

# AJR 11 - 2003

**Introduced on:** Mar 24, 2003

**By** Elections, Procedures, and Ethics

*Proposes to amend Nevada Constitution to provide for election of certain members and gubernatorial appointment of certain members of Board of Regents, and to specify number and terms of members. (BDR C-18)*

## **Fiscal Notes**

Effect on Local Government: *No.*

Effect on State: *No.*

**Most Recent History Action:** File No. 85. **(Return to 2005 Session.)**  
**(See full list below)**

## **Past Hearings**

Assembly Elections, Procedures, and Ethics	Apr-03-2003	Discussion only
Assembly Elections, Procedures, and Ethics	May-08-2003	Amend, and do pass as amended
Senate Government Affairs	May-26-2003	Amend, and do pass as amended

## **Votes**

[Assembly Final Passage](#) May-19 Yea 26, Nay 16, Excused 0, Not Voting 0, Absent 0

[Senate Final Passage](#) May-29 Yea 11, Nay 10, Excused 0, Not Voting 0, Absent 0

<b>Bill Text (PDF)</b>	<a href="#">As Introduced</a>	<a href="#">1st Reprint</a>	<a href="#">2nd Reprint</a>	<a href="#">As Enrolled</a>
<b>Bill Text (HTML)</b>	<a href="#">As Introduced</a>	<a href="#">1st Reprint</a>	<a href="#">2nd Reprint</a>	<a href="#">As Enrolled</a>
<b>Amendments (HTML)</b>	<a href="#">Amend. No.703</a>	<a href="#">Amend. No.923</a>		

---

## **Bill History**

Mar 24, 2003 Read first time. Referred to Committee on Elections, Procedures, and Ethics. To printer.

Mar 25, 2003 From printer. To committee.

May 16, 2003 From committee: Amend, and do pass as amended.

May 17, 2003 Read second time. Amended. (Amend. No. 703). To printer.

May 19, 2003 From printer. To engrossment. Engrossed. First reprint. Read third time. Passed, as amended. Title approved, as amended. (Yeas: 26, Nays: 16). To Senate.

May 21, 2003 In Senate. Read first time. Referred to Committee on Government Affairs. To committee.

May 28, 2003 From committee: Amend, and do pass as amended. Placed on Second Reading File. Read second time. Amended. (Amend. No. 923.) To printer.

May 29, 2003 From printer. To re-engrossment. Re-engrossed. Second reprint. Read third time. Passed, as amended. Title approved. (Yeas: 11, Nays: 10) To Assembly. In Assembly. Senate Amendment No. 923 concurred in. To enrollment.

May 31, 2003 Enrolled and delivered to Secretary of State. File No. 85.

**(Return to 2005 Session.)**



PREPARED BY  
RESEARCH DIVISION  
LEGISLATIVE COUNSEL BUREAU  
Nonpartisan Staff of the Nevada State Legislature

**BILL SUMMARY**  
72<sup>nd</sup> REGULAR SESSION  
OF THE NEVADA STATE LEGISLATURE

---

---

**ASSEMBLY JOINT RESOLUTION NO. 11**

**Topic**

Assembly Joint Resolution No. 11 concerns Nevada's Board of Regents.

**Summary**

This resolution proposes to amend the *Constitution of the State of Nevada* to provide that the Board of Regents of the University and Community College System of Nevada consists of 9 members, as opposed to the current 13 members provided by law. One member must be elected from each of Nevada's congressional districts (currently three), and the Governor must appoint the remainder of the members (currently six). Not more than two-thirds of the members of the Board of Regents may be of the same political party.

Finally, A.J.R. 11 provides that the Legislature and Governor arrange for the staggered terms of the elected and appointed members, respectively, so that an equal number of terms, as nearly as possible, expire every two years. After his or her initial term, each member of the Board of Regents serves a four-year term instead of the current term of six years.

**Effective Date**

If approved in identical form by both the 2003 and 2005 Sessions of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election. If approved by the voters, the resolution is effective on January 1, 2008, for the purposes of nominating and electing members, and on January 5, 2009, for all other purposes.

**Background Information**

Based on projected population increases in Nevada in the next few years, it is likely that the State of Nevada will gain another seat in the United States House of Representatives following the decennial census in 2010. If that occurs, the composition of the Board would change to four elected and five appointed members. This change would be effective for the 2012 General Election.

# LEGISLATIVE HEARINGS

## MINUTES AND EXHIBITS

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, AND ETHICS**

**Seventy-Second Session  
April 3, 2003**

The Committee on Elections, Procedures, and Ethics was called to order at 4:02 p.m., on Thursday, April 3, 2003. Chairwoman Chris Giunchigliani presided in Room 3138 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Guest List. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**Note:** These minutes are compiled in the modified verbatim style. Bracketed material indicates language used to clarify and further describe testimony. Actions of the Committee are presented in the traditional legislative style.

**COMMITTEE MEMBERS PRESENT:**

Ms. Chris Giunchigliani, Chairwoman  
Mr. Marcus Conklin, Vice Chairman  
Mr. Bernie Anderson  
Mr. Bob Beers  
Mr. Chad Christensen  
Mr. Tom Grady  
Ms. Kathy McClain  
Mr. Bob McCleary  
Ms. Peggy Pierce  
Ms. Valerie Weber

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblyman Don Gustavson, District No. 30, Washoe County

**STAFF MEMBERS PRESENT:**

Michelle Van Geel, Committee Policy Analyst  
Kelly Fisher, Committee Secretary

**OTHERS PRESENT:**

Douglas Seastrand, Chair, Board of Regents, University and Community  
College System of Nevada

Jill Derby, Ph.D., Board of Regents, University and Community College  
System of Nevada

Lucille Lusk, Nevada Concerned Citizens

Janine Hansen, President, Nevada Eagle Forum

Carole Vilaro, Nevada Taxpayers Association

David Schumann, Independent American Party

Larry Lomax, Clark County Registrar of Voters

Nick Matteis, Representing City of Sparks

Stephanie Garcia-Vause, City of Henderson

**Chairwoman Giunchigliani:**

Good afternoon. [Roll called] We're going to take the bills somewhat out of order, but now that we have a quorum, I was thinking we might at least take up the work session, which is fairly simple. Then we will go to A.B. 526, then A.J.R. 11, and then I told Mr. Gustavson that when he was able to get out of his committee, we would stop my testimony and let him go ahead and do his. That way, the regents can get back.

Work session is in your folder (Exhibit C). We're going to go to work session first. We will consider A.B. 344.

This was Speaker Perkins' bill, and what it was dealing with is our language. Our law never recognized what the process would be in case someone happened to pass away in office, or had a crash, or some other unfortunate incident. The language before you was presented with amendments from Brian, his intern. Michelle [Van Geel], do you want to walk through that with us?

**Assembly Bill 344: Provides for special election to fill vacancy in office of Representative in Congress. (BDR 24-648)**

**Michelle Van Geel, Research Division, Committee Policy Analyst:**

[Introduced herself] Assembly Bill 344 was heard in Committee on March 27. It provides for a special election to fill a vacancy in offices for representative in Congress. Under Tab A, you'll find the proposed mock-up to the entire bill that Brian presented to the Committee (Exhibit C). The first thing would be to agree to that amendment as a whole. There were three other small amendments that were discussed by the Committee during that hearing.

**Vice Chairman Conklin:**

Are there any other questions concerning A.B. 526 for Ms. Giunchigliani? Seeing none, I have no one signed in to speak either for, against, or neutral on this bill. Is there anyone who has any comments for A.B. 526 at this time? Seeing none, we'll close the hearing on A.B. 526, and we will open the hearing on A.J.R. 11.

**Assembly Joint Resolution 11: Proposes to amend Nevada Constitution to require gubernatorial appointment of members to Board of Regents and to specify number and terms of members. (BDR C-18)**

**Assemblywoman Giunchigliani:**

The bill before you is a recommendation for appointment of the Board of Regents. [You should have] some background information of what I tried to pull together regarding what all other states do. You will note that it is a "hodge podge." I found no real consistency in any of those formats. They have different government structures throughout. What I did find, though, at least according to staff analysis that had been done, in their opinion, Nevada was one of the only states that still did not have some form of appointment mechanism.

The bill before you was written for full appointment of all seven regents. Again, it did decrease the size of it as in a subsequent bill that's been heard in Education. The intent was that the Governor then appoint. I tried to take language from a variety of different sections to say you wouldn't want, in my opinion, a governor to just pick whomever they wanted. So I was trying to come up with a format for groups to at least make recommendations for the Governor to choose from. We do that in a lot of our appointment authorities currently for the PERS [Public Employees Retirement System] Board and for many of the various types of organizational boards. Groups recommend names, and then the Governor selects from that list. That's what the intent is from letters (a) through (g).

Finally, subsection 3 just sets up the process for the revolving of the seats until the terms get into play based on the constitutional amendment. It also reinforces that within the appointments, the Governor needs to be sensitive to representing urban and rural areas, and women, ethnic, and racial minorities in their appointments. It also clarifies that no more than four members of the Board of Regents may be members of the same party.

I've handed out for discussion purposes an amendment (Exhibit E). I was talking to a couple of people downstairs, and one of them thought that we should at least consider that we actually just amend the *Constitution* to allow the Legislature by law to establish the number, terms, and appointment and

selection of the board so if in the future another body wants to change this, you didn't have to do this by *Constitution*, you could do it by statute. That's food for thought for the Committee.

The second one is an amendment that I actually prefer. I do not necessarily totally support full appointment, so I've given you a suggestion that I think might be a reasonable compromise. What I'm suggesting is that four members of the seven be appointed by the Governor, and we can come up with lists of what groups can nominate. I'm suggesting that three be elected, and that one would come from each of the congressional seats. That way, you have a blended board, you still have public input, you have appointment by the Governor, and you could actually have a little bit more accountability but also a little bit more freedom as a blend or mix.

I also suggested deleting (a), (b), (c), and (d), and just saying that individuals who have had previous education experience. It could be in anything, kindergarten through higher education, maybe they had been an employee, they had been a professor, they had worked, but they weren't currently employed in that situation. That just might be a consideration. Then just keep the other items, (e), (f), and (g), as recommendations for nominations to the Governor.

Some states do have students as ex officios. That might be something else that we might wish to consider as well. I asked for this bill approximately two years ago after the redistricting. The decision was done politically, in my opinion, to increase them to a size of 13, which many in this body at that time did not agree with. We felt that we wanted a workable board. I do not see this as a threat to the regents. It's a tough job. It's like being on a school board. It's probably one of the more thankless jobs that are out there, next to ours, in the long run.

I think we need to empower them to be successful and to be policy-driven, not micromanaging. You're always going to have some politicalization. It's going to happen no matter what, but we're trying to depoliticize the board as much as possible. This is a suggestion for us to consider.

I also think it's a way to save some dollars. If you look at the cost of just running that many board meetings for 13 people now, the last numbers I had were based, I believe, on an 11-member board, and it was around \$638,000 a year; that comes out of their formula funding. That actually can go back into programs for students, and I think that ought to be the ultimate goal of everybody, is to make sure that we're providing the best education for the students and then making sure that the working conditions are good for the

people that choose to work within the system. That's really the intent of A.J.R. 11. I'm very open.

I've spoken with the Governor. He wants the appointment. He would accept the blended concept as well. I do think that there's a great deal of support for that. I did not want to go into a dog and pony show, so I chose not to respond to the e-mails and letters that I've received in the last two years and called [those people] out to come and testify, because I think that would be inappropriate. This is a policy decision, and I wanted the decision to be made on that, not on emotions or personalities as best we can get away from that. That's really the genesis, and I'll try to answer any questions. Maybe we could have some good discussion. I know Regent Seastrand and Regent Derby are here to speak about their concerns as well.

**Vice Chairman Conklin:**

I have one small question, kind of a concern, but I guess it's not that big of a deal. On page 3, subsection 6, Section 2, lines 3 and 4, where we're talking about political parties. Is there a particular reason that's in there? If we're going to give the Governor just four to appoint, we know relatively what the policy of those four people is going to be.

**Assemblywoman Giunchigliani:**

The reason I believe the language was placed in there is that most laws that we have regarding boards and commissions have [stipulations] that we don't want one party overwhelming another party, and that they have to be sensitive to that when they deal with appointments. That's just kind of common throughout our current statutes.

**Vice Chairman Conklin:**

Are there any other questions for Ms. Giunchigliani? [There were none.]

**Douglas Seastrand, Chairman, Board of Regents, University and Community College System of Nevada:**

[Introduced himself] It's good to be here with you again today. I'm here representing the regents in an official capacity as the chairman. As you might imagine, the regents have an opinion about this. I'm here to bring you their thoughts. We spent some time deliberating on this issue at our last meeting, and we certainly had some good discussion about that. I'm here to bring you their opinion and what they feel about it.

We do feel that this is a very important and significant change that is being suggested. This is a constitutional amendment and certainly not to be taken lightly. If I had to sum up in short words what the regent opinion is, they truly

feel that they want to be representative of the people. They want to be elected by the people so that they can respond to the constituencies that they are elected by. There are a lot of people who have no other place to turn except to their regent. They call their Regent because they elected them, and they say, "We need some help with the university or the community college," or whatever it may be. They truly feel that representation by the people and for the people is the appropriate way to have representation of the board.

[Mr. Seastrand, continued] I might say that they would consider this, and we would consider that this bill would be unnecessary. As it currently stands in the *Constitution* is adequate. It has stood for 140 years. The *Constitution* was written in 1864. I was recently reminded that there were several sections of the *Constitution* that create different groups in the state: the Legislature, the constitutional officers, the judges, and the regents. We, as regents, even have our own section. In all of those and others, they are all elected. I think that was the foresight of those who framed that *Constitution*. It's held for 140 years. We would, as regents, feel that it would not be necessary to make a change. We feel that the current authority that this Committee has, which is setting the size and the term of office, should be sufficient. That's our official position.

When I ask myself the question, though, about elected versus appointed, frankly, I don't know if I have the perfect answer. What is better? Is it better to have elected versus appointed? I'm not sure we have the answer. In fact, it is quite different everywhere. We heard from the Chair that every state does it differently. I guess what I would suggest and what I would bring forward here is that we really need to study this. We need to spend some time doing this. I wonder if we want to put all of the specifics into the *Constitution* that if you're going to make any constitutional amendments, there should be some very minimal changes that would be made there. We, as regents, feel it would be unnecessary to go forward on this at this point in time.

When you ask the question between elected and appointed, I have to ask this question. Which is better? Is it better to be elected by district to have a constituency base like the congressional districts, or is it better to be elected statewide? Which is better? We're a statewide board. Should we be elected at large? It's a question that needs to be answered. I think that's part of the reason why I feel like we need to have a study. We need to find out what will work in the state of Nevada. Everyone will have a little different opinion about who should be on the board and who should be represented. We've had some suggestions, and the Chair has given me a good starting point and some things to consider. I would just say that we, as a board, feel that this would be unnecessary at this time.

I also have with me our previous Chair, Dr. Jill Derby. She is nationally recognized, and she does work with many other regent groups across the nation. We're very fortunate to have her as one of our regents, and I'll ask her to talk.

**Jill Derby, Ph.D, Board of Regents, University and Community College System of Nevada:**

[Introduced herself] I'm speaking to you today both as a long-time veteran of our Nevada Board of Regents—I've had 14 years of service on our board—and also as someone who works with our national association as a board mentor with other boards around the country trying to facilitate workshops to help boards look at their own functioning.

As I thought about my testimony today and what I wanted to say to you, the question that kept coming back to me is, what's broken with the current structure that we're trying to change? I think it's important to say that my sense is that the perception of the Board of Regents in the last couple of years that has come about through the unfortunate and disappointing actions and public statements of a few regents is really the problem that motivates any kind of change.

It strikes me that to make radical changes in the system of government of higher education that has really served us very well in Nevada for decades, because of the disappointing actions of a few individuals, is really not well thought out and risks throwing the baby out with the bath water. I don't deny, and I can't defend, individual actions and statements that brought about media attention and some disappointing public perception of the board. The board itself has acted to address those in recent policy guidelines that we've adopted to manage ourselves. If there are problems with board behavior, then it's really a matter for the board to manage, and we're in the process of doing that. To take on a radical change in our structure of higher education without very careful thought worries me very much.

I want to speak first to the issue of size. To go to a board of seven would be a national extreme in higher education governance. There isn't anybody who speaks with authority or writes with authority on board governance in the country that would recommend a board of seven to be the state board of regents for any state. The figures tend to be much larger. Eleven, thirteen, and fifteen are considered good numbers and anything less not good. There are reasons for that.

One of them is that the recommendation of all those that write and talk about higher education, and there are libraries full of it, but people who are recognized

as authorities would tell you that one of the most critical aspects of effective board functioning is a good committee structure. I think you all can relate to that as the Legislature. You couldn't possibly, as a large body, meet and discuss every issue to come before the Legislature.

[Dr. Derby, continued] It's the same with the Board of Regents. With boards of trustees and governors across the country that govern higher education, higher education institutions are very complex organizations and require a committee structure at the board level to really deal with all the issues. Then committees come forward with recommendations for the full board. You find on boards of regents and trustees that people who serve are often very active, busy people that don't have a great deal of time, so it's important that time be managed most efficiently, and a committee structure is what allows for a thorough discussion of issues around particular segments. We have our Academic Affairs Committee, Research and Student Affairs, Budget Committee, Investment Committee, and so forth. Those committees are the working engines of the board.

I have actually worked with only one board in this country that is as small as seven, and they were terribly frustrated in trying to make that structure work. It was a legislative mandate in New Mexico. They couldn't work effectively with a committee structure, so everything had to come before the board, but their members were so busy they didn't have time for long meetings. They were really stuck in that dilemma.

The other problem with seven is that if you even tried to have a committee structure, you could only have three members of the committee. Then two people could decide an agenda item on a committee that goes as a recommendation of a board. It is simply not a good way to manage. We have found with our board of eleven, and now thirteen, that there's a certain balance and ballast that larger numbers offer, such that it takes seven members on our board now to pass an item on an agenda. You can count on a range of thoughtful opinions coming into that deliberation. If you have a smaller number, seven, then you would have four making the critical decisions that determine the future of our education. I think you're putting that very large responsibility in very few hands. I want to make that case that to begin with the number seven is very small. It would represent an absolute national extreme in terms of a governing structure of a board of regents for a state higher education system.

Then I want to say a word about the appointed versus the elected, and there's been a large body of literature, I assure you, that's been written about this. It is, as the Chairwoman mentioned, hard to find one model that everybody has adopted as [the standard] because states are different. States are very different

in their composition, in their demographics, in their layout, in their culture and history of higher education and all of it. It seems like a system evolves to meet the needs of the state.

[Dr. Derby, continued] I would suggest to you that the current structure we have in place now, an elected board of thirteen, has evolved to meet the needs of this fast-growing state, and our higher education system is also the fastest-growing in the country. We're also a very complex system in that we have eight institutions within our higher education system. Most boards operate with one institution. But to be a board that is the governing structure for eight institutions is a very complex sort of operation. Seven would be, I think, an impossibly small size to have an effective board.

I'm concerned that we have a structure that works. What hasn't worked is a few members have not behaved well and have affected the public perception of the board. But I would be very concerned for us to radically change a structure that has really served higher education in Nevada very well over many decades out of the unfortunate and disappointing actions of a few.

I want to say, as well, about elected versus appointed that an elected board has certain strengths. One of the strengths is that people—and you will be able to resonate fully with this—people elected to a position are very clear about whom they serve. They're very clear that they serve the public interests so that regents and trustees elected to that position are very much the surrogate voice for the public in the boardroom. There's a different flavor, a tone, I would say, that comes with an appointed board, somebody who has their position because of a gubernatorial appointment. People elected know who they serve, bring the voice of the public, and the concerns of the public, because having run for public office, as you know, you hear from very many people what their concerns are, what their worries are, what works for them, and what doesn't work for them in higher education.

As an elected member of the Board of Regents, I regularly hear a lot from the public. Not only are elected boards responsive to the public who they see themselves as serving, but they are also available and accessible to the public. That's a nice thing for the public. People don't hesitate to call us and say, "This isn't working for me," and to feel that there's somebody that will look into that for them. That's a nice thing that the *Constitution* established 140 years ago for the people of Nevada. They would have access to the members of the governing board determining the course and future and direction of higher education, because they would be elected from districts, and people call. As a result of that, if there's a criticism of elected boards around the country, it can be that they are rigorous, maybe overly rigorous, in their oversight and

monitoring of the performance of higher education, because they see themselves so much coming from the public and representing those interests. That isn't so much the case, often, with appointed boards that have a greater sense of reporting to who appointed them.

[Dr. Derby, continued] I would also say that a final point about elected boards is that people that run for this office put a great deal of time, put their own resources and effort, and you all understand this, into running for office. Once we get there and we're faced with the enormous task, and it is, of being a regent in this state. We put in maybe 10, 15 hours a week. Our Chair puts in far more than that. Just going through the information of our eight busy, growing, and thriving institutions. It's an interesting thing that one of the problems of boards across the country is that members that serve on boards are very busy people, and having enough time, they often just don't have the time to take. One of the things about running for office is you are very clear that you chose this, that you sought it, that you ran for this office, and then you find out when you get there it's going to be a lot of work.

We're not paid in Nevada. As you know, we're a volunteer board. Often, the volume of work that faces them surprises regents who are elected. It's a big responsibility, and elected boards, I think, do it well.

There is what is seen as an advantage of appointed boards that you can be more selective in the selection process. Certain positions can be filled if there seems to be a need, or maybe very prominent individuals in a community that would like that role can be offered it. Maybe you can select that this board needs somebody who has strengths [in a given area]. That can be seen as an advantage of an appointed board. I think in fairness it's fair to point that out to you.

I want to say, just in closing, that many states around the country have chosen to look at their higher education structures. The question is always, "Do we have the kind of structure that best serves our need?" I would propose to you that that's the kind of question that needs to be asked. Nevada is a unique state, as is every state. Looking for another model somewhere else is helpful and can be informative. The states that are taking on this inquiry into whether they have the very best government structure they can have often will appoint an interim committee that studies it for a good year and brings in professional experts and looks around the country and looks at other states that are similar or not similar and look at what works and what doesn't work.

I would propose to you that that's the proper course to take. If there is an interest in making a change in the structure of our higher education board, I

would propose that it should be something that should be studied very carefully. We believe that we have a system and a structure that works well. We feel we've had some problems over the last couple of years with some individuals, and the board itself is addressing that. I would ask you to consider not throwing the baby out with the bath water and to make radical changes that would bring us unknown problems. There isn't a state with a higher education structure that doesn't have some kind of problems with that structure. To make a radical change without considering what new kinds of problems that might bring is a serious thing.

[Dr. Derby, continued] One of our regrets as a board is that, while the actions of a few has caused media attention, this board has a very proud policy record of what it has accomplished over the same period of time. But it seems that never gets the media attention. Through all this time that has been somewhat noisy and contentious, the board has adopted an outstanding master plan for the future of higher education in Nevada. It has hired outstanding leaders to lead our institutions and our systems. We have many new programs that we've taken on. We've reviewed programs that don't work. We've grown. We've encouraged more students to come into our system. We're now serving so many more Nevadans and serving them well.

We're proud of our record. We're disappointed about some of the publicity, and we'd ask you to consider well before you make a change.

**Vice Chairman Conklin:**

Thank you, Dr. Derby. I have a question for either one of you. I'm just reading some of the background material that we have here (Exhibit F). There are only two states in the United States that have an elected board of regents. One is Michigan, and one is Nevada. Michigan elects its state board of education, but they have a very limited role in higher education in the state. In other words, it's mostly K-12 authority, leaving Nevada as what appears to be the only state with a higher education governing board, the Board of Regents. I just wanted to throw that out at you. I don't know if you have a comment. I don't think that there was any testimony on behalf of the bill talking about the actions of certain regents, so I'd like to sort of limit that. We're talking about policy.

**Dr. Jill Derby:**

Let me say about elected boards, there are more than that. The structures are hard to compare, because what you have, for instance, in Nebraska, is an elected board that is the governing board for the University of Nebraska, which is a multi-campus sort of university structure. In Colorado, you also have an elected board, but I think what you were particularly looking at is where you have a statewide board. There are also many elected boards at the community

college level around the United States. So election onto a governing board is not that unusual. In fact, it could be that the majority of community college boards of trustees and regents are elected. There are the four states that I know of, but you're correct that the other two that I mentioned to you, Colorado and Nebraska, do not have a statewide governing board. It's more limited than that. Those are also other examples of elected boards.

**Vice Chairman Conklin:**

Right, because Nebraska has a coordinating commission for the postsecondary education, which is appointed by the governor from members of the public at large and by district for the state. They govern higher education.

**Dr. Jill Derby:**

There's a difference between a coordinating board and a governing board. A governing board is the one that actually has the authority to make the decisions. A coordinating board is usually something that is an umbrella structure over that the others report to. The terms coordinating versus governing, it's a big distinction in higher education. Within Nebraska, for example, the University of Nebraska is the largest and most prominent sort of higher education structure in the state. It's sort of "the one" in Nebraska. Actually, I've worked with the Nebraska board a couple of times, and they'll tell you they are sort of higher education in Nebraska. That's where sometimes making the comparisons is difficult. It is between what is the function of the board, whether it's an umbrella kind of coordinating structure, or whether or not it's the actual governing structure. North Carolina, for example, has a governing board that is statewide. It's a large one, by the way. It's an appointed board, but it has over 30 members to it. The individual institutions have their own boards of trustees. That's another model that's popular. Often it's just hard to compare them.

**Vice Chairman Conklin:**

Are there any other questions for Dr. Derby or Mr. Seastrand?

**Assemblyman Anderson:**

Thank you, Dr. Derby. I appreciate the hard work the regents do. I enjoy the controversy it causes from time to time. It's always nice to see someone other than the Legislature on the hot seat.

I'm really kind of perplexed by the problem in this regard. It seems to me that we have many institutions here in the state of Nevada that have outgrown their usefulness. Therefore, we've historically changed their function and title. I think at one point in time one of the jobs and duties of the Lieutenant Governor was to be the warden of the state prison. That's what they did when they weren't there, and as Lieutenant Governor maybe they still do that. I don't

know. We used to have an elected state mine inspector, and we used to have a state engineer, and several other of those functions that we have now. Even the superintendent of public instruction was once an elected position, and many states still have that as an elected position.

[Assemblyman Anderson, continued] We have, however, kind of in the progressive era that many of those jobs were changed over to people with more credentialed—whatever that term is supposed to mean—responsibility so that they had people with some sort of professional background, which the appointed process allows. It's kind of like the civil service kind of idea. Since so many states have moved to this system, and Nevada's educational system, particularly at the college level and the community college level, which has grown so rapidly—I really am coming to a point here, believe it or not.

We're no longer a two-institution system. I graduated from the University of Nevada, and there was no University of Nevada, Las Vegas. There was no community college system. That's a while ago, I recognize, but in a little over 30 years the state has changed dramatically. Maybe the need for this institution in its format needs to be changed. Maybe that problem is the regents' problem. Maybe it's the legislative problem that we need to reexamine your duties to formulate it so you don't have the broad sweeping powers that you once had when you only had to look after one institution, or two. Would you like to comment on that?

**Douglas Seastrand:**

Yes, that is a good question. I guess that what I'm saying here is we don't know for sure. We're saying the structure we currently have, we feel as a board, does work. Is there a better structure? Is it time to make a change? Perhaps. If we are going to make that change, and as you said, we are a growing state. Things are changing; things do change. I guess I would suggest that we maybe not put everything specifically into the *Constitution*. Perhaps we do leave the Legislature a little more flexibility. If the question is whether or not you're going to have appointed versus elected, right now you don't have a choice in the *Constitution*. I guess what I'm saying is, we, as a board, feel that as it is, it is working, and we can make it work. If this Committee and the Legislature feels that there needs to be a change, then maybe we should have a study. Maybe there should be something done to look at it, because there are a lot of questions that I'm not sure we all have the answers to yet. There is time. If this is going to be a constitutional amendment, there's at least three years before this goes into place. There is time to have an interim study committee commissioned to look at it, and perhaps those questions can be answered more fully.

**Assemblyman Anderson:**

I can't imagine that the Board of Regents would really want to put themselves out of business, but maybe to change their function, which would only be the duty of the legislative body to change it as clearly outlined in the *Constitution*, since we assign you the duties that you have. Maybe the way to solve the problem is to establish an appointed body, and then you get to oversee the appointed bodies.

**Douglas Seastrand:**

There are some that have done it that way. I guess the question I again pose is, what is the right way? I'm not sure any of us have the answer today, so I would hope that we don't settle on what the answer is today, and that we give it its full due consideration so that, if there is a need for a change, if there is a sense from the Legislature that change needs to be made, that it's done very carefully and very cautiously and with full consideration.

**Vice Chairman Conklin:**

Are there any other questions from the Committee for our regents? [There were none.] All right, then, we'll move along. Thank you.

**Lucille Lusk, Nevada Concerned Citizens:**

[Introduced herself] It will be no secret to anyone in this body that I have much more confidence in elections than I do in the political patronage that accompanies appointments. We do not feel that appointments result in less politics, but indeed we think more with political patronage that does occur with virtually every appointment process. With that just as a statement of philosophy, I did also want to indicate that we have some concern with the specific lineup of individuals that would be considered for appointment. It lacks recognition that individuals who serve in professions for which the universities have programs would be considered. It perhaps lacks some balance in the philosophies of the individuals. I understood Ms. Giunchigliani's indication to be that she's very wide open to possible amendments, and some of those amendments might help to resolve some of those things.

I would like to say that there is another possibility that the Committee could consider, and that possibility as your, I guess it's not precisely your sister committee, but the Senate Government Affairs Committee in S.B. 143, with regard to the public administrator, has inserted some actual qualifications for elections. It is possible, and I'm assuming that that's constitutional, I had some doubts about it originally, but they've indicated and passed that out and indicated that they have reason to believe that's constitutional. If that's so, then it's possible to have the best of both worlds, establish some qualifications by the Legislature for those who would stand for election for this body. That,

of course, will require some careful consideration as well. As has been indicated, this is a very serious decision, but it doesn't work to go ahead and pass it and then take those three years to have a study, because what you've passed has to stand, as you know, exactly the same in two sessions. You can't just start it and then change it along the way very easily. Thank you.

**Janine Hansen, President, Nevada Eagle Forum:**

We are concerned about appointed boards versus elected boards as was stated earlier by Lucille [Lusk]. We feel that oftentimes the concerns of the general public are not well represented by a narrowly selected board. We are very concerned about that. On some of these things, I'd like to point out some specific concerns about this particular bill that I have.

I would draw your attention to page 2, to line 8, where it says that they would have to appoint names submitted by organization or association that represents licensed educational personnel in this state. Well, there aren't a lot of times in the many past years that the teachers union, Nevada State Education Association, and I agreed on a lot of things, although I'm excited to say that we're agreeing on a lot more. For instance, we're both against No Child Left Behind, because it's a federal takeover of education. I would not feel that someone from that organization could ever represent me honestly rather than someone I would have the opportunity to vote for.

On line 11, we looked that there would be someone on there who represents the parents of students in this state. We would have to assume that that's the PTA. I have found often that the state PTA is lockstep with the teachers' union, which would not represent my philosophy or the philosophy of many others on many issues, although there are issues which we have worked together here at the Legislature on several times, and we have successfully worked together. But in general, they would not represent my concerns or the concerns of those I represent.

If you look to line 15, you will see that it talks about "organization and association which represents women." Now, I'm a woman who has been actively working in this state on issues and been testifying at this Legislature and participating for many years as a volunteer since 1971. I would suggest that not one of those "organizations that represent women" ever represented my concerns. I do belong to some organizations that represent women that represent me, but they would never be chosen on this board because they wouldn't be identified that way. For instance, Eagle Forum represents families, and most of the people that belong to it are women, but we would never be selected to be a part of this board, so our representation would not be there.

[Ms. Hansen, continued] It also talks about ethnic or racial minorities. But I belong to a minority party, and I would suggest to you as it goes over here on page 3 to line 4 that they wouldn't be able to have too many people of the same political party that there would never be a chance that anybody from a minor political party would be appointed. So they wouldn't be represented.

I'm very concerned about the specifics of this particular bill and the fact that the concerns I have, would never be represented. What about home schoolers? I home-schooled my children. We have many people who are associated with it who are now home-schooling theirs as their choice, paying the money to do it themselves. Most of their children go to college. My son, as a home schooler, started at Truckee Meadows at age 15. There's no representation for them and their concerns on these members that are identified on here. They are a minority, but certainly their children do very well in college and they should be represented.

I see the way that this board is drawn is discriminatory against many of the individuals who would be very interested in the success of their children and of the university. I'm very concerned about that. There's lots of money involved in this. I think whenever there is money involved, we're far better off to have people who are accountable, like you are, to the public for the way money is spent. I don't think that appointed people, in my experience—in fact, it's just the opposite. Appointed people are not accountable, and they don't usually respond well to the public, because they are not elected. That's one of the things we heard the regents talking about, that they really try to respond to the concerns of individual people. That's very important, because it's hard to deal with all this government, especially when they aren't elected, and they feel they have no accountability towards you.

This Legislature works great because there are people here from all walks of life. Every time I come into a committee and I hear some of you talk about different things, every one of you has a different experience. You're not all professional people. You don't all have college educations. You don't all have degrees. I think that's one of the best things about this institution, because you bring so many varied experiences to life, which can represent the average person out there better than a board made up of all professionals who may have never had to struggle to meet the bills at the end of the month and some of those other things. So I think that it works very well to have a board of regents that's representative of different walks life, that's representative of the people of the state of Nevada.

It may be good to have a study. There might be a better way. I can't say. We certainly don't want to see our right to vote on these people, and have some

opportunity to participate ourselves in this process, be denied us. We see a movement, not just on this bill, but on others, that would take away our right to vote on different offices in the state of Nevada. I know this is well-meaning. We want the very best kind of government we can have, and we need to go carefully as we change the *Constitution*. The reason it's hard to change the *Constitution* is because it was meant to be that way, so we can walk carefully towards any kind of a change that we make. And we need to be sure that that's what we want to do, because if you make a mistake, it sure is hard to change.

[Ms. Hansen continued] I appreciate your careful consideration of this. Remember, we don't want to make up a board that doesn't represent the people and that can discriminate against many of the concerns of people who might be very interested in what happens at our universities. I attended the university, although I graduated from another one. My children are now attending UNR and Truckee Meadows. These are very important things for many people in the state of Nevada. Whether or not they are professionals, they want their children to go to college and experience these opportunities. Thank you.

**Carole Vilardo, Nevada Taxpayers Association:**

[Introduced herself] I speak in support of the concept of A.J.R. 11. I think that we've reached a point in time where given the change within the structure of the university system, given the dollars that are involved, that the appointments are a proper way to go. The concern I have with the bill, and I've expressed this to the maker of the bill, Assemblywoman Giunchigliani, is that my experience in the *Constitution* and taxes is that the *Constitution* should be kept very much a policy document where we do not put details in. For that reason, I would suggest that subsection 2 of Section 7 in this provision be totally deleted. I think that is the function of enabling legislation, and that is, I think, one of the points, while we disagree on elected versus appointed regions, I think that's one of the points that Ms. Hansen made, is that the *Constitution* was meant to be a document that we could rely on for policy and should not be easily changed.

Fortunately, we're not like the state of Louisiana that seems to change their entire constitution every four to six years. Be that as it may, to that point, because of the length of time it does take to change, if you create this as a policy, and I believe you have that in part on one of the amendments that was offered by Assemblywoman Giunchigliani, where you're simply allowing the Legislature to appoint and set the conditions as necessary in the future, there are a couple of things with that.

[Ms. Vilardo, continued] Number one, given that it is approximately five years before you would have this taking place, because it's a four-year process once you go through the two Legislative sessions, have it go on the ballot, and then you have to have enabling legislation. It would be possible to have some enabling legislation that was worked on prior to this ballot question being passed. It's also possible that you can structure this and set this up so that the effective date of this might be 2007, giving you enough time to structure what you need to structure as to how the appointments would be done, whether they would be done by qualifications. I've heard discussion about the qualifications that are in here and not representative. I come from a different point of view. My concern is that the university system is a very large part of the state's budget. For me, on qualifications, I would want to see some financial expertise within the university system. I might want to see somebody who is familiar with planning and building within this. That's something that could be worked out within the enabling legislation. I would urge you to consider the bill with amendments.

**Vice Chairman Conklin:**

Thank you, Ms. Vilardo. Are there any questions from the Committee for Ms. Vilardo? [There were none.]

**David Schumann, Independent American Party:**

[Introduced himself] I'm generally speaking against the bill, although after listening to Ms. Vilardo, with Section 2 gone, I might be in favor of this. The university not only represents students and parents, but it represents all of us. We're paying to get the best-educated people that we can possibly get. To have a list, like that on page 2, severely limits the ability of people who don't happen to fall into one of those categories to have any influence.

Right off the bat, I, too, was a kid 40 years ago, and I can tell you that, looking back on it, I don't think those of us who went to college in the 60s were qualified to serve on the board of regents at all, either the people of my persuasion, or people of other persuasions. We were in our 20s, and it's something you grow out of. Everybody can be cured of it. I would like to have a little more gray hairs sitting in judgment of this, and that's what I think you get from people that are willing, as the regent lady who had been a president here said, people who are willing to take their time and money to actually run for this. First of all, they must have had some kind of success in life, or they wouldn't have the position to be able to run for it.

When you're going to be in charge of supervising a bunch of scholars whose egos can sometimes equal those of prima donnas in Hollywood, that takes a little judgment and wisdom, too. Just going down and picking off a list of folks

like this, I don't see that they have the depth to do this. I'm with those that think that a study is due, and please don't just limit it to state institutions. I think some of the best institutions in this country are private institutions, and they have private boards of regents. There's probably a reason why they have private boards of regents. I'm not a regent myself, but I've got to think that time proves some of this. I'd like to attach my position to that of those that suggested that you do a study on this and see just exactly what sort of demands running an eight-institution university [system] creates, and then look at how you would select the folks that have the depth to handle those demands. Thank you for your time.

**Vice Chairman Conklin:**

Thank you, Mr. Schumann. That's the extent of folks I have signed in for A.J.R. 11. We will close the hearing on A.J.R. 11.

**Assemblywoman McClain:**

In between bills, I would just like to go on record as voting yes on both of the work session bills.

**Assemblywoman Weber:**

I would also like to do the same since I was out at the time that those votes were taken, if I could be added on the record as a yea on both of those measures. Thank you.

**Vice Chairman Conklin:**

We're going to open the hearing on A.B. 436.

**Assembly Bill 436: Revises provisions governing ballot questions. (BDR 24-917)**

**Assemblyman Don Gustavson, District No. 30, Washoe County:**

[Introduced himself and read from a prepared statement (Exhibit G)] Thank you for allowing me this time to present this bill. A constituent actually suggested this bill to me, and I thought it was a great idea. In fact, that constituent is my father, who moved here from another state recently and just had his first election, this last general election in November, and he came up with this question and suggestion.

How many times do our constituents or friends ask us about a ballot question? Or who to vote for, as far as that goes? I know that I am asked all the time. Ballot questions are sometimes vague and not fully understood by many. What A.B. 436 would do is to help our voters have a better understanding of statewide ballot questions. This would be accomplished by having every question for a constitutional amendment or a statewide measure proposed by

## DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or [library@lcb.state.nv.us](mailto:library@lcb.state.nv.us).

AJR 11

Chris Giunchigliani

Below are two different suggested amendments to consider:

Amend the bill to provide that the Legislature shall provide by law for the number, terms, and appointment or selection of members of the Board of Regents.

Or amend sec. 7 subsection 2, line 13, insert, "four" and insert after Governor, and three elected by the people, each will run from one of our congressional districts.

Delete 2 (a), (b), (c), (d) and insert one member who has previous experience in education. Then reletter the other groups noted in the bill. I am open to suggestions as to which other groups can recommend names for consideration to the Govenor.

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800  
RICHARD D. PERKINS, *Assemblyman, Chairman*  
Lorne J. Malkiewicz, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821  
WILLIAM J. RAGGIO, *Senator, Chairman*  
Gary L. Ghiggeri, *Fiscal Analyst*  
Mark W. Stevens, *Fiscal Analyst*

LORNE J. MALKIEWICH, *Director*  
(775) 684-6800

PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
ROBERT E. ERICKSON, *Research Director* (775) 684-6825  
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

MEMORANDUM

DATE: November 26, 2002  
TO: Assemblywoman Chris Giunchigliani  
FROM: Carol M. Stonefield, Senior Research Analyst  
Research Division  
SUBJECT: Governance of Higher Education in Other States

This memorandum is written in response to your request to provide information on the means employed by other states to select members for the statewide higher education governing boards. Further, you requested examples of the selection process whereby the appointing authority had to follow specific statutory guidelines.

The information in the attached table was obtained through a search of databases maintained on-line by the Education Commission of the State (ECS). You will also find attached to this memorandum the detailed ECS summaries of the structure and selection process used in each state. In addition, an ECS table with information on institutional governing boards is included.

**HIGHER EDUCATION GOVERNANCE STRUCTURES**

**Source of the Authority**

Thirty-one states have established their governance structure by statute. Sixteen states have provided for a governing structure in their constitutions. Because university systems have been separated from community college systems, two states establish their structures through a combination of constitutional provisions and statutes. One state, Vermont, does not have a statewide governance structure for higher education. With powerful institutional governing boards, Michigan provides very limited statewide coordination through its state board of education.

ASSEMBLY ELECTIONS, PROCEDURES, & ETHICS  
DATE: 4-3-03 ROOM: 3138 EXHIBIT F  
SUBMITTED BY: Chris Giunchigliani

## **Extent of the Authority**

The 49 states that do provide for some form of statewide governance of public postsecondary education have erected a system either that governs the institutions or that serves as a coordinating and planning agency. Typically, those states that elect to coordinate postsecondary education are part of a structure that includes powerful institutional governing boards. In a structure with one statewide governing board, an institutional advisory board may exercise a limited role.

A statewide governing board has control and broad administrative powers over all state postsecondary public institutions. These powers typically include setting policy, developing budgets, approving academic programs, hiring and evaluating presidents of institutions, and planning and maintaining a statewide delivery system.

The authority of a coordinating board will depend upon the statutory provisions creating it. A coordinating board, however, is likely to hold some combination of the following responsibilities: developing comprehensive statewide plans for postsecondary education, which might include private institutions; approving new institutions or new academic programs; providing advice and consultation to the governor and legislature; reviewing the annual budgets of the state institutions; collecting data; conducting studies and recommending policies related to the conclusions of those studies; serving as an adjudicator in disputes among institutions, which may include articulation, for example; and administering federal and state financial aid programs.

## **Process of Selection**

Most of the boards, whether constitutional or statutory, are appointed by the state's governor. Some states provide guidance through statute to ensure that the members thus appointed represent specific groups of people, geographic areas of the state, or elected officeholders. For example, a number of states include a student member. A few provide that a member of the faculty is appointed. Some specify that a member must be appointed from each congressional district or from each state-drawn district. Several states include ex officio members, such as the administrative head of the state department of elementary and secondary education, the chairs of certain legislative committees, or representatives of public and private higher education institutions.

The state Legislature plays a role in selecting members in some states. In California, for example, the governor, the Senate Rules Committee and the Speaker of the Assembly each appoint a designated number. Further, Minnesota, New York, and North Carolina provide that the state Legislature elects or appoints the members of those boards, rather than the respective governors of those states.

Although Michigan elects its state board of education, which has a very limited coordinating function in higher education, Nevada appears to be the only state where the voters elect members of the higher education governing board, according to the information from ECS.

### SPECIFIC GUIDELINES FOR APPOINTMENTS

The ECS table of state-level coordinating and/or governing agencies sets out a number of examples of statutory provisions guiding or limiting the appointments of members to the various boards, commissions, or councils. Most states treat these appointments in the same manner as other gubernatorial appointments: the Governor sends the name of the prospective appointee to the Legislature, which has the authority to consent to the appointment. The terms of office are generally for a specified number of years and are staggered to ensure both turnover and continuity. Nevada does not have such an "advise and consent" appointment structure.

### FLORIDA

The table, entitled "Postsecondary Education Governance or Coordination Structures," contains provisions relating to Florida that do not match those provided in the ECS tables, which are the source of data for all other states. In November 2002, voters in Florida approved a constitutional amendment to establish a board of governors. This board will have governing authority. Each state institution will retain a board of trustees that will exercise only those powers delegated to it by the board of governors. This vote of the electorate nullifies an act of the state Legislature two years ago that abolished the previous statewide higher education governing board. In its place the Legislature had put a governing board at each institution; overall policy had been assigned to a single board that was to oversee all levels of education from elementary and secondary education through higher education.

### CONCLUDING REMARKS

The ECS table on state-level agencies summarizes the membership in each state. Since it is my understanding that you may be using this material for the drafting of legislation, I have provided a copy of this memorandum and attachments to the Assembly Bill Draft Advisor, Kimberly A. Morgan, Chief Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau.

I will be happy to obtain the statutes for any state whose membership composition or process of appointment interests you. In addition, please let me know if there is anything else that I can do for you on this issue. You can reach me by telephoning (775) 684-6825.

CMS/rd:W30184

Enc.

cc: Kimberly A. Morgan

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600

LEGISLATIVE COMMISSION (775) 684-6800  
RICHARD D. PERKINS, *Assemblyman, Chairman*  
Lorne J. Malkiewich, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821  
WILLIAM J. RAGGIO, *Senator, Chairman*  
Gary L. Giggeri, *Fiscal Analyst*  
Mark W. Stevens, *Fiscal Analyst*



LORNE J. MALKIEWICH, *Director*  
(775) 684-6800

PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
ROBERT E. ERICKSON, *Research Director* (775) 684-6825  
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

MEMORANDUM

DATE: January 6, 2003  
TO: Assemblywoman Chris Giunchigliani  
FROM: Carol M. Stonefield, Senior Research Analyst  
Research Division  
SUBJECT: Number of Members of the Board of Regents

This memorandum is written in response to your request for the history of the number of members of the Board of Regents since its inception.

**COMPOSITION OF THE BOARD OF REGENTS**

Section 7 of Article 11 of the 1864 *Nevada Constitution* provides for the election of a Board of Regents. At statehood, a temporary board composed of the governor, secretary of state, and superintendent of public instruction was to govern for a minimum of four years to allow the Legislature to provide for the election of their successors, according the provisions of Article 11.

The establishment of a state university was influenced by the enactment of the Morrill Act by Congress in 1862. This act provided the grants of land in states that could be sold or leased to generate revenues to support public colleges and universities. The Morrill Act required a state to act within a specified number of years to establish an institution of higher learning. The Nevada Legislature petitioned Congress to grant extensions, which it did in 1866 and again in 1873. The state university was not established until 1874, when the Legislature opened the state university at Elko. Between 1864 and 1889, the governor, secretary of state, and superintendent of public instruction served as the Board.

In 1887, the Legislature provided for replacement of the state officers as the Board. Effective January 1, 1889, the Board would be constituted by three members, two to be elected for terms of four years and one to be elected for a term of two years. They were to be elected in the same manner as other statewide officers (Chapter 37, *Statutes of Nevada 1887*).

In 1905, the Legislature increased the number of Regents to five members, effective January 1, 1907. The Legislature provided for the election of "Long-Term Regents" who would be elected for four-year terms and "Short-Term Regents" who would be elected for two-year terms (Chapter 88, *Statutes of Nevada 1905*).

In 1917, while maintaining the number of members of the Board of Regents, the Legislature increased the terms of office to ten years, providing a staggered implementation of the increase in length of terms over the elections of 1918 and 1920 (Chapter 189, *Statutes of Nevada 1917*). In 1941, the Legislature reduced the term of office for the five Regents to four years. Those currently in office at the general election in 1942 were to continue in office until the expiration of their terms. Persons elected to fill those vacancies would serve four-year terms (Senate Bill 39 [Chapter 68, *Statutes of Nevada 1941*]).

In 1957, the Legislature increased the membership from five to nine members. It also established the seat of the university at the campus in Reno and authorized a regional branch campus in Clark County to be known as Nevada Southern. Assembly Bill 342 (Chapter 122, *Statutes of Nevada 1956-57*) of that legislative session contains the first election of Regents by district; Washoe County was to be District No. 1, Clark County became District No. 2, and the remainder of the state was designated as District No. 3. Each district was authorized to elect three members to the Board.

Other provisions of A.B. 342 are noteworthy. Subsection 1 of the act is provided below:

*1. By the provisions of chapter 284, Statutes of Nevada 1955, on page 463, the legislative commission was authorized and instructed to engage the services of a firm of management consultants or other expert assistance for the purpose of making an investigation into the administration and academic operation of the University of Nevada and to report the results thereof and make recommendations in connection therewith to the legislative commission. As required by law, the report and the recommendations of the expert assistance engaged by the legislative commission have been transmitted to the 48<sup>th</sup> session of the legislature. The legislature specifically finds and declares, as a result of such investigation into the administrative and academic operations of the University of Nevada, that the emergency situation respecting the University of Nevada is a special occasion calling for extraordinary action on the part of the legislature and that an emergency exists now whereby it is necessary that the number of the board of regents of the University of Nevada be increased and that such increased number should be inducted into office prior to their election by the people.*

Assembly Bill 342 further provided that the four vacancies created by the act would be filled by appointment by the Legislature in joint convention immediately after the effective date

of the act. The act was approved on March 21, 1957. Those appointed would serve until positions could be filled by election.

In 1967, the Legislature increased the Board membership to 11. The membership from Clark County grew from three to five Regents (Senate Bill 136 [Chapter 191, *Statutes of Nevada 1967*]). In 1971, however, the Legislature again reduced the size of the Board from 11 to nine members. The membership from the district consisting of Washoe County and from the district encompassing the remainder of the state was reduced from three to two Regents in each district, while the five members from Clark County was maintained (Assembly Bill 736 [Chapter 650, *Statutes of Nevada 1971*]).

In 1973, the Legislature established sub-districts within the districts, which were defined as encompassing specific Assembly districts and enumeration districts. All terms would be for the length of six years, beginning with the 1978 general election (Assembly Bill 18 [Chapter 247, *Statutes of Nevada 1973*]). In 1981, the Legislature further defined the number of Regents from specific districts (Senate Bill 707 [Chapter 730, *Statutes of Nevada 1981*]).

In 1991, the Legislature increased the membership from nine to 11 members. It further specified districts by census voting districts and added Lincoln County and portions of Nye County to District 2, which had been limited to Clark County until then (Assembly Bill 776 [Chapter 411, *Statutes of Nevada 1991*]).

Finally, Senate Bill 14 (Chapter 23, *Statutes of Nevada 2001 Special Session*) increased the number of Regents from 11 to 13. The districts were defined by census tracts.

### CONCLUDING REMARKS

I trust this information will be useful to you. If you wish to receive copies of any of the legislative acts cited in this memorandum, please feel free to contact me. I can be reached at (775) 684-6825.

CMS/rd:W30640

## Postsecondary Education Governance or Coordination Structures

State	Name	Authority	Source of Authority	Selection	Members
Alabama	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public, No More Than Two from a Congressional District
Alaska	Board of Regents	Governing	Constitution	Appointed by Governor	Public, Student
Arizona					
University	Board of Regents	Governing	Constitution	Appointed by Governor	Public, Student
Community College	State Board of Directors for Community Colleges	Coordinating	Statute	Appointed by Governor	Public, Ex Officio Office-holders
Arkansas	Higher Education Coordinating Board	Coordinating	Statute	Appointed by Governor	Public
California	Postsecondary Education Commission	Coordinating	Statute	Appointed by Governor, by Senate Rules Committee, by Speaker of Assembly, Ex Officio by Statute	Public, Ex Officio Representing Various Higher Education Governing Boards
Colorado	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public
Connecticut	Board of Governors for Higher Education	Coordinating	Statute	Appointed by Governor, by Legislative Leadership	Public
Delaware	Higher Education Commission	Coordinating	Executive Order, Then Statute	Appointed by Governor	Public, Public and Private Institutions, State Departments
Florida	Board of Governors	Governing	Constitution	Appointed by Governor	Public, Student, Faculty, Commissioner of Education
Georgia	Board of Regents	Governing	Constitution	Appointed by Governor	Public At-large, Each Congressional District
Hawaii	Board of Regents	Governing	Constitution	Appointed by Governor	Public
Idaho	State Board of Education/Board of Regents	Governing	Constitution	Appointed by Governor, Ex Officio by Statute	Public, State Superintendent of Public Instruction
Illinois	Board of Higher Education	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Representing Various Offices, Student

F7 of 20

State	Name	Authority	Source of Authority	Selection	Members
Indiana	Commission of Higher Education	Coordinating	Statute	Appointed by Governor	Public, Student, Faculty
Iowa	State Board of Regents	Governing	Statute	Appointed by Governor	Public, Student
Kansas	State Board of Regents	Governing	Constitution	Appointed by Governor	Public
Kentucky	Council on Post-secondary Education	Coordinating	Statute	Appointed by Governor	Public, Faculty, Student, Commissioner of Education
Louisiana	Board of Regents	Coordinating	Constitution	Appointed by Governor	Public, Student
Maine	Board of Trustees of the University of Maine System	Governing	Statute	Appointed by Governor	Public
Maryland	Higher Education Commission	Coordinating	Statute	Appointed by Governor	Public, Student
Massachusetts	Board of Higher Education	Coordinating Plus Some Governing	Statute	Appointed by Governor, Ex Officio by Statute	Public, Student, Commissioner of Education
Michigan	State Board of Education	Coordinating (very limited)	Constitution	Elected	(According to Elections Laws of State)
Minnesota					
University	Board of Regents	Governing	Constitution	Appointed by Legislature	Public
State Colleges and Universities	Board of Trustees	Governing	Statute	Appointed by Governor	Public
Mississippi	Board of Trustees	Governing	Constitution	Appointed by Governor	Public
Missouri	Coordinating Board for Higher Education	Coordinating	Constitution	Appointed by Governor	Public
Montana	Board of Regents	Governing	Constitution	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Officeholders
Nebraska	Coordinating Commission for Post-secondary Education	Coordinating	Constitution	Appointed by Governor	Public At-Large, State Districts
Nevada	Board of Regents	Governing	Constitution	Elected	Public, State Districts
New Hampshire	Postsecondary Education Commission	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Public Institution Presidents, Students, Ex Officio Officeholders
New Jersey	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public, Student, Faculty, Ex Officio Officeholders

EP of 20

State	Name	Authority	Source of Authority	Selection	Members
New Mexico	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public, Student
New York	Board of Regents	Coordinating With Some Governing Through Policy	Constitution	Elected by Legislature	At-Large, Each Judicial District
North Carolina	Board of Governors	Coordinating With Some Governing Through Policy	Statute	Elected by Legislature	Public, Special Members as Ex Officio Former Office-holders
North Dakota	State Board of Higher Education	Governing	Constitution	Appointed by Governor	Public
Ohio	Board of Regents	Coordinating	Statute	Appointed by Governor	Public
Oklahoma	State Regents of Higher Education	Coordinating	Statute	Appointed by Governor	Public
Oregon					
University	State Board of Higher Education	Governing	Statute	Appointed by Governor	Public, Student, Faculty
Community College	State Board of Education	Governing	Statute	Appointed by Governor	Public
Pennsylvania	State Board of Education	Coordinating	Statute	Appointed by Governor	Public
Rhode Island	Board of Governors for Higher Education	Governing	Statute	Appointed by Governor, by Statute	Public, Ex Officio Chair of Elementary and Secondary Education, Chairs of Senate and House Finance Committees
South Carolina	Commission of Higher Education	Coordinating	Statute	Appointed by Governor	Public from Congressional Districts, Ex Officio Representatives of Public and Private Higher Education
South Dakota	Board of Regents	Governing	Constitution	Appointed by Governor	Public, Student
Tennessee	Higher Education Commission	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Office-holders, Student
Texas	Higher Education Coordinating Board	Coordinating	Statute	Appointed by Governor	Public

F9 of 20

State	Name	Authority	Source of Authority	Selection	Members
Utah	State Board of Regents	Governing	Statute	Appointed by Governor, Ex Officio by Statute	Public, Student, Ex Officio State Board of Education
Vermont	NO STATEWIDE AGENCY				
Virginia	State Council of Higher Education	Coordinating	Statute	Appointed by Governor	Public
Washington	Higher Education Coordinating Board	Coordinating	Statute	Appointed by Governor	Public
West Virginia	Higher Education Policy Commission	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Secretary of Education, State Superinten- dent of Schools
Wisconsin	Board of Regents	Governing	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Superinten- dent of Public Instruction, Representative of Technical College System Board, Student
Wyoming	Education Planning and Coordinating Council	Coordinating	Statute	Ex Officio by Statute	Various Officeholders

Source: State Comparisons - Postsecondary Governance Structures, Education Commission of the States, [http://www.ecs.org/dbsearches/scripts/SRCH\\_DB\\_Display.asp](http://www.ecs.org/dbsearches/scripts/SRCH_DB_Display.asp), accessed November 25, 2002; *Voters Approve Florida Governance Shift, Major Bond Measures in California and Virginia*, November 15, 2002, The Chronicle of Higher Education, [http://chronicle.com/cgi2-bin/printable\\_verity.cgi](http://chronicle.com/cgi2-bin/printable_verity.cgi), accessed November 25, 2002.

W3085-1

F10 of 20

**State Comparisons - Postsecondary Governance Structures**  
Wednesday April 2, 2003 2:13:33 PM

Details:

---

**Alabama****State-Level Coordinating and/or  
Governing Agency**

The Commission on Higher Education, the statutory coordinating agency for public postsecondary education, was established in 1969. The commission is composed of 12 members, 10 appointed by the governor and 1 each by the lieutenant governor and speaker of the house. All are subject to confirmation by the Senate. No more than 2 members can be from any one congressional district and each is charged with representing the state as a whole. Commissioners serve 9-year terms. The statutory authority of the commission includes planning, coordination, budget review for individual institutions, recommendations of a consolidated budget and program review for the state's public senior and junior institutions. Program review involves new program approval authority for all public postsecondary institutions. The commission has advisory authority relative to the review of existing programs. The commission also has approval authority for off-campus instruction and programs offered in the state by out-of-state institutions. The State Board of Education is a constitutional entity with responsibility not only for K-12 but also for governing 1 upper-division college, 3 junior colleges, 18 community colleges and 7 technical colleges.

---

**Alaska****State-Level Coordinating and/or  
Governing Agency**

The University of Alaska, established in 1917, is the single, multicampus public institution of postsecondary education in the state. The University is governed by the Board of Regents, which is constitutionally founded, and consists of 11 members appointed by the governor and approved by the legislature. Ten of the members serve 8-year terms and 1, a student, serves for 2 years. The board has statutory authority for all public postsecondary education, which includes three regional university campuses, community colleges and centers. A restructuring in the mid-1980's eliminated the position of college president and the separate community boards at 10 of the 11 community colleges. These colleges were grouped into 3 districts and now serve as branch institutions of the 3 campuses of the University of Alaska in Fairbanks, Anchorage and Juneau. The community of Valdez was able to retain independent status for its community college and its own governing board by agreeing to underwrite 30% of the school's cost. The Commission on Postsecondary Education, established by statute in 1974, is the coordinating agency for all postsecondary institutions and programs. There are 14 members of the commission: 2 members from the legislature, 2 members from the regents of the University of Alaska, 1 member of the governing body of a private institution, 1 member

representing proprietary institutions, 1 member representing the State Board of Education, 1 member representing the State Advisory Council on Community Colleges, 1 student member and 5 members broadly and equitably representative of the general public. Members of the Commission serve from 1- to 7-year terms depending on the sector they represent with a 3-year term being the average. The 5 general public members are appointed by the governor with approval of the legislature and the other 9 members are designated by their respective agencies. The Commission is a department within the Department of Education and Early Development for budgetary purposes only. The Commission's executive does not report to the Commissioner of Education nor to the State Board of Education. The commission's responsibilities include: (1) coordinating development of comprehensive plans for the orderly, systematic growth of public and private postsecondary education, including community colleges and occupational education, and submitting recommendations on the need for and location of new facilities and programs; (2) providing advisory services to the governor, the legislature, other state and federal officials and to the governing boards of public and private institutions of postsecondary education; (3) reviewing and commenting on the annual budgets and capital outlay requests of the public university and private colleges; (4) functioning as the state agency for appropriate sections and titles of the Federal Higher Education Act of 1965; and (5) serving as adjudicator when necessary in consortia agreements. The commission is not a cabinet department, and its executive director is appointed by and serves at the pleasure of the commission.

---

## Arizona

---

### State-Level Coordinating and/or Governing Agency

There are 2 statewide boards in Arizona for public-supported institutions: 1 for the universities and 1 for community colleges. The Arizona Board of Regents was created to govern the 3 universities in 1945. The board is composed of 12 members, 8 appointed by the governor with the consent of the state senate, who each serve for 8-year terms, and two students appointed by the governor with the consent of the senate, who each serve a 1-year term. The governor and state superintendent of public instruction serve as voting ex-officio members by the virtue of the office that he or she holds. The board has jurisdiction, control and broad general administrative powers as provided by the state constitution and statutes. Their responsibilities include coordination, planning, budget review and approval and program approval as well as other functions. Although the board is not a formal cabinet department, a close coordinating relationship between the governor's office and the major state government department head is maintained through frequent planning sessions. The executive director of the Board of Regents represents the universities at these meetings. The State Board of Directors for Community Colleges, authorized by the state legislature in 1960, coordinates 10 community college districts, which consist of 18 campuses. The board is composed of 17 members, 15 appointed by the governor for 7-year terms, and 2 serving as ex-officio members by the virtue of the office that he or she holds. The State Board of Directors for Community Colleges is responsible for providing governance, oversight, planning and coordination for Arizona's community college system, in order to provide an integrated statewide system of community colleges that satisfies the differing educational needs of the people of Arizona. The

Commission for Postsecondary Education was created by executive order to assume the planning responsibilities under Section 1202 and 1203 of the Federal Higher Education Act amendments of 1972 and to administer other assigned programs. The commission continues in existence and is composed of 13 members appointed by the governor for 3-year terms. Of these members, 1 represents the general public, 4 represent public institutions, 6 represent private/nonprofit and proprietary institutions, and 2 represent secondary education.

---

## Arkansas

---

### State-Level Coordinating and/or Governing Agency

The Arkansas Department of Higher Education, established in 1971, functions as a statutory cabinet department of the state government and is charged with the coordination of postsecondary education in Arkansas. The department administers the policies set by the Higher Education Coordinating Board, which replaced the State Board of Higher Education in 1997. Consisting of 12 members who are appointed to 6-year terms by the governor, the Higher Education Coordinating Board has statutory responsibility for the planning and coordination of public 4- and 2-year institutions. The Board also has statutory authority for budget review and recommendation, approval of institutions role and scope, and the review and approval of new or existing degree programs for public postsecondary institutions. The executive officer of the agency is appointed by the Higher Education Coordinating Board with substantial input from the Presidents Council and is confirmed and serves at the governor's pleasure.

---

## California

---

### State-Level Coordinating and/or Governing Agency

In 1974, the California Postsecondary Education Commission replaced the Coordinating Council for Higher Education, with duties and powers greater than those assigned to its predecessor. The commission is not a regulatory agency or governing board. Rather, it is an advisory group to the legislature, governor and postsecondary institutions regarding major education policies. It is required to establish a statewide database containing extensive information gathered from all institutions, public and private. The commission has statutory authority to review institutional budgets, to advise on the need for and location of new campuses, and to review all proposals for new academic programs in the public sector. The commission's primary purpose is to prevent unnecessary duplication and to coordinate efforts among the education segments. The commission's efforts are directed by its work plan, which sets out education goals and statewide issues, particularly those that concern large numbers of colleges, universities and proprietary schools. The commission is composed of 16 members. 9 members are appointed from the general public - 3 by the governor, 3 by the Senate Rules Committee and 3 by the California Assembly speaker. Five members represent various sectors of education 1 member from the Board of Regents of the University of California, 1 member from the Board of Trustees of the California State University, 1 member from the Board of Governors of the California Community College, 1 member from the State Board of Education, and 1 member appointed by the governor

to represent independent California colleges and universities. Length of service on the commission varies depending upon the appointing body: public members serve 6-year terms, education sector representatives serve at the pleasure of the appointing authority, the independent colleges representative serves 3 years, and the student representatives serve 2 years. The remaining 2 members are students, both appointed by the governor. The commission is not a cabinet department. The executive officer is appointed by the commission and serves at its pleasure.

---

## Colorado

---

### State-Level Coordinating and/or Governing Agency

The Commission on Higher Education is the statutory agency for planning and coordination of postsecondary education in Colorado. State responsibility for higher education coordination was established in 1965, with responsibilities amended formally 10 times since 1970. The most recent changes were made in 1995. Legislative desire for more centralized policy and coordination of the state's public postsecondary education reflects the 1985 legislature abolishing the existing commission and reestablishing a new commission consisting of 9 public members appointed by the governor with the consent of the senate, each serving 4-year terms. Among its responsibilities are: (1) developing percentages of total state allocation for each governing board of higher education and presenting its decisions to the governor and legislature; (2) reviewing and approving new academic and vocational program proposals; (3) defining geographic and programmatic service areas for extension offerings; (4) prescribing uniform standards for development of capital construction programs, reviewing and approving program plans for capital construction projects or property leasing, and recommending capital construction and funding priorities to the legislature and governor; (5) establishing enrollment policies and differentiated admission and program standards consistent with institutional roles and missions; (6) developing review criteria and distributing allocations for institutional quality incentive grants recognizing centers of excellence; (7) establishing and enforcing student transfer agreement, including those resulting from reciprocal interstate exchanges; (8) adopting and implementing affirmative action policies for the commission, governing boards and institutions; (9) undertaking statistical, programmatic and other higher education studies; (10) pursuing foundation and other grants for state programs; and (11) seeking cooperation and advice of public and private institutions and governing boards in the state. The executive director is appointed by the governor and approved by the legislature, serves as a member of the governor's cabinet, and is, by statute, the executive director of the Department of Higher Education. This department comprises the commission, the state's public institutions of higher education, the Colorado Historical Society, the Council for the Arts, the Colorado Student Loan Program, the Division of Private Occupational Schools and the Colorado Advance Technology Institute.

---

## Connecticut

---

**State-Level Coordinating and/or Governing Agency**

The Board of Governors for Higher Education, staffed by the Department of Higher Education, was created March 1, 1983. The Board of Governors consists of 11 lay members 7 appointed by the governor and confirmed by the senate and 4 appointed by the leadership of the house and senate, each approving one member. The initial chairman was appointed by the governor for a 2-year term. Since then the board has elected its own chairman. Board members serve staggered 4-year terms. As the coordinating agency for the public higher education system, the Board of Governors is responsible for statewide planning, budget development and policymaking. It is charged with preparing criteria to govern the merger or closure of institutions; making decisions to merge or close institutions; providing for the initiation, consolidation or termination of programs; and evaluating institutional effectiveness. The board also is responsible for preparing annual consolidated operating and capital budgets and for maintaining academic quality through licensure and accreditation of programs and institutions, both public and independent. The Commissioner of Higher Education is appointed by the board and serves at its pleasure.

**Delaware**

**State-Level Coordinating and/or Governing Agency**

The Delaware Higher Education Commission was established by executive order in 1974 and revised by executive order in 1977 and 1991. In June 2001, the General Assembly formalized the relationship between the Department of Education and the Higher Education Commission in statute. The law expanded on provisions of existing executive orders, added new responsibilities and reduced the number of members from 21 to 13. Five members represent the general public, 4 represent public institutions, 2 represent private institutions and 2 represent state departments. Members are appointed by the Governor to 3-year terms and legislative consent is not required. The executive director is appointed by and reports to the chairman of the Higher Education Commission and the secretary of education. The commission is responsible for student aid, data collection and reporting, and oversight of interstate agreements. While the commission is not a cabinet department, the commission is a division of the Department of Education, which is a cabinet department.

**District of Columbia**

**State-Level Coordinating and/or Governing Agency**

The University of the District of Columbia Board of Trustees governs the university. Of the 16 members on the board, 11 are appointed by the mayor with the advice and consent of the D.C. Council, 3 are alumni members chosen by the University of the District of Columbia Alumni Association, 1 is a student, and the president of the university serves as the ex-officio member by virtue of the elected office he or she holds. The term of the student members is 1 year, and the terms of the other members are 5 years, with initial terms staggered from 2 to 5 years. The Board of Governors of the District of Columbia School of Law consists of 7 members. Four are appointed by the mayor, with the advice and consent of the D.C. Council; 2 are appointed by the District of Columbia Bar; and 1 is elected by the alumni through a

postal-ballot election. The District of Columbia does not have a designated office of secretary of education, and the university's governing board does not serve as a cabinet department. The District has an Office of Postsecondary Education, Research and Assistance within the State Education Office, which serves as the state agency for postsecondary education. The Subcommittee on Postsecondary Education, D.C. Advisory Committee on Education, is the advisory body to the Office of Postsecondary Education, Research and Assistance required by the Higher Education Act of 1965, section 1203E, and also assists with policy matters pertaining to related programs. The Mayor's Office of Policy and Evaluation advises the mayor on education issues, and assists in performing statutory duties and responsibilities required by the D.C. Code, Municipal Regulations and Federal Laws.

## Florida

### State-Level Coordinating and/or Governing Agency

The chief governing body for public education in Florida is the State Board of Education, which has been in place since 1845. Effective January 2003, the State Board of Education will be replaced by a governor-appointed, 7-member Florida Board of Education. This change is the result of an amendment to the State Constitution adopted in 1998. The current State Board has 7 members, each of whom serves in an ex-officio capacity by virtue of the elected office he or she holds: the governor, secretary of state, state treasurer, attorney general, commissioner of agriculture, state comptroller and commissioner of education. In July 2001, the appointed Florida Board of Education began operation. Beginning in 2003, this new board will appoint the commissioner of education. In the interim, a governor-appointed secretary of education is overseeing the transition process in cooperation with the elected commissioner of education and both the elected and appointed boards. Legislation enacted in 2000 and 2001 has provided a framework for the implementation of this change. Effective July 1, 2001, existing statewide boards and commissioners related to postsecondary education, including the State University System Board of Regents (established in 1965), the State Board of Community Colleges (1983), the State Board of Independent Colleges and Universities (1974), the State Board of Non-Public Career Education (1974), and the Postsecondary Education Planning Commission (1980), were repealed and, in most cases, their duties transferred to the Florida Board of Education. The staff of the Postsecondary Education Planning Commission was assigned to a newly authorized Council for Education Policy Research and Improvement, which is administratively housed in the Office of Legislative Services. The council consists of 5 members appointed by the governor and two members each appointed by the president of the senate and the speaker of the house and shall conduct long-range planning and independent policy research and analysis.

## Georgia

### State-Level Coordinating and/or Governing Agency

The University System of Georgia's Board of Regents was created in 1931 as a part of the reorganization of Georgia's state government.

With this act, public postsecondary education in Georgia was unified for the first time under a single governing and management authority. The structure and the responsibility of the board was made constitutional in 1943. The governor appoints members to the board, with confirmation of the senate, for staggered 7-year terms. The Board of Regents is composed of 16 members, 5 of whom are appointed from the state-at-large, and 1 from each of the 11 congressional districts. It is anticipated that 2 new members will be added to the board from the 2 recently created congressional districts, due to reapportionment. The board has constitutional responsibility for planning and coordination, institutional budget review, including recommendations for a consolidated budget and program approval. The board elects a chancellor who serves as its chief executive officer and the chief administrative officer of the University System. The board oversees 34 institutions: 4 research universities, 2 regional universities, 13 state universities, 2 state colleges, and 13 2-year colleges. In 1983, the governor established by executive order a State Board of Technical and Adult Education, which was made statutory in 1986. This 15-member board is appointed by the governor with the consent of the senate. All members represent business, industry or economic development and serve 5-year terms. The board has statutory responsibility for leadership, management and operational control of 33 public postsecondary technical institutions.

---

## Hawaii

---

### State-Level Coordinating and/or Governing Agency

The Board of Regents of the University of Hawaii, established in 1907, serves as the constitutional governing board for the University of Hawaii, a statewide multicampus system of 7 community colleges, a complex land-grant university campus, a comprehensive undergraduate campus and an upper-division campus. The 12 members of the Board of Regents are appointed by the governor with consent of the senate and serve 4-year terms limited to 2 consecutive terms. The board has statutory authority in all areas of system policy, budgeting, programming, evaluating and governance.

---

## Idaho

---

### State-Level Coordinating and/or Governing Agency

The State Board of Education/Board of Regents of the University of Idaho serves as a single constitutional board for all public education, including elementary, secondary and postsecondary levels. First established in 1890, the board became 1 of 19 executive branch departments established through governmental reorganization in 1974. The board consists of 8 members 7 appointed by the governor and confirmed by the senate to 5-year terms and the superintendent of public instruction, elected to a 4-year term. All appointed members represent the general public. The board governs the State Department of Education, the 4 public senior institutions of postsecondary education, the Idaho School for the Deaf and the Blind, Professional-Technical Education, the Eastern Idaho Technical College, Vocational Rehabilitation, the Office of the State Board of Education and the statewide Educational/Public Broadcasting System. It also appoints members to the boards of the State Library

and the State Historical Society and has general supervision of the public school system and the state's 2 junior colleges. The board has responsibility in all areas of planning and coordination for all senior, junior and professional-technical public institutions and has statutory authority for program approval for junior and senior public institutions.

## Illinois

### State-Level Coordinating and/or Governing Agency

The Board of Higher Education functions as a coordinating agency for public and private postsecondary education in Illinois. The board was established in 1961 and its structure and responsibilities have been amended a number of times since then, most recently in 1995. The board consists of 15 members: 10 public members appointed by the governor with the consent of the senate for 6-year terms; a member representing public university governing boards and a member representing independent college and university trustees, both appointed by the governor for 1-year terms; the chair of the Illinois Community College Board and the chair of the Illinois Student Assistance Commission, both of whom serve as ex-officio voting members by virtue of the office that he or she holds and serve at the pleasure of the governor; and a student board member who serves a 1-year term. Legislation enacted in 1995 reduced the membership of the board from 17 to 15 members, eliminating the chairs of the then 4 public university governing boards and adding 2 members, 1 representing independent colleges and university boards of trustees. This same legislation abolished 2 of the 4 public university governing boards, the Board of Governors and the Board of Regents; transferred 1 of their campuses to the governance of the University of Illinois; and established individual institutional governing boards for the remaining 7 institutions, formerly governed by the Board of Governors and Board of Regents. The board has responsibility for planning and coordination of public universities, public community colleges, independent not-for-profit colleges and universities and degree-granting proprietary institutions. The board has statutory responsibilities for the state-level planning function, program review and approval, and development of budget recommendations for all public universities and community colleges. Also, the board has statutory authority to grant operating and degree-granting authority to independent and out-of-state institutions. The board is designated to administer a number of state and federal grant programs, and further, to establish and maintain a college and university information system. The Illinois Board of Higher Education is not a cabinet department, and Illinois does not have a secretary of education. The executive officer of the board is appointed by and serves at the board's pleasure. The Illinois Community College Board serves as the coordinating board for 39 public community college districts that have a combined total of 48 campuses. Each public community college district is governed by a locally elected board of trustees. There are 9 public university governing boards; 7 govern a single campus and 2 govern multiple campuses.

## Indiana

### State-Level Coordinating and/or

Established in 1971, the Commission of Higher Education functions

**Governing Agency**

as the statutory coordinating agency for postsecondary education in the state. The commission has 14 members—12 are appointed by the governor for four-year terms and represent the general public; one student and one faculty member serve two-year terms. The commission is charged with six responsibilities by statute: (1) long-range planning for postsecondary education in Indiana; (2) defining institutional roles; (3) approving new campuses or extension sites; (4) approving new program requests; (5) reviewing existing programs; (6) reviewing budget requests and recommending consolidated requests to the executive and legislative branches of state government. Indiana does not have an office of secretary of education and the coordinating agency is not a cabinet department. The executive officer of the commission is appointed by the commission and serves at its pleasure.

**Iowa****State-Level Coordinating and/or Governing Agency**

The State Board of Regents, established in 1909, serves as the statutory governing body for all public senior postsecondary education in the state. The board is composed of 9 members appointed by the governor with the consent of the senate – eight represent the general public and there is one student representative with all serving 6-year terms. The board has statutory governing authority for 3 public senior institutions, including program approval, planning and coordination, review and approval of institutional budgets, and recommendations for a consolidated budget. The State Board of Education's Bureau of Community Colleges and Workforce Preparation has jurisdiction over the community colleges in Iowa. Community Colleges are governed by locally elected boards of directors. The State Board of Education, which has statutory oversight authority, is also made up of 9 members appointed by the governor and confirmed by the senate to serve 6-year terms. Iowa does not have an office of secretary of education, and the agency is not a cabinet department within the state. The executive officer of the Board of Regents is appointed by the board and serves at its pleasure. The state director of education serves at the governor's pleasure.

**Kansas****State-Level Coordinating and/or Governing Agency**

The State Board of Regents, established in 1925, functions as the constitutional governing agency for six public universities in the state. The structure and responsibilities of the agency were amended in 1966, 1970, 1975, 1976, 1978 and 1991. The nine members of the board, appointed by the governor with the consent of the senate, represent the general public and serve four-year terms. Community colleges are under individual governing boards that are supervised by the State Board of Education. Designated postsecondary area vocational schools, which are not community colleges, also are supervised by the State Board of Education. One municipal university has its own governing board. The State Board of Regents, however, has coordinating responsibility for the municipal university in the areas of budget requests and academic program approval. The Board of Regents has statutory responsibility for planning and

coordination, program approval, and institutional budget review, including consolidated budget recommendations for all state senior institutions. The agency does not serve as a cabinet department, and the director of the Board of Regents is appointed by and serves at the board's pleasure. The Legislative Education Planning Committee (LEPC), created in 1974, is a joint committee of the house and senate. Its statutory charge is to "plan for postsecondary education in Kansas, including both public and private institutions and vocational education." The committee considers specific legislative proposals, oversees data collection activities and conducts studies of postsecondary education issues. Study topics also may be assigned to the committee by the Legislative Coordinating Council (LCC). The LCC appoints the committee's membership, which consists of six members from the House of Representatives and five from the Senate.

---

## Kentucky

---

### State-Level Coordinating and/or Governing Agency

The Council on Postsecondary Education was established in May 1997 by a legislative act replacing the Council on Higher Education. The original council was established in 1934 and amended in structure and function in 1966, 1972, 1982, 1994 and 1996. The council is the statutory coordinating agency for Kentucky's state-supported universities, and the new Kentucky Community and Technical College System is comprised of 13 community colleges and 15 postsecondary vocational-technical schools. The 1997 reform legislation gave the Council on Postsecondary Education new membership and stronger coordinating powers. The council consists of 16 members appointed by the governor, including 13 citizen members, 1 faculty member and 1 student member, and the state's commissioner of education as a nonvoting ex-officio member by virtue of the elected office he or she holds. All appointed members may vote. Citizen members serve 6-year terms; faculty members serve 4 years and the student serves a 1-year term. The restructured Council on Postsecondary Education has statutory authority to: develop and implement a strategic agenda for postsecondary education; revise and approve missions and plans for the state-supported universities and the Kentucky Community and Technical College System; ensure a system of accountability; protect against unnecessary duplication; establish standards for admission to state-supported institutions; determine tuition rates; approve, modify or eliminate academic programs; make biennial budget recommendations; approve capital construction projects over \$400,000; and ensure the transfer of credits and develop a financial reporting system. The state has a Secretary for the Education, Arts and Humanities Cabinet. The council, however, is an independent board reporting to the governor and is responsive to the legislature.

---

## Louisiana

---

### State-Level Coordinating and/or Governing Agency

The Board of Regents serves as the constitutional statewide coordinating and policymaking agency for public higher education. The board consists of 15 lay members appointed by the governor with the consent of the senate, and 1 student member elected by the

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, AND ETHICS**

**Seventy-Second Session  
May 8, 2003**

The Committee on Elections, Procedures, and Ethics was called to order at 5:13 p.m., on Thursday, May 8, 2003. Chairwoman Chris Giunchigliani presided in Room 3138 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Guest List. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Ms. Chris Giunchigliani, Chairwoman  
Mr. Marcus Conklin, Vice Chairman  
Mr. Bernie Anderson  
Mr. Bob Beers  
Mr. Chad Christensen  
Mr. Tom Grady  
Ms. Kathy McClain  
Mr. Bob McCleary  
Ms. Peggy Pierce  
Ms. Valerie Weber

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Michelle Van Geel, Committee Policy Analyst  
Kelly Fisher, Committee Secretary

**Assembly Joint Resolution 11: Proposes to amend Nevada Constitution to require gubernatorial appointment of members of Board to Regents and to specify number and terms of members. (BDR C-18)**

[Chairwoman Giunchigliani, continued] The next area is A.J.R. 11. We heard this on April 3. This is a suggestion for the Board of Regents. This would be the actual constitutional amendment, which is separate from the issue that it was already passed out of the Assembly Education Committee.

I increased the number to parallel what the Education Committee did. They closed it, reducing from 13 to 9. The Governor had wanted 7, so that's how I drafted the bill, but I am recommending that we go back to 9 so we're consistent on that part of it. The additional suggestion was that we do a melded group—appointment and elected. The suggestion is that 3 of the positions would each come from a congressional seat. We'd know that they would already comply with geographic, racial, and so forth, background. Make sure that the 4-year terms apply to the elected members, but they need to get an initial staggering. I read the language strangely in the one section. I just wanted to make sure that that was looked at.

We deleted all of the other items that Carole Vilardo had suggested. They didn't need to be in the *Constitution*. She's absolutely correct. Keep it simple. Then the other key piece is that the Legislature would provide for duties or qualifications of the individuals by statute. That way, the Legislature doesn't have to go about changing the *Constitution* each time.

ASSEMBLYWOMAN McCLAIN MOVED TO AMEND AND DO PASS  
A.J.R. 11.

ASSEMBLYMAN ANDERSON SECONDED THE MOTION.

THE MOTION CARRIED WITH ASSEMBLYMAN MCCLEARY  
VOTING NO.

**Chairwoman Giunchigliani:**

A.C.R. 10 was just discussion, because I needed to figure out what exactly to spend the time rewriting. We will take it up in work session later.

We're done with our work session document. We will open the hearing on S.B. 147. Stacy, could you explain what's different in this bill from the one we sent over to the Senate already, or what's the same, for that matter?

**MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-second Session  
May 26, 2003**

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 2:46 p.m., on Monday, May 26, 2003, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Ann O'Connell, Chairman  
Senator Sandra J. Tiffany, Vice Chairman  
Senator William J. Raggio  
Senator Randolph J. Townsend  
Senator Warren B. Hardy II  
Senator Dina Titus  
Senator Terry Care

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Christina R. Giunchigliani, Assembly District No. 9

**STAFF MEMBERS PRESENT:**

Robert E. Erickson, Research Director  
Michael Stewart, Committee Policy Analyst  
Scott Wasserman, Committee Counsel  
Olivia Lodato, Committee Secretary

**OTHERS PRESENT:**

Dr. Jane A. Nichols, Chancellor, System Administration Office, University and  
Community College System of Nevada  
Thalia M. Dondero, Board of Regents, University and Community College  
System of Nevada  
Lucille Lusk, Lobbyist, Nevada Concerned Citizens  
Janine Hansen, Lobbyist, Nevada Eagle Forum  
Joe Crowley, Sierra Nevada Baseball  
Bruce Breslow, Sierra Nevada Baseball

Senate Committee on Government Affairs  
May 26, 2003  
Page 2

Branch Rickey, President, Pacific Coast League  
Ricky Rees, Vice President of Development, Southwest Sports Group  
Shaun D. Carey, Lobbyist, City of Sparks  
Dan Gustin, Sierra Nevada Baseball  
Jim DeVolld  
Robert A. Ostrovsky, Lobbyist, Hertz Corporation  
Bill Gregory, Lobbyist, Enterprise Rent-A-Car  
Dan Musgrove, Lobbyist, Clark County  
Rocky Finseth, Lobbyist, Washoe County  
Fred L. Hillerby, Lobbyist, Sun Valley General Improvement District  
Renee Parker, Chief Deputy Secretary of State, Office of the Secretary of State

Chairman O'Connell opened with Assembly Joint Resolution (A.J.R.) 11.

**ASSEMBLY JOINT RESOLUTION 11 (1st Reprint)**: Proposes to amend Nevada Constitution to provide for election of certain members and gubernatorial appointment of certain members of Board of Regents, and to specify number and terms of members. (BDR C-18)

Robert E. Erickson, Research Director, Research Division, Legislative Counsel Bureau (LCB), said Assemblywoman Giunchigliani had requested he make the introductory statement for A.J.R. 11. He stated the staff of LCB was neutral and did not have a position on the proposed legislation. Mr. Erickson said the proposal would provide a constitutional amendment changing the composition of the Board of Regents. He said A.J.R. 11 would put provisions for the criteria for the Board of Regents into the Nevada Constitution. The proposal would change the number of regents from 13 members to 9 members, he said. The law would provide one member from each of the current Nevada congressional districts. The Governor would appoint the remaining six members of the Board of Regents. The Governor would have a list of considerations to be applied to his appointments to the Board of Regents. Mr. Erickson stated the resolution also provided, by law, for the Legislature to define the qualifications and duties of the members of the Board of Regents. The measure would also provide for the Governor and Legislature to arrange for staggered terms of the elected and appointed members of the board so that an equal number of terms would expire every 2 years. The proposal also provided for 4-year terms of office instead of the current 6-year terms of office. The constitutional amendment would need to be approved in the 2003 Legislative Session, the 2005 Legislative Session, and be put on the ballot in 2006. He said the resolution would become effective in January 2008. (Exhibit C. Original is on file in the Research Library.)

Senate Committee on Government Affairs  
May 26, 2003  
Page 3

Dr. Jane A. Nichols, Chancellor, System Administration Office, University and Community College System of Nevada, said the Board of Regents had taken an official position on A.J.R. 11. She stated the vice president of the board, Thalia Dondero, would present the board's position.

Thalia M. Dondero, Board of Regents, University and Community College System of Nevada, said the Board of Regents' position was to keep the Board of Regents as currently structured with 13 members elected by the public. She said the current number of members was a good mix of backgrounds and public opinions. Ms. Dondero said the board represented the rural areas as well as the urban areas. She said the people she had spoken to had expressed their desire to elect their representatives.

Lucille Lusk, Lobbyist, Nevada Concerned Citizens, said she had more confidence in the election process than in political appointments. Ms. Lusk said her organization did not believe political appointments meant there would be better qualified regents. Ms. Lusk said it was possible for the Legislature to establish some qualifications for some elected positions.

Janine Hansen, Lobbyist, Nevada Eagle Forum, said there appeared to be a large number of bills this session that changed qualifications to make elected offices more difficult for the people to participate in choosing their own officials. She opposed the bill because it was not in the best interests of the people of Nevada. She said in her experience appointed officials did not respond to the concerns of the public in the same manner as an elected official. She said A.J.R. 11 would create huge districts, making it more difficult and expensive to campaign for office. Ms. Hansen said she was concerned about some of the qualifications suggested as requirements for appointed board members. She said elections would allow a better opportunity for full representation of all interested parties. Ms. Hansen said there was more accountability for elected officials than appointed officials, who never had to talk to the voters or respond to the voters' needs.

Assemblywoman Christina R. Giunchigliani, Assembly District No. 9, said she believed it was time to change the manner in which the regents interacted with one another and set policy. She said A.J.R. 11 was the second bill introduced concerning the Board of Regents. This bill was a mix of elected and appointed board members. She said some candidates in Nevada had spent over \$100,000 to be elected to a nonpaying board. The bill was introduced to look at different policy ways to interact among board members, she said. Ms. Giunchigliani said she believed a smaller sized board would assist in better communication and the

resolution of issues among board members. She said the bill would also limit the terms to 4 years rather than the current 6-year terms.

Senator Titus said she was not concerned about elected versus appointed board members. She agreed the size of the board should be reduced. She also approved of reducing the term of office.

Chairman O'Connell closed the hearing on A.J.R. 11 and opened the hearing on Senate Bill (S.B.) 497.

**SENATE BILL 497**: Authorizes imposition of fee on rental cars and issuance of revenue bonds in certain counties to finance minor league baseball stadium. (BDR 20-1356)

Joe Crowley, Sierra Nevada Baseball, said he was a volunteer with the organization and the group was trying to bring AAA baseball to Northern Nevada. The group was interested in developing a property at the Sparks Marina for the stadium. He said the stadium would be a key to economic redevelopment. Mr. Crowley said the goal of his organization was to build a state-of-the-art stadium, which would be fan and family friendly.

Bruce Breslow, Sierra Nevada Baseball, said he had prepared a legislative packet for the committee. (Exhibit D. Original is on file in the Research Library.) He said a press release included in the packet described the plan to fund AAA baseball in Northern Nevada. He said there were four components to funding the stadium. Mr. Breslow said the main component would be a rental car surcharge. He said there would be a \$1 ticket surcharge, negotiated rent from the team, and the fourth component would be a contribution package of land and parking from the City of Sparks. Mr. Breslow said the stadium was not a government-sponsored project, it was a community and economic development project. He said money generated by the project would be returned to the Sparks redevelopment district, not the Sparks general fund.

Senator Raggio said he wanted to offer background and comments on the project. He said the baseball stadium was not just for Washoe County. He said the Reno-Sparks area had minor league baseball in the past, but it was always single A baseball. Senator Raggio said other successful baseball franchises had "class A stadiums." He said the potential for additional real property tax and sales tax income was exceedingly high. Senator Raggio said he supported this measure. He also said every member of the Washoe delegation was asked if they would support S.B. 497, and all the members supported the bill.

approximately 3.5 percent returned to the rental car agencies from the taxes and fees.

Senator Care asked about a bill that allowed companies to recover the expenses through the fare. Mr. Ostrovsky said Assemblyman Parks' bill was to ratify the way tax was collected and distributed.

Chairman O'Connell closed the hearing on S.B. 497 and reopened the discussion on A.J.R. 11.

Senator Raggio said the issues in A.J.R. 11 had been debated for the past 2 decades. He said he thought the bill deserved to be put on the ballot for the people to decide if they liked the present system or if there should be changes. He said Nevada was the only state that elected a board of regents to govern higher education. He said it was a matter for the voters to decide whether or not they wanted to amend the constitution. Senator Raggio said some of the regents could remain as elected officials with the remaining number to be appointed. He said at least three of the regents could be elected from the congressional districts and the Governor could then appoint the remaining four or five regents. Senator Raggio said he would not support the current version of A.J.R. 11 which would embed in the constitution all the specific qualifications or items mandated for the Governor. He said he supported the idea of a generic bill, which would provide for the election of some of the regents with the remaining members to be appointed by the Governor. Senator Raggio said he would delete all the details as too cumbersome to be put into the constitution.

SENATOR RAGGIO MOVED TO AMEND WITH THE DELETION OF ALL THE LIMITATIONS PLACED ON THE GOVERNOR TO APPOINT REGENTS AND DO PASS A.J.R. 11.

SENATOR TIFFANY SECONDED THE MOTION.

Senator Titus said she believed some direction for governors was important. She also said the combination of elected and appointed regents would make the board more divided and more difficult to get a consensus of opinion.

Senator Raggio suggested instead of electing all the regents at least one regent could be appointed from each congressional district, or all of the regents could be appointed.

Senate Committee on Government Affairs  
May 26, 2003  
Page 8

Senator Titus responded she would prefer to elect all the regents, but limit the term and the number of regents.

Senator Care said last session the number of regents was increased, but the membership of the Board of Education was reduced by one. Senator Care said he was fundamentally opposed to appointed representatives as opposed to elected ones. He said he was also concerned there were too many regents at this time.

Senator Townsend asked if the motion was to amend and do pass the bill by removing subsection 5, or if there was a change during the discussion.

Scott Wasserman, Committee Counsel, said subsection 7 of the bill stated the Legislature would provide for the qualifications of the members of the Board of Regents. He asked the committee if the qualifications set forth in subsection 5 were deleted, did the committee intend to leave the provisions in subsection 7 in the bill. Senator Raggio replied the provisions in subsection 7 would remain in the bill.

Senator Townsend asked if subsections 5 and 6 were being removed. Mr. Wasserman said subsection 5 would be deleted, subsection 7 would remain in the bill in order for the Legislature to provide for qualifications of the members by statute, and subsection 6 would remain as written.

Senator Raggio said subsection 7 would also have to be removed from the bill. He said the Legislature should not be setting the qualifications for the board members.

Mr. Wasserman said the deletions would then include subsection 5 and that part of subsection 7 that goes toward the Legislature setting forth qualifications for regents would be deleted.

Senator Townsend said previous problems with the board appeared to be the inability to communicate and build consensus due to a lack of understanding of the budget process. Senator Townsend suggested standards could be raised to include some understanding of financial expertise. He said qualifications for board members should not be in the question about the constitutional change, but he said the Legislature often set certain qualifications for boards.

Senator Townsend stated he would support the motion if it were the consensus of the committee.

Senator Care asked if it was possible to create two questions from a resolution such as this one. One question would address the issue of appointment versus election of the board members and the second question would deal with reducing the number of regents on the board. He asked if it had to be a single ballot question.

Chairman O'Connell said she believed two questions would not be a problem.

Senator Care said he was in favor of reducing the number of regents on the board, and reiterated he preferred the regents be elected.

Mr. Wasserman said he believed it would have to become a separate resolution if the questions were to be split. He said resolutions were not subject to deadlines. He stated he could draft a separate resolution to address the issue of appointments.

Senator Raggio said the majority of the members of the Board of Regents wanted to keep the number at 13 regents. He said when the number was reduced to 9 there was very little opportunity for anyone to be elected who was not from southern Nevada. Senator Raggio said he would not support bifurcating the resolution.

THE MOTION CARRIED. (SENATOR TITUS VOTED NO.)

\* \* \* \* \*

Chairman O'Connell reopened the discussion on S.B. 497.

SENATOR RAGGIO MOVED TO DO PASS S.B. 497.

SENATOR TOWNSEND SECONDED THE MOTION.

Senator Tiffany said she was voting against the bill. She said she was uncomfortable with the rental car tax as a base for funding the stadium. She said it was important to know who the team would be and it was not possible due to confidentiality to determine at this time what team would be relocated to the Reno area.

Senator Care said he would vote in the affirmative, however, he said he might change his vote on the floor. Senator Care stated he preferred to read the materials provided ahead of time and would have to review the handouts now.

## DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or [library@lcb.state.nv.us](mailto:library@lcb.state.nv.us).

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800  
RICHARD D. PERKINS, *Assemblyman, Chairman*  
Lorne J. Malkiewich, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821  
WILLIAM J. RAGGIO, *Senator, Chairman*  
Gary L. Giggeri, *Fiscal Analyst*  
Mark W. Stevens, *Fiscal Analyst*

LORNE J. MALKIEWICH, *Director*  
(775) 684-6800

PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
ROBERT E. ERICKSON, *Research Director* (775) 684-6825  
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

MEMORANDUM

DATE: November 26, 2002  
TO: Assemblywoman Chris Giunchigliani  
FROM: Carol M. Stonefield, Senior Research Analyst  
Research Division  
SUBJECT: Governance of Higher Education in Other States

This memorandum is written in response to your request to provide information on the means employed by other states to select members for the statewide higher education governing boards. Further, you requested examples of the selection process whereby the appointing authority had to follow specific statutory guidelines.

The information in the attached table was obtained through a search of databases maintained on-line by the Education Commission of the State (ECS). You will also find attached to this memorandum the detailed ECS summaries of the structure and selection process used in each state. In addition, an ECS table with information on institutional governing boards is included.

**HIGHER EDUCATION GOVERNANCE STRUCTURES**

**Source of the Authority**

Thirty-one states have established their governance structure by statute. Sixteen states have provided for a governing structure in their constitutions. Because university systems have been separated from community college systems, two states establish their structures through a combination of constitutional provisions and statutes. One state, Vermont, does not have a statewide governance structure for higher education. With powerful institutional governing boards, Michigan provides very limited statewide coordination through its state board of education.

EXHIBIT C Senate Committee on Gov't Affairs

Date: 05/26/03 Page 1 of 54

# FLOOR ACTIONS

## AMENDMENTS ON SECOND READING FLOOR VOTES AND STATEMENTS OTHER ACTIONS

**NOTE:** THESE FLOOR ACTIONS ARE TAKEN FROM THE *DAILY JOURNALS* ([HTTP://WWW.LEG.STATE.NV.US/SESSION/72ND2003/JOURNAL/INDEX.CFM](http://www.leg.state.nv.us/session/72nd2003/journal/index.cfm)), WHICH ARE NOT THE OFFICIAL FINALIZED VERSIONS OF THE *JOURNALS*. CONSULT THE PRINT VERSION FOR THE OFFICIAL RECORD.

# Floor Actions

May 17, 2003 *Assembly Daily Journal*

Excerpt:

Assembly Joint Resolution No. 11.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 703.

Amend the resolution, pages 1 and 2, by deleting lines 12 through 14 on page 1 and lines 1 through 44 on page 2, and inserting:

*“2. The Board of Regents consists of nine members. Except as otherwise provided in this subsection, one member must be elected from each congressional district in this state and the remaining positions, if any, must be filled by the Governor by appointment. If at any time this state is apportioned more than nine congressional seats, the Legislature shall provide for the districts from which the nine members of the Board of Regents must be elected.*

*3. The Legislature shall provide for the arrangement of the terms of the elected members of the Board of Regents so that an equal number of terms, as nearly as may be, expire every 2 years. The Governor shall provide for the arrangement of the terms of the appointed members of the Board of Regents so that an equal number of terms, as nearly as may be, expire every 2 years. After initial terms of 2 or 4 years to ensure staggered terms, each member of the Board of Regents shall serve a term of 4 years, and until his successor is elected and qualified or appointed and qualified.*

*4. If a vacancy occurs during the term of a member appointed by the Governor, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.*

*5. In appointing the members of the Board of Regents, the Governor shall:*

*(a) appoint the members based on the qualifications for appointment provided by the Legislature; and*

*(b) Give consideration to appointing”.*

Amend the resolution, page 3, line 3, by deleting “four” and inserting: “two-thirds of the appointed”.

Amend the resolution, page 3, by deleting lines 7 and 8 and inserting: “~~of Regents]~~ provide for the ~~election of a new]~~ qualifications of the members of the Board of Regents and define ~~their duties.]~~ the duties of the members of”.

Amend the resolution, page 3, by deleting lines 12 through 16 and inserting: “Regents who was elected before November 4, 2008, expires on January 5, 2009. The Governor shall make his appointments pursuant to subsection 2 of Section 7 of Article 11 of the Nevada Constitution as soon as practicable after January 5, 2009, and in making those”.

Amend the resolution, page 3, lines 20 and 21 by deleting “upon passage.” and inserting: “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.”.

Amend the title of the resolution to read as follows:

“ASSEMBLY JOINT RESOLUTION — Proposing 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, and to specify the number and terms of the members.”.

Amend the summary of the resolution to read as follows:

“SUMMARY—Proposes to amend Nevada Constitution to provide for election of certain members and gubernatorial appointment of certain members of Board of Regents, and to specify number and terms of members. (BDR C-18)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

# Floor Actions

## May 19, 2003 *Assembly Daily Journal*

Excerpt:

Assembly Joint Resolution No. 11.

Resolution read.

Remarks by Assemblymen Carpenter and Giunchigliani.

Roll call on Assembly Joint Resolution No. 11:

YEAS—26.

NAYS—Andonov, Angle, Brown, Carpenter, Chowning, Gibbons, Goicoechea, Griffin, Gustavson, Hardy, Hettrick, Knecht, Mabey, Marvel, McCleary, Sherer—16.

Assembly Joint Resolution No. 11 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

---

## May 28, 2003 *Senate Daily Journal*

Excerpt:

Assembly Joint Resolution No. 11.

Resolution read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 923.

Amend the resolution, page 2, by deleting lines 21 through 27.

Amend the resolution, page 2, line 28, by deleting “6.” and inserting “5.”

Amend the resolution, page 2, by deleting lines 31 through 35 and inserting:

“6. *The Legislature shall ~~at its regular session next preceding the expiration of the term of Office of said Board of Regents provide for the election of a new~~ define the duties of the members of the Board of Regents. ~~and define their duties.~~”*

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Tiffany.

Amendment adopted.

Resolution ordered reprinted, re-engrossed and to third reading.

---

## May 29, 2003 *Senate Daily Journal*

Excerpt:

Assembly Joint Resolution No. 11.

Resolution read third time.

Remarks by Senators Neal, Tiffany, Raggio and Titus.

Roll call on Assembly Joint Resolution No. 11:

YEAS—11.

NAYS—Amodei, Care, Carlton, Coffin, Mathews, McGinness, Neal, Schneider, Titus, Wiener—10.

Assembly Joint Resolution No. 11 having received a constitutional majority, Madam President declared it passed, as amended.

Resolution ordered transmitted to the Assembly.

# AJR 11\* of the 72nd Session - 2005

Introduced on: Feb 03, 2005

## By: Elections, Procedures, and Ethics

*Proposes to amend Nevada Constitution to provide for election of certain members and gubernatorial appointment of certain members of Board of Regents, and to specify number and terms of members. (BDR C-18)*

### Fiscal Notes

Effect on Local Government: No.

Effect on State: No.

**Most Recent History Action:** File No. 89.  
**(See full list below)**

### Past Hearings

Assembly Elections, Procedures, Ethics, and Constitutional Amendments	Mar-01-2005 03:45 PM	<a href="#">Minutes</a>	No Action.
Assembly Elections, Procedures, Ethics, and Constitutional Amendments	Mar-15-2005 03:45 PM	<a href="#">Minutes</a>	Do pass.
Senate Government Affairs	May-16-2005 02:00 PM	<a href="#">Minutes</a>	No Action.
Senate Government Affairs	May-20-2005 11:00 AM	<a href="#">Minutes</a>	Do pass.

### Votes

<a href="#">Assembly Final Passage</a>	Mar-23	Yea 29,	Nay 13,	Excused 0,	Not Voting 0,	Absent 0
<a href="#">Senate Final Passage</a>	May-26	Yea 12,	Nay 9,	Excused 0,	Not Voting 0,	Absent 0

### Bill Text

#### As Introduced

#### As Enrolled

### Statutes of Nevada 2005, File No. 89

#### As Enrolled

### Bill History

<a href="#">Feb 07, 2005</a>	Returned from Secretary of State. Read first time. Referred to Committee on Elections, Procedures, Ethics, and Constitutional Amendments. To printer. From printer. To committee.
<a href="#">Mar 21, 2005</a>	From committee: Do pass.
<a href="#">Mar 22, 2005</a>	Read second time.
<a href="#">Mar 23, 2005</a>	Read third time. Passed. Title approved. (Yeas: 29, Nays: 13.) To Senate.
<a href="#">Mar 24, 2005</a>	In Senate. Read first time. Referred to Committee on Government Affairs. To committee.
<a href="#">May 23, 2005</a>	From committee: Do pass.
<a href="#">May 25, 2005</a>	Read second time.
<a href="#">May 26, 2005</a>	Read third time. Passed. Title approved. (Yeas: 12, Nays: 9.) To Assembly.
<a href="#">May 27, 2005</a>	In Assembly. To enrollment.
<a href="#">May 30, 2005</a>	Enrolled and delivered to Secretary of State. File No. 89.  On 2006 ballot.



PREPARED BY  
RESEARCH DIVISION  
LEGISLATIVE COUNSEL BUREAU  
Nonpartisan Staff of the Nevada State Legislature

**FLOOR STATEMENT**  
73<sup>rd</sup> REGULAR SESSION  
OF THE NEVADA STATE LEGISLATURE

---

---

**ASSEMBLY JOINT RESOLUTION NO. 11  
OF THE 72ND SESSION**

**Topic**

Assembly Joint Resolution No. 11 of the 72nd Session concerns Nevada's Board of Regents.

**Summary**

This resolution proposes to amend the *Constitution of the State of Nevada* to provide that the Board of Regents of the University and Community College System of Nevada consists of 9 members, as opposed to the current 13 members provided by law. One member must be elected from each of Nevada's congressional districts (currently three), and the Governor must appoint the remainder of the members (currently six). Not more than two-thirds of the members of the Board of Regents may be of the same political party.

Finally, A.J.R. 11 of the 72nd Session provides that the Legislature and Governor arrange for the staggered terms of the elected and appointed members, respectively, so that an equal number of terms, as nearly as possible, expire every two years. After his or her initial term, each member of the Board of Regents serves a four-year term instead of the current term of six years.

**Effective Date**

This measure was approved in identical form during both the 2003 and 2005 Sessions of the Nevada Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election. If approved by the voters, the resolution is effective on January 1, 2008, for the purposes of nominating and electing members, and on January 5, 2009, for all other purposes.

**Background Information**

Based on projected population increases in Nevada in the next few years, it is likely that the State of Nevada will gain another seat in the United States House of Representatives following the decennial census in 2010. If that occurs, the composition of the Board would change to four elected and five appointed members. This change would be effective for the 2012 General Election.

# LEGISLATIVE HEARINGS

## MINUTES AND EXHIBITS

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, ETHICS, AND  
CONSTITUTIONAL AMENDMENTS**

**Seventy-Third Session  
March 1, 2005**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order at 3:54 p.m., on Tuesday, March 1, 2005. Co-Chairman Harry Mortenson presided in Room 3142 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Mrs. Ellen Koivisto, Co-Chairwoman  
Mr. Harry Mortenson, Co-Chairman  
Mr. Marcus Conklin, Co-Vice Chairman  
Mr. Bob McCleary, Co-Vice Chairman  
Mrs. Sharron Angle  
Mr. Mo Denis  
Mrs. Heidi S. Gansert  
Ms. Chris Giunchigliani  
Mr. Brooks Holcomb  
Ms. Kathy McClain  
Mr. Harvey J. Munford  
Mr. Bob Seale  
Mr. Scott Sibley

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Michelle Van Geel, Committee Policy Analyst  
Jasmine Shackley, Committee Manager

Sheila Sease, Personal Attaché to Assemblyman Mortenson  
Celeste Gunther, Committee Attaché  
Kasey Sheldon, Committee Assistant

**OTHERS PRESENT:**

Dan Klaich, Vice Chancellor for Legal Affairs, University and Community College System of Nevada  
Jim Richardson, Legislative Advocate, representing the Nevada Faculty Alliance  
Janine Hansen, past Northern Nevada Director, Nevadans for Sound Government; and, President, Nevada Eagle Forum  
Lynn Chapman, Vice President, Nevada Eagle Forum

**Co-Chairman Mortenson:**

[Called meeting to order. Roll called. Instructed Committee members and audience.] We will open the meeting with item A.J.R. 11 of the 72nd Session (Exhibit B).

**Assembly Joint Resolution 11 of the 72nd Session: Proposes to amend Nevada Constitution to provide for election of certain members and gubernatorial appointment of certain members of Board of Regents, and to specify number and terms of members. (BDR C-18)**

**Assemblywoman Chris Giunchigliani, Assembly District No. 9, Clark County (part):**

A.J.R. 11 is a return piece of legislation. Because it is a constitutional amendment, the Committee will take it up again this session (Exhibit C). I speak today in support of the bill because of my concern that the UCCSN [University and Community College System of Nevada] Board of Regents requires a serious reconfiguration. That reconfiguration needs to be done as a cooperative effort between us—the Legislature, and the voters in 2006. In order for voters to have an opportunity to vote, this Body, and both Houses must act affirmatively to provide them the opportunity to have a vote on the construction or reconfiguration of the UCCSN. We should allow the public a voice and a choice in determining what the Board of Regents should look like. Giving the public a voice begins with this Committee, and that is why I'm asking for your support and passage of this legislation.

[Assemblywoman Giunchigliani, continued.] Currently, the Board of Regents is comprised of 13 members. Some regents maintained, as their testimony last session noted, that they need 13 members to facilitate their many committee assignments in the governance of a board that oversees 98,000 Nevadans enrolled in Nevada's eight institutions of higher learning. Other boards, though, are able to manage committees even though they are smaller. Unlike school board members, the regents also have accounts which allow for individual fax machines, unlimited travel, cell phones, and they all have a host expense account, which is subsidized by the taxpayer.

I actually requested this bill a year prior to last session because of all the complaints from the public about the lack of coordination and the infighting that was going on between the regents. A year later I wound up working for them, which was somewhat awkward, to say the least. But I still felt very strongly that the legislation needed to move forward, to move us to an appointed board, since Nevada has the only group of regents that are not appointed.

University higher education is a hodgepodge; there isn't consistency in boards of regents and their governance structure. But Nevada was the only state that had a board that was elected versus being appointed. After compromise and discussion, we made this into a dual-purpose bill: to reduce the size of the board, and consider the fact that some people wanted members to be elected and some wanted them to be appointed. This then became 6 appointed members and 3 would run from congressional size districts, to be elected by the public. So you had a mix of individuals who would serve on the board. That is what this Body approved. In addition to that, they are one of the few boards that have a 6-year term, and we recommended that it be changed to a 4-year term, which seems to be more standard. United States Senators are the only elected officials we could find that had a likeness in the terms.

I had two bills last session: the bill for the constitutional amendment and one that reduced the size of the board to 7 members. We wound up making it 9, in this House, left them elected, and changed the terms to 4 years. Both bills passed the Assembly, but in working with the Senate majority leader, he wanted the constitutional amendment to go forward so that the public had the right to vote on it and chose not to process the second piece of legislation that we had passed out of this House.

The arguments that were made were somewhat nebulous: "We can't have committees meet, and it would restrict how many committee people, and when we go back East for different meetings..." and things along those lines. If you look at the State Board of Education, they manage over 400,000 students,

compared to 98,000. And they only have 9 members. If you look at our local school boards, they have between 5 and 7 members, depending on the size of their districts. They don't seem to be inherently infighting and violating the Open Meeting Law, and a variety of other things that have occurred again in this last year. So, I think it's time. What we have is broken and it's time to fix it. The passage of A.J.R. 11 of the 72nd Session would allow the voters to have an opportunity to speak. They can either vote it up or down. But if they feel that's the right way to go, with a smaller board, shorter terms, and a blended opportunity [composition], then that should be their right.

[Assemblywoman Giunchigliani, continued.] In my original constitutional amendment, I outlined what the Governor had to choose from, for appointment purposes. As Carole Vilardo correctly pointed out, that doesn't really belong in the *Nevada Constitution*, that should be in statute. So I requested in a separate piece of legislation that:

The Governor shall give consideration to appointing members who represent urban and rural areas of the state; women, ethnic, and racial minorities; not more than four board members that are appointed may be members of the same party; that written nominations could be solicited from the Governor, and, at a minimum, from the student body presidents, licensed personnel in education, parents organizations, organizations representing women and minorities, UCCSN faculty, public accountants and business organizations; and that the Governor had to select from nominations that were received.

I don't know if some of the business groups are here today, but I did hear from several in Clark County who were very interested and supported the issue of the Governor appointing the individuals that are recommended in this piece of legislation. It's a very simple bill, but it's a public policy.

**Assemblyman Munford:**

How would you select those appointed members? You said you would try to get a good cross section of the population, where you get minority people, business people? Anybody can say, "I volunteer to be on the Board of Regents," what do I have to do? Are there other criteria that can maybe make that group a little bit more qualified, a little more distinguished, with a little background in some areas?

**Assemblywoman Giunchigliani:**

Anything that this Body chooses to do. That's why I mentioned it, because that'll be in another bill that will come before this Committee for consideration. If A.J.R. 11 of the 72nd Session moves forward, then it's appropriate to put those safeguards into statute, which can then be changed and modified depending on how the Legislature feels. In most states, anybody can volunteer to be nominated, but you want a broad spectrum of individuals.

What I looked at from other states, they have student representatives make the recommendations, as well as faculty, business organizations, and CPAs, because you want at least one person serving on the board that has some background in accounting, auditing, and budgeting. But you also want a blended rural/urban background, and you want ethnic representation as well. So that's what I am suggesting, and I have in Drafting. It's not appropriate, from what I've been told, to put that into the constitutional amendment, because it's too specific and we shouldn't tamper with that any more than we do.

The only reason this is a constitutional amendment is because that one phrase is in the *Nevada Constitution*, and that's where it has to be changed. I will remind the Body that, truly, in the *Nevada Constitution*, the only authority that the regents have is over the 2 four-year institutions, the universities, not the community colleges, because the community colleges were created by statute, not by constitution. So technically, we gave them the ability to do it, but they don't really have the authority over the colleges, if we wanted to make that change. But that's for another day and another debate.

**Assemblyman Denis:**

What about the argument that we got from Daniel Klaich [Letter from Interim Chancellor James Rogers, page 3 of Exhibit D] that the number of elected members is based on congressional districts, and as we continue to grow, then the make-up would be more elected than appointed. Does that have a bearing at all? It could at some point become all elected again.

**Assemblywoman Giunchigliani:**

We would all be gone by the time that happened. I did make that provision, very properly. That was pointed out by one of the former members of this Committee, who said, while our population increases, South Dakota's and Wyoming's populations are going down. We will probably pick up another congressional seat within the next five to ten years. What we did is offset, so it'll be somewhat more balanced. It would go to a fourth seat, if you go to 5 appointed and 4 elected then at that point. The balance is there, in the long

run, to allow for those who believe in the elected process, and those who believe in an appointed process, to still maintain an equalizer.

**Assemblyman Denis:**

Right now they're at 11 members, is that correct?

**Assemblywoman Giunchigliani:**

Thirteen.

**Assemblyman Denis:**

What about the argument that they needed more members in order to do the subcommittee meetings?

**Assemblywoman Giunchigliani:**

If the Clark County School Board, with 7 members, can do more with 200,000 students versus 33,000 down south, then I think that you can make anything work if you choose to. I don't mean this in a disparaging way, but size does make a difference in working together to make sure that you're dealing with policy. General Billy McCoy USAF (Ret), says that any group larger than six is a cause for disaster. You need a smaller group for cohesiveness, to be able to do your arguments, do your debates, but it's less unwieldy and less political. The board will always be involved in politics, no matter what, regardless if it's appointed or elected. But it's trying to get it to a manageable system so that we're looking out for what's best for the students.

**Assemblyman Denis:**

Do you think that 9 is a good number, versus less?

**Assemblywoman Giunchigliani:**

I still felt 7 was appropriate, but I do negotiate, and we compromised at 9. Mr. McCleary and Mr. Conklin helped with trying to resolve it. We had a lot of different people in different places on what the size should be. Nine is manageable; it deals with the growth.

**Assemblyman Denis:**

So then as the make-up changes with growth in the state, based on your proposal, the statute would be changed to decide who is not going to be appointed, is that how that would work?

**Assemblywoman Giunchigliani:**

Correct.

**Assemblyman Seale:**

For those of us who weren't here in the last session, obviously it passed both Houses, with what kind of margins?

**Assemblywoman Giunchigliani:**

Twenty-six yes, 16 no in the Assembly; 11 yes, 10 no in the Senate. It was the Republicans that passed my bill; it was a totally partisan vote. I don't know what else was going on with that at the time.

**Dan Klaich, Vice Chancellor for Legal Affairs, University and Community College System of Nevada:**

In my letter, I misidentified Dr. Jill Derby (Exhibit D). She is Vice Chancellor of the University System, not the Vice Chairman of the Board of Regents.

I am here to speak against A.J.R. 11 of the 72nd Session. The comments that I have for the Committee today, as Assemblyman Denis pointed out, are comments by Interim Chancellor Rogers (page 2 of Exhibit D), and points made by Vice Chair Derby (page 4 of Exhibit D).

We believe that there is very little more important to the people of the state of Nevada than education, from K-12 through higher education. It is extremely important to allow the people of the state of Nevada to vote for those who govern their systems of education throughout the state. That is the primary reason we are here speaking against the bill, with respect to some of the points brought up by Assemblywoman Giunchigliani. I can provide a copy of this material on term-of-office and size of the board which is gleaned from a 50 state summary that we have done on other higher education coordinating boards. [Co-Chairman Mortenson accepted his offer to provide copies of the board's research on other states' policies. Exhibit E]

The typical size of those boards is about 12 members. The typical term is around 6 years. We think that the term of 6 years is appropriate to allow continuity in the governance procedures. We think that would apply regardless of whether the board was appointed or elected. We think that continuity is important. We think that the size of the board is important. I don't know that there is a magical number of board members. Certainly it's difficult to disagree with the Assemblywoman when she talks about collegiality in the context of numbers.

Primarily I am here to enter the chancellor and vice chair's comments into the record. We believe that in the last year, the board has come a long way in

restoring its collegiality, its cordiality, and its professionalism. We would encourage you not to react in a way that deprives the people in the state of Nevada of the right to elect their regents for higher education.

**Assemblyman Conklin:**

I'm sure you've read this bill, we have not taken away the public's right to vote for people to serve on the Board of Regents. As far as I understand it, according to the *United States Constitution*, we have maintained a "one person, one vote" with representation from every corner of this state. All we've done is to diversify the board. I'm curious if you have a comment related to that, because you've indicated that we're taking away someone's right to vote for regents, and, actually, this bill doesn't do that.

**Dan Klaich:**

This bill creates a board, the majority of which is appointed. Of the 9 members of this board, we have 6 appointed members and 3 elected members from the congressional districts of the state. Which as you rightly point out, does represent every corner of this state. In fact, the vast-voting majority of this board would not be answering to the public.

**Assemblyman Conklin:**

Who's going to appoint the remaining members?

**Dan Klaich:**

I believe that in the bill—as drafted and as explained by Assemblywoman Giunchigliani with the interpreting statute—the Governor would appoint the remaining 6, under the criteria that were discussed by Ms. Giunchigliani.

**Assemblyman Conklin:**

That's correct. And the Governor is elected by all the people of this state as well.

**Co-Chairwoman Koivisto:**

I'm interested in the host accounts of the regents. How much does that cost the taxpayers? Do each of the 13 regents have a host account?

**Dan Klaich:**

The answer to your second question, Mrs. Koivisto, is, yes they do. I believe each of the members of the Board of Regents has a host account of \$5,000. I do not believe that any of those host accounts are from state appropriated funds. I will provide the exact information to the Committee (Exhibit F).

**Assemblyman Holcomb:**

Assemblywoman Giunchigliani brought up the point that the State Board of Education manages a greater number of students with fewer board members, and you have 9 members managing fewer students. How would you respond to her observation?

**Dan Klaich:**

I would respond by saying that Ms. Giunchigliani has testified to a significant reality. I served on the Board of Regents for 14 years, when it was significantly smaller in size. We managed to get the work done. It just means that fewer people will work harder, and that those people who wish to be on the Board will have to work harder, or leave. I'm not here to tell you, if in the wisdom of this Committee, you reduce the size of the Board from 13 to 9 that we'll fold our tent and go home. You all work hard, the Board works hard, there is no magic in any number. This is service to the state of Nevada, and some people will have to work harder if that's the wisdom of this Committee and the voters of the state of Nevada.

**Jim Richardson, Legislative Advocate, representing Nevada Faculty Alliance:**

The Nevada Faculty Alliance, whom I represent, has not taken an official position on the bill. We certainly observed with great interest the problems the Board of Regents has had. We do concur with the fact that within the last year for some reason they seem to be getting along better. But that aside, I want to enter into the record the same kind of comments I made last session. And I would be responding, in a sense, to the question that came from Assemblyman Munford.

I'm delighted that Assemblywoman Giunchigliani is talking about a trailer bill that would implement this, if you see fit to pass it. Because that's where our concerns lie. We would like to see a bill that talks about criteria for people who would serve on the Board of Regents of our system of higher education. We do think there should be some minimal qualifications. In the document that Vice Chancellor Klaich gave you (Exhibit D), there's a brief comment to this effect from Interim Chancellor Rogers about a process somewhat analogous to the judicial selection process that we currently have when a vacancy occurs in a judgeship.

If you pass this bill and then you have to deal with the trailer legislation to implement it, I would recommend that you consider using that legislation as a model, and set up a group of people where various constituencies are represented, in screening candidates. Anyone could apply, meeting certain minimal criteria that you would establish, and we might talk about that at some

point, but then they would be screened by a committee of people with representation from various constituencies. In that regard, you might not be terribly surprised if I suggested that the faculty would be delighted to participate in such a screening process. I also think the students should be represented, the business community, and other major constituencies in our state.

**Janine Hansen, past Northern Nevada Director, Nevadans for Sound Government; and, President, Nevada Eagle Forum:**

We worked really hard on a couple of initiative petitions. One thing I found, as we went around the state, was that there are a lot of people who are interested in participating. Because of their individual circumstances, they aren't as involved as they would like to be. I have concerns, as I expressed last session, about this bill. When people are appointed, they are far less responsive and less accountable to the people. They don't have to take a call from a constituent like you do, because they don't have any constituents, essentially. You can always get a far more sympathetic ear, someone that will respond to your concerns, if they're elected, because they know that they have a responsibility, which isn't inherent in those that are appointed. Perhaps they want to be that way, but the natural selection process diminishes their desire or their need or the circumstances which force them into being more responsive and more accountable to the public. I'm concerned about that.

With regard to the 13 or 9 members, there are 13 members on this Committee. You're able to do your work very well, and I think oftentimes when you have a diversity of individuals, it creates a good thing. You can have ideas from people with different backgrounds, constituencies, ideas, and experiences in life. Oftentimes that might create conflict, like happened last session in this Body, where there were some issues, where there was a lot of in-fighting and conflict. But the end result was better because more individual people were represented. One of the problems we have in Nevada, with having any influence on what happens in Washington, D.C., is the fact that we only have 5 people representing us in that large body. In the Senate there are only 2; out of 435 Congressmen, we only have 3. So we don't have much influence there.

The same thing happens when you make a board smaller. There is less ability for people to have personal contact and a relationship with people on the board, because they're busier and because they have more constituents. You know that as your Assembly Districts grow, it's more difficult for you to have a personal relationship with those who are there. Leaving a board larger helps in terms of having more citizen participation because, naturally, 13 people know more people than 9. I think it is good for the democratic process when people have an opportunity to participate. I don't see any guarantee that an appointed

board would be better than an elected board, and there might be additional problems.

[Janine Hansen, continued.] One problem I had last time was with the trailer legislation which was originally part of this. I had concerns about the particular constituencies that were picked out, so that they had the right to participate in the appointing process. I didn't see anybody in those particular constituencies who would represent me, or my concerns, or the taxpayers as a larger concern, or different constituencies that I was interested in. I have a concern that when you appoint them that way, it becomes a closed-shop of a particular point-of-view, or constituency, education for example.

There's a lot of interest in what happens at the university, not just for people in education, because it affects all of us. Our children participate in the education system, our businesses need people who are educated, and our communities are better because of the way that those universities educate. So there's a tremendous interest by the community at large, not just a very narrow constituency. I'm also concerned about limiting those who would be appointed. In the end, this board would have only 3 people who are elected and 6 people who are appointed. I have experienced some situations where you have elected versus appointed, especially if the appointed people outnumber the elected people. It almost becomes an adversarial situation, where those who are elected are trying to represent their constituents, and the appointed people have a special interest and that's the reason they've been appointed. I'm concerned about that.

We need as much involvement of the people in our state participating in the election process as possible, and that's why I've opposed this from the beginning. I'm sure we could argue about even appointing the Legislature. I would oppose that kind of thing, because what we want in the end is more participation from more people. I think this bill tends to decrease that in the long run, so I continue to oppose it.

**Lynn Chapman, Vice President, Nevada Eagle Forum:**

[In opposition.] Ms. Hansen has just about covered everything I was going to talk about. Accountability and voting versus appointment, we're very concerned about that. I'd rather see some accountability to the people because I think we lose our voices if we're not included.

**Co-Chairman Mortenson:**

We will close the hearing on A.J.R. 11. The next bill, A.J.R. 13, was my bill last session, so I'm going to turn the meeting over to Co-Vice Chairman McCleary.

**Co-Vice Chairman McCleary:**

[Opened the hearing on A.J.R. 13 of the 72nd Session. Exhibit G]

**Assembly Joint Resolution 13 of the 72nd Session: Proposes to amend Nevada Constitution to revise provisions regarding special sessions of Legislature. (BDR C-313)**

[Called Assemblyman Mortenson.]

**Assemblyman Mortenson, Assembly District No. 42, Clark County (part):**

Assembly Joint Resolution 13 came from the 72nd Session. The preamble to the bill very well defines what the bill is about, and the reasons for the bill. [Read from text of the bill.]

WHEREAS, There are 34 State Legislatures that have the ability to call a special session when deemed necessary; and  
WHEREAS, The Nevada Legislature is 1 of only 16 state legislative bodies in the nation that may not call a special session, and 1 of only 9 that may not determine any of the subject matter to be considered in special legislation [session]; and  
WHEREAS, The *Nevada Constitution* is grounded on the principle of three equal branches of State Government, with the ultimate authority and responsibility to enact necessary legislation being vested in the Legislative Branch, subject to final approval by the Governor; and  
WHEREAS, Nevada's current constitutional language, which allows only the Governor to call the Legislature into special session, impedes and is contrary to the constitutional provision that vests the legislative authority in the elected legislators; and  
WHEREAS, The Nevada Legislature should be authorized to operate with a reasonable degree of independence from the Executive and Judicial Branches as consistent with the separation of powers principle, and should be empowered to identify those topics that may require the Legislature to call a limited special session deemed

## DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or [library@lcb.state.nv.us](mailto:library@lcb.state.nv.us).



PREPARED BY  
RESEARCH DIVISION  
LEGISLATIVE COUNSEL BUREAU  
Nonpartisan Staff of the Nevada State Legislature

**BILL SUMMARY**  
72<sup>nd</sup> REGULAR SESSION  
OF THE NEVADA STATE LEGISLATURE

---

---

**ASSEMBLY JOINT RESOLUTION NO. 11**  
**(Second Reprint)**

**Topic**

Assembly Joint Resolution No. 11 concerns Nevada's Board of Regents.

**Summary**

This resolution proposes to amend the *Constitution of the State of Nevada* to provide that the Board of Regents of the University and Community College System of Nevada consists of 9 members, as opposed to the current 13 members provided by law. One member must be elected from each of Nevada's congressional districts (currently three), and the Governor must appoint the remainder of the members (currently six). Not more than two-thirds of the members of the Board of Regents may be of the same political party.

Finally, A.J.R. 11 provides that the Legislature and Governor arrange for the staggered terms of the elected and appointed members, respectively, so that an equal number of terms, as nearly as possible, expire every two years. After his or her initial term, each member of the Board of Regents serves a four-year term instead of the current term of six years.

**Effective Date**

If approved in identical form by both the 2003 and 2005 Sessions of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election. If approved by the voters, the resolution is effective on January 1, 2008, for the purposes of nominating and electing members, and on January 5, 2009, for all other purposes.

**Background Information**

Based on projected population increases in Nevada in the next few years, it is likely that the State of Nevada will gain another seat in the United States House of Representatives following the decennial census in 2010. If that occurs, the composition of the Board would change to four elected and five appointed members. This change would be effective for the 2012 General Election.

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600

LEGISLATIVE COMMISSION (775) 684-6800  
RICHARD D. PERKINS, *Assemblyman, Chairman*  
Lorne J. Malkiewich, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821  
WILLIAM J. RAGGIO, *Senator, Chairman*  
Gary L. Ghiggeri, *Fiscal Analyst*  
Mark W. Stevens, *Fiscal Analyst*



LORNE J. MALKIEWICH, *Director*  
(775) 684-6800

PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
ROBERT E. ERICKSON, *Research Director* (775) 684-6825  
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

MEMORANDUM

DATE: November 26, 2002  
TO: Assemblywoman Chris Giunchigliani  
FROM: Carol M. Stonefield, <sup>CMS</sup> Senior Research Analyst  
Research Division  
SUBJECT: **Governance of Higher Education in Other States**

This memorandum is written in response to your request to provide information on the means employed by other states to select members for the statewide higher education governing boards. Further, you requested examples of the selection process whereby the appointing authority had to follow specific statutory guidelines.

The information in the attached table was obtained through a search of databases maintained on-line by the Education Commission of the State (ECS). You will also find attached to this memorandum the detailed ECS summaries of the structure and selection process used in each state. In addition, an ECS table with information on institutional governing boards is included.

**HIGHER EDUCATION GOVERNANCE STRUCTURES**

**Source of the Authority**

Thirty-one states have established their governance structure by statute. Sixteen states have provided for a governing structure in their constitutions. Because university systems have been separated from community college systems, two states establish their structures through a combination of constitutional provisions and statutes. One state, Vermont, does not have a statewide governance structure for higher education. With powerful institutional governing boards, Michigan provides very limited statewide coordination through its state board of education.

Assembly Elections, Procedures, Ethics & Constitutional Amendments

Date: 3/1/2005 Exhibit: C Page 1 of 22

Submitted by: Chris Giunchigliani

## **Extent of the Authority**

The 49 states that do provide for some form of statewide governance of public postsecondary education have erected a system either that governs the institutions or that serves as a coordinating and planning agency. Typically, those states that elect to coordinate postsecondary education are part of a structure that includes powerful institutional governing boards. In a structure with one statewide governing board, an institutional advisory board may exercise a limited role.

A statewide governing board has control and broad administrative powers over all state postsecondary public institutions. These powers typically include setting policy, developing budgets, approving academic programs, hiring and evaluating presidents of institutions, and planning and maintaining a statewide delivery system.

The authority of a coordinating board will depend upon the statutory provisions creating it. A coordinating board, however, is likely to hold some combination of the following responsibilities: developing comprehensive statewide plans for postsecondary education, which might include private institutions; approving new institutions or new academic programs; providing advice and consultation to the governor and legislature; reviewing the annual budgets of the state institutions; collecting data; conducting studies and recommending policies related to the conclusions of those studies; serving as an adjudicator in disputes among institutions, which may include articulation, for example; and administering federal and state financial aid programs.

## **Process of Selection**

Most of the boards, whether constitutional or statutory, are appointed by the state's governor. Some states provide guidance through statute to ensure that the members thus appointed represent specific groups of people, geographic areas of the state, or elected officeholders. For example, a number of states include a student member. A few provide that a member of the faculty is appointed. Some specify that a member must be appointed from each congressional district or from each state-drawn district. Several states include ex officio members, such as the administrative head of the state department of elementary and secondary education, the chairs of certain legislative committees, or representatives of public and private higher education institutions.

The state Legislature plays a role in selecting members in some states. In California, for example, the governor, the Senate Rules Committee and the Speaker of the Assembly each appoint a designated number. Further, Minnesota, New York, and North Carolina provide that the state Legislature elects or appoints the members of those boards, rather than the respective governors of those states.

Although Michigan elects its state board of education, which has a very limited coordinating function in higher education, **Nevada appears to be the only state where the voters elect members of the higher education governing board**, according to the information from ECS.

### **SPECIFIC GUIDELINES FOR APPOINTMENTS**

The ECS table of state-level coordinating and/or governing agencies sets out a number of examples of statutory provisions guiding or limiting the appointments of members to the various boards, commissions, or councils. Most states treat these appointments in the same manner as other gubernatorial appointments: the Governor sends the name of the prospective appointee to the Legislature, which has the authority to consent to the appointment. The terms of office are generally for a specified number of years and are staggered to ensure both turnover and continuity. Nevada does not have such an “advise and consent” appointment structure.

### **FLORIDA**

The table, entitled “Postsecondary Education Governance or Coordination Structures,” contains provisions relating to Florida that do not match those provided in the ECS tables, which are the source of data for all other states. In November 2002, voters in Florida approved a constitutional amendment to establish a board of governors. This board will have governing authority. Each state institution will retain a board of trustees that will exercise only those powers delegated to it by the board of governors. This vote of the electorate nullifies an act of the state Legislature two years ago that abolished the previous statewide higher education governing board. In its place the Legislature had put a governing board at each institution; overall policy had been assigned to a single board that was to oversee all levels of education from elementary and secondary education through higher education.

### **CONCLUDING REMARKS**

The ECS table on state-level agencies summarizes the membership in each state. Since it is my understanding that you may be using this material for the drafting of legislation, I have provided a copy of this memorandum and attachments to the Assembly Bill Draft Advisor, Kimberly A. Morgan, Chief Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau.

I will be happy to obtain the statutes for any state whose membership composition or process of appointment interests you. In addition, please let me know if there is anything else that I can do for you on this issue. You can reach me by telephoning (775) 684-6825.

CMS/rd:W30184  
Enc.  
cc: Kimberly A. Morgan

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600

LEGISLATIVE COMMISSION (775) 684-6800  
RICHARD D. PERKINS, *Assemblyman, Chairman*  
Lorne J. Malkiewicz, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821  
WILLIAM J. RAGGIO, *Senator, Chairman*  
Gary L. Ghiggeri, *Fiscal Analyst*  
Mark W. Stevens, *Fiscal Analyst*



LORNE J. MALKIEWICH, *Director*  
(775) 684-6800

PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
ROBERT E. ERICKSON, *Research Director* (775) 684-6825  
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

**MEMORANDUM**

---

DATE: January 6, 2003  
TO: Assemblywoman Chris Giunchigliani  
FROM: Carol M. Stonefield, <sup>AMS</sup> Senior Research Analyst  
Research Division  
SUBJECT: **Number of Members of the Board of Regents**

---

This memorandum is written in response to your request for the history of the number of members of the Board of Regents since its inception.

**COMPOSITION OF THE BOARD OF REGENTS**

Section 7 of Article 11 of the 1864 *Nevada Constitution* provides for the election of a Board of Regents. At statehood, a temporary board composed of the governor, secretary of state, and superintendent of public instruction was to govern for a minimum of four years to allow the Legislature to provide for the election of their successors, according the provisions of Article 11.

The establishment of a state university was influenced by the enactment of the Morrill Act by Congress in 1862. This act provided the grants of land in states that could be sold or leased to generate revenues to support public colleges and universities. The Morrill Act required a state to act within a specified number of years to establish an institution of higher learning. The Nevada Legislature petitioned Congress to grant extensions, which it did in 1866 and again in 1873. The state university was not established until 1874, when the Legislature opened the state university at Elko. Between 1864 and 1889, the governor, secretary of state, and superintendent of public instruction served as the Board.

In 1887, the Legislature provided for replacement of the state officers as the Board. Effective January 1, 1889, the Board would be constituted by three members, two to be elected for terms of four years and one to be elected for a term of two years. They were to be elected in the same manner as other statewide officers (Chapter 37, *Statutes of Nevada 1887*).

In 1905, the Legislature increased the number of Regents to five members, effective January 1, 1907. The Legislature provided for the election of "Long-Term Regents" who would be elected for four-year terms and "Short-Term Regents" who would be elected for two-year terms (Chapter 88, *Statutes of Nevada 1905*).

In 1917, while maintaining the number of members of the Board of Regents, the Legislature increased the terms of office to ten years, providing a staggered implementation of the increase in length of terms over the elections of 1918 and 1920 (Chapter 189, *Statutes of Nevada 1917*). In 1941, the Legislature reduced the term of office for the five Regents to four years. Those currently in office at the general election in 1942 were to continue in office until the expiration of their terms. Persons elected to fill those vacancies would serve four-year terms (Senate Bill 39 [Chapter 68, *Statutes of Nevada 1941*]).

In 1957, the Legislature increased the membership from five to nine members. It also established the seat of the university at the campus in Reno and authorized a regional branch campus in Clark County to be known as Nevada Southern. Assembly Bill 342 (Chapter 122, *Statutes of Nevada 1956-57*) of that legislative session contains the first election of Regents by district; Washoe County was to be District No. 1, Clark County became District No. 2, and the remainder of the state was designated as District No. 3. Each district was authorized to elect three members to the Board.

Other provisions of A.B. 342 are noteworthy. Subsection 1 of the act is provided below:

*1. By the provisions of chapter 284, Statutes of Nevada 1955, on page 463, the legislative commission was authorized and instructed to engage the services of a firm of management consultants or other expert assistance for the purpose of making an investigation into the administration and academic operation of the University of Nevada and to report the results thereof and make recommendations in connection therewith to the legislative commission. As required by law, the report and the recommendations of the expert assistance engaged by the legislative commission have been transmitted to the 48<sup>th</sup> session of the legislature. The legislature specifically finds and declares, as a result of such investigation into the administrative and academic operations of the University of Nevada, that the emergency situation respecting the University of Nevada is a special occasion calling for extraordinary action on the part of the legislature and that an emergency exists now whereby it is necessary that the number of the board of regents of the University of Nevada be increased and that such increased number should be inducted into office prior to their election by the people.*

Assembly Bill 342 further provided that the four vacancies created by the act would be filled by appointment by the Legislature in joint convention immediately after the effective date

04-44  
06

of the act. The act was approved on March 21, 1957. Those appointed would serve until positions could be filled by election.

In 1967, the Legislature increased the Board membership to 11. The membership from Clark County grew from three to five Regents (Senate Bill 136 [Chapter 191, *Statutes of Nevada 1967*]). In 1971, however, the Legislature again reduced the size of the Board from 11 to nine members. The membership from the district consisting of Washoe County and from the district encompassing the remainder of the state was reduced from three to two Regents in each district, while the five members from Clark County was maintained (Assembly Bill 736 [Chapter 650, *Statutes of Nevada 1971*]).

In 1973, the Legislature established sub-districts within the districts, which were defined as encompassing specific Assembly districts and enumeration districts. All terms would be for the length of six years, beginning with the 1978 general election (Assembly Bill 18 [Chapter 247, *Statutes of Nevada 1973*]). In 1981, the Legislature further defined the number of Regents from specific districts (Senate Bill 707 [Chapter 730, *Statutes of Nevada 1981*]).

In 1991, the Legislature increased the membership from nine to 11 members. It further specified districts by census voting districts and added Lincoln County and portions of Nye County to District 2, which had been limited to Clark County until then (Assembly Bill 776 [Chapter 411, *Statutes of Nevada 1991*]).

Finally, Senate Bill 14 (Chapter 23, *Statutes of Nevada 2001 Special Session*) increased the number of Regents from 11 to 13. The districts were defined by census tracts.

### CONCLUDING REMARKS

I trust this information will be useful to you. If you wish to receive copies of any of the legislative acts cited in this memorandum, please feel free to contact me. I can be reached at (775) 684-6825.

CMS/rd:W30640

## Postsecondary Education Governance or Coordination Structures

State	Name	Authority	Source of Authority	Selection	Members
Alabama	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public, No More Than Two from a Congressional District
Alaska	Board of Regents	Governing	Constitution	Appointed by Governor	Public, Student
Arizona					
University	Board of Regents	Governing	Constitution	Appointed by Governor	Public, Student
Community College	State Board of Directors for Community Colleges	Coordinating	Statute	Appointed by Governor	Public, Ex Officio Office-holders
Arkansas	Higher Education Coordinating Board	Coordinating	Statute	Appointed by Governor	Public
California	Postsecondary Education Commission	Coordinating	Statute	Appointed by Governor, by Senate Rules Committee, by Speaker of Assembly, Ex Officio by Statute	Public, Ex Officio Representing Various Higher Education Governing Boards
Colorado	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public
Connecticut	Board of Governors for Higher Education	Coordinating	Statute	Appointed by Governor, by Legislative Leadership	Public
Delaware	Higher Education Commission	Coordinating	Executive Order, Then Statute	Appointed by Governor	Public, Public and Private Institutions, State Departments
Florida	Board of Governors	Governing	Constitution	Appointed by Governor	Public, Student, Faculty, Commissioner of Education
Georgia	Board of Regents	Governing	Constitution	Appointed by Governor	Public At-large, Each Congressional District
Hawaii	Board of Regents	Governing	Constitution	Appointed by Governor	Public
Idaho	State Board of Education/Board of Regents	Governing	Constitution	Appointed by Governor, Ex Officio by Statute	Public, State Superintendent of Public Instruction
Illinois	Board of Higher Education	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Representing Various Offices, Student

27

C7 of 22

State	Name	Authority	Source of Authority	Selection	Members
Indiana	Commission of Higher Education	Coordinating	Statute	Appointed by Governor	Public, Student, Faculty
Iowa	State Board of Regents	Governing	Statute	Appointed by Governor	Public, Student
Kansas	State Board of Regents	Governing	Constitution	Appointed by Governor	Public
Kentucky	Council on Post-secondary Education	Coordinating	Statute	Appointed by Governor	Public, Faculty, Student, Commissioner of Education
Louisiana	Board of Regents	Coordinating	Constitution	Appointed by Governor	Public, Student
Maine	Board of Trustees of the University of Maine System	Governing	Statute	Appointed by Governor	Public
Maryland	Higher Education Commission	Coordinating	Statute	Appointed by Governor	Public, Student
Massachusetts	Board of Higher Education	Coordinating Plus Some Governing	Statute	Appointed by Governor, Ex Officio by Statute	Public, Student, Commissioner of Education
Michigan	State Board of Education	Coordinating (very limited)	Constitution	Elected	(According to Elections Laws of State)
Minnesota					
University	Board of Regents	Governing	Constitution	Appointed by Legislature	Public
State Colleges and Universities	Board of Trustees	Governing	Statute	Appointed by Governor	Public
Mississippi	Board of Trustees	Governing	Constitution	Appointed by Governor	Public
Missouri	Coordinating Board for Higher Education	Coordinating	Constitution	Appointed by Governor	Public
Montana	Board of Regents	Governing	Constitution	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Officeholders
Nebraska	Coordinating Commission for Post-secondary Education	Coordinating	Constitution	Appointed by Governor	Public At-Large, State Districts
Nevada	Board of Regents	Governing	Constitution	Elected	Public, State Districts
New Hampshire	Postsecondary Education Commission	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Public Institution Presidents, Students, Ex Officio Officeholders
New Jersey	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public, Student, Faculty, Ex Officio Officeholders

(8-)

C8 of 22

C-9

State	Name	Authority	Source of Authority	Selection	Members
New Mexico	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public, Student
New York	Board of Regents	Coordinating With Some Governing Through Policy	Constitution	Elected by Legislature	At-Large, Each Judicial District
North Carolina	Board of Governors	Coordinating With Some Governing Through Policy	Statute	Elected by Legislature	Public, Special Members as Ex Officio Former Office-holders
North Dakota	State Board of Higher Education	Governing	Constitution	Appointed by Governor	Public
Ohio	Board of Regents	Coordinating	Statute	Appointed by Governor	Public
Oklahoma	State Regents of Higher Education	Coordinating	Statute	Appointed by Governor	Public
Oregon					
University	State Board of Higher Education	Governing	Statute	Appointed by Governor	Public, Student, Faculty
Community College	State Board of Education	Governing	Statute	Appointed by Governor	Public
Pennsylvania	State Board of Education	Coordinating	Statute	Appointed by Governor	Public
Rhode Island	Board of Governors for Higher Education	Governing	Statute	Appointed by Governor, by Statute	Public, Ex Officio Chair of Elementary and Secondary Education, Chairs of Senate and House Finance Committees
South Carolina	Commission of Higher Education	Coordinating	Statute	Appointed by Governor	Public from Congressional Districts, Ex Officio Representatives of Public and Private Higher Education
South Dakota	Board of Regents	Governing	Constitution	Appointed by Governor	Public, Student
Tennessee	Higher Education Commission	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Office-holders, Student
Texas	Higher Education Coordinating Board	Coordinating	Statute	Appointed by Governor	Public

C9 of 22

State	Name	Authority	Source of Authority	Selection	Members
Utah	State Board of Regents	Governing	Statute	Appointed by Governor, Ex Officio by Statute	Public, Student, Ex Officio State Board of Education
Vermont	NO STATEWIDE AGENCY				
Virginia	State Council of Higher Education	Coordinating	Statute	Appointed by Governor	Public
Washington	Higher Education Coordinating Board	Coordinating	Statute	Appointed by Governor	Public
West Virginia	Higher Education Policy Commission	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Secretary of Education, State Superinten- dent of Schools
Wisconsin	Board of Regents	Governing	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Superinten- dent of Public Instruction, Representative of Technical College System Board, Student
Wyoming	Education Planning and Coordinating Council	Coordinating	Statute	Ex Officio by Statute	Various Officeholders

Source: State Comparisons – Postsecondary Governance Structures, Education Commission of the States, [http://www.ecs.org/dbsearches/scripts/SRCH\\_DB\\_Display.asp](http://www.ecs.org/dbsearches/scripts/SRCH_DB_Display.asp), accessed November 25, 2002; *Voters Approve Florida Governance Shift, Major Bond Measures in California and Virginia*, November 15, 2002, The Chronicle of Higher Education, [http://chronicle.com/cgi2-bin/printable\\_verity.cgi](http://chronicle.com/cgi2-bin/printable_verity.cgi), accessed November 25, 2002.

W30184-1

C10 of 22



## System/Institutional Governing Boards

Education Commission  
of the States

	System/Institutional Governing Boards
Alabama : Postsecondary Governance Structures	<p>The state has 2 multicampus governing boards established by the state constitution with powers delineated by the state legislature. The Board of Trustees of the University of Alabama System was established in 1821, is comprised of 17 members, and governs 3 senior institutions. The Board of Trustees of Auburn University was established in 1901, is comprised of 12 members, and governs 2 senior institutions.</p> <p>The Troy State University Governing Board was established in 1967 (prior to 1967, Troy was governed by the State Board of Education), is comprised of 12 members, and governs 3 senior institutions. 5 other state universities each have a separate governing board.</p> <p>The governing boards are responsible for the total governance of the institutions under their control other than the regulator functions given to the commission for program approval and off-campus approval.</p>
Alaska : Postsecondary Governance Structures	<p>The University of Alaska is the single, multicampus public institution of postsecondary education in the state governed by the Board of Regents. The community college in Valdez has its own governing board separate from the Board of Regents of the University of Alaska. See the State-Level Coordinating and/or Governing Agency section for additional information.</p>
Arizona : Postsecondary Governance Structures	<p>The Arizona Board of Regents governs 3 universities and the State Board of Directors for Community Colleges coordinates 10 community college districts, which consist of 18 campuses. See the State-Level Coordinating and/or Governing Agency section for more information.</p>
Arkansas : Postsecondary Governance Structures	<p>Arkansas has 6 public senior institutional governing boards whose powers are delineated by statute. The University of Arkansas Board of Trustees was established in 1871 and became a system board with mergers that began in 1969. The Arkansas State University Board of Trustees became a system board in 2001 through separate personnel approvals for a system office. The Southern Arkansas University - Magnolia Board of Trustees acts on behalf of the 2-year college (Southern Arkansas University - Tech) affiliated with the University. The University of Arkansas System and the Arkansas State University System are responsible for multiple campuses. The Southern Arkansas University - Magnolia Board is responsible for 2 campuses. Each of the other boards governs a single institution. The number of members on the governing boards range from 5 to 10, with all appointed by the governor and confirmed by the senate.</p> <p>Since 1996, two community colleges (Phillips County Community College renamed Phillips County College-University of Arkansas; Westark College renamed University of Arkansas-Fort Smith) and four technical colleges (Red Hope; Gateway Technical College renamed University of Arkansas Community College-Batesville; Petit Jean Technical College renamed University of Arkansas Community College-Morrilton; Cossatot Technical College renamed Cossatot Community College-University of Arkansas) have merged into the University of Arkansas system. Westark College became a four-year institution as part of the merger. One vocational-technical institute merged with the Arkansas State University System in 2001.</p> <p>Legislation passed in 1995 gave community college boards the choice of being elected or appointed by the governor. The technical colleges each</p>

	have a local board of seven members appointed by the governor.
California : Postsecondary Governance Structures	Institutional governing boards in the state include: (1) the Board of Regents of the University of California comprised of 26 members, was established under Article IX, Section 9 of the California Constitution, 1878 and exercises constitutional powers over 10 public senior colleges, 3 research laboratories and numerous agricultural extension stations; (2) the Board of Trustees of the California State University and Colleges is comprised of 25 members, was established by the Donohoe Higher Education Act of 1960, and exercises statutory authority over 23 public senior colleges; and (3) 72 local community college district boards of trustees responsible for governing the 108 public 2-year colleges with general direction and leadership provided at the state level by the Board of Governors of the California Community Colleges.
Colorado : Postsecondary Governance Structures	Colorado's public postsecondary education institutions are under the direction of 6 governing boards. The regents of the University of Colorado (the only public elected governing board) are responsible for the operation of the university on its 4 campuses in Boulder, Colorado Springs, Denver (Auraria) and at the Health Sciences Center in Denver. The Board of Agriculture serves as the governing board for Colorado State University, the University of Southern Colorado and Fort Lewis College. The Colorado School of Mines and the University of Northern Colorado each has its own Board of Trustees. The trustees of the state colleges are charged with the governance of 4 institutions: Adams State College, Mesa State College, Metropolitan State College of Denver and Western State College. The 12 institutions comprising the state system of community colleges are under the control of the State Board for Community Colleges and Occupational Education, which also serves as the state's board for vocational education and has oversight for much of the programming of the state's 3 local district colleges and area vocational schools. This board also serves as the state's approving agency for veterans' programs. In addition, a Board of Directors of the Auraria Higher Education Center has certain special responsibilities with respect to nonacademic programming at the University of Colorado at Denver, Metropolitan State College of Denver and the Community College of Denver.
Connecticut : Postsecondary Governance Structures	<p>There are 4 statutory governing boards in Connecticut: (1) the Board of Trustees of the University of Connecticut, which is comprised of 19 members and is responsible for the state's land-grant university, medical center, law school and 5 branch campuses; (2) the Board of Trustees of the Connecticut State University, which is comprised of 18 members and is responsible for 4 4-year state universities; (3) the Board of Trustees of the Community-Technical Colleges, which is comprised of 24 members and is responsible for 12 2-year colleges; and (4) the Board for State Academic Awards, which is comprised of 9 members and is responsible for a nonteaching institution, empowered to certify credits and grant degrees as Charter Oak State College. These 4 system/institutional governing boards were established simultaneous to the establishment of the Board of Governors in 1983.</p> <p>Subject to the policies and guidelines of the Board of Governors, each board administers their systems; plans for expansion and development of its institutions and submits such plans to the Board of Governors for review and recommendation; appoints and/or removes its Chief Executive Officer and institutional chief executive officers; determines the size of staff, their duties and conditions of employment (subject to Board of Governors guidelines); employs staff; fixes compensation; confers degrees; and makes rules for governance of institutions, admission of students and expenditure of funds.</p>
Delaware : Postsecondary Governance Structures	Delaware has 3 institutional governing boards: (1) the Board of Trustees of the University of Delaware comprised of 32 members, was established in 1834, and has statutory responsibility for 1 public senior college; (2) the Board of Trustees of Delaware State University comprised of 12 members, was established in 1890, and has statutory responsibility for 1

C12 of 22

	<p>public senior college; and (3) the Board of Trustees of Delaware Technical and Community Colleges is comprised of 8 members, was established in 1966, and has statutory authority over 4 public community colleges (1 community college with 4 campuses).</p> <p>The Board of Trustees of the University of Delaware is responsible for the duties set forth in DEL. CODE ANN § 5106. The Board of Trustees of Delaware State University is responsible for the duties set forth in DEL. CODE ANN § 6505. The Board of Trustees of Delaware Technical and Community College is responsible for the duties set forth in DEL. CODE ANN § 9105. These statutes are available in the Additional Information section.</p>
District of Columbia : Postsecondary Governance Structures	The University of the District of Columbia Board of Trustees governs the university and the Board of Governors of the District of Columbia School of Law governs the School of Law. See the State-Level Coordinating and/or Governing Agency section for additional information.
Florida : Postsecondary Governance Structures	Effective July 1, 2001, each of the 11 state universities has a governor-appointed 12-member board of trustees. In addition, the student body president serves as a voting member of each board.
Georgia : Postsecondary Governance Structures	The University System of Georgia's Board of Regents oversees 34 postsecondary institutions. See the State-Level Coordinating and/or Governing Agency section for additional information.
Hawaii : Postsecondary Governance Structures	The Board of Regents of the University of Hawaii serves as the constitutional governing board for the University of Hawaii. See the State-Level Coordinating and/or Governing Agency section for additional information.
Idaho : Postsecondary Governance Structures	The State Board of Education/Board of Regents of the University of Idaho serves as a single constitutional board for all public education, including elementary, secondary and postsecondary levels. Junior colleges are responsible to locally elected boards of trustees. See the State-Level Coordinating and/or Governing Agency section for additional information.
Illinois : Postsecondary Governance Structures	Each public university and community college has a governing board of trustees made up of 7 members. The public university governing boards were established in January 1996 and are responsible for adopting budgets, setting institutional policies, establishing tuition and fees, personnel and student admissions.
Indiana : Postsecondary Governance Structures	Indiana has eight public institutional governing boards: (1) Ball State University Board of Trustees; (2) Indiana State University Board of Trustees; (3) Ivy Tech State College Board of Trustees with authority over 22 campuses and centers and the newly created Community College of Indiana in partnership with Vincennes University; (4) Indiana University Board of Trustees with authority over seven campuses; (5) IUPUI Ft. Wayne campus administered by Purdue University maintains dual program responsibilities, with some academic units answerable to Purdue and others to Indiana University; (6) Purdue University Board of Trustees responsible for four campuses; (7) Vincennes University Board of Trustees with jurisdiction over the newly created Community College of Indiana in partnership with Ivy Tech State College; and (8) University of Southern Indiana Board of Trustees.
Iowa : Postsecondary Governance Structures	The State Board of Regents serves as the statutory governing body for all public postsecondary education in the state and the State Board of Education's Bureau of Community Colleges and Workforce Preparation has jurisdiction over the community colleges in Iowa. For additional information, see the State-Level Coordinating and/or Governing Agency section.
Kansas : Postsecondary Governance Structures	(See State-Level Coordinating and/or Governing Agency.)

<p>Kentucky : Postsecondary Governance Structures</p>	<p>There are 8 institutional governing boards for the state-supported universities and a governing board for the Kentucky Community and Technical College System. The University of Kentucky, which was founded in 1865, operates two institutions: the main campus and the separately accredited Lexington Community College. 20 members serve on the University of Kentucky's Board of Trustees. Each of the other 7 boards governs a single institution: the Board of Trustees of the University of Louisville consists of 20 members and was established in 1970; the Board of Regents of Eastern Kentucky University consists of 11 members and was established in 1966; the Board of Regents of Kentucky State University consists of 11 members and was established in 1886; the Board of Regents of Morehead State University consists of 11 members and was established in 1966; the Board of Regents of Murray State University consists of 11 members and was established in 1966; the Board of Regents of Northern Kentucky University consists of 12 members and was established in 1973; and the Board of Regents of Western Kentucky University consists of 11 members and was established in 1966. The dates listed indicate when boards' current legal structure was established. The governing boards are bodies corporate charged with the responsibility for the overall management and control of the institutions. Among those are the appointment of the president and faculty, management of all institutional finances, and responsibility for setting all policies.</p> <p>The Board of Regents for the Kentucky Community College and Technical Colleges System consists of 14 members, was established in 1997 and administer multiple campuses.</p>
<p>Louisiana : Postsecondary Governance Structures</p>	<p>3 institutional governing boards were created by the 1974 constitution. Each board has 17 members appointed by the governor with the consent of the senate and 1 student member elected by student body presidents. The 3 governing boards are: (1) the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, governing 2 public junior colleges, 3 public senior colleges, a law center, a medical center and an agricultural science center; (2) the Board of Supervisors of Southern University and Agricultural and Mechanical College, responsible for 1 public junior college and 2 public senior institutions; and (3) the Board of Trustees for the University of Louisiana System, governing 8 public senior institutions and 2 public junior colleges.</p>
<p>Maine : Postsecondary Governance Structures</p>	<p>The Board of Trustees of the University of Maine System is the system/institutional governing board in the state.</p>
<p>Maryland : Postsecondary Governance Structures</p>	<p>Maryland's postsecondary education system consists of 6 segments: University System of Maryland, Morgan State University, St. Mary's College of Maryland, Community Colleges, Independent Colleges and Universities, and Private Career Schools. The Board of Regents of the University System of Maryland governs 11 constituent institutions. St. Mary's College of Maryland and Morgan State University have individual governing boards, as does Baltimore City Community College. Local boards govern the community colleges. The independent colleges and universities have their own governing boards and the private career schools are independently operated.</p> <p>The Board of Regents for the University System of Maryland consists of 17 members and was established in 1988. The board is responsible for managing the system and developing policies, guidelines and plans. The board is also responsible for establishing standards for funding, reviewing, modifying and approving consolidated budget requests with respect to the operating and capital budgets of constituent institutions.</p> <p>The Board of Trustees for St. Mary's College of Maryland consists of 26 members and was established in 1978. The board is responsible for management and control of the college. The board reviews plans for the college, which are prepared by the president, prepares and implements capital and operating budgets, and establishes personnel policy and</p>

	<p>procedures.</p> <p>The Board of Regents for Morgan State University consists of 15 members and was established in 1999. It is responsible for the management of Morgan State University. It may review and adopt procedures regarding accreditation, programs and functions, actual and potential capabilities, admissions, curricula, graduation, awarding of degrees and general policymaking. It may prepare and submit budgets and establish general standards and guidelines governing the appointment, compensation, advancement, tenure, and termination of all faculty, executive staff, and professional administrative staff and other personnel.</p> <p>The Board of Trustees for Baltimore City Community College consists of 9 members and was established in 1990. The board is responsible for the management and control of the college. In addition, the board establishes fees and tuition, entrance requirements, courses and programs, etc. The board appoints the president of the college and reviews and approves operating and capital budgets.</p>
Massachusetts : Postsecondary Governance Structures	<p>Massachusetts has 2 statewide boards with governing authority. The Board of Trustees of the University of Massachusetts is responsible for governing the 5-campus university system. The Board of Higher Education, in addition to its responsibility for overall coordination of all public postsecondary education, has residual governing authority with respect to the state and community colleges. Management responsibility, however, for each of these colleges is vested in institutional boards of trustees for each of these colleges. The state and community college boards of trustees appoint and remove presidents, subject to approval by the Board of Higher Education.</p>
Michigan : Postsecondary Governance Structures	<p>All governance is undertaken by separate institutional governing boards which include: (1) 10 boards of control of trustees appointed by the governor for four-year public colleges and universities, each responsible for a single institution; (2) the elected Board of Regents of the University of Michigan, a constitutional board governing three branches of the university; (3) the elected Board of Governors of Wayne State University and the Board of Trustees of Michigan State University, both constitutional boards responsible for a single senior public institution. The 29 public two-year community colleges each have regionally elected governing boards.</p>
Minnesota : Postsecondary Governance Structures	<p>The Board of Regents of the University of Minnesota and the Board of Trustees of the Minnesota State Colleges and Universities (MnSCU) serve as the institutional governing boards in the state.</p>
Mississippi : Postsecondary Governance Structures	<p>The Board of Trustees of State Institutions of Higher Learning exercises constitutional governing authority over the 8 public institutions in the state. The State Board for Community and Junior Colleges functions as a coordinating agency for the state's 15 public junior colleges. See the State-Level Coordinating and/or Governing Agency section for additional information.</p>
Missouri : Postsecondary Governance Structures	<p>Institutional governing boards in the state are: (1) the Board of Curators of the University of Missouri comprised of 9 members, was established in 1839, and has constitutional authority for 4 campuses; (2) the statutory Board of Curators of Lincoln University is comprised of 9 members was established in 1929 with the University being founded in 1879; (3) 7 Boards of Regents of state colleges and universities, exercising authority over 4 public regional universities and 3 public state colleges generally founded in 1939 with boards having either 6 or 7 members; (4) the Board of Governors of Truman State University (formerly Northeast Missouri State University) is comprised of 10 members was established in 1879; (5) the Board of Regents of Linn State Technical College comprised of 8 members was established in 1995; and (6) 12 locally elected Boards of Trustees for the state's 12 community college districts. The Boards of Trustees for the community college districts have 6 members serving on each of the boards and were generally established in 1963.</p>

Montana : Postsecondary Governance Structures	The Board of Regents of Higher Education functions as a governing agency for the Montana University System and has supervisory and coordinating authority over the state's community colleges. See the State-Level Coordinating and/or Governing Agency section for additional information.
Nebraska : Postsecondary Governance Structures	Two constitutional governing boards for public institutions exist in the state: the Board of Regents of the University of Nebraska responsible for general governance of 4 public senior colleges, including a medical center, and the Board of Trustees of Nebraska State Colleges responsible for general governance of 3 public senior institutions. The Board of Regents of the University of Nebraska is comprised of 8 regents and was established in 1875. The Board of Trustees of Nebraska State Colleges is comprised of 7 trustees and was established in 1920. There are 6 community college areas, each governed by a locally elected board of 11 members.
Nevada : Postsecondary Governance Structures	The Board of Regents of the University and Community College System of Nevada functions as the constitutional governing agency for postsecondary education in the state. See the State-Level Coordinating and/or Governing Agency section for additional information.
New Hampshire : Postsecondary Governance Structures	The Board of Trustees of the University of New Hampshire System and the Community Technical College System are responsible for postsecondary systems and institutions in the state.
New Jersey : Postsecondary Governance Structures	<p>There are 31 governing boards for public institutions in the state of New Jersey. The Board of Governors of Rutgers University comprised of 15 members, was established in 1956 succeeding a Board of Trustees established in 1766, which was retained with certain specific responsibilities for university assets acquired before 1956, and has statutory authority over that multicampus institution, which is the State University of New Jersey. The Board of Trustees of the University of Medicine and Dentistry of New Jersey comprised of 12 members, was established in 1970, and has statutory authority over 3 medical schools, a dental school, a graduate school of biomedical sciences and a school of health-related professions. The Board of Trustees of the New Jersey Institute of Technology comprised of 17 members, was established in 1967 and has statutory authority over that institution. In addition, there are 19 individual community college boards and 9 state college/university boards, each governing a single public institution.</p> <p>The governing board of each public institution of higher education is responsible for institutional planning; fulfillment of the institution's mission and of statewide goals; effective management of the institution, including investment of institutional funds and requests for state support; institutional operations, including establishment of tuition and fees and of standards for admission and graduation; and accountability to the public for institutional management and operations.</p>
New Mexico : Postsecondary Governance Structures	<p>There are 15 institutional governing boards in the state: the statutory boards of Albuquerque Technical-Vocational Institute, Luna Area Vocational-Technical Institute, Mesa Technical College, New Mexico Junior College, San Juan College, Santa Fe Community College and Clovis Community College; and the constitutional regents of New Mexico Military Institute and Northern New Mexico Community College, each a single public 2-year institution; the University of New Mexico governing 4 public 2-year institutions, 1 public 4-year college and medical center; New Mexico Highlands University, Western New Mexico University, and New Mexico Institute of Mining and Technology, each with authority over a public 4-year institution; New Mexico State University governing 4 public 2-year institutions and a public 4-year institution; and Eastern New Mexico University governing 2 public 2-year institutions and 1 public 4-year college.</p> <p>There are 7 members on the University of New Mexico Board, 5 members on the other 5 university boards and each of the locally elected community college boards are comprised of 5 members.</p>

	<p>8 of the governing boards were established in the state constitution in 1912 and the remaining 7 were established at different times since 1980. The functions of these boards is typical of boards nationally.</p>
New York : Postsecondary Governance Structures	<p>There are 2 statutory public institutional governing boards in the state: the Board of Trustees of the State University of New York (32 2-year institutions and 32 4-year institutions) and the Board of Trustees of the City University of New York (6 2-year and 13 4-year institutions).</p>
North Carolina : Postsecondary Governance Structures	<p>Under the statute creating the Board of Governors, a 13-member board of trustees was created for each of the 16 public senior institutions. The Board of Governors elects 8 members; the governor appoints 4 members; and the student body president serves as an ex-officio, voting member by virtue of the elected office he or she holds. Trustees serve 4-year terms and are responsible for promoting the sound development of the campus and advising the Board of Governors and the chancellor. The Board of Governors has delegated many responsibilities to the trustees. The trustees recommend names of chancellors to the president, who recommends a candidate to the Board of Governors. Similarly, each public 2-year institution is governed by a board of trustees consisting of 12 members and a student body president who serves as an ex-officio member by virtue of the elected office he or she holds. The board is responsible for electing the president of the institution.</p>
North Dakota : Postsecondary Governance Structures	<p>The State Board of Higher Education functions as the constitutional governing body for North Dakota's 6 publicly supported universities, 3 2-year branches, and 5 2-year colleges. See the State-Level Coordinating and/or Governing Agency section for additional information.</p>
Ohio : Postsecondary Governance Structures	<p>The statutory institutional governing boards in the state are as follows: the Board of Trustees of Bowling Green State University; the Boards of Trustees of the University of Akron and Wright State University, each governing one public branch and one senior university; the Boards of Trustees of Central State University, Cleveland State University, Shawnee State University, the University of Toledo and Youngstown State University, each governing a single senior public institution; the Boards of Trustees of Ohio University and Ohio State University, each responsible for 1 senior institution and 5 public branches; the Board of Trustees of Kent State University with 7 public branches and a single public senior institution; the Boards of Trustees of the University of Cincinnati and Miami University with 2 public branches and a single public senior institution. The number of members of the institutions' governing boards varies. 6 community colleges are governed by boards representing the state and county, 8 technical colleges are governed by boards representing the state-appointed boards of trustees. The Medical College of Ohio at Toledo is an independent institution with a separate governing board and the Northeastern Ohio Universities College of Medicine has a 9-member board of trustees reflecting its consortial nature.</p> <p>The functions of the individual boards for each institutions and/or type of institutions are spelled out in Ohio Revised Code: ORC 3335-3362.</p>
Oklahoma : Postsecondary Governance Structures	<p>Oklahoma's public higher education institutions are operated by 16 governing boards, 3 are constitutional and 3 govern more than 1 institution. The constitutional boards are: the Board of Regents of the University of Oklahoma, comprised of 7 members, was established in 1919, and governs the University of Oklahoma, Cameron University and Rogers State University; the Board of Regents of Oklahoma Colleges, comprised of 9 members, was established in 1947 and previously governed by a different board and governs 6 senior institutions; and the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, comprised of 9 members, was established in 1945 and previously governed by a different board and governs Oklahoma State University, 2 additional public senior colleges and 2 public junior colleges.</p>

	<p>Other governing boards in Oklahoma include: the Board of Regents of the University of Science and Arts of Oklahoma, established in 1965 and comprised of 7 regents; the Board of Regents of Carl Albert State College, established in 1971 and comprised of 7 regents; the Board of Regents of Eastern Oklahoma State College, established in 1972 and comprised of 7 regents; the Board of Regents of Murray State College, established in 1972 and comprised of 7 regents; the Board of Regents of Northern Oklahoma College, established in 1965 and comprised of 5 regents; the Board of Regents of Oklahoma City Community College, established in 1970 and comprised of 7 regents; the Board of Regents of Redlands Community College, established in 1972 and comprised of 7 regents; the Board of Regents of Rose State College, established in 1968 and comprised of 7 regents; the Board of Regents of Seminole State College, established in 1971 and comprised of 7 regents; the Board of Regents of Tulsa Community College, established in 1969 and comprised of 7 regents; the Board of Regents of Western Oklahoma State College, established in 1971 and comprised of 7 regents; the Board of Trustees of Ardmore Higher Education Program, established in 1985 and comprised of 10 trustees; and the Board of Trustees of McCurtain County Higher Education Program, established in 1985 and comprised of 9 trustees.</p> <p>These institutional governing boards are responsible to: employ and fix compensation and duties of personnel, enter contracts, purchase supplies, materials and equipment, adopt rules and regulations necessary for governance, receive and make disposition of monies, grants, and property and administer same, accept gifts, direct disposition of all state and federal appropriated funds, acquire and take title to real and personal property, institute legal action, supervision and charge of construction, establish and maintain plans for tenure and retirement of employees, maintain inventory of all property, audit all accounts against funds allocated to institution, and do all things necessary and convenient to carry out duties.</p>
<p>Oregon : Postsecondary Governance Structures</p>	<p>The Department of Higher Education is charged with the coordination of the Oregon University System, the public postsecondary higher education system in Oregon. The State Board of Education supervises and regulates 17 community colleges, each of which has its own elected governing board. See the State-Level Coordinating and/or Governing Agency section for additional information.</p>
<p>Pennsylvania : Postsecondary Governance Structures</p>	<p>The State System of Higher Education is governed by a board of governors with a chancellor as chief executive officer. The board of governors has fiscal, personnel and education policy control over the system's institutions. Each university in the State System of Higher Education has a council of trustees, which operates in accordance with statute and regulations adopted by the board of governors.</p> <p>The Board of Trustees of Pennsylvania State University has authority for the university, its 18 branch campuses and 4 specialized campuses. The Board of Trustees of Temple University, with 1 branch campus, the Board of Trustees of the University of Pittsburgh and the Board of Trustees of Lincoln University have authority for their respective institutions. All other institutions, including the community colleges, have their own governing boards.</p>
<p>Puerto Rico : Postsecondary Governance Structures</p>	<p>The Puerto Rico Council on Higher Education is the coordinating agency for all higher education institutions, public and private. See the State-Level Coordinating and/or Governing Agency section for additional information.</p>
<p>Rhode Island : Postsecondary Governance Structures</p>	<p>The Board of Governors for Higher Education serves as the governing agency for the Community College of Rhode Island, Rhode Island College and the University of Rhode Island. See the State-Level Coordinating and or Governing Agency section for additional information.</p>
<p>South Carolina : Postsecondary</p>	<p>The 11 institutional governing boards include Boards of Trustees for Clemson University, Coastal Carolina University, the College of Charleston,</p>

<p>Governance Structures</p>	<p>Francis Marion University, Lander University, the Medical University of South Carolina, South Carolina State University, Winthrop University, and the Board of Visitors for the Citadel, each governing a single institution; the Board of Trustees of the University of South Carolina, which governs the main campus, 2 senior and 5 2-year branches; and the State Board for Technical and Comprehensive Education, which governs 16 2-year technical colleges. The governing boards are responsible for hiring the president, setting tuition and establishing admissions standards.</p>
<p>South Dakota : Postsecondary Governance Structures</p>	<p>The Board of Regents serves as the constitutional governing body for the 6 public universities, a school for the deaf and a school for the blind and visually impaired. See the State-Level Coordinating and/or Governing Agency section for additional information.</p>
<p>Tennessee : Postsecondary Governance Structures</p>	<p>There are 2 public institutional governing boards in the state: (1) the Board of Regents of the State University and Community College System, which exercises statutory responsibility for 6 senior institutions, 12 community colleges, 1 technical institute, and 26 nondegree-granting area technology centers; and (2) the Board of Trustees of the University of Tennessee, which exercises statutory authority for 5 senior institutions, as well as statewide units of extension and public service. The Board of Regents of the State University and Community College System was established in 1972 and is comprised of 19 members. The Board of Trustees of the University of Tennessee was established in 1794 and is comprised of 24 members.</p>
<p>Texas : Postsecondary Governance Structures</p>	<p>There are 50 public community college districts in the state and one public technical college system. Of the 10 statutory university governing boards, 6 are responsible for multiple campuses and 4 for a single institution. Governing boards responsible for more than 1 institution, and the number of institutions they govern are: (1) the University of Texas System -- 9 universities, 2 health science centers, 1 medical branch and 2 medical centers; (2) Texas A&amp;M University System -- 8 universities, 1 health science center, 1 upper-level institution and 1 college of marine sciences; (3) Texas State University System -- 5 universities, 1 upper-level center and 3 lower-division state colleges; (5) the University of Houston System -- 2 universities and 2 upper-level institutions; (6) University of North Texas -- 1 university and 1 health science center; and (7) Texas Tech University System -- 1 university and 1 health sciences center. The boards of the following universities govern single institutions: Midwestern State University, Texas Woman's University and Stephen F. Austin State University. The Board of Regents of the Texas State Technical College System was established in 1965 and is responsible for 4 technical colleges.</p> <p>9 members serve on each of the following boards: Midwestern State University Board of Regents established in 1961, Stephen F. Austin State University Board of Regents established in 1969, Texas A&amp;M University System Board of Regents established in 1875, Texas Southern University Board of Regents established in 1971, Texas State University System Board of Regents established in 1949, Texas Tech University System Board of Regents established in 1923, Texas Woman's University Board of Regents established in 1901, University of Houston Board of Regents established in 1945, University of North Texas System Board of Regents established in 1949, and University of Texas System Board of Regents established in 1881.</p> <p>Each board is authorized and directed to govern, operate, support and maintain institutions under its purview.</p>
<p>Utah : Postsecondary Governance Structures</p>	<p>In addition to the State Board of Regents, each of the 10 institutions has a board of trustees, appointed by the governor, with Senate consent. 9 of the institutional governing boards have 10 members and were established in 1969. The Utah College of Applied Technology (UCAT) has a governing board comprised of 15 members and was established in 2001. UCAT also has 10 regional colleges, each of which has a board with representatives</p>

	<p>of the local school districts and business/industry, ranging in size from 11 to 21. The institutional boards of trustees have specific statutory authority, but derive their principal campus governance powers by delegation from the State Board of Regents.</p>
<p>Vermont : Postsecondary Governance Structures</p>	<p>Vermont has 2 institutional governing agencies: (1) the Board of Trustees of the University of Vermont and State Agricultural College exercises statutory authority for that single institution; and (2) the Board of Trustees of the Vermont State Colleges exercises statutory authority for 3 senior colleges, a single technical college offering 2- and 4-year degrees and a statewide, open, noncampus community college. The Board of Trustees of Vermont State Colleges is comprised of 15 members -- 4 Legislative trustees who serve 4-year terms and are elected by the state legislature, 9 trustees appointed by the Governor who serve 6-year terms, 1 student trustee elected by the Vermont State Colleges Student Association who serves a 1-year term and the governor, who is an ex-officio member by virtue of the elected office that he or she holds. The Vermont State Colleges Board of Trustees was established along with the Vermont State College System in 1961. Each governing board submits its budget and a requested appropriation amount for the upcoming fiscal year to the governor. Recommendations regarding the annual appropriation amounts are submitted to the General Assembly, which makes appropriations for the support of the university and state colleges.</p>
<p>Virginia : Postsecondary Governance Structures</p>	<p>The State Board for Community Colleges, comprised of 15 members and established in 1966, has statutory authority for 23 public junior colleges under the council's coordination. There are 14 other institutional governing boards in the state. The governing boards for single senior institutions are: the Board of Visitors of Christopher Newport University, comprised of 17 members, was founded in 1693 and became public in 1906; the Virginia Military Institute was established in 1839, and 16 members serve on the board; George Mason University was established in 1972, and 16 members serve on the board; Longwood College was established in 1964, and 15 members serve on the board; James Madison University was established in 1964, and 15 members serve on the board; Mary Washington College was established in 1972, and 16 members serve on the board; Norfolk State University was established in 1968, and 13 members serve on the board; Old Dominion University was established in 1962, and 17 members serve on the board; Radford University was established in 1964, and 11 members serve on the board; Virginia State University was established in 1964, and 11 members serve on the board; Virginia Polytechnic Institute and State University was established in 1964, and 11 members serve on the board; and Virginia Commonwealth University was established in 1968, and 16 members serve on the board. The Board of Visitors of the College of William and Mary, comprised of 17 members, was founded in 1693 and became public in 1906, and has constitutional governing authority for 1 senior and 1 junior public institution. The Board of Visitors of the University of Virginia has statutory authority for 2 senior public institutions. (It should be noted that many of the established dates represent when an institution became its own entity and not tied to another state college or state board.)</p> <p>The governing boards of the public colleges are responsible for providing general policy direction and management oversight of the university, selection of the college presidents, determining the president's duties and setting the admissions policy for each institution. Additionally, the Code of Virginia contains specific roles that can be found in the Additional Information section.</p>
<p>Washington : Postsecondary Governance Structures</p>	<p>Each 4-year public institution is governed by an individual statutory governing board with 8 trustees serving on the Boards of Trustees of Central Washington (established in 1890), Eastern Washington (established in 1890), Western Washington Universities (established in 1895) and Evergreen State College (established in 1967), and 10 regents serving on the Boards of Regents of the University of Washington</p>

	(established in 1861) and Washington State University (established in 1891). These governing boards are responsible for operation of the college/university, determination of curricula, awarding of degrees and establishment of local administrative rules and policies. Each of the state-supported colleges also has its own local governing board.
West Virginia : Postsecondary Governance Structures	The West Virginia Higher Education Policy Commission is the state-level coordinating agency for public postsecondary education in West Virginia. Established in 2000, the commission takes the place of the Board of Trustees of the University System of West Virginia and the Board of Directors of the State College System. The commission is composed of 9 members, who serve overlapping terms of 4 years. The governor appoints 7 members, and two ex-officio members – the Secretary of Education and the State Superintendent of Schools – also serve on the commission. The commission is charged with developing, gaining consensus around and overseeing the implementation of a public policy agenda for postsecondary education in West Virginia.
Wisconsin : Postsecondary Governance Structures	The Board of Regents of the University of Wisconsin System governs the state's 13 public 4-year universities, 13 freshman-sophomore university centers and university extension. The Wisconsin Technical College System Board functions as the governing board for 16 technical college districts operating 42 campuses. See the State-Level Coordinating and/or Governing Agency section for additional information.
Wyoming : Postsecondary Governance Structures	By state constitution, governance of the University of Wyoming, the sole public senior institution in the state, is vested in 12 trustees appointed by the governor and confirmed by the Senate. A statewide Community College Commission sets overall policy for the 7 community colleges in the state, each of which has a local board.

© 2005 Education Commission of the States  
 700 Broadway, #1200 | Denver, Colorado 80203-3460  
 303.299.3600 | Fax: 303.296.8332 | Email: [ecs@ecs.org](mailto:ecs@ecs.org) | [www.ecs.org](http://www.ecs.org)

NO DUPLICATION OR REPRODUCTION OF THIS DOCUMENT IS PERMITTED WITHOUT THE WRITTEN PERMISSION OF THE EDUCATION COMMISSION OF THE STATES.

C21 of 22

# Fewer regents could lead to fewer problems



**Jeff German**

AS PREDICTED in this space last Sunday, university regents have returned to their bickering just days after issuing a collective apology that was supposed to put an end to the dissension ripping them apart.

It was an easy prediction to make given the nature of

the personalities making up the Board of Regents. No psychic hotline had to be called for consultation.

Regent Linda Howard, accused of snooping on students, last week opted to sling more mud at her colleagues instead of apologizing for her own indiscretions.

Her latest barbs, some of which were cruelly aimed at the late Regent Tom Wiesner, who wasn't around to defend himself, sent the board into another tizzy and provided additional evidence that drastic measures are needed to cleanse the board.

Once more the regents lost precious time to focus on higher education.

The renewed infighting has given Assemblywoman Chris Giunchigliani, D-Las Vegas, an idea for a quick fix that might put an end to this public embarrassment.

It sounds like a good idea.

Giunchigliani says she plans to have a bill drafted for the 2003 Legislature that would pare down the Board of Regents to seven members.

This comes as the 11-member board ironically is set to expand to 13 members next month.

Giunchigliani, who chairs the Assembly's Elections, Ethics and Procedures Committee, also expects to introduce a bill calling for the eventual appointment of regents.

Though there is growing support for that measure, it will take about five years to become reality. It requires a constitutional amendment and has to pass two sessions of the Legislature and then be approved by the voters in a general election.

The bill to reduce the board to seven members doesn't require a constitutional amendment and can be enacted after it passes one session. It would force all 13 regents to give up their seats and allow them, and anyone else, to run for the seven open seats in 2004.

"This is a good university system," says Giunchigliani, who handles community relations for the Community College of Southern Nevada. "But you need the policymakers to be able to work together."

The biggest upside to the bill is that it will take immediate steps to get the regents back on track during the lengthy process of amending the constitution.

"Waiting five years is an awful long time," Giunchigliani says. "If we can at least deal with the size of the board, that would give us an opportunity to see if it's going to work."

Let's face it. If the board is scaled back, each regent will have more work to do and probably less time to bicker with each other. Who knows? We might even discover that the system of electing board members can be effective.

One regent, Steve Sisolak, likes the idea of slashing the number of board members.

"I think a smaller board would be much more effective," says Sisolak, who's up for re-election in 2004. "It would be easier to handle, and we'd accomplish much more."

At least there would be fewer regents kicking each other around.

In the meantime, as Christmas approaches, the regents should listen to the words of Kurt Wiesner, the son of the respected Tom Wiesner, who must be rolling over in his grave watching the sideshow at the board.

The younger Wiesner distributed a moving letter last week defending his father, who was a steadying force on the board, against the undeserved attacks.

And he talked about how "disappointed" his father would be with the conduct of his colleagues.

Then Wiesner concluded:

"I simply hope, as would my father, that the regents can go home and enjoy their holiday season and come back to work with a refreshed focus on what is really important — being positive, forgiving and striving to achieve some real goals (like) furthering higher education."

Jeff German's column appears Sundays, Tuesdays, Wednesdays and Fridays in the Sun. Reach him at 259-4067 or [german@lasvegassun.com](mailto:german@lasvegassun.com).

C22 of 22

# University and Community College System of Nevada

5550 West Flamingo Road, Suite C-1  
Las Vegas, Nevada 89103  
Tel: (702) 889-8426  
Fax: (702) 889-8492



2601 Enterprise Road  
Reno, Nevada 89512  
Tel: (775) 784-4901  
Fax: (775) 784-1127

Tuesday, March 01, 2005

Ellen Koivisto, Chair  
Assembly Elections Procedures  
and Ethics  
Nevada State Legislature  
Carson City, Nevada

via Hand-Delivery

Re: AJR 11

Dear Chairwoman Koivisto:

This afternoon you will hear testimony on AJR 11 dealing with the size and constitution of the Board of Regents of the University and Community College System of Nevada. The Chancellor of the System, James E. Rogers, spoke to this issue earlier this year in his State of the System address. The Board of Regents has expressed its opposition to this Resolution. Attached to this letter please find the excerpt of Chancellor Rogers' comments regarding this issue, together with comments by Dr. Jill Derby, Vice Chancellor of the Board. I would appreciate your including Chancellor Rogers' and regent Derby's comments in the record of this hearing in their entirety.

Sincerely,

Daniel J. Klaich  
Vice Chancellor for Legal Affairs  
University and Community College  
System of Nevada

Enc.

Assembly Elections, Procedures, Ethics & Constitutional Amendments

Date: 3/1/2005 Exhibit: D Page 1 of 7  
Submitted by: Daniel Klaich

**Comments of Interim Chancellor James E. Rogers  
Concerning an Elected vs. Appointed Board of Regents  
(Delivered as part of the State of the System Address – December 2004)**

The Board of Regents has been a controversial public body. Forty-eight of fifty states have appointed Regents. The solution to all of Nevada's regental problems is to appoint regents. Right? Not in my opinion.

I do not know what caused other states to create appointed boards, but appointed boards have their problems also. I can tell you this; I like a Board that answers to the public at large and not to a governor. A board being appointed by a governor, like Kenny Guinn, who knows and understands education is one thing; a board appointed by and responding to a governor who does not understand education is problematic. I trust the public more than I trust governors. I see no shortcomings in the present board that all human beings do not have. I find nothing wrong with our board that cannot easily be cured. My major criticism of this Board is that it has not adopted proper managerial concepts. I believe the Board should set policy and delegate management of the System to the chancellor. But with this solution, almost all the problems you have seen over the last two years will disappear.

During my short tenure as your interim chancellor, the Board has been cooperative, flexible and open minded in delegating managerial power and authority to the chancellor's office. If the Legislature changes this Board from an elected Board to an appointed Board, the Legislature will commit the ultimate sin in a democracy. It will usurp the power of the electorate to control its higher education destiny. It will also render the present board impotent during the six-year period it takes to make the change. I also firmly believe it is no more likely that an appointed Board in the State of Nevada will be more effective than the present Board is. In fact, I predict it will be less effective.

This Board is intelligent and has the ability to correct its managerial problems. I ask those who want to change this Board to rethink their position.

If Beverly and I did not feel comfortable with the sound policy making ability of this Board, we would not have committed over 60 million dollars of our moneys to the System in the upcoming years.

If, however, the Legislature feels compelled to move toward an appointed Board, then I have the following suggestions. I have read the proposed constitutional

amendment which passed in the last session, and I believe that proposed amendment to be shortsighted and worthy of being defeated in the next session of the Legislature.

If the Legislature wishes to propose a constitutional amendment to appoint Regents, the Legislature should pass an amendment which is more thoughtfully drafted. The problems with the proposed amendment, as I see them, are these:

First, if the size of the Board is to be reduced to nine, and that number incorporated into the constitution, with three to be elected in each of the congressional districts as the proposed amendment requires, the growth of this state will eventually change the composition of the Board, and by 2020 the majority of the Board will once again be elected. I do not believe that a constitutional policy change should be so shortsighted that it has built in obsolescence.

Second, I do not believe that four-year terms for Regents in the proposed constitutional amendment create the institutional memory necessary for good governance. I believe that continuity on the Board would be best served with six-year terms.

Lastly, there should be a process for screening prospective appointments to the Board of Regents similar to that utilized by the judicial selection commission. This would prevent the Board of Regents from falling into the domain of a political spoils system.

**Comments of Dr. Jill Talbot-Derby (UCCSN Regent, District 9)  
Concerning Assembly Joint Resolution 11**

A. SIZE OF BOARD. Nevada has one governing board for higher education: the Nevada Board of Regents. Most states have multiple university and college boards. A single governing board for the entire state has many critical advantages.

1. It allows for financial efficiency in the state higher education system and the most prudent use of taxpayer dollars. A single board allows us to establish enrollment patterns that allow for the most comprehensive offerings in a fiscally prudent way.

- Directing students seeking a baccalaureate level education to the state college where it is more cost effective to educate them, for example; and directing students at risk academically into the community colleges where there are structures and support for their success.
- Mission differentiation among institutions would not be possible without a common board. Without mission differentiation, institutions tend to be all things to all students rather than specializing in their appropriate niche of higher education.
- Unnecessary duplication of program offerings can be avoided with a single board.
- Without a common board for higher education in Nevada we would have no ability to make these policy decisions that lead to the best and most cost effective system of higher education for Nevada.
- Having a common board allows us to put in place policies that take a statewide perspective regarding state needs and state resources and implement policies accordingly.
- Implementing 2+ 2 programs between the community colleges and state college/ universities demonstrates how a common board allows us to build pathways for students to be successful in moving through the system.

2. A second example of this strength is articulation between our community colleges, state college and universities which allows students to transfer credits easily between institutions. This is a problem that challenges states everywhere. Nevada has been able to adopt common course numbering across the system, because a common board has the authority to mandate it.

3. A single system allows for cooperation and dialogue among our faculty and students across the state. This has allowed us to speak with a single voice to the Governor and Legislature regarding higher education priorities. In states without a common board, the governor and legislators are lobbied by individual boards in competing directions. It becomes a much more political process that best serves the loudest political voices among the colleges and universities.

A single system of eight institutions with the dramatic growth rate being experienced both in the System and in the State of Nevada requires a relatively large board to manage its affairs. A single, common board for 8 institutions puts great responsibility on the shoulders of the board members to effectively govern an entire system of higher education. The Nevada Board of Regents is the board for the state AND the board for each of its eight institutions. It is a complex and diverse system that needs 13 regents to participate in campus events around the state and be familiar with the institutions they govern. Asking fewer people, all unpaid volunteers, to carry this breadth of duties, activities and responsibilities would be a recipe for less engaged and effective governance.

The affairs of eight institutions require an active and effective committee structure to fulfill its responsibilities which could not be effectively or responsibly done with less than thirteen individuals. We have five standing committees of the board. Other ad hoc committees are almost always required for presidential searches, evaluations, and specific focus initiatives (e.g. Technology Task Force).

The time demands are great. Asking fewer people to carry this burden of responsibility would result in less participation, engagement and less effective governance.

A smaller board would allow a smaller majority to make decisions that have far reaching impact for higher education in Nevada. Committees of 3 individuals would allow 2 individuals to make powerful decisions that affect thousands of students and future students. Clearly a greater majority should be required for a responsible decision making process. A board of 13 requires 7 individuals to agree to new policy, programs, budgets and initiatives. The greater diversity of thought this represents is critical for an effective deliberative process

B. AN ELECTED BOARD BEST SERVES THE INTERESTS OF NEVADA.

Considerable time demands are required to serve responsibly on the Nevada Board of Regents. New regents are often surprised by the time demands required. Those who run for office demonstrate a clear commitment to serve simply by what it takes to achieve the office.

The voice of the public is well represented by elected representatives who are sensitive to public concerns and see themselves as elected to bring that voice to the boardroom. Running for office provides ample opportunity to hear the concerns and interests of the public regarding our colleges and universities.

The quality of a board depends on the quality and commitment of those who serve on it. Neither an appointive or elected process guarantees that quality. An appointive process can emphasize political patronage more than desired background and motivational factors: just as the elective process can result in self promoting, self- interested individuals. Neither is perfect. In the elective process candidates must undergo public scrutiny and convince thousands of people of their commitment, abilities and qualifications. The selection process is thus more rigorous, demanding and democratic.

Nevada is well represented geographically by the current process which elects regents from population determined districts around the state. This geographic and demographic representation is important and good for Nevada.

Although Nevada is one of only a few states to elect its board of regents, conforming to what the majority of states do is no guarantee of improving the way our colleges and universities are governed. Nevada has a proud history of choosing its own path according to its own set of interests.

We should not forget Nevada's positive history of progress in higher education under the governance of an elected board that with few exceptions has made very good decisions for Nevada. Our colleges and universities have grown and flourished, meeting the challenges of unprecedented growth in recent years. Recent turbulence should not provoke what might be viewed as an overreaction by changing the entire structure that has served us well for over a century when changes in policy - particularly that recently adopted by the Board giving the chancellor greater authority - can more appropriately address the problem.

The requirement of doing business in the open allows for the rough edges of democracy to be observed by all. Contentiousness and strong feelings around opposing views is not unusual on boards and other deliberative bodies. That it is all done in the spotlight exposes the turbulence of the democratic process. The

Board believes that this is essential in the democratic process and should not be viewed as a reason to reconstitute the Board nor to deprive the voting public of the State of Nevada its right to select those which set policy for an item as critical as the conduct of the business of higher education.

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800  
RANDOLPH J. TOWNSEND, *Senator, Chairman*  
Lorne J. Malkiewich, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821  
WILLIAM J. RAGGIO, *Senator, Chairman*  
Gary L. Ghiggeri, *Fiscal Analyst*  
Mark W. Stevens, *Fiscal Analyst*

LORNE J. MALKIEWICH, *Director*  
(775) 684-6800

PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
DONALD O. WILLIAMS, *Research Director* (775) 684-6825  
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

**MEMORANDUM**

**DATE:** March 7, 2005  
**TO:** Members of the Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments  
**FROM:** Michelle L. Van Geel, Senior Research Analyst *mlv*  
Research Division  
**SUBJECT:** Additional Information from Daniel Klaich

This memorandum supplements information from Daniel Klaich, Vice Chancellor for Legal Affairs at the University and Community College System of Nevada, relating to Assembly Joint Resolution No. 11, which proposes to amend the *Nevada Constitution* to provide for the election of certain members and gubernatorial appointment of certain members of the Board of Regents, and to specify the number and terms of members.

Attached for your use is a table titled, "Summary Table: State-Level Coordinating and Governing Agencies of Higher Education," which describes the authority of higher education governing agencies, how their members are selected, the size and membership of the agencies, and length of term for members of the agencies.

I hope this information is useful to the Committee. Please contact me at 775/684-6825 or [mvangeel@lcb.state.nv.us](mailto:mvangeel@lcb.state.nv.us) if I may be of further assistance.

MLV/cs:G52386-1  
Enc.

Assembly Elections, Procedures, Ethics & Constitutional Amendments  
Date: 3/1/2005 Exhibit: E Page 1a of 6  
Submitted by: Daniel Klaich

Summary Table:  
**STATE-LEVEL COORDINATING AND GOVERNING AGENCIES OF HIGHER EDUCATION**

STATE	AUTHORITY	SELECTION OF MEMBERS	SIZE/MEMBERSHIP	TERM
<b>ALABAMA</b> Commission on Higher Education	Coordinating	Appointed	12 members 10 appointed by the Governor and 1 each by the Lieutenant Governor and Speaker of the House	9 years
<b>ALASKA</b> Board of Regents	Governing	Appointed	11 members appointed by the Governor and approved by the Legislature	8 years
<b>ARIZONA</b> Board of Regents (universities)	Governing	Appointed	12 members 8 public members and 2 students appointed by the Governor with consent of the Senate, the Governor and State Superintendent of Public Instruction serve as voting ex-officio members	8 years
<b>ARIZONA</b> State Board of Directors for Community Colleges	Eliminated in 2003, responsibilities are now vested with community college districts			
<b>ARKANSAS</b> Higher Education Coordinating Board	Coordinating	Appointed	12 members appointed by the Governor	6 years
<b>CALIFORNIA</b> Postsecondary Education Commission	Coordinating	Appointed	16 members 3 members appointed by Governor, 3 members appointed by the Senate Rules Committee, 3 members appointed by the Speaker of the Assembly, 1 member from the Board of Regents of the University of California, 1 member from the Board of Trustees from the California State University, 1 member from the Board of Governors of the California Community College, 1 member from the State Board of Education, 1 member appointed by the Governor to represent	6 years
<b>COLORADO</b> Commission on Higher Education	Coordinating	Appointed	9 members appointed by the Governor with consent of the Senate	4 years
<b>CONNECTICUT</b> Board of Governors for Higher Education	Coordinating	Appointed	11 members 7 members appointed by the Governor, 4 appointed by House and Senate leadership	4 years
<b>DELAWARE</b> Higher Education Commission	Coordinating	Appointed	13 members appointed by the Governor - 5 representing the general public, 4 representing public institutions, 2 representing private institutions, 2 representing state departments	3 years

Summary Table:  
**STATE-LEVEL COORDINATING AND GOVERNING AGENCIES OF HIGHER EDUCATION**

STATE	AUTHORITY	SELECTION OF MEMBERS	SIZE/MEMBERSHIP	TERM*
<b>FLORIDA</b> Board of Governors	Governing	Appointed	17 members 14 appointed by the Governor, the Commissioner of Education, Chair of the Florida Student Association, and the President of the group of campus faculty senate presidents	7 years
<b>GEORGIA</b> Board of Regents	Governing	Appointed	18 members appointed by the Governor - 5 from the state-at-large, and one from each of the 13 congressional districts	7 years
<b>HAWAII</b> Board of Regents	Governing	Appointed	12 members appointed by the Governor with consent of the Senate	4 years
<b>IDAHO</b> State Board of Education/Board of Regents	Governing	Appointed	8 members 7 members appointed by the Governor and confirmed by the Senate, and the Superintendent of Public Instruction	5 years
<b>ILLINOIS</b> Board of Higher Education	Coordinating	Appointed	15 members appointed by the Governor with consent of the Senate	6 years
<b>INDIANA</b> Commission of Higher Education	Coordinating	Appointed	14 members 12 members appointed by the Governor, 1 student, and 1 faculty member	4 years
<b>IOWA</b> State Board of Regents	Governing	Appointed	9 members 8 members appointed by the Governor with consent of the Senate, and 1 student	6 years
<b>KANSAS</b> State Board of Regents	Governing	Appointed	9 members appointed by the Governor with consent of the Senate	4 years
<b>KENTUCKY</b> Council on Postsecondary Education	Coordinating	Appointed	16 members 15 members appointed by the Governor, including 1 faculty member and 1 student, and the state's commissioner of education	6 years
<b>LOUISIANA</b> Board of Regents	Coordinating	Appointed	16 members 15 members appointed by the Governor with consent of the Senate, and 1 student selected by student body presidents	6 years
<b>MAINE</b> Board of Trustees	Governing	Appointed	18 members 16 members appointed by the Governor, the commissioner of education, and 1 student	5 years
<b>MARYLAND</b> Higher Education Commission	Coordinating	Appointed	13 members 12 lay voting members and 1 student, all appointed by the Governor with advice and consent of the Senate	5 years

**Summary Table:  
STATE-LEVEL COORDINATING AND GOVERNING AGENCIES OF HIGHER EDUCATION**

STATE	AUTHORITY	SELECTION OF MEMBERS	SIZE/MEMBERSHIP	TERM
<b>MASSACHUSETTS</b> Board of Higher Education	Coordinating (with limited governing charges)	Appointed	12 members 11 voting members appointed by the Governor and the commissioner of education	5 years
<b>MICHIGAN</b> State Board of Education	Coordinating	Elected	8 members statewide election not restricted to districts	8 years
<b>MINNESOTA</b> Board of Regents (UofM)	Governing	Appointed	12 members appointed by the Legislature	6 years
<b>MINNESOTA</b> Board of Trustees (state colleges & universities)	Governing	Appointed	15 members appointed by the Governor	6 years
<b>MISSISSIPPI</b> Board of Trustees	Governing	Appointed	12 members appointed by the Governor with consent of the Senate	12 years
<b>MISSISSIPPI</b> State Board for Community Colleges & Junior Colleges	Coordinating	Appointed	10 members appointed by the Governor	6 years
<b>MISSOURI</b> Coordinating Board for Higher Education	Coordinating	Appointed	9 members appointed by the Governor with consent of the Senate	6 years
<b>MONTANA</b> Board of Regents	Governing	Appointed	10 members 7 members appointed by the Governor, the commissioner of higher education, state superintendent of public instruction, and the Governor	7 years
<b>NEBRASKA</b> Coordinating Commission for Postsecondary Education	Coordinating	Appointed	11 members appointed by the Governor	6 years
<b>NEVADA</b> Board of Regents	Governing	Elected	13 members elected from regential districts	6 years
<b>NEW HAMPSHIRE</b> Board of Trustees of the UoH System	Governing	Appointed	27 members 11 appointed by the Governor and executive council, 6 members elected by alumni, the Commissioner of Education, the Commissioner of Agriculture, the presidents from 7 campuses, and the Chancellor	4 years

**Summary Table:  
STATE-LEVEL COORDINATING AND GOVERNING AGENCIES OF HIGHER EDUCATION**

<b>STATE</b>	<b>AUTHORITY</b>	<b>SELECTION OF MEMBERS</b>	<b>SIZE/MEMBERSHIP</b>	<b>TERM</b>
<b>NEW HAMPSHIRE</b> Postsecondary Education Commission	Coordinating	Appointed	22 members 13 members appointed by the Governor, 3 state college presidents, Chancellor of the university system, 1 president from the Community Technical College System, 2 students appointed by the trustees of the university system, the Commissioner of Education, and the Commissioner of the Community College System	5 years
<b>NEW JERSEY</b> Commission on Higher Education	Coordinating	Appointed	13 members 8 public members, 2 students, and 1 faculty, all appointed by the Governor; the chair of the New Jersey President's Council, and the chair of the Higher Education Student Assistance Authority	6 years
<b>NEW MEXICO</b> Commission on Higher Education	Coordinating	Appointed	15 members 13 public members and 2 students, all appointed by the Governor	6 years
<b>NEW YORK</b> Board of Regents	Coordinating	Elected by Legislature	16 members one member from each of 12 judicial districts plus 4 elected at-large	5 years
<b>NORTH CAROLINA</b> Board of Governors	Coordinating	Elected by Legislature	32 members 16 members elected by the Legislature; special members include former governors, past board chairs and president of the UNC Association of Student Governments - these ex-officio members have no voting rights	4 years
<b>NORTH CAROLINA</b> State Board of Community Colleges	Governing	Appointed & Elected by the Legislature	20 members 10 members appointed by the Governor, 8 members elected by the Legislature, the Lieutenant Governor, and State Treasurer	6 years
<b>NORTH DAKOTA</b> State Board of Higher Education	Governing	Appointed	7 members appointed by the Governor with consent of the Senate	4 years
<b>OHIO</b> Board of Regents	Coordinating	Appointed	11 members 9 members appointed by the Governor with consent of the Senate, chair of the House Education Committee, chair of the Senate Education Committee	9 years
<b>OKLAHOMA</b> State Regents for Higher Education	Coordinating	Appointed	9 members appointed by the Governor with consent of the Senate	9 years
<b>OREGON</b> State Board of Higher Education	Coordinating	Appointed	11 members 8 public members, 1 faculty member, and 2 students - all appointed by the Governor and confirmed by the Senate	4 years

**Summary Table:  
STATE-LEVEL COORDINATING AND GOVERNING AGENCIES OF HIGHER EDUCATION**

<b>STATE</b>	<b>AUTHORITY</b>	<b>SELECTION OF MEMBERS</b>	<b>SIZE/MEMBERSHIP</b>	<b>TERM *</b>
<b>PENNSYLVANIA</b> State Board of Education	Coordinating	Appointed	22 members appointed by the Governor with the advice and consent of the Senate	6 years
<b>RHODE ISLAND</b> Board of Governors for Higher Education	Governing	Appointed	15 members 12 appointed by the Governor, the chair of the Board of Regents for Elementary and Secondary Education, chair of the House Finance Committee, and chair of the Senate Finance Committee	3 years
<b>SOUTH CAROLINA</b> Commission of Higher Education	Coordinating	Appointed	14 members appointed by the Governor -- 1 member to serve as chairman, one from each of the 6 congressional districts, 3 members from the state at-large, 3 ex-officio voting members, and 1 ex-officio non-voting member	4 years
<b>SOUTH DAKOTA</b> Board of Regents	Governing	Appointed	9 members appointed by the Governor with consent of the Senate	6 years
<b>TENNESSEE</b> Higher Education Commission	Coordinating	Appointed	15 members 9 members appointed by the Governor, the comptroller of the treasury, secretary of state, state treasurer, the executive director of the State Board of Education, and 2 students	6 years
<b>TEXAS</b> Higher Education Coordinating Board	Coordinating	Appointed	18 members appointed by the Governor with confirmation of the Senate	6 years
<b>UTAH</b> State Board of Regents	Governing	Appointed	18 members 15 members appointed by the Governor with Senate confirmation, 1 student, and 2 members of the State Board of Education	6 years
<b>VERMONT</b>	There is no statewide postsecondary coordinating or governing agency in Vermont.			
<b>VIRGINIA</b> State Council of Higher Education	Coordinating	Appointed	11 members appointed by the Governor and confirmed by the Legislature	4 years
<b>WASHINGTON</b> Higher Education Coordinating Board	Coordinating	Appointed	9 members appointed by the Governor with confirmation of the Senate	4 years
<b>WEST VIRGINIA</b> Higher Education Policy Commission	Coordinating	Appointed	9 members 7 members appointed by the Governor, the Secretary of Education, and the Superintendent of Schools	4 years

**Summary Table:  
STATE-LEVEL COORDINATING AND GOVERNING AGENCIES OF HIGHER EDUCATION**

<b>STATE</b>	<b>AUTHORITY</b>	<b>SELECTION OF MEMBERS</b>	<b>SIZE/MEMBERSHIP</b>	<b>TERM *</b>
<b>WISCONSIN</b> Board of Regents	Governing	Appointed	17 members 14 appointed by the Governor with confirmation of the Senate, 1 student, the Superintendent of the Department of Public Instruction, a representative from the Wisconsin Technical College System Board	7 years
<b>WYOMING</b> Education Planning and Coordinating Council	Coordinating	Ex Officio	18 members The Governor serves as council chairman, the superintendent of public instruction serves as vice-chairman. Other members include chair of the Senate Education Committee; chair of the House Education Committee, president of the University of Wyoming, executive director of the Wyoming Community College Commission, 2 citizens (appointed by the Governor); 1 member from the Legislature's minority party, president of the Wyoming Community College President's Council, chair of the Wyoming Community College Commission, 1 K-12 teacher, chair of the State Board of Education, president of the Wyoming School Board Association, president of the Wyoming Association of School Administrators, chair of the Wyoming Workforce Development Council, president of the University of Wyoming Board of Trustees, 1 University of Wyoming Instructor	--

\* Term noted is with respect to appointed or elected members only, the term for ex officio members typically varies from that of appointed or elected public members and in many instances depends on the position held. Students typically serve 1 to 2 year terms depending on the state.

SOURCE: State Comparisons - Education Commission of the States, Postsecondary Governance Structures Database, *State-Level Coordinating and/or Governing Agency* data file, dated July 14, 2004. (Web site: [www.ecs.org](http://www.ecs.org))

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600

LEGISLATIVE COMMISSION (775) 684-6800  
RANDOLPH J. TOWNSEND, *Senator, Chairman*  
Lorne J. Malkiewich, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821  
WILLIAM J. RAGGIO, *Senator, Chairman*  
Gary L. Ghiggeri, *Fiscal Analyst*  
Mark W. Stevens, *Fiscal Analyst*



LORNE J. MALKIEWICH, *Director*  
(775) 684-6800

PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
DONALD O. WILLIAMS, *Research Director* (775) 684-6825  
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

**MEMORANDUM**

**DATE:** March 7, 2005  
**TO:** Members of the Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments  
**FROM:** Michelle L. Van Geel, Senior Research Analyst *mlv*  
Research Division  
**SUBJECT:** Follow-Up Information from Daniel Klaich

At the March 1, 2005, meeting of the Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments, the Committee heard testimony concerning Assembly Joint Resolution No. 11 from the 72nd Legislative Session. This measure proposes to amend the *Nevada Constitution* to provide for the election of certain members and gubernatorial appointment of certain members of the Board of Regents, and to specify the number and terms of members.

During testimony on A.J.R. 11 by Daniel Klaich, Vice Chancellor for Legal Affairs at the University and Community College System of Nevada, Assemblywoman Koivisto asked a question concerning host accounts for members of the Board of Regents. After the meeting, Mr. Klaich provided me with the following information.

- The Chairman of the Board of Regents has a \$5,000 host account (not funded with state dollars).
- Members of the Board of Regents have a \$2,500 host account (not funded with state dollars).
- Members of the Board of Regents receive a computer and facsimile machine to facilitate the conduct of their official business, while they are in office.
- Travel costs for members of the Board of Regents are covered while they are on official business.

Assembly Elections, Procedures, Ethics & Constitutional Amendments

Date: 3/1/2005 Exhibit: F Page 1 of 2

Submitted by: Daniel Klaich

I hope this information is useful to the Committee. Please contact me at 775/684-6825 or [mvangeel@lcb.state.nv.us](mailto:mvangeel@lcb.state.nv.us) if I may be of further assistance.

MLV/cs:G52386

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, ETHICS, AND  
CONSTITUTIONAL AMENDMENTS**

**Seventy-Third Session  
March 15, 2005**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order at 3:53 p.m., on Tuesday, March 15, 2005. Co-Chairman Harry Mortenson presided in Room 3142 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Mrs. Ellen Koivisto, Co-Chairwoman  
Mr. Harry Mortenson, Co-Chairman  
Mr. Marcus Conklin, Co-Vice Chairman  
Mr. Mo Denis  
Mrs. Heidi S. Gansert  
Ms. Chris Giunchigliani  
Mr. Brooks Holcomb  
Ms. Kathy McClain  
Mr. Harvey J. Munford  
Mr. Bob Seale  
Mr. Scott Sibley

**COMMITTEE MEMBERS ABSENT:**

Mr. Bob McCleary, Co-Vice Chairman (excused)  
Mrs. Sharron Angle (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Genie Ohrenschall, Assembly District No. 12,  
Clark County (part)

**STAFF MEMBERS PRESENT:**

Michelle Van Geel, Committee Policy Analyst  
Sheila Sease, Personal Attaché to Assemblyman Mortenson

Celeste Gunther, Committee Attaché

**OTHERS PRESENT:**

Carole Vilaro, President, Nevada Taxpayers Association  
Patricia Cafferata, Former State Treasurer  
John Wagner, President, Burke Consortium of Carson City  
Kathy Augustine, Nevada State Controller  
Kim Huys, Acting Chief Deputy, Office of the Controller, State of Nevada  
Teresa Moiola, Assistant Controller, Office of the Controller, State of Nevada  
Lynn Chapman, Vice President, Nevada Eagle Forum  
O. Q. Chris Johnson, Chairman, Nevada Committee for Full Statehood  
Bob Loux, Executive Director, Agency for Nuclear Projects, Governor's Office, State of Nevada  
Dan Musgrove, Director, Intergovernmental Relations, Office of the County Manager, Clark County, Nevada  
Joe Kennedy, representative of the Western Shoshone National Council  
Frank Perna, Private Citizen, Clark County, Nevada  
Judy Treichel, Executive Director, Nevada Nuclear Waste Task Force  
James Muth, Private Citizen, Elko County  
Peggy Johnson, Executive Director, Citizen Alert  
Irene Mavis, Planning Manager, Department of Comprehensive Planning, Clark County, Nevada  
Kaitlin Backlund, Legislative Advocate, representing the Nevada Conservation League  
Thomas Jefferson, Private Citizen, Elko County, Nevada  
Janine Hansen, President, Nevada Eagle Forum  
Joe Johnson, Legislative Advocate, representing the Toiyabe Chapter of the Sierra Club  
Terry Hickman, President, Nevada State Education Association (NSEA)

**Co-Chairman Mortenson:**

[Called meeting to order. Roll called.] Let's open the hearing on A.J.R. 11 of the 72nd Session.

**Assembly Joint Resolution 11 of the 72nd Session: Proposes to amend Nevada *Constitution* to provide for election of certain members and gubernatorial appointment of certain members of Board of Regents, and to specify number and terms of members. (BDR C-18)**

**Michelle Van Geel, Committee Policy Analyst:**

[Submitted Exhibit B.] A.J.R. 11 from the 72nd Session was presented to the Committee on March 1, 2005, by Assemblywoman Chris Giunchigliani. Among other things, the measure would reduce the membership for the Board of Regents of the University and Community College System of Nevada (UCCSN) and provide that some members are elected while other members are appointed by the Governor.

The only official amendment proposed to the Committee is behind Tab A (Exhibit C). It was in the letter presented by Interim Chancellor James Rogers. The last three paragraphs of that document discuss the amendment. The proposed amendment indicates that the size of the Board is to be reduced to nine members, with three members to be elected in each of the Congressional Districts. The growth of the state will eventually change the composition of the Board and by 2020, the majority of the Board will once again be elected. He has concern with that and he doesn't believe it should be in the *Constitution*.

Secondly, he doesn't believe that a four-year term for the Regents, as proposed in the constitutional amendment, creates the institutional memory necessary for good governance. He believes the continuity of the Board would best be served by the six-year terms. He also believes there should be a process for screening prospective appointments to the Board of Regents, similar to that utilized by the Judicial Selection Commission. That would prevent the Board of Regents from falling into the domain of a political spoils system.

**Co-Chairman Mortenson:**

It's very important for the Committee to know that this is a returning [Assembly] Joint Resolution. If we were to amend it, it would have to start from the beginning. We are going through the second year and if it's passed this time, it goes to the voters. If we were to amend it, we would have to pass it twice again. Of course it's up to the author of the bill, but I presume you would like to just go ahead with the bill.

**Assemblywoman Giunchigliani:**

My preference is to not amend the bill. We spent all of last session working on this issue. This was actually an early introduction, and we modified it based on the public hearings. Looking at the Chancellor's letter, it is ironic, because prior to being Chancellor, he supported the creation of the appointed Board.

There is no projected number for the size of the Board, other than that we might pick up one more congressional seat within the next six years. The bill anticipated that, and, therefore, one more seat would go to an elected, rather

than an appointed member. The idea that it would be equal numbers of appointed and elected officials by 2020 is not reasonable considering the population shift that could potentially move a congressional seat. The bill did anticipate what will happen as our population grows. The final vote in the Assembly was 26 yes and 16 no. In the Senate, it was 11 yes and 10 no.

[Assemblywoman Giunchigliani, continued.] The four-year terms for Regents was overwhelmingly supported, because it was unusual for a Regent to have a six-year term. Only United States senators have a six-year term. It allows for institutional memory, but if someone was not working out, there was no opportunity for people to be voted out of office. The thought was that four years was more reasonable. I look forward to working with individuals regarding how the nomination process would occur and who would be making the nominations. So while I appreciate the Chancellor's concerns, I think they are nebulous at best and not well thought out.

**Co-Chairman Mortenson:**

Let's close the hearing on A.J.R. 11 of the 72nd Session.

ASSEMBLYMAN DENIS MOVED TO DO PASS ASSEMBLY JOINT RESOLUTION 11 OF THE 72nd SESSION.

CO-CHAIRWOMAN KOIVISTO SECONDED THE MOTION.

THE MOTION CARRIED. (Mrs. Angle, Ms. McClain, and Mr. McCleary were not present for the vote.)

**Co-Chairman Mortenson:**

We have been asked to request a BDR [Bill Draft Request] to honor the League of Women Voters in their 85th Anniversary.

CO-CHAIRWOMAN KOIVISTO MOVED TO REQUEST A COMMITTEE RESOLUTION HONORING THE LEAGUE OF WOMEN VOTERS.

ASSEMBLYMAN SEALE SECONDED THE MOTION.

THE MOTION PASSED. (Mrs. Angle, Ms. McClain, and Mr. McCleary were not present for the vote.)

**Co-Chairman Mortenson:**

We will open the hearing on A.J.R. 13 of the 72nd Session.

## DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or [library@lcb.state.nv.us](mailto:library@lcb.state.nv.us).



PREPARED BY  
RESEARCH DIVISION  
LEGISLATIVE COUNSEL BUREAU  
Nonpartisan Staff of the Nevada State Legislature

## WORK SESSION

### Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments

March 15, 2005

The following measures will be considered for action by the Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments during a work session on Tuesday, March 15, 2005:

#### **ASSEMBLY JOINT RESOLUTION NO. 11 FROM THE 72<sup>ND</sup> SESSION**

**Proposes to amend Nevada Constitution to provide for election of certain members and gubernatorial appointment of certain members of Board of Regents, and to specify number and terms of members. (BDR C-18)**

Sponsored by: Assembly Committee on Elections, Procedures, and Ethics (on behalf of Assemblywoman Giunchigliani)

#### Discussion

Assemblywoman Chris Giunchigliani presented Assembly Joint Resolution No. 11 from the 72<sup>nd</sup> Session to the Committee on March 1, 2005. Among other things, the measure would reduce the membership for the Board of Regents of the University and Community College System of Nevada and provide that some members are elected while other members are appointed by the Governor.

#### Proposed Conceptual Amendments

1. See Tab A for a list of amendments from James E. Rogers, Interim Chancellor of the Board of Regents (presented during testimony from Daniel Klaich, Vice Chancellor for Legal Affairs, University and Community College System of Nevada).

Assembly Elections, Procedures, Ethics & Constitutional Amendments  
Date: 3/15 Exhibit: B Page 1 of 1  
Submitted by: Michelle Van Arman 120

**Comments of Interim Chancellor James E. Rogers  
Concerning an Elected vs. Appointed Board of Regents  
(Delivered as part of the State of the System Address – December 2004)**

The Board of Regents has been a controversial public body. Forty-eight of fifty states have appointed Regents. The solution to all of Nevada's regental problems is to appoint regents. Right? Not in my opinion.

I do not know what caused other states to create appointed boards, but appointed boards have their problems also. I can tell you this; I like a Board that answers to the public at large and not to a governor. A board being appointed by a governor, like Kenny Guinn, who knows and understands education is one thing; a board appointed by and responding to a governor who does not understand education is problematic. I trust the public more than I trust governors. I see no shortcomings in the present board that all human beings do not have. I find nothing wrong with our board that cannot easily be cured. My major criticism of this Board is that it has not adopted proper managerial concepts. I believe the Board should set policy and delegate management of the System to the chancellor. But with this solution, almost all the problems you have seen over the last two years will disappear.

During my short tenure as your interim chancellor, the Board has been cooperative, flexible and open minded in delegating managerial power and authority to the chancellor's office. If the Legislature changes this Board from an elected Board to an appointed Board, the Legislature will commit the ultimate sin in a democracy. It will usurp the power of the electorate to control its higher education destiny. It will also render the present board impotent during the six-year period it takes to make the change. I also firmly believe it is no more likely that an appointed Board in the State of Nevada will be more effective than the present Board is. In fact, I predict it will be less effective.

This Board is intelligent and has the ability to correct its managerial problems. I ask those who want to change this Board to rethink their position.

If Beverly and I did not feel comfortable with the sound policy making ability of this Board, we would not have committed over 60 million dollars of our moneys to the System in the upcoming years.

If, however, the Legislature feels compelled to move toward an appointed Board, then I have the following suggestions. I have read the proposed constitutional

amendment which passed in the last session, and I believe that proposed amendment to be shortsighted and worthy of being defeated in the next session of the Legislature.

If the Legislature wishes to propose a constitutional amendment to appoint Regents, the Legislature should pass an amendment which is more thoughtfully drafted. The problems with the proposed amendment, as I see them, are these:

First, if the size of the Board is to be reduced to nine, and that number incorporated into the constitution, with three to be elected in each of the congressional districts as the proposed amendment requires, the growth of this state will eventually change the composition of the Board, and by 2020 the majority of the Board will once again be elected. I do not believe that a constitutional policy change should be so shortsighted that it has built in obsolescence.

Second, I do not believe that four-year terms for Regents in the proposed constitutional amendment create the institutional memory necessary for good governance. I believe that continuity on the Board would be best served with six-year terms.

Lastly, there should be a process for screening prospective appointments to the Board of Regents similar to that utilized by the judicial selection commission. This would prevent the Board of Regents from falling into the domain of a political spoils system.

**MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-third Session  
May 16, 2005**

The Senate Committee on Government Affairs was called to order by Chair Warren B. Hardy II, at 2:08 p.m. on Monday, May 16, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Warren B. Hardy II, Chair  
Senator Sandra J. Tiffany, Vice Chair  
Senator William J. Raggio  
Senator Randolph J. Townsend  
Senator Dina Titus  
Senator Terry Care  
Senator John Lee

**GUEST LEGISLATORS PRESENT:**

Assemblyman Kelvin D. Atkinson, Assembly District No. 17  
Assemblyman Mo Denis, Assembly District No. 28  
Assemblywoman Chris Giunchigliani, Assembly District No. 9  
Assemblyman Tom Grady, Assembly District No. 38  
Assemblywoman Marilyn Kirkpatrick, Assembly District No. 1  
Assemblyman Bob McCleary, Assembly District No. 11  
Assemblyman Scott Sibley, Assembly District No. 22

**STAFF MEMBERS PRESENT:**

Kim Marsh Guinasso, Committee Counsel  
Michael Stewart, Committee Policy Analyst  
Olivia Lodato, Committee Secretary

**ASSEMBLY JOINT RESOLUTION 11 of the 72nd Session:** Proposes to amend Nevada Constitution to provide for election of certain members and gubernatorial appointment of certain members of Board of Regents, and to specify number and terms of members. (BDR C-18)

Assemblywoman Chris Giunchigliani, Assembly District No. 9, said she was here to speak in favor of A.J.R. 11 of the 72nd Session. She said the last Legislative Session, both Houses passed the bill because of their concern that the University and Community College Systems of Nevada (UCCSN) Board of Regents required a serious reconfiguration. She said the reconfiguration was needed as cooperative effort between the Legislature and the voters in 2006. She said for the voters to have the opportunity, the Legislature had to act affirmatively to provide them with the opportunity to vote. She said the public needed a voice in how the Board of Regents was composed. Currently, she said, the Board of Regents has 13 members. Some members of the Board of Regents stated 13 members were necessary to accomplish all the duties required of them. Assemblywoman Giunchigliani said an elected 7-member State Board of Education oversaw the education of 500,000 or more students. She said the Clark County School District served three times as many students as the UCCSN Board of Regents. She said the Regents said they could not perform their duties with the suggested nine-member Board. She said she did not think the issue of the size of the Board was a worthwhile debate at this time. Assemblywoman Giunchigliani said A.J.R. 11 of the 72nd Session was an opportunity to do something about a board which needed restructuring and reconfiguring. She said the legislation provided for a board of nine members: six members appointed and three members elected.

Assemblywomen Giunchigliani said if the bill passed, she was prepared to have a trailer bill come forward for the Legislature to consider how the nominations of the elected officials occurred. She mentioned other states had nominating and screening processes which allowed university faculty, university students, licensed personnel, parents, individuals representing ethnic and racial minorities, and the general public to have input in the screening for the purpose of the nominations. She said some states utilized the governor's recommendations with the advice and consent of the senate. She said there were many ways to deal with the actual nomination process. She referred to an exhibit she had prepared for the Committee with the different states and how they handled their appointments and elections (Exhibit D). She said Nevada was the only state where the Board of Regents was all elected members.

Senator Raggio said he supported the measure. He said he was not aware of a trailer bill with requirements for the appointment of board members. He said an amendment to the Nevada Constitution allowed the Governor to make the appointments. He said the only restriction he was aware of was that no more than two-thirds of the appointments could be members of the same political party.

Assemblywoman Giunchigliani said a trailer bill was not required. She said she had been asked by individuals to suggest a trailer bill. She said some states did a nominating and screening process for the governor. She said if the Senate wanted to entertain that idea, she was prepared to do so.

Senator Raggio said he supported the bill, but not as a way to punish anyone. He said it was a reflection on the fact that in almost every other state, members of the governing body of the university system were appointed by the governor.

Assemblywoman Giunchigliani said Senator Raggio was correct; there was no need for a trailer bill unless the Senate wanted to entertain such a bill. She said the State of Minnesota did the appointments to the University of Minnesota Board of Regents through the legislature, and members of the Minnesota State Colleges and Universities Board of Trustees were appointed by the governor.

Senator Titus said she agreed a smaller board was necessary. She said the board was too large to be effective. She added the six-year term of office was too long. Senator Titus noted her concern was that the board would become a hybrid: one-half elected and one-half appointed. She said different people served different constituencies. She asked if that created more rather than less chaos.

Assemblywoman Giunchigliani said the danger occurred whether the board membership was all appointed or elected. She said she did not think the constituency changed. She said many people did not know what a board of regent's job entailed. She said the bill was a compromise for people who thought an electoral process was important where the voters had some say. She said there had not been debate about who the board served because it was about higher education and not about a district.

Ronald K. Remington said he had been in higher education since 1966 and had served in three states. He said he had worked in Nevada since 1973. He said he had served as an administrator for all four community colleges in Nevada and

had held faculty positions at both universities. He said he was currently a professor in residence in the Higher Education Leadership Program at the College of Education at the University of Nevada, Las Vegas. Dr. Remington said he was concerned about Nevada's system of higher education and its governance. He said he had attended over 100 UCCSN Board of Regents meetings. He said the number of board members had grown from 9 to 11 to 13 people. Dr. Remington said the only four states that elected board members were Michigan, Colorado, Nebraska and Nevada. He said only Nevada had a board that governed community colleges, a state college, a research institute, and two universities. He said an article he read last fall said the key reason governors appointed board members rather than have elected members had to do with voters not understanding what a regent was. He said the appointment process was flawed; however, a governor was more apt to choose individuals who brought the expertise necessary to manage the complexities of public universities. He said appointed boards, if a governor was careful in his appointments, tended to be more effective.

Dr. Remington said the Nevada Board of Regents had made national news when they held a controversial 17-hour secret session. He said the actions the Board took were contested by Nevada's Attorney General and found in violation of the Open Meeting Law. He said a district judge nullified and voided the Regents' actions. He asked the Committee if it was ever appropriate for elected officials to deny due process, break state law and violate the public trust.

Senator Care said many of the issues mentioned by Dr. Remington had not occurred last Session when the bill was first heard. He said there was no guarantee if the bill was passed, it would eliminate bullying or people violating the Open Meeting Law. He asked Dr. Remington why he thought it was important to get rid of elected officials and have six appointed and three elected board members.

Dr. Remington replied regents needed accountability to someone. He said if they were appointed, they would be accountable to the Governor. He said with the current six-year term and an ill-informed public with regard to electing regents, they were not accountable to anyone.

Daniel J. Klaich, Vice Chancellor of Legal Affairs, University and Community College System of Nevada, said he was testifying against what he believed was a bad piece of legislation. He said a constitutional amendment put a heavy

burden on the proponent of the legislation to show it was needed. He said an appointed board of regents was not considered by the founders of Nevada when they drafted the Constitution. Mr. Klaich said an elected board of regents had served the State well since 1888, when regents were first elected. He said the system of higher education in the State had thrived. Mr. Klaich stated the Legislature was asked to pass a constitutional amendment dealing with education. He said education in Nevada was governed by elected representatives. He said those governing education were answerable to the people.

Mr. Klaich said the Committee was responsible to the electors in their districts, and he doubted if those elected questioned whether they were answerable to them. Mr. Klaich said the elected system was working to achieve a diverse group of Nevadans representing higher education on the Board of Regents. He said an appointed board probably would not do a better job. He said this bill was seen as a way to punish bad acts by the current board. He said the way to punish bad actors elected to public office was to impeach them or vote them out of office. Mr. Klaich said the size of the body of the Board of Regents was determined by the Legislature. He asked the Committee to seriously consider not approving the bill. He said the Board of Regents was functioning well and working with the Attorney General.

Senator Raggio said he respected everyone's positions concerning A.J.R. 11. He said his support for an appointed board of regents was long-standing. He said he was going against his own principles if he did not continue that support. He said the fact that almost every other state in the country used appointed boards of regents, made him wonder how bad it was for Nevada.

Mr. Klaich said he could not say one model of selecting a board of regents was perfect and the other model was absolutely flawed. He said he respected principled votes on this issue. He said reasonable people came to different conclusions. Mr. Klaich said, in his opinion, the current Board of Regents worked well and did not need change.

Senator Raggio asked Mr. Klaich why he believed a fully elected Board provided more assurance of diversity. Senator Raggio said from his perspective, a board appointed by the Governor had the capability of having more accurate diversity. He said the University System in this State was not the same as the population situation in the State. He said he preferred the bill have a fully appointed Board.

He said one of the reasons that compelled him to support the bill was the constant changing of the number of board members.

Mr. Klaich responded saying in a perfect world, he would agree with Senator Raggio. He said the members of the Committee had all seen and known superb Governors capable of appointing a good mix on the Board of Regents. He said he could raise specters of cronyism and patronage as a result of another type of board if a different sort of Governor was elected.

Lucille Lusk, Nevada Concerned Citizens, said her organization was opposed to A.J.R. 11. She said they disagreed with the concept a political appointment produced a better quality of representatives than an election. Ms. Lusk said it produced officers who were dependent upon a powerful political figure, rather than answering to the people they served. She said the power given in the bill to appoint two-thirds of the members from the same political party gave that political figure the ability to control the philosophy of the University System. She said Nevada Concerned Citizens opposed political appointments to the Board of Regents. Ms. Lusk stated every elected member learned about things outside his or her experiences. She said she did not think having the Governor appoint it would lead to more competent members on the Board.

Lynn P. Chapman, Nevada Eagle Forum, said appointed members did not have the same accountability to the people as elected members of a board. She said there would be less representation on the Board of Regents with three elected members and six appointed members. She said there was no guarantee an appointed board was any better than an elected board.

James T. Richardson, Nevada Faculty Alliance, said his organization was divided on this bill and took no formal position. He said the organization was in agreement with the proposal for a trailer bill which explained how the process of appointing members would be accomplished. He said he favored doing something similar to the way judges were appointed on the recommendations of the legal community. He recommended the higher education community, including faculty, be involved in the appointments. He added his organization hoped for some minimal criteria for the appointed members of the Board.

Chair Hardy asked if there was any further discussion on A.J.R. 11. As there was none, he closed the hearing on the bill and opened the hearing on A.B. 165.

## **DISCLAIMER**

**Electronic versions of the exhibits in these minutes may not be complete.**

**This information is supplied as an informational service only and should not be relied upon as an official record.**

**Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.**

**Contact the Library at (775) 684-6827 or [library@lcb.state.nv.us](mailto:library@lcb.state.nv.us).**

## Postsecondary Education Governance or Coordination Structures

State	Name	Authority	Source of Authority	Selection	Members
Alabama	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public, No More Than Two from a Congressional District
Alaska	Board of Regents	Governing	Constitution	Appointed by Governor	Public, Student
Arizona					
University	Board of Regents	Governing	Constitution	Appointed by Governor	Public, Student
Community College	State Board of Directors for Community Colleges	Coordinating	Statute	Appointed by Governor	Public, Ex Officio Office-holders
Arkansas	Higher Education Coordinating Board	Coordinating	Statute	Appointed by Governor	Public
California	Postsecondary Education Commission	Coordinating	Statute	Appointed by Governor, by Senate Rules Committee, by Speaker of Assembly, Ex Officio by Statute	Public, Ex Officio Representing Various Higher Education Governing Boards
Colorado	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public
Connecticut	Board of Governors for Higher Education	Coordinating	Statute	Appointed by Governor, by Legislative Leadership	Public
Delaware	Higher Education Commission	Coordinating	Executive Order, Then Statute	Appointed by Governor	Public, Public and Private Institutions, State Departments
Florida	Board of Governors	Governing	Constitution	Appointed by Governor	Public, Student, Faculty, Commissioner of Education
Georgia	Board of Regents	Governing	Constitution	Appointed by Governor	Public At-large, Each Congressional District
Hawaii	Board of Regents	Governing	Constitution	Appointed by Governor	Public
Idaho	State Board of Education/Board of Regents	Governing	Constitution	Appointed by Governor, Ex Officio by Statute	Public, State Superintendent of Public Instruction
Illinois	Board of Higher Education	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Representing Various Offices, Student

State	Name	Authority	Source of Authority	Selection	Members
Indiana	Commission of Higher Education	Coordinating	Statute	Appointed by Governor	Public, Student, Faculty
Iowa	State Board of Regents	Governing	Statute	Appointed by Governor	Public, Student
Kansas	State Board of Regents	Governing	Constitution	Appointed by Governor	Public
Kentucky	Council on Post-secondary Education	Coordinating	Statute	Appointed by Governor	Public, Faculty, Student, Commissioner of Education
Louisiana	Board of Regents	Coordinating	Constitution	Appointed by Governor	Public, Student
Maine	Board of Trustees of the University of Maine System	Governing	Statute	Appointed by Governor	Public
Maryland	Higher Education Commission	Coordinating	Statute	Appointed by Governor	Public, Student
Massachusetts	Board of Higher Education	Coordinating Plus Some Governing	Statute	Appointed by Governor, Ex Officio by Statute	Public, Student, Commissioner of Education
Michigan	State Board of Education	Coordinating (very limited)	Constitution	Elected	(According to Elections Laws of State)
Minnesota					
University	Board of Regents	Governing	Constitution	Appointed by Legislature	Public
State Colleges and Universities	Board of Trustees	Governing	Statute	Appointed by Governor	Public
Mississippi	Board of Trustees	Governing	Constitution	Appointed by Governor	Public
Missouri	Coordinating Board for Higher Education	Coordinating	Constitution	Appointed by Governor	Public
Montana	Board of Regents	Governing	Constitution	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Officeholders
Nebraska	Coordinating Commission for Post-secondary Education	Coordinating	Constitution	Appointed by Governor	Public At-Large, State Districts
Nevada	Board of Regents	Governing	Constitution	Elected	Public, State Districts
New Hampshire	Postsecondary Education Commission	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Public Institution Presidents, Students, Ex Officio Officeholders
New Jersey	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public, Student, Faculty, Ex Officio Officeholders

State	Name	Authority	Source of Authority	Selection	Members
New Mexico	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public, Student
New York	Board of Regents	Coordinating With Some Governing Through Policy	Constitution	Elected by Legislature	At-Large, Each Judicial District
North Carolina	Board of Governors	Coordinating With Some Governing Through Policy	Statute	Elected by Legislature	Public, Special Members as Ex Officio Former Office-holders
North Dakota	State Board of Higher Education	Governing	Constitution	Appointed by Governor	Public
Ohio	Board of Regents	Coordinating	Statute	Appointed by Governor	Public
Oklahoma	State Regents of Higher Education	Coordinating	Statute	Appointed by Governor	Public
Oregon					
University	State Board of Higher Education	Governing	Statute	Appointed by Governor	Public, Student, Faculty
Community College	State Board of Education	Governing	Statute	Appointed by Governor	Public
Pennsylvania	State Board of Education	Coordinating	Statute	Appointed by Governor	Public
Rhode Island	Board of Governors for Higher Education	Governing	Statute	Appointed by Governor, by Statute	Public, Ex Officio Chair of Elementary and Secondary Education, Chairs of Senate and House Finance Committees
South Carolina	Commission of Higher Education	Coordinating	Statute	Appointed by Governor	Public from Congressional Districts, Ex Officio Representatives of Public and Private Higher Education
South Dakota	Board of Regents	Governing	Constitution	Appointed by Governor	Public, Student
Tennessee	Higher Education Commission	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Office-holders, Student
Texas	Higher Education Coordinating Board	Coordinating	Statute	Appointed by Governor	Public

State	Name	Authority	Source of Authority	Selection	Members
Utah	State Board of Regents	Governing	Statute	Appointed by Governor, Ex Officio by Statute	Public, Student, Ex Officio State Board of Education
Vermont	NO STATEWIDE AGENCY				
Virginia	State Council of Higher Education	Coordinating	Statute	Appointed by Governor	Public
Washington	Higher Education Coordinating Board	Coordinating	Statute	Appointed by Governor	Public
West Virginia	Higher Education Policy Commission	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Secretary of Education, State Superinten- dent of Schools
Wisconsin	Board of Regents	Governing	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Superinten- dent of Public Instruction, Representative of Technical College System Board, Student
Wyoming	Education Planning and Coordinating Council	Coordinating	Statute	Ex Officio by Statute	Various Officeholders

Source: State Comparisons – Postsecondary Governance Structures, Education Commission of the States, [http://www.ecs.org/dbsearches/scripts/SRCH\\_DB\\_Display.asp](http://www.ecs.org/dbsearches/scripts/SRCH_DB_Display.asp), accessed November 25, 2002; *Voters Approve Florida Governance Shift, Major Bond Measures in California and Virginia*, November 15, 2002, *The Chronicle of Higher Education*, [http://chronicle.com/cgi2-bin/printable\\_verity.cgi](http://chronicle.com/cgi2-bin/printable_verity.cgi), accessed November 25, 2002.

W30184-1

# Fewer regents could lead to fewer problems



**Jeff German**

AS PREDICTED in this space last Sunday, university regents have returned to their bickering just days after issuing a collective apology that was supposed to put an end to the dissension ripping them apart.

It was an easy prediction to make given the nature of the personalities making up the Board of Regents. No psychic hotline had to be called for consultation.

Regent Linda Howard, accused of snooping on students, last week opted to sling more mud at her colleagues instead of apologizing for her own indiscretions.

Her latest barbs, some of which were cruelly aimed at the late Regent Tom Wiesner, who wasn't around to defend himself, sent the board into another tizzy and provided additional evidence that drastic measures are needed to cleanse the board.

Once more the regents lost precious time to focus on higher education.

The renewed infighting has given Assemblywoman Chris Giunchigliani, D-Las Vegas, an idea for a quick fix that might put an end to this public embarrassment.

It sounds like a good idea.

Giunchigliani says she plans to have a bill drafted for the 2003 Legislature that would pare down the Board of Regents to seven members.

This comes as the 11-member board ironically is set to expand to 13 members next month.

Giunchigliani, who chairs the Assembly's Elections, Ethics and Procedures Committee, also expects to introduce a bill calling for the eventual appointment of regents.

Though there is growing support for that measure, it will take about five years to become reality. It requires a constitutional amendment and has to pass two sessions of the Legislature and then be approved by the voters in a general election.

The bill to reduce the board to seven members doesn't require a constitutional amendment and can be enacted after it passes one session. It would force all 13 regents to give up their seats and allow them, and anyone else, to run for the seven open seats in 2004.

"This is a good university system," says Giunchigliani, who handles community relations for the Community College of Southern Nevada. "But you need the policymakers to be able to work together."

The biggest upside to the bill is that it will take immediate steps to get the regents back on track during the lengthy process of amending the constitution.

"Waiting five years is an awful long time," Giunchigliani says. "If we can at least deal with the size of the board, that would give us an opportunity to see if it's going to work."

Let's face it. If the board is scaled back, each regent will have more work to do and probably less time to bicker with each other. Who knows? We might even discover that the system of electing board members can be effective.

One regent, Steve Sisolak, likes the idea of slashing the number of board members.

"I think a smaller board would be much more effective," says Sisolak, who's up for re-election in 2004. "It would be easier to handle, and we'd accomplish much more."

At least there would be fewer regents kicking each other around.

In the meantime, as Christmas approaches, the regents should listen to the words of Kurt Wiesner, the son of the respected Tom Wiesner, who must be rolling over in his grave watching the sideshow at the board.

The younger Wiesner distributed a moving letter last week defending his father, who was a steady force on the board, against the undeserved attacks.

And he talked about how "disappointed" his father would be with the conduct of his colleagues.

Then Wiesner concluded:

"I simply hope, as would my father, that the regents can go home and enjoy their holiday season and come back to work with a refreshed focus on what is really important — being positive, forgiving and striving to achieve some real goals (like) furthering higher education."

Jeff German's column appears Sundays, Tuesdays, Wednesdays and Fridays in the Sun. Reach him at 259-4067 or german@lasvegassun.com. 134

5

**MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-third Session  
May 20, 2005**

The Senate Committee on Government Affairs was called to order by Chair Warren B. Hardy II at 11:18 a.m. on Friday, May 20, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Warren B. Hardy II, Chair  
Senator Sandra J. Tiffany, Vice Chair  
Senator William J. Raggio  
Senator Randolph J. Townsend  
Senator Dina Titus  
Senator Terry Care  
Senator John Lee

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Chris Giunchigliani, Assembly District No. 9  
Assemblyman Tom Grady, Assembly District No. 38  
Assemblyman Scott Sibley, Assembly District No. 22

**STAFF MEMBERS PRESENT:**

Kim Marsh Guinasso, Committee Counsel  
Michael Stewart, Committee Policy Analyst  
Carol Simnad, Committee Secretary

**OTHERS PRESENT:**

Stephanie Garcia-Vause, City of Henderson  
Irene E. Porter, Southern Nevada Home Builders Association  
David S. Noble, Assistant Staff Counsel, Public Utilities Commission of Nevada  
Craig C. Steele, Safety Manager, Public Utilities Commission of Nevada  
Cindy Edwards, Administrator, Buildings and Grounds Division, Department of Administration

Senate Committee on Government Affairs  
May 20, 2005  
Page 5

SENATOR TIFFANY VOTED TO AMEND AND DO PASS AS AMENDED  
A.B. 425.

SENATOR CARE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR HARDY:  
Committee, what is your vote on Assembly Joint Resolution (A.J.R.) 11 of the 72nd Session?

**ASSEMBLY JOINT RESOLUTION 11 of the 72nd Session:** Proposes to amend Nevada Constitution to provide for election of certain members and gubernatorial appointment of certain members of Board of Regents, and to specify numbers and terms of members. (BDR C-18)

SENATOR RAGGIO MOVED TO DO PASS A.J.R. 11 OF THE 72ND SESSION.

SENATOR TIFFANY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE.)

\* \* \* \* \*

CHAIR HARDY:  
We will hear testimony on A.B. 440.

**ASSEMBLY BILL 440:** Revises boundary line between Washoe County and Lyon County. (BDR 20-1019)

CHAIR HARDY:  
We had requested Washoe County's opinion on A.B. 440, and we have heard from them that they are in support of this legislation.

# FLOOR ACTIONS

## AMENDMENTS ON SECOND READING FLOOR VOTES AND STATEMENTS OTHER ACTIONS

**NOTE:** THESE FLOOR ACTIONS ARE TAKEN FROM THE *DAILY JOURNALS* ([HTTP://WWW.LEG.STATE.NV.US/SESSION/73RD2005/JOURNAL/](http://www.leg.state.nv.us/session/73rd2005/journal/)), WHICH ARE NOT THE OFFICIAL FINALIZED VERSIONS OF THE *JOURNALS*. CONSULT THE PRINT VERSION FOR THE OFFICIAL RECORD.

# NEVADA LEGISLATURE

Seventy-Third Session, 2005

---

## ASSEMBLY DAILY JOURNAL

---

### THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 23, 2005

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Terry Arnold.

The prophet Micah said, “. . . what does the Lord require of you but to do justice, to love kindness, and to walk humbly with your God?” (Micah 6:8). Our Heavenly Father, please enable our representatives to enact just laws, please guide us all to be kind to one another, and please allow us to walk beside You this day. In the Name of my Savior, I pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Judiciary.

DAVID PARKS, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 22, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 23; Senate Bills Nos. 82, 174.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 11 of the 72nd Session.

Resolution read.

Remarks by Assemblymen Giunchigliani and McCleary.

Roll call on Assembly Joint Resolution No. 11 of the 72nd Session:

YEAS—29.

NAYS—Angle, Carpenter, Christensen, Gansert, Grady, Hardy, Hettrick, Holcomb, Mabey, Marvel, McCleary, Sherer, Weber—13.

Assembly Joint Resolution No. 11 of the 72nd Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:34 p.m.

ASSEMBLY IN SESSION

At 11:35 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Joint Resolution No. 13 of the 72nd Session.

Resolution read.

Remarks by Assemblymen Mortenson, Arberry, McCleary, Buckley, and Christensen.

Roll call on Assembly Joint Resolution No. 13:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 13 of the 72nd Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 34.

The following Senate amendment was read:

Amendment No. 34.

Amend section 1, page 2, line 21, by deleting “\$30,000;” and inserting “[~~\$30,000;~~ \$35,000;”.

Amend section 1, page 2, line 24, by deleting “\$30,000.” and inserting “[~~\$30,000.~~ \$35,000.”.

Amend the title of the bill to read as follows:

“AN ACT relating to residential contractors; revising provisions governing the Recovery Fund administered by the State Contractors’ Board; increasing the maximum amounts that the Board may pay from the Recovery Fund for individual claims and for multiple claims made against a single contractor;

**THE ONE HUNDRED AND NINTH DAY**

---

CARSON CITY (Thursday), May 26, 2005

Senate called to order at 12:42 p.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Dixie Jennings-Teats.

Guide our feet, Lord, while we run this race.

Give us the inner resources not only to persevere in difficulties but also to make each step we take one that is worthy of Your blessing upon us.

Remind us of all of those You bless, everyone and thing in Your creation.

Remind us of our common vision, a whole future, Shalom for all Your people.

AMEN.

Pledge of allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

*Madam President:*

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 19, 364, 384, 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDOLPH J. TOWNSEND, *Chair*

*Madam President:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 210, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WARREN B. HARDY, *Chair*

*Madam President:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 365, 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK E. AMODEI, *Chair*

*Madam President:*

Your Committee on Transportation and Homeland Security, to which was referred Assembly Bill No. 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Finance.

DENNIS NOLAN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 25, 2005

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 71, 78, 112, 133, 201, 225, 229, 255, 295, 315, 318, 354.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 3, 103, 154, 338, 385, 403, 498, 525.

Senator Titus moved the adoption of the amendment.

Remarks by Senator Titus.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Joint Resolution No. 6.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 6:

YEAS—11.

NAYS—Amodei, Beers, Cegavske, Hardy, Heck, McGinness, Raggio, Tiffany, Townsend, Washington—10.

Assembly Joint Resolution No. 6 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 11 of the 72nd Session.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 11 of the 72nd Session:

YEAS—12.

NAYS—Care, Carlton, Horsford, Lee, Mathews, McGinness, Rhoads, Titus, Wiener—9.

Assembly Joint Resolution No. 11 of the 72nd Session having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 219.

Bill read third time.

The following amendment was proposed by Senator Amodei:

Amendment No. 1009.

Amend sec. 5, page 2, line 32, after "*Chairman.*" by inserting: "*At least one meeting in each calendar year must be held at a location within the Fourth Judicial District, Fifth Judicial District, Sixth Judicial District or Seventh Judicial District.*".

Amend sec. 6, page 3, line 3, after "2." by inserting: "*The Council shall:*

(a) *Study and review all appropriate issues related to the administration of the criminal justice system in rural Nevada with respect to offenses involving domestic violence, including, without limitation, the availability of counseling services; and*

(b) *With the assistance of the Court Administrator, based upon the study and review conducted pursuant to paragraph (a), prepare and submit a report of its findings and recommendations to the Director of the Legislative Counsel Bureau, on or before February 1 of each odd-numbered year, for transmittal to the next regular session of the Legislature. In preparing the report, the Council shall solicit comments and recommendations from district judges, municipal judges and justices of the peace in rural Nevada and include in its report, as a separate section, all comments and recommendations that are received by the Council.*

# BILLS AND AMENDMENTS

SEE LINKS ON BILL HISTORY PAGE  
FOR COMPLETE TEXT

**State of Nevada**

**Statewide  
Ballot Questions**

**2006**



**To Appear on the November 7, 2006  
General Election Ballot**

**Issued by  
Dean Heller  
Secretary of State**

# QUESTION NO. 9

Amendment to the Nevada Constitution

Assembly Joint Resolution No. 11 of the 72nd Session

## CONDENSATION (Ballot Question)

Shall the *Nevada Constitution* be amended to provide for the election of certain members of the Board of Regents of the University of Nevada and for the gubernatorial appointment of certain members, and to specify the number and terms of the members?

Yes.....	<input type="checkbox"/>	269,807
No.....	<input checked="" type="checkbox"/>	277,714

## EXPLANATION

The *Nevada Constitution* authorizes the Board of Regents to control and manage the affairs and funds of the Nevada System of Higher Education, which consists of the state universities, state college, community colleges, research facilities, and public service departments. The *Constitution* currently requires the Legislature to provide for the election of the Regents. In 2001, the Legislature set the number of Regents at 13 members, determined the geographic boundaries of the districts, and fixed the terms of office at six years.

The proposed amendment to the *Constitution* would set the number of Regents at nine. One member would be elected from each of Nevada's congressional districts and the Governor would appoint the remaining members. Not more than two-thirds of the appointed members of the Board may be of the same political party. The length of term of office would be four years. Initially, the Legislature and the Governor would stagger the terms so that an equal number, as nearly as possible, would expire every two years. If a vacancy occurs during the term of an appointed member, the Governor would appoint a similarly qualified person to fill the remainder of the unexpired term. Nevada currently is apportioned three seats in the United States House of Representatives. If at any time Nevada is apportioned more than nine congressional seats, the Legislature would establish the districts from which the nine members would be elected.

**A "Yes" vote would amend the *Nevada Constitution* to set the membership of the Board of Regents at nine members, to fix the term of office at four years, and to provide for the election of one member from each congressional district with the appointment of the remaining members by the Governor according to staggered terms.**

**A "No" vote would retain existing provisions regarding the election of members of the Board of Regents under the *Nevada Constitution*.**

## **ARGUMENTS FOR PASSAGE**

Nevada is the only state to elect a single board to govern all public institutions of higher education. Most governing boards of public higher education institutions are appointed by the governor of the state. The proposed amendment continues a link to Nevada's past by maintaining the citizens' right to vote for representatives on the Board, while it moves Nevada into a more common governance structure by authorizing the Governor to appoint some members of the Board.

The Governor can appoint members with the necessary education, credentials, and experience to administer this complex system of higher education. Appointed Regents would be accountable to the Governor, who is responsible to the electorate for the quality of his appointments. This proposal would result in more state-level coordination of policy goals for higher education and economic development among the Executive and Legislative Branches and the Board of Regents.

At 13, the current number of Regents is too large, making the Board unworkable. The Board needs a serious reconfiguration. For many years, the number of Regents was fixed at nine members. In 1991, membership was increased to 11, where it remained until the increase to 13 in 2001. Reducing the number of Regents will decrease operational costs. A smaller board would more effectively resolve issues among Board members through improved communication. Reducing the term of elected members from six years to four years will make them more accountable and responsive to the voters.

## **ARGUMENTS AGAINST PASSAGE**

The proposed amendment takes from the people their right to vote on some of the members of the Board of Regents. Inevitably, friction between the elected and appointed members would occur as the elected officials act to represent their constituents. Elected boards are accessible to the people. Appointed individuals would be far less responsive to average citizens. An elective process requires individuals to undergo public scrutiny. The Governor might appoint only those who share his views.

The proposed four-year term is too short. Experienced Regents retain the institutional memory. Most boards around the country have terms of six or more years. To govern complex higher education institutions effectively, a board needs committees to study issues and to recommend policies to the full board. The existing number of Regents is necessary to make the committee structure work and to provide a range of opinions. Asking fewer people to commit even more time would result in less effective governance.

Neither an elected nor an appointed process guarantees a highly qualified board. Amending the *Constitution* to appoint Regents is not necessary. The voters may vote a Regent out of office at the end of a term, an option that would not apply to appointed Regents. In addition, the *Constitution* provides processes for impeachment or recall of elected officials.

As the number of congressional districts continues to increase, along with Nevada's growing population, the Regents would once again become an elected board. In the meantime, the

districts from which individuals would be elected could be large, making campaigns more difficult and expensive.

## FISCAL NOTE

### FINANCIAL IMPACT – NO

The proposal to amend the *Nevada Constitution* would revise the method by which members of the Board of Regents of the Nevada System of Higher Education are selected. Approval of this proposal would have no adverse fiscal impact.

The proposal does not have a financial impact as it does not increase expenditures related to the Board of Regents. In fact, approval of the proposal would most likely decrease expenditures through reduced operational costs (per diem, travel, and related expenses) associated with the proposed nine member Board of Regents compared to the current 13 member Board.

## FULL TEXT OF THE MEASURE

Assembly Joint Resolution No. 11–Committee on  
Elections, Procedures, and Ethics

FILE NUMBER.....

ASSEMBLY JOINT RESOLUTION—Proposing 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, and to specify the number and terms of the members.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 7 of Article 11 of the Nevada Constitution be amended to read as follows:

~~{Sec. 7. The Governor, Secretary of State, and Superintendent of Public Instruction, shall for the first Four Years and until their successors are elected and qualified constitute}~~

*Sec. 7. 1. There is hereby created* a Board of Regents to control and manage the affairs of the University and the funds of the same under such regulations as may be provided by law. ~~{But the}~~

*2. The Board of Regents consists of nine members. Except as otherwise provided in this subsection, one member must be elected from each congressional district in this state and the remaining positions, if any, must be filled by the Governor by appointment. If at any time this state is apportioned more than nine congressional seats, the Legislature shall provide for the districts from which the nine members of the Board of Regents must be elected.*

*3. The Legislature shall provide for the arrangement of the terms of the elected members of the Board of Regents so that an equal number of terms, as nearly as may be, expire every 2 years. The Governor shall provide for the arrangement of the terms of the appointed members of the Board of Regents so that an equal number of terms, as nearly as may be, expire every 2 years. After initial terms of 2 or 4 years to ensure staggered terms, each member of the Board of Regents shall serve a term of 4 years, and until his successor is elected and qualified or appointed and qualified.*

*4. If a vacancy occurs during the term of a member appointed by the Governor, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.*

*5. Not more than two-thirds of the appointed members of the Board of Regents may be members of the same political party.*

*6. The Legislature shall ~~[at its regular session next preceding the expiration of the term of Office of said Board of Regents provide for the election of a new]~~ define the duties of the members of the Board of Regents . ~~[and define their duties.]~~*

And be it further

RESOLVED, That the term of any member of the Board of Regents who was elected before November 4, 2008, expires on January 5, 2009. The Governor shall make his appointments pursuant to subsection 2 of Section 7 of Article 11 of the Nevada Constitution as soon as practicable after January 5, 2009, and in making those appointments may appoint a former member of the Board of Regents.

And be it further

RESOLVED, That this 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.