396.8455 1. The Board may, before any sale of securities, whether by competitive bid or negotiated sale, delegate to the ~~{Chancellor}~~ *Assistant Director* of the ~~{University or the Vice Chancellor for Finance}~~ *General Services Division* of the ~~{University}~~ *Office* the authority to sign a contract for the purchase of the securities or to accept a binding bid for the securities subject to the requirements specified by the Board concerning:

- (a) The rate of interest on the securities;
- (b) The dates on which and the prices at which the securities may be called for redemption before maturity;
- (c) The price at which the securities will be sold; and
- (d) The principal amount of the securities and the amount of principal maturing in any particular year.

2. All terms of the securities other than:

- (a) The rate of interest;
- (b) The dates and prices for the redemption of the securities;
- (c) The price for the sale of the securities;
- (d) The principal amount of the securities; and



(e) The requirements for the principal maturing in particular years, must be approved by the Board before the securities are delivered.

3. The final rate of interest, dates and prices of redemption, price for the sale of the securities, principal amount and the requirements for the principal amount maturing in particular years are not required to be approved by the Board if each of those terms complies with the requirements specified by the Board before the contract for the purchase of the securities is signed or the bid for the securities is accepted.

Sec. 21. NRS 396.853 is hereby amended to read as follows:

396.853 1. Bonds and other securities issued hereunder shall be executed in the name of the University or the Board, shall be signed by the Chair of the Board, shall be attested by the Secretary of the Board, shall be countersigned by the ~~Chancellor~~ *Assistant Director* of the ~~University~~ *General Services Division of the Office* and shall be countersigned by the Treasurer of the University; and the bonds or other securities shall be authenticated by the official seal of the University or the Board. Any coupons shall be signed by the Treasurer of the University. Facsimile signatures may be used on any coupons.

2. Any bonds or other securities, including without limitation any certificates endorsed thereon, may be executed as provided in the Uniform Facsimile Signatures of Public Officials Act, cited as chapter 351 of NRS. (A compliance therewith is not a condition precedent to the execution of any coupon with a facsimile signature.)

3. The bonds, any coupons appertaining thereto, and other securities, bearing the signatures of the officers in office at the time of the signing thereof, shall be the valid and binding obligations of the University or the Board, as the case may be, notwithstanding that before the delivery thereof and payment therefor, any or all of the persons whose signatures appear thereon have ceased to fill their respective offices.

4. Any officer authorized or permitted to sign any bonds, any coupons, or any other securities, at the time of their execution and of a signature certificate appertaining thereto, may adopt as and for his or her own facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears upon the bonds, coupons and other securities appertaining thereto, or any combination thereof.

Sec. 22. NRS 396.864 is hereby amended to read as follows:

396.864 Subject to any contractual limitations binding upon the holders of any issue or series of securities, or trustee therefor,



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including but not limited to the restriction of the exercise of any remedy to a specified proportion, percentage or number of such holders, and subject to any prior or superior rights of others, any holder of securities, or trustee therefor, shall have the right and power, for the equal benefit and protection of all holders of securities similarly situated:

1. By mandamus or other suit, action or proceeding at law or in equity to enforce his or her rights against the Board or University, or both, ~~{the Chancellor of the University,}~~ and any other of the officers, agents and employees of the Board or University, or both, to require and compel the Board or University, or both, or any such officers, agents or employees to perform and carry out their respective duties, obligations or other commitments hereunder and their respective covenants and agreements with the holder of any security;

2. By action or suit in equity to require the Board or University, or both, to account as if they were the trustee of an express trust;

3. By action or suit in equity to have appointed a receiver, which receiver may enter and take possession of any facilities and any pledged revenues for the payment of the securities, prescribe sufficient fees derived from the facilities, and collect, receive and apply all pledged revenues or other moneys pledged for the payment of the securities in the same manner as the Board itself might do in accordance with the obligations of the University or the Board; and

4. By action or suit in equity to enjoin any acts or things which may be unlawful or in violation of the rights of the holder of any securities and to bring suit thereupon.

Sec. 23. As soon as practicable on or after July 1, 2019, the Governor shall appoint the members of the Articulation and Transfer Board created by section 6 of this act. In appointing such members, the Governor shall, by lot, select:

1. Eight members to serve an initial term of 2 years; and

2. Seven members to serve an initial term of 3 years.

Sec. 24. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 25. The Legislative Counsel shall, in preparing the reprint and supplements to the Nevada Revised Statutes, appropriately replace:

1. The term "Chancellor of the Nevada System of Higher Education" with the term "Director of the Administrative Services Office."

2. The term "Vice Chancellor for Finance of the Nevada System of Higher Education" with the term "Assistant Director of



1 the General Services Division of the Administrative Services
2 Office.”

3 **Sec. 26.** NRS 396.010 and 396.8145 are hereby repealed.

4 **Sec. 27.** This act becomes effective on November 24, 2020,
5 only if the provisions of Assembly Joint Resolution No. 5 of the
6 79th Session of the Nevada Legislature are agreed to and passed by
7 the 2019 Legislature and approved and ratified by the voters at the
8 2020 General Election.

TEXT OF REPEALED SECTIONS

396.010 Seat of University; extension instruction, research and service activities conducted throughout State.

1. The seat of the State University, as described in Section 4 of Article 11 of the Constitution of the State of Nevada, is hereby located at the Office of the Chancellor of the System.

2. Extension instruction on the collegiate level, research and service activities may be conducted throughout the State.

396.8145 “Chancellor of the University” defined. “Chancellor of the University” means the de facto or de jure presiding officer of the System and its Chief Administrative Officer, now designated as the Chancellor of the System, and formerly designated as the Chancellor of the University of Nevada System and the President of the University of Nevada, or his or her successor in functions, if any. “Chancellor of the University” does not mean the chief administrative officer of either the branch of the University in Washoe County or the branch of the University in Clark County, now designated respectively as the “President of the University of Nevada, Reno” and the “President of the University of Nevada, Las Vegas.” The latter officer was formerly designated as the “Chancellor of Nevada Southern University.” Both of these officers are responsible and subordinate to the Chancellor of the System.

