
ASSEMBLY BILL NO. 484—COMMITTEE ON EDUCATION

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

MARCH 27, 2017

Referred to Committee on Education

SUMMARY—Revises provisions relating to the Commission on Postsecondary Education. (BDR 34-912)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

Effect on the State: Executive Budget.

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

AN ACT relating to education; eliminating the position of Administrator of the Commission on Postsecondary Education and providing for the assumption of the powers and duties of the Administrator by the Deputy Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation; revising the composition of the Commission; authorizing the Director of the Department to accept certain federal money for use in workforce development and adult education programs; relocating the Commission within the Division; providing for the appointment and authority of the Deputy Administrator; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Commission on Postsecondary Education is an
2 independent body, responsible for licensing and regulating certain academic,
3 vocational, technical and business schools and privately owned colleges and
4 universities. (NRS 394.099, 394.383, 394.415) The Administrator of the
5 Commission serves as its Executive Secretary and is responsible for executing or
6 supervising the execution of the policies and regulations of the Commission,
7 subject to its direction and control. (NRS 394.385, 394.411)



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8 **Section 39** of this bill relocates the Commission within the Employment
9 Security Division of the Department of Employment, Training and Rehabilitation.
10 **Section 44** of this bill provides for the appointment by the Division's Administrator
11 of a Deputy Administrator, who replaces the Administrator of the Commission and,
12 pursuant to **sections 1-36** of this bill, generally has all the powers and duties
13 presently vested in the Administrator of the Commission. However, **section 44**
14 provides that the Deputy Administrator works under the supervision of and serves
15 at the pleasure of the Administrator of the Division as an unclassified employee.
16 **Section 8** makes a conforming change.

17 The Commission presently consists of seven members appointed by the
18 Governor, including two members who are representatives of the general public.
19 (NRS 394.383, 394.385) **Sections 6 and 44** make the Deputy Administrator an ex
20 officio member of the Commission, and **section 7** reduces, from two to one, the
21 number of public representatives serving on the Commission.

22 Notwithstanding the other provisions of this bill, **section 49** of this bill
23 authorizes the current Administrator of the Commission, who is a classified
24 employee, to serve in the position of Deputy Administrator as a classified or
25 unclassified employee, at his or her election, while he or she remains in that
26 position.

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

1 **Section 1.** Chapter 394 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *“Deputy Administrator” means the Deputy Administrator of*
4 *the Employment Security Division of the Department of*
5 *Employment, Training and Rehabilitation.*

6 **Sec. 2.** NRS 394.005 is hereby amended to read as follows:
7 394.005 As used in this chapter, unless the context otherwise
8 requires, the words and terms defined in NRS 394.006 to 394.112,
9 inclusive, *and section 1 of this act* have the meanings ascribed to
10 them in those sections.

11 **Sec. 3.** NRS 394.024 is hereby amended to read as follows:
12 394.024 “Commissioner” means any member of the
13 Commission on Postsecondary Education . ~~Except—the~~
14 ~~Administrator.~~

15 **Sec. 4.** NRS 394.026 is hereby amended to read as follows:
16 394.026 “Confidential” means information that is subject to
17 disclosure only to:

- 18 1. The Attorney General;
- 19 2. A member of the Commission or its staff; or
- 20 3. As deemed appropriate by the *Deputy* Administrator, a
21 person responsible for reviewing the curriculum or financial records
22 of a postsecondary educational institution.

23 **Sec. 5.** NRS 394.160 is hereby amended to read as follows:
24 394.160 1. Any person who has the duty, in a private school,
25 college or university in this state, of giving instruction in the



1 Constitution of the United States and the Constitution of the State of
2 Nevada must show, by examination or credentials showing college,
3 university or normal school study, satisfactory evidence of adequate
4 knowledge of the origin, history, provisions and principles of the
5 Constitution of the United States and the Constitution of the State of
6 Nevada.

7 2. The Superintendent with respect to a private school or the
8 *Deputy* Administrator with respect to a private college or university
9 may grant a reasonable time for compliance with the terms of this
10 section.

11 **Sec. 6.** NRS 394.383 is hereby amended to read as follows:

12 394.383 1. The Commission on Postsecondary Education,
13 consisting of ~~seven~~ *the Deputy Administrator and six* members
14 appointed by the Governor, is hereby created.

15 2. The *appointed* members of the Commission are entitled to
16 receive a salary of not more than \$80, as fixed by the Commission,
17 for each day's attendance at a meeting of the Commission.

18 3. While engaged in the business of the Commission, each
19 *appointed* member ~~and employee~~ of the Commission is entitled to
20 receive the per diem allowance and travel expenses provided for
21 state officers and employees generally.

22 **Sec. 7.** NRS 394.385 is hereby amended to read as follows:

23 394.385 1. The Governor shall appoint:

24 (a) One member who is a representative of the State Board . ~~of~~
25 ~~Education.~~

26 (b) Two members who are knowledgeable in the field of
27 education, but not persons representing postsecondary educational
28 institutions, or colleges established or maintained under the laws of
29 this State.

30 (c) Two members who are representatives of private
31 postsecondary educational institutions.

32 (d) ~~Two members~~ *One member* who ~~are representatives~~ *is a*
33 *representative* of the general public and ~~are~~ *is* not associated with
34 the field of education.

35 2. The Commission shall designate a Chair. ~~The Administrator~~
36 ~~is the Executive Secretary.~~ The Commission may meet regularly at
37 least four times each year at such places and times as may be
38 specified by a call of the Chair or majority of the Commission. The
39 Commission shall prescribe regulations for its own management.
40 Four members of the Commission constitute a quorum which may
41 exercise all the authority conferred upon the Commission.

42 3. Any Commissioner may be removed by the Governor if, in
43 the opinion of the Governor, the Commissioner is guilty of
44 malfeasance in office or neglect of duty.



1 **Sec. 8.** NRS 394.411 is hereby amended to read as follows:

2 394.411 1. The Commission shall adopt regulations
3 governing the administration of NRS 394.383 to 394.560, inclusive,
4 and may adopt such other regulations as are proper or necessary for
5 the execution of the powers and duties conferred upon it by law.

6 2. The *Deputy* Administrator shall execute, direct or supervise
7 all administrative, technical and procedural activities for which the
8 *Deputy* Administrator is responsible in accordance with the policies
9 and regulations of the Commission . ~~and subject to the~~
10 ~~Commission's direction and control.~~

11 **Sec. 9.** NRS 394.415 is hereby amended to read as follows:

12 394.415 Except as otherwise provided in NRS 397.060, the
13 Commission is the sole authority for licensing a postsecondary
14 educational institution. Any person who operates or claims to
15 operate such an institution must be licensed by the Commission.
16 The *Deputy* Administrator may require any person who operates or
17 claims to operate such an institution to furnish information which
18 will allow the Commission to determine whether a license is
19 required.

20 **Sec. 10.** NRS 394.430 is hereby amended to read as follows:

21 394.430 1. The *Deputy* Administrator shall:

22 (a) Receive and investigate applications for a license and
23 applications to add a new vocational program or a new degree.

24 (b) Receive, investigate and act upon:

25 (1) Applications for an agent's permit, renewal of a license
26 or agent's permit or authorization for the employment of agents; and

27 (2) Changes in ownership or requirements for a degree.

28 (c) Recommend to the Commission whether licensing is
29 required.

30 2. The *Deputy* Administrator may:

31 (a) With the approval of the Commission, negotiate and enter
32 into interstate reciprocity agreements with similar agencies in other
33 states, if in the judgment of the *Deputy* Administrator the
34 agreements are or will be helpful in effectuating the purposes of
35 NRS 394.383 to 394.560, inclusive. Nothing contained in any
36 reciprocity agreement may limit the powers, duties and
37 responsibilities of the *Deputy* Administrator independently to
38 investigate or act upon any application for a license to operate a
39 postsecondary educational institution, or an application for issuance
40 or renewal of any agent's permit, or with respect to the enforcement
41 of any provision of this chapter, or any regulation promulgated
42 pursuant to it.

43 (b) Investigate, on the *Deputy* Administrator's own initiative or
44 in response to any complaint lodged with the *Deputy* Administrator,
45 any person subject to, or reasonably believed by the *Deputy*



1 Administrator to be subject to, the Commission's jurisdiction.
2 During an investigation the *Deputy* Administrator may:

3 (1) Subpoena any persons, books, records or documents
4 pertaining to the investigation;

5 (2) Require answers in writing under oath to questions
6 prepared by the *Deputy* Administrator or the Commission; and

7 (3) Administer an oath or affirmation to any person.

8 ➔ A subpoena issued by the *Deputy* Administrator may be enforced
9 by any district court of this state.

10 (c) Exercise other powers implied but not enumerated in this
11 section that are necessary in order to carry out the *Deputy*
12 Administrator's duties.

13 **Sec. 11.** NRS 394.440 is hereby amended to read as follows:

14 394.440 1. The *Deputy* Administrator may request from any
15 department, division, board, bureau, commission or other agency of
16 the State, and the latter agency shall provide at no cost, any
17 information which it possesses or expert witnesses whom it employs
18 that will enable the *Deputy* Administrator to exercise properly his or
19 her powers and perform his or her duties. If the witness or
20 information is requested to aid the Commission in deciding whether
21 to issue or renew a license or to allow a postsecondary educational
22 institution to add new programs or degrees, the *Deputy*
23 Administrator may require the institution making the application to
24 pay to the witness the per diem allowance and travel expenses
25 allowed for state officers and employees generally.

26 2. If no agency of the State possesses the information or expert
27 knowledge which the Commission finds is necessary to a
28 determination of whether an applicant for the issuance or renewal of
29 a license has complied with the minimum standards prescribed by
30 the Commission pursuant to law, the Commission may consult with
31 persons outside State Government who have the requisite expert
32 knowledge, and may require that the necessary cost of such
33 consultation be paid by the institution whose application is under
34 consideration.

35 **Sec. 12.** NRS 394.441 is hereby amended to read as follows:

36 394.441 A postsecondary educational institution shall:

37 1. Provide students and other interested persons with a catalog
38 or brochure containing information describing the programs offered,
39 objectives of the program, length of the program, schedule of
40 tuition, fees and all other charges and expenses necessary for
41 completion of the course of study, policies concerning cancellations
42 and refunds, an explanation of the Account for Student
43 Indemnification and other material facts concerning the institution
44 and the program or course of instruction that are likely to affect the
45 decision of the student to enroll therein, together with any other



1 disclosures specified by the *Deputy* Administrator or defined in the
2 regulations of the Commission. The information must be provided
3 before enrollment.

4 2. Provide each student who satisfactorily completes the
5 training with appropriate educational credentials indicating:

6 (a) That the course of instruction or study has been satisfactorily
7 completed by the student; and

8 (b) If the training does not lead to a degree, the number of hours
9 of instruction or credits required of the student to complete the
10 training.

11 3. Unless otherwise authorized by the Commission, maintain
12 adequate records at the licensed facility to reflect the attendance,
13 progress and performance of each student at the facility.

14 4. Provide each student with a copy of the agreement to enroll,
15 dated and signed by the student or the student's guardian and an
16 officer of the institution.

17 5. For each program offered at the institution that does not lead
18 to a degree, collect and maintain information concerning:

19 (a) The number of students enrolled in the program and the
20 number and names of students who have obtained employment in
21 related fields, with their locations of placement;

22 (b) The number of:

23 (1) Students enrolled in the program;

24 (2) Students who have graduated from the program; and

25 (3) Graduates who have obtained employment in fields
26 related to the instruction offered in the program, with the average
27 compensation of such graduates; or

28 (c) For each such program offered to prepare students for a
29 licensing examination:

30 (1) The number of students enrolled in the program;

31 (2) The number of such students who have graduated from
32 the program; and

33 (3) The number of such graduates who have passed the
34 examination.

35 6. Select, from the information collected pursuant to subsection
36 5, the information relating to any 6-month period within the 18-
37 month period preceding its next date for enrollment. The
38 information for the period selected must be set forth in written form
39 and posted conspicuously at the institution.

40 **Sec. 13.** NRS 394.443 is hereby amended to read as follows:

41 394.443 A postsecondary educational institution shall:

42 1. Post in a conspicuous place a notice supplied by the *Deputy*
43 Administrator stating that grievances may be submitted to the
44 *Deputy* Administrator for resolution.



1 2. Issue a receipt to all students, and retain a copy, for all
2 money paid to the institution.

3 3. Submit an annual report to the Commission on forms it
4 supplies. The report must include, without limitation, the annual
5 income received by the institution from tuition.

6 **Sec. 14.** NRS 394.447 is hereby amended to read as follows:

7 394.447 Accreditation may be accepted as evidence of
8 compliance with the minimum standards established by the
9 Commission, or the *Deputy* Administrator may require further
10 evidence and make further investigation as in the judgment of the
11 *Deputy* Administrator or the judgment of the Commission are
12 necessary. Accreditation may be accepted as evidence of
13 compliance only as to the portion or program of an institution
14 accredited by the agency if the institution as a whole is not
15 accredited. Upon request by the *Deputy* Administrator, the
16 institution shall submit copies of all written materials in its
17 possession relating to its accreditation. Except as otherwise provided
18 in NRS 239.0115, the *Deputy* Administrator shall keep the materials
19 confidential.

20 **Sec. 15.** NRS 394.449 is hereby amended to read as follows:

21 394.449 1. Each postsecondary educational institution shall
22 have a policy for refunds which at least provides:

23 (a) That if the institution has substantially failed to furnish the
24 training program agreed upon in the enrollment agreement, the
25 institution shall refund to a student all the money the student has
26 paid.

27 (b) That if a student cancels his or her enrollment before the
28 start of the training program, the institution shall refund to
29 the student all the money the student has paid, minus 10 percent of
30 the tuition agreed upon in the enrollment agreement or \$150,
31 whichever is less, and that if the institution is accredited by a
32 regional accrediting agency recognized by the United States
33 Department of Education, the institution may also retain any amount
34 paid as a nonrefundable deposit to secure a position in the program
35 upon acceptance so long as the institution clearly disclosed to the
36 applicant that the deposit was nonrefundable before the deposit was
37 paid.

38 (c) That if a student withdraws or is expelled by the institution
39 after the start of the training program and before the completion of
40 more than 60 percent of the program, the institution shall refund to
41 the student a pro rata amount of the tuition agreed upon in the
42 enrollment agreement, minus 10 percent of the tuition agreed upon
43 in the enrollment agreement or \$150, whichever is less.

44 (d) That if a student withdraws or is expelled by the institution
45 after completion of more than 60 percent of the training program,



1 the institution is not required to refund the student any money and
2 may charge the student the entire cost of the tuition agreed upon in
3 the enrollment agreement.

4 2. If a refund is owed pursuant to subsection 1, the institution
5 shall pay the refund to the person or entity who paid the tuition
6 within 15 calendar days after the:

7 (a) Date of cancellation by a student of his or her enrollment;

8 (b) Date of termination by the institution of the enrollment of a
9 student;

10 (c) Last day of an authorized leave of absence if a student fails
11 to return after the period of authorized absence; or

12 (d) Last day of attendance of a student,

13 ↪ whichever is applicable.

14 3. Books, educational supplies or equipment for individual use
15 are not included in the policy for refund required by subsection 1,
16 and a separate refund must be paid by the institution to the student if
17 those items were not used by the student. Disputes must be resolved
18 by the *Deputy* Administrator for refunds required by this subsection
19 on a case-by-case basis.

20 4. For the purposes of this section:

21 (a) The period of a student's attendance must be measured from
22 the first day of instruction as set forth in the enrollment agreement
23 through the student's last day of actual attendance, regardless of
24 absences.

25 (b) The period of time for a training program is the period set
26 forth in the enrollment agreement.

27 (c) Tuition must be calculated using the tuition and fees set forth
28 in the enrollment agreement and does not include books, educational
29 supplies or equipment that is listed separately from the tuition and
30 fees.

31 **Sec. 16.** NRS 394.455 is hereby amended to read as follows:

32 394.455 1. The Commission shall not issue a license to
33 operate an unaccredited institution which grants degrees until the
34 institution has been evaluated by the Commission. Each existing or
35 new institution must be evaluated at least once, but the Commission
36 may require subsequent evaluations.

37 2. The Chair of the Commission shall appoint a panel of
38 evaluators for each institution composed of representatives of
39 institutions or businesses that are directly affected by the program
40 and persons who significantly contribute to the evaluation because
41 of special knowledge. The *Deputy* Administrator shall accompany
42 the panel as an observer.

43 3. One hundred and twenty days before the meeting of the
44 Commission at which the issuance or renewal of a license will be
45 considered, the panel of evaluators shall present to the *Deputy*



1 Administrator and to the institution a report specifying the extent to
2 which the institution meets the standards established by the
3 Commission, and recommending:

- 4 (a) Issuance or renewal of the license with no qualifications;
- 5 (b) Issuance of a provisional license; or
- 6 (c) Revocation of the license.

7 4. The institution's response to the report must be received in
8 the office of the *Deputy* Administrator no later than 90 days before
9 the meeting at which the license will be considered.

10 5. If the institution's response shows progress toward meeting
11 the standards, or if the response furnishes information which
12 indicates that the standards are being adhered to, the representatives
13 of the panel of evaluators shall review the institution again to verify
14 the response and incorporate it into their report. The panel of
15 evaluators shall make a final report to the *Deputy* Administrator no
16 later than 45 days before the meeting at which the license will be
17 considered.

18 6. The *Deputy* Administrator may recommend that the
19 Commission accept the evaluation or that it reject the report. If
20 the Commission rejects the panel's recommendation, it shall record
21 the specific reason for doing so in its minutes.

22 **Sec. 17.** NRS 394.460 is hereby amended to read as follows:

23 394.460 1. Each person required to be licensed as a
24 postsecondary educational institution by the Commission or each
25 postsecondary educational institution requesting to add a new
26 program or degree or to renew a license must apply to the *Deputy*
27 Administrator, upon forms provided by the *Deputy* Administrator.
28 The application must be accompanied by the required fees. The
29 institution's curriculum and financial statement are confidential
30 except as otherwise provided in NRS 239.0115 or unless, in the
31 opinion of the Commission, they militate against the issuance of a
32 license.

33 2. After review of the application, any other information
34 required by the *Deputy* Administrator and the report of the panel of
35 evaluators, and an investigation of the applicant if necessary, the
36 Commission shall grant or deny a license or grant a provisional
37 license for a term specified by the Commission. Before the
38 expiration of a provisional license, the *Deputy* Administrator shall
39 inspect the institution, or the Commission may require the
40 appointment of a panel of evaluators to inspect the institution, and
41 recommend whether to revoke or continue the provisional license or
42 to grant an unqualified license. The Commission may accept or
43 reject the recommendation.

44 3. The license must state at least the following information:

- 45 (a) The date of issuance, effective date and term of the license.



1 (b) The correct name, address and owner of the institution.

2 (c) The approved degrees or occupational subjects.

3 (d) Any limitation considered necessary by the Commission.

4 4. The term for which a license is given must not exceed 2
5 years. The license must be posted in a conspicuous place.

6 5. The license must be issued to the owner or governing body
7 of the institution and is nontransferable. If a change in ownership of
8 the institution occurs, the owner to whom the license was issued
9 shall inform the *Deputy* Administrator, and the new owner or
10 governing body must, within 10 days after the change in ownership,
11 apply for an approval of the change of ownership. If it fails to do so,
12 the license terminates.

13 6. Within 10 days after a change of location or an addition of
14 buildings or other facilities, the institution must file a notice of the
15 change with the *Deputy* Administrator.

16 7. At least 60 days before the expiration of a license, the
17 institution must complete and file with the *Deputy* Administrator an
18 application for renewal of its license.

19 **Sec. 18.** NRS 394.463 is hereby amended to read as follows:

20 394.463 1. The institution shall pay the per diem allowance
21 and travel expenses allowed for state officers and employees
22 generally ~~H~~ to the members of the panel of evaluators ~~H~~ and the
23 *Deputy* Administrator ~~[and employees of the Commission]~~ during
24 their inspections of the institution and to the member of the panel
25 who attends the meeting of the Commission at which the license is
26 discussed. The institution shall also pay the cost of preparing and
27 printing the report of the panel.

28 2. Each claim for reimbursement of these expenses must be
29 submitted to the *Deputy* Administrator within 30 days after they are
30 incurred. The *Deputy* Administrator shall verify the claim and
31 forward it to the institution. Within 30 days after its receipt, the
32 institution shall issue a negotiable instrument which is payable to
33 the claimant and send it to the *Deputy* Administrator, who shall send
34 it to the claimant.

35 **Sec. 19.** NRS 394.465 is hereby amended to read as follows:

36 394.465 1. Except as otherwise provided in subsection 6,
37 before a postsecondary educational institution employs or contracts
38 with a person:

39 (a) To occupy an instructional position;

40 (b) To occupy an administrative or financial position, including
41 a position as school director, personnel officer, counselor, admission
42 representative, solicitor, canvasser, surveyor, financial aid officer or
43 any similar position; or

44 (c) To act as an agent for the institution,



1 ↳ the applicant must submit to the *Deputy* Administrator the
2 information set forth in subsection 2.

3 2. The applicant must submit to the *Deputy* Administrator:

4 (a) A complete set of fingerprints taken by a law enforcement
5 agency and written permission authorizing the *Deputy*
6 Administrator to submit the applicant's fingerprints to the Central
7 Repository for Nevada Records of Criminal History for submission
8 to the Federal Bureau of Investigation for a report on the applicant's
9 background and to such other law enforcement agencies as the
10 *Deputy* Administrator deems necessary; or

11 (b) Written verification, on a form prescribed by the *Deputy*
12 Administrator, stating that the fingerprints of the applicant were
13 taken and directly forwarded electronically or by another means to
14 the Central Repository and that the applicant has given written
15 permission to the law enforcement agency or other authorized entity
16 taking the fingerprints to submit the fingerprints to the Central
17 Repository for submission to the Federal Bureau of Investigation for
18 a report on the applicant's background and to such other law
19 enforcement agencies as the *Deputy* Administrator deems necessary.

20 3. The *Deputy* Administrator may:

21 (a) Unless the applicant's fingerprints are directly forwarded
22 pursuant to paragraph (b) of subsection 2, submit those fingerprints
23 to the Central Repository for submission to the Federal Bureau of
24 Investigation and to such other law enforcement agencies as the
25 *Deputy* Administrator deems necessary; and

26 (b) Request from each such agency any information regarding
27 the applicant's background as the *Deputy* Administrator deems
28 necessary.

29 4. Except as otherwise provided in NRS 239.0115, the *Deputy*
30 Administrator shall keep the results of the investigation confidential.

31 5. The applicant shall pay the cost of the investigation.

32 6. An applicant is not required to satisfy the requirements of
33 this section if the applicant:

34 (a) Is licensed by the Superintendent of Public Instruction;

35 (b) Is an employee of the United States Department of Defense;

36 (c) Is a member of the faculty of an accredited postsecondary
37 educational institution in another state who is domiciled in a state
38 other than Nevada and is present in Nevada for a temporary period
39 to teach at a branch of that accredited institution;

40 (d) Is an instructor who provides instruction from a location
41 outside this State through a program of distance education for a
42 postsecondary educational institution licensed by the Commission
43 who previously underwent an investigation of his or her background
44 and the *Deputy* Administrator determines that an additional
45 investigation is not necessary; or



1 (e) Has satisfied the requirements of subsection 1 within the
2 immediately preceding 5 years.

3 7. As used in this section, "distance education" means
4 instruction delivered by means of video, computer, television, or the
5 Internet or other electronic means of communication, or any
6 combination thereof, in such a manner that the person supervising or
7 providing the instruction and the student receiving the instruction
8 are separated geographically.

9 **Sec. 20.** NRS 394.470 is hereby amended to read as follows:

10 394.470 1. Each person desiring to solicit or perform the
11 services of an agent in this state must apply to the *Deputy*
12 Administrator upon forms provided by the *Deputy* Administrator.
13 The application must:

14 (a) Be accompanied by evidence of the good reputation and
15 character of the applicant;

16 (b) Be in a form prescribed by the *Deputy* Administrator;

17 (c) Include a copy of the application for an investigation of the
18 applicant's background by the sheriff;

19 (d) Include the social security number of the applicant; and

20 (e) State the name of the institution the applicant intends to
21 represent.

22 2. An agent representing more than one institution must obtain
23 a separate agent's permit for each institution represented, except that
24 if an agent represents institutions having a common ownership, only
25 one agent's permit is required with respect to the institutions.

26 3. If any institution the applicant intends to represent does not
27 have a license to operate in this state, the application must be
28 accompanied by:

29 (a) The information required from institutions applying for a
30 license;

31 (b) Evidence that the institution meets the criteria established for
32 licensed institutions;

33 (c) Evidence of compliance with NRS 394.480 and the payment
34 of the fees required by law; and

35 (d) Evidence that the institution is accredited.

36 4. After a review of the application and other information
37 submitted by the applicant, as required by regulation of the
38 Commission, and any investigation of the applicant the *Deputy*
39 Administrator considers appropriate, the *Deputy* Administrator shall
40 grant or deny an agent's permit to the applicant.

41 5. The agent's permit must state in a clear and conspicuous
42 manner at least the following information:

43 (a) The date of issuance, effective date and term of the permit.

44 (b) The correct name and address of the agent.



1 (c) The names of the institutions the agent is authorized to
2 represent.

3 6. An agent's permit must not be issued for a term of more than
4 1 year.

5 7. At least 30 days before the expiration of an agent's permit,
6 the agent must complete and file with the *Deputy* Administrator an
7 application for renewal of the permit. The *Deputy* Administrator
8 shall review and act upon the renewal application as provided in this
9 section for an original application.

10 **Sec. 21.** NRS 394.473 is hereby amended to read as follows:

11 394.473 1. An applicant for the issuance or renewal of an
12 agent's permit shall submit to the *Deputy* Administrator the
13 statement prescribed by the Division of Welfare and Supportive
14 Services of the Department of Health and Human Services pursuant
15 to NRS 425.520. The statement must be completed and signed by
16 the applicant.

17 2. The *Deputy* Administrator shall include the statement
18 required pursuant to subsection 1 in:

19 (a) The application or any other forms that must be submitted
20 for the issuance or renewal of the agent's permit; or

21 (b) A separate form prescribed by the *Deputy* Administrator.

22 3. An agent's permit may not be issued or renewed by the
23 *Deputy* Administrator if the applicant:

24 (a) Fails to submit the statement required pursuant to subsection
25 1; or

26 (b) Indicates on the statement submitted pursuant to subsection
27 1 that the applicant is subject to a court order for the support of a
28 child and is not in compliance with the order or a plan approved by
29 the district attorney or other public agency enforcing the order for
30 the repayment of the amount owed pursuant to the order.

31 4. If an applicant indicates on the statement submitted pursuant
32 to subsection 1 that the applicant is subject to a court order for the
33 support of a child and is not in compliance with the order or a plan
34 approved by the district attorney or other public agency enforcing
35 the order for the repayment of the amount owed pursuant to the
36 order, the *Deputy* Administrator shall advise the applicant to contact
37 the district attorney or other public agency enforcing the order to
38 determine the actions that the applicant may take to satisfy the
39 arrearage.

40 **Sec. 22.** NRS 394.474 is hereby amended to read as follows:

41 394.474 1. In addition to any other requirements set forth in
42 this chapter, an applicant for the renewal of an agent's permit must
43 indicate in the application submitted to the *Deputy* Administrator
44 whether the applicant has a state business registration. If the
45 applicant has a state business registration, the applicant must include



1 in the application the business identification number assigned by the
2 Secretary of State upon compliance with the provisions of chapter
3 76 of NRS.

4 2. An agent's permit may not be renewed by the *Deputy*
5 Administrator if:

6 (a) The applicant fails to submit the information required by
7 subsection 1; or

8 (b) The State Controller has informed the *Deputy* Administrator
9 pursuant to subsection 5 of NRS 353C.1965 that the applicant owes
10 a debt to an agency that has been assigned to the State Controller for
11 collection and the applicant has not:

12 (1) Satisfied the debt;

13 (2) Entered into an agreement for the payment of the debt
14 pursuant to NRS 353C.130; or

15 (3) Demonstrated that the debt is not valid.

16 3. As used in this section:

17 (a) "Agency" has the meaning ascribed to it in NRS 353C.020.

18 (b) "Debt" has the meaning ascribed to it in NRS 353C.040.

19 **Sec. 23.** NRS 394.475 is hereby amended to read as follows:

20 394.475 Before a postsecondary educational institution
21 employs agents or contracts with persons to act as agents for the
22 institution, it must apply for and receive from the *Deputy*
23 Administrator authorization for the employment of agents.

24 **Sec. 24.** NRS 394.480 is hereby amended to read as follows:

25 394.480 1. Notwithstanding the provisions of NRS 100.065
26 to the contrary, each:

27 (a) Postsecondary educational institution initially licensed on or
28 after July 1, 1995, shall file with the *Deputy* Administrator a surety
29 bond in the amount of \$10,000 or in a greater amount determined by
30 the Commission for the period of the initial license to operate,
31 including any provisional period.

32 (b) Postsecondary educational institution or other entity which is
33 authorized to employ one or more agents in this State shall file with
34 the *Deputy* Administrator a surety bond in the amount of \$10,000 or
35 in a greater amount determined by the Commission for the period of
36 the agent's permit.

37 (c) Postsecondary educational institution that poses a financial
38 risk to the students who are enrolled in the institution, as determined
39 by the Commission, shall file with the *Deputy* Administrator a
40 surety bond in the amount of \$10,000 or in a greater amount
41 determined by the Commission for a period that the Commission
42 determines is appropriate.

43 (d) Postsecondary educational institution that files for a change
44 of ownership shall file with the *Deputy* Administrator a surety bond
45 in the amount of \$10,000 or in a greater amount determined by the



1 Commission for the period of the initial license to operate issued to
2 the new owner, including any provisional period.

3 (e) Postsecondary educational institution may be required by the
4 Commission to file a new or supplementary bond in an amount and
5 for a period determined appropriate by the Commission if the
6 Commission determines that the current bond filed by the institution
7 is insufficient to cover all claims, accrued or contingent, against the
8 institution.

9 2. The bond required of a postsecondary educational institution
10 pursuant to subsection 1 must be executed by the entity that owns
11 the institution as principal, by a surety company as surety and by a
12 licensed insurance agent residing in this State. The bond must be
13 payable to the State of Nevada and must be conditioned to provide
14 indemnification to any student, enrollee or his or her parent or
15 guardian determined by the Commission to have suffered damage as
16 a result of any act by the postsecondary educational institution that
17 is a violation of NRS 394.383 to 394.560, inclusive. The bonding
18 company shall provide indemnification upon receipt of written
19 notice of the determination by the Commission. The bond may be
20 continuous, but regardless of the duration of the bond the aggregate
21 liability of the surety does not exceed the penal sum of the bond.

22 3. A surety on any bond filed pursuant to this section may be
23 released after the surety gives 30 days' written notice to the *Deputy*
24 Administrator, but the release does not discharge or otherwise affect
25 any claim filed by a student, enrollee or his or her parent or guardian
26 for damage resulting from any act of the postsecondary educational
27 institution or agent alleged to have occurred while the bond was in
28 effect, or for an institution's ceasing operations during the term for
29 which tuition had been paid while the bond was in force.

30 4. A license or an agent's permit is suspended by operation of
31 law when the institution or agent is no longer covered by a surety
32 bond as required by this section. The *Deputy* Administrator shall
33 give the institution or agent, or both, at least 20 days' written notice
34 before the release of the surety, to the effect that the license or
35 permit will be suspended by operation of law until another surety
36 bond is filed in the same manner and amount as the bond being
37 terminated.

38 5. If any student is entitled to a refund from an institution
39 pursuant to any provision of NRS 394.383 to 394.560, inclusive, the
40 surety shall provide indemnification.

41 **Sec. 25.** NRS 394.490 is hereby amended to read as follows:

42 394.490 1. If the Commission, upon review and
43 consideration of a person required to be licensed or of an application
44 for a license to operate, or the *Deputy* Administrator, upon review
45 and consideration of an application for an agent's permit, for



1 renewal of a license or agent's permit or for authorization to employ
2 agents, determines that the applicant fails to meet the criteria for
3 granting the application, the *Deputy* Administrator shall notify the
4 applicant by certified mail, setting forth the reasons for the denial of
5 the application.

6 2. The *Deputy* Administrator may grant to an applicant for
7 renewal an extension of time to eliminate the reasons recited in the
8 denial letter if:

9 (a) The applicant has demonstrated his or her desire to meet the
10 criteria; and

11 (b) The *Deputy* Administrator reasonably believes that the
12 applicant can correct the deficiencies within the extension period.

13 3. If the *Deputy* Administrator denies an application for an
14 agent's permit, or an application for renewal, the *Deputy*
15 Administrator shall notify the institution the agent represented or
16 sought to represent, setting forth the reasons for the denial.

17 **Sec. 26.** NRS 394.510 is hereby amended to read as follows:

18 394.510 1. The Commission may impose an administrative
19 fine of not more than \$10,000 against a licensee, revoke a license, or
20 make a license conditional after its issuance, if the Commission
21 reasonably believes that the holder has violated the provisions of
22 NRS 394.383 to 394.560, inclusive, or regulations adopted pursuant
23 to those sections, or has failed to comply with a lawful order of the
24 Commission. The *Deputy* Administrator shall notify the institution
25 of the reasons for the action by certified mail to its last known
26 address, 20 days before the meeting of the Commission at which the
27 action will be considered.

28 2. If the Commission revokes a license, the institution shall
29 cease its operations and granting degrees and shall refund to each
30 enrolled student the cost of the student's current course or program.

31 3. The *Deputy* Administrator may impose an administrative
32 fine of not more than \$10,000 against an institution or agent, revoke
33 an agent's permit, or make a permit conditional after its issuance, if
34 the *Deputy* Administrator reasonably believes that the holder has
35 violated the provisions of NRS 394.383 to 394.560, inclusive, or
36 regulations adopted thereto. Before action is taken, the
37 *Deputy* Administrator shall notify the holder by certified mail of
38 facts or conduct that warrant the impending action and advise the
39 holder that if a hearing is desired it must be requested within 10
40 days after receipt of the notice letter. If no hearing is requested
41 within the prescribed period the action becomes final.

42 4. If an agent is fined or the agent's permit is revoked or
43 conditions imposed, the *Deputy* Administrator shall notify, by
44 certified mail, the institution the agent represented in addition to the
45 agent and any other parties to any hearing.



1 **Sec. 27.** NRS 394.515 is hereby amended to read as follows:

2 394.515 1. If the *Deputy* Administrator receives a copy of a
3 court order issued pursuant to NRS 425.540 that provides for the
4 suspension of all professional, occupational and recreational
5 licenses, certificates and permits issued to a person who is the
6 holder of an agent's permit, the *Deputy* Administrator shall deem
7 the permit issued to that person to be suspended at the end of the
8 30th day after the date on which the court order was issued unless
9 the *Deputy* Administrator receives a letter issued to the holder of the
10 permit by the district attorney or other public agency pursuant to
11 NRS 425.550 stating that the holder of the permit has complied with
12 the subpoena or warrant or has satisfied the arrearage pursuant to
13 NRS 425.560.

14 2. The *Deputy* Administrator shall reinstate an agent's permit
15 that has been suspended by a district court pursuant to NRS 425.540
16 if the *Deputy* Administrator receives a letter issued by the district
17 attorney or other public agency pursuant to NRS 425.550 to the
18 person whose permit was suspended stating that the person whose
19 permit was suspended has complied with the subpoena or warrant or
20 has satisfied the arrearage pursuant to NRS 425.560.

21 **Sec. 28.** NRS 394.520 is hereby amended to read as follows:

22 394.520 1. Until 1 year after the last date of attendance or
23 date on which the damage occurred, whichever is later, a person
24 claiming damage as a result of any act by a postsecondary
25 educational institution or its agent, or both, that is a violation of
26 NRS 394.383 to 394.560, inclusive, or regulations adopted pursuant
27 thereto, may file with the *Deputy* Administrator a verified complaint
28 against the institution, its agent, or both. The complaint must set
29 forth the alleged violation and contain other information as required
30 by regulations of the Commission. A complaint may also be filed by
31 a Commissioner or the Attorney General or initiated by the *Deputy*
32 Administrator.

33 2. The *Deputy* Administrator shall investigate any verified
34 complaint and may, at his or her discretion, attempt to effectuate a
35 settlement by arbitration, mediation or negotiation. The *Deputy*
36 Administrator may also consult with the applicable accrediting body
37 to resolve the complaint. If a settlement cannot be reached, the
38 *Deputy* Administrator shall render a decision and notify each party
39 of the decision and the reasons for it by certified mail to his or her
40 last known address. Either party may request a hearing before the
41 Commission by notifying the *Deputy* Administrator by certified
42 mail within 15 days after the decision was mailed to the party. The
43 hearing must be held at the next meeting of the Commission in the
44 geographical area convenient to the parties. If a hearing is not
45 requested, the decision of the *Deputy* Administrator is final.



1 3. If, after consideration of all the evidence presented at a
 2 hearing, the Commission finds that a postsecondary educational
 3 institution or its agent, or both, are guilty of the violation alleged in
 4 the complaint, it shall issue and the *Deputy* Administrator shall
 5 serve upon the institution or agent, or both, an order to cease and
 6 desist from the violation. If the Commission finds the institution has
 7 substantially failed to furnish the instruction or services agreed upon
 8 in the agreement to enroll, it shall order the institution to make full
 9 restitution to the student of all money paid pursuant to the
 10 agreement. If the Commission finds that the institution has
 11 substantially furnished the instruction or services agreed upon in the
 12 agreement to enroll, but that conditions in the school were
 13 sufficiently substandard that it was not reasonable to expect the
 14 student to complete the instruction, the Commission shall order the
 15 institution to make restitution to the student of one-half the money
 16 paid pursuant to the agreement. The Commission may also, as
 17 appropriate, based on the *Deputy* Administrator's investigation and
 18 the evidence adduced at the hearing, or either of them, institute
 19 proceedings to revoke an institution's license or recommend that the
 20 *Deputy* Administrator institute proceedings to revoke an agent's
 21 permit.

22 **Sec. 29.** NRS 394.530 is hereby amended to read as follows:
 23 394.530 If the Commission or the *Deputy* Administrator
 24 determines that irreparable injury would result from putting into
 25 immediate effect a final action or penalty, the Commission or
 26 *Deputy* Administrator, as appropriate, shall postpone the effective
 27 date of the action pending review.

28 **Sec. 30.** NRS 394.540 is hereby amended to read as follows:
 29 394.540 1. The fees imposed pursuant to this section must be
 30 collected by the *Deputy* Administrator and deposited in the State
 31 Treasury to the credit of the State General Fund, and no fees so
 32 collected are subject to refund.

- 33 2. The fees are:
- 34 (a) For a new license..... \$2,000
 - 35 (b) For an application by an unlicensed out-of-
 36 state educational institution to employ agents in this
 37 state or offer experiential courses 1,500
 - 38 (c) For a change of ownership 1,000
 - 39 (d) For approval of an alcohol awareness
 40 program..... 500
 - 41 (e) To add a new degree or vocational program 500
 - 42 (f) For an initial agent's permit..... 200
 - 43 (g) For the renewal of an agent's permit..... 200



1 (h) For a transcript of an academic record which
2 is in the possession of the *Deputy* Administrator
3 pursuant to NRS 394.550..... \$5

4 3. In addition, the *Deputy* Administrator shall collect from
5 each licensed postsecondary educational institution a fee of \$4 for
6 each student from which the institution has received tuition or
7 registration fees. The institution shall collect this fee from each such
8 student at the time of the student's initial enrollment with the
9 institution. On or before the first day of January, April, July and
10 October, the institution shall transmit to the *Deputy* Administrator
11 the fees collected pursuant to this subsection during the preceding
12 quarter. The *Deputy* Administrator shall deposit the fees so
13 transmitted with the State Treasurer for credit to the State General
14 Fund.

15 **Sec. 31.** NRS 394.545 is hereby amended to read as follows:

16 394.545 1. A driving school:

17 (a) Must be located more than 200 feet from any office of the
18 Department of Motor Vehicles;

19 (b) Must have the equipment necessary to instruct students in
20 the safe operation of motor vehicles and maintain the equipment in a
21 safe condition; and

22 (c) Must have insurance in at least the following amounts:

23 (1) For bodily injury to or death of two or more persons in
24 one crash, \$40,000; and

25 (2) For damage to property in any one crash, \$10,000.

26 2. The Department of Motor Vehicles may review and approve
27 or disapprove any application to issue, renew or revoke a license for
28 a driving school. The Department of Motor Vehicles may, at any
29 time, inspect a licensed driving school and may recommend that its
30 license be suspended or revoked. The *Deputy* Administrator shall
31 investigate and recommend to the Commission the appropriate
32 action.

33 **Sec. 32.** NRS 394.550 is hereby amended to read as follows:

34 394.550 If any postsecondary educational institution operating
35 in this state discontinues or proposes to discontinue its operation,
36 the chief administrative officer of the institution shall file with the
37 *Deputy* Administrator original or true copies of all academic records
38 of the institution specified by regulations of the Commission. The
39 records must include, as a minimum, academic information
40 customarily required by colleges when considering students for
41 transfer or advanced study; and, as a separate document, the
42 academic record of each former student. If the *Deputy*
43 Administrator establishes the likelihood that academic records of an
44 institution discontinuing its operations are in danger of being
45 destroyed, secreted, mislaid or otherwise made unavailable to the



1 Commission, the *Deputy* Administrator may obtain a court order
2 permitting the seizure of such records. The *Deputy* Administrator
3 shall receive and maintain a file of such records in the *Deputy*
4 Administrator's possession.

5 **Sec. 33.** NRS 394.553 is hereby amended to read as follows:

6 394.553 1. The Account for Student Indemnification is
7 hereby created in the State General Fund. The existence of the
8 Account does not create a right in any person to receive money from
9 the Account. The *Deputy* Administrator shall administer the
10 Account in accordance with regulations adopted by the
11 Commission.

12 2. Except as otherwise limited by subsection 3, the money in
13 the Account may be used to indemnify any student or enrollee who
14 has suffered damage as a result of:

15 (a) The discontinuance of operation of a postsecondary
16 educational institution licensed in this state; or

17 (b) The violation by such an institution of any provision of NRS
18 394.383 to 394.560, inclusive, or the regulations adopted pursuant
19 thereto.

20 3. If a student or enrollee is entitled to indemnification from a
21 surety bond pursuant to NRS 394.480, the bond must be used to
22 indemnify the student or enrollee before any money in the Account
23 may be used for indemnification.

24 4. In addition to the expenditures made for indemnification
25 pursuant to subsection 2, the *Deputy* Administrator may use the
26 money in the Account to pay extraordinary expenses incurred to
27 investigate claims for indemnification or resulting from the
28 discontinuance of the operation of a postsecondary educational
29 institution licensed in this state. Money expended pursuant to this
30 subsection must not exceed, for each institution for which
31 indemnification is made, 15 percent of the total amount expended
32 for indemnification pursuant to subsection 2 or \$10,000, whichever
33 is less.

34 5. No expenditure may be made from the Account if the
35 expenditure would cause the balance in the Account to fall below
36 \$10,000.

37 6. Interest and income earned on the money in the Account,
38 after deducting any applicable charges, must be credited to the
39 Account.

40 7. The money in the Account does not lapse to the State
41 General Fund at the end of any fiscal year.

42 **Sec. 34.** NRS 394.557 is hereby amended to read as follows:

43 394.557 1. Except as otherwise provided in subsection 2,
44 each postsecondary educational institution licensed in this state shall
45 pay to the *Deputy* Administrator a fee of \$5 for each student the



1 institution initially enrolls in a program for which the student pays a
2 tuition or registration fee. On or before January 1, April 1, July 1
3 and October 1 of each year, each institution shall transmit to the
4 *Deputy* Administrator the fees required by this subsection for the
5 immediately preceding quarter. The *Deputy* Administrator shall
6 deposit the money in the State Treasury for credit to the Account for
7 Student Indemnification.

8 2. The *Deputy* Administrator shall notify each postsecondary
9 educational institution licensed in this state if the balance in the
10 Account is \$250,000 or more. If the balance in the Account is
11 \$250,000 or more, a postsecondary educational institution is not
12 required to pay the fee required by subsection 1. If the balance in the
13 Account subsequently falls below \$250,000, the *Deputy*
14 Administrator shall notify each postsecondary educational
15 institution licensed in this state that the fee must be paid until the
16 balance in the Account is \$250,000 or more.

17 **Sec. 35.** NRS 394.610 is hereby amended to read as follows:

18 394.610 Unless a specific penalty is otherwise provided, a
19 person who willfully violates the provisions of NRS 394.005 to
20 ~~394.550,~~ **394.560**, inclusive, **and section 1 of this act** is guilty of a
21 gross misdemeanor. Each day's failure to comply with the
22 provisions of these sections is a separate offense.

23 **Sec. 36.** NRS 394.630 is hereby amended to read as follows:

24 394.630 A person, firm, association, partnership or corporation
25 shall not award, bestow, confer, give, grant, convey or sell to
26 another person a degree or honorary degree upon which is inscribed,
27 in any language, the word "associate," "bachelor," "baccalaureate,"
28 "master," "doctor" or "fellow," or any abbreviation thereof, unless it
29 is a school, academy, institute, community college, junior college,
30 college, university or other educational organization or entity
31 located in the State of Nevada or operating from a place of business
32 in this state that offers courses of instruction or study wherein
33 credits may be earned toward an academic or professional degree in
34 a field of endeavor beyond the secondary school level, and:

- 35 1. Is accredited; or
- 36 2. Has filed and kept current with appropriate amendments, in
37 the office of the *Deputy* Administrator, an affidavit by each
38 president of two separate accredited colleges or universities stating
39 that the majority of the course credits offered by the unaccredited
40 institution are generally acceptable or transferable to the accredited
41 college or university which each president represents.

42 **Sec. 37.** Chapter 232 of NRS is hereby amended by adding
43 thereto the provisions set forth as sections 38 and 39 of this act.

44 **Sec. 38. 1. *The Director may accept, and adopt regulations***
45 ***or establish policies for the disbursement of, money appropriated***



1 *by any Act of Congress and apportioned to the State of Nevada for*
2 *use in connection with the workforce development and adult*
3 *education programs of this State.*

4 *2. In accepting the benefits of the Acts of Congress referred*
5 *to in subsection 1, the State of Nevada agrees to comply with all of*
6 *their provisions and observe all of their requirements.*

7 **Sec. 39.** *The Employment Security Division of the*
8 *Department consists of the Administrator of the Division and the*
9 *Commission on Postsecondary Education.*

10 **Sec. 40.** NRS 232.900 is hereby amended to read as follows:
11 232.900 As used in NRS 232.900 to 232.960, inclusive, *and*
12 *sections 38 and 39 of this act*, unless the context otherwise requires:

13 1. "Department" means the Department of Employment,
14 Training and Rehabilitation.

15 2. "Director" means the Director of the Department.

16 **Sec. 41.** NRS 232.920 is hereby amended to read as follows:
17 232.920 The Director:

18 1. Shall:

19 (a) Organize the Department into divisions and other operating
20 units as needed to achieve the purposes of the Department;

21 (b) Upon request, provide the Director of the Department of
22 Administration with a list of organizations and agencies in this State
23 whose primary purpose is the training and employment of persons
24 with disabilities;

25 (c) Except as otherwise provided by a specific statute, direct the
26 divisions to share information in their records with agencies of local
27 governments which are responsible for the collection of debts or
28 obligations if the confidentiality of the information is otherwise
29 maintained under the terms and conditions required by law; and

30 (d) Provide the employment and wage information to the Board
31 of Regents of the University of Nevada for purposes of the reporting
32 required of the Board of Regents by subsection 4 of NRS 396.531.

33 2. Is responsible for the administration, through the divisions
34 of the Department, of the provisions of NRS *394.383 to 394.560,*
35 *inclusive*, 426.010 to 426.720, inclusive, 426.740, 426.790 and
36 426.800, and chapters 612 and 615 of NRS, and all other provisions
37 of law relating to the functions of the Department and its divisions,
38 but is not responsible for the professional line activities of the
39 divisions or other operating units except as otherwise provided by
40 specific statute.

41 3. May employ, within the limits of legislative appropriations,
42 such staff as is necessary for the performance of the duties of the
43 Department.



1 **Sec. 42.** Chapter 612 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 43 and 44 of this act.

3 **Sec. 43.** *“Deputy Administrator” means the Deputy*
4 *Administrator of the Division.*

5 **Sec. 44. 1.** *The Commission on Postsecondary Education is*
6 *administered by the Deputy Administrator, who is appointed by*
7 *and serves at the pleasure of the Administrator.*

8 **2.** *Subject to the provisions of NRS 394.383 to 394.560,*
9 *inclusive, the Deputy Administrator:*

10 **(a)** *Is in the unclassified service of the State.*

11 **(b)** *Serves ex officio as a member of the Commission.*

12 **(c)** *Has full administrative authority with respect to the*
13 *operation and functions of the Commission, subject to the*
14 *administrative supervision of the Administrator.*

15 **(d)** *Shall devote his or her entire time and attention to the*
16 *business of his or her office and shall not pursue any other*
17 *business or occupation or hold any other office of profit.*

18 **(e)** *Is responsible for the administration of the provisions of*
19 *this section, NRS 394.383 to 394.560, inclusive, and all other*
20 *provisions of law relating to the functions of the Commission.*

21 **Sec. 45.** NRS 612.015 is hereby amended to read as follows:

22 612.015 As used in this chapter, unless the context clearly
23 requires otherwise, the words and terms defined in NRS 612.016 to
24 612.200, inclusive, *and section 43 of this act* have the meanings
25 ascribed to them in those sections.

26 **Sec. 46.** NRS 612.220 is hereby amended to read as follows:

27 612.220 The Administrator:

28 1. Shall administer this chapter.

29 2. *Is responsible for the administration, through the Deputy*
30 *Administrator and the Commission on Postsecondary Education,*
31 *of the provisions of NRS 394.383 to 394.560, inclusive.*

32 3. Has power and authority to adopt, amend or rescind such
33 rules and regulations, to employ, in accordance with the provisions
34 of this chapter, such persons, make such expenditures, require such
35 reports, make such investigations, and take such other action as the
36 Administrator deems necessary or suitable to that end.

37 ~~3.~~ 4. Shall determine his or her own organization and
38 methods of procedure for the Division in accordance with the
39 provisions of this chapter.

40 **Sec. 47.** NRS 612.230 is hereby amended to read as follows:

41 612.230 1. For the purpose of ensuring the impartial selection
42 of personnel on the basis of merit, the Administrator shall fill all
43 positions in the Division, except the ~~post~~ *posts* of Administrator ~~†~~
44 *and Deputy Administrator*, from registers prepared by the Division
45 of Human Resource Management of the Department of



1 Administration, in conformity with such rules, regulations and
2 classification and compensation plans relating to the selection of
3 personnel as may be adopted or prescribed by the Administrator.

4 2. The Administrator shall select all personnel either from the
5 first five candidates on the eligible lists as provided in this chapter,
6 or from the highest rating candidate within a radius of 60 miles of
7 the place in which the duties of the position will be performed. The
8 Administrator may fix the compensation and prescribe the duties
9 and powers of such personnel, including such officers, accountants,
10 attorneys, experts, and other persons as may be necessary in the
11 performance of the duties under this chapter, and may delegate to
12 any such person such power and authority as the Administrator
13 deems reasonable and proper for its effective administration.

14 3. The Administrator shall classify positions under this chapter
15 and shall establish salary schedules and minimum personnel
16 standards for the positions so classified. The Administrator shall
17 devise and establish fair and reasonable regulations governing
18 promotions, demotions and terminations for cause in accordance
19 with such established personnel practices as will tend to promote the
20 morale and welfare of the organization.

21 4. The Administrator may grant educational leave stipends to
22 officers and employees of the Division if all of the cost of the
23 educational leave stipends may be paid from money of the Federal
24 Government.

25 **Sec. 48.** The term of the member of the Commission on
26 Postsecondary Education:

27 1. Appointed pursuant to paragraph (d) of subsection 1 of
28 NRS 394.385;

29 2. Who is incumbent on June 30, 2017; and

30 3. Whose term, but for this section, would otherwise have
31 expired first after that date,

32 ↪ expires on June 30, 2017.

33 **Sec. 49.** Notwithstanding any provision of this act to the
34 contrary, the Administrator of the Commission on Postsecondary
35 Education who is incumbent on June 30, 2017:

36 1. May be appointed Deputy Administrator of the Employment
37 Security Division of the Department of Employment, Training and
38 Rehabilitation pursuant to section 44 of this act;

39 2. If so appointed, is entitled to remain in the classified service
40 or serve in the unclassified service of the State, at his or her election,
41 until he or she vacates the position of Deputy Administrator; and

42 3. If so appointed, has all the powers and duties vested in the
43 Deputy Administrator by the provisions of this act or as otherwise
44 provided by law.



1 **Sec. 50.** The Legislative Counsel shall, in preparing the
2 Nevada Revised Statutes or any supplements to the Nevada
3 Administrative Code, use the authority set forth in subsection 10 of
4 NRS 220.120 to change appropriately the name of any agency,
5 officer or instrumentality of the State whose name is changed or
6 whose responsibilities are transferred pursuant to the provisions of
7 this act to refer to the appropriate agency, officer or instrumentality.
8 **Sec. 51.** NRS 394.007 is hereby repealed.
9 **Sec. 52.** 1. This section and sections 48 and 49 of this act
10 become effective upon passage and approval.
11 2. Sections 1 to 47, inclusive, and 50 and 51 of this act become
12 effective on July 1, 2017.

TEXT OF REPEALED SECTION

394.007 “Administrator” defined. “Administrator” means the Administrator of the Commission on Postsecondary Education.

③

