



**NEVADA OFFICE OF WESTERN INTERSTATE COMMISSION FOR HIGHER
EDUCATION (WICHE)**

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March 17, 2023

Dylan Tedford
Legal Policy Analyst
Office of the Governor
101 N. Carson St
Carson City, NV 89701

Re: Nevada Office of WICHE Request for Exemption to Executive Order 2023-003

Dear Mr. Tedford:

Pursuant to Executive Order 2023-003 *Order Freezing the Issuance of New Regulations and Requiring a Reviewing of Existing Regulations by All Executive Branch Agencies, Departments, Boards and Commissions*, I am writing on behalf of the Nevada Office of the Western Interstate Commission for Higher Education (NV WICHE) to request an exemption. We are basing this request on the qualifying purpose under Section 5(d) of the executive order, “regulations that affect the application of powers, functions and duties essential to the operation of the executive branch agency, department, board or commission at issue.”

During 2021 Session, Assembly Bill (AB) 247 (Chapter 407, *Statutes of Nevada 2021*) was enacted. This bill repealed several sections of NRS 397 dealing with the operational functions of the NV WICHE and directed the three NV WICHE commissioners to adopt regulations (NRS 397.030, Section 5). Subsequently, on September 19, 2022, draft regulations (LCB File No. R188-22) were submitted to the Legislative Counsel Bureau (LCB) Legal Division for review. Due to the submission date, LCB legal was not obligated to respond within the usual 30-day window and the review was still in process as of the issuance of the Executive Order.

Currently the NV WICHE regulations include eight sections in total (NAC 397.010, 397.018, 397.020, 397.030, 397.040, 397.050, 397.060, and 397.070). With the statutory changes that occurred in 2021, these regulations alone are not sufficient to support the functions essential to the operations of the NV WICHE. NV WICHE needs additional regulations to administer its programs, which have been submitted to LCB and are pending draft regulations (LCB File No. R188-22). Therefore, NV WICHE requests an exemption from Executive Order 2023-003 as well as authorization to proceed with the regulatory review process for our pending regulations.

Please let me know if there is any additional information that I can provide to support this request.

Sincerely,

Patty Porter
Director, Nevada Office of WICHE
CC: Fred Lokken, Executive Commissioner