

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)



\* A B 4 8 4 R 1 \*

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. 2.5.** NRS 394.006 is hereby amended to read as follows:  
 12 394.006 A postsecondary educational institution is  
 13 “accredited” if ~~†††~~ :

14       1. *It* has met the standards required by an accrediting body  
 15 recognized by the United States Department of Education ~~†~~ ; *or*

16       2. *The United States Department of Education recognizes it*  
 17 *as accredited.*

18       **Sec. 3.** NRS 394.024 is hereby amended to read as follows:  
 19 394.024 “Commissioner” means any member of the  
 20 Commission on Postsecondary Education . ~~†except—the~~  
 21 ~~Administrator.†~~

22       **Sec. 4.** NRS 394.026 is hereby amended to read as follows:  
 23 394.026 “Confidential” means information that is subject to  
 24 disclosure only to:

- 25       1. The Attorney General;



2. A member of the Commission or its staff; or
3. As deemed appropriate by the *Deputy* Administrator, a person responsible for reviewing the curriculum or financial records of a postsecondary educational institution.

**Sec. 5.** NRS 394.160 is hereby amended to read as follows:

394.160 1. Any person who has the duty, in a private school, college or university in this state, of giving instruction in the Constitution of the United States and the Constitution of the State of Nevada must show, by examination or credentials showing college, university or normal school study, satisfactory evidence of adequate knowledge of the origin, history, provisions and principles of the Constitution of the United States and the Constitution of the State of Nevada.

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

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

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

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

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

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

394.385 1. The Governor shall appoint:

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

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

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

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

2. The Commission shall designate a Chair. ~~The Administrator is the Executive Secretary.~~ The Commission may meet regularly at least four times each year at such places and times as may be specified by a call of the Chair or majority of the Commission. The



1 Commission shall prescribe regulations for its own management.  
2 Four members of the Commission constitute a quorum which may  
3 exercise all the authority conferred upon the Commission.

4 3. Any Commissioner may be removed by the Governor if, in  
5 the opinion of the Governor, the Commissioner is guilty of  
6 malfeasance in office or neglect of duty.

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

8 394.411 1. The Commission shall adopt regulations  
9 governing the administration of NRS 394.383 to 394.560, inclusive,  
10 and may adopt such other regulations as are proper or necessary for  
11 the execution of the powers and duties conferred upon it by law.

12 2. The *Deputy* Administrator shall execute, direct or supervise  
13 all administrative, technical and procedural activities for which the  
14 *Deputy* Administrator is responsible in accordance with the policies  
15 and regulations of the Commission . ~~and subject to the~~  
16 ~~Commission's direction and control.~~

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

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

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

27 394.430 1. The *Deputy* Administrator shall:

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

30 (b) Receive, investigate and act upon:

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

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

34 (c) Recommend to the Commission whether licensing is  
35 required.

36 2. The *Deputy* Administrator may:

37 (a) With the approval of the Commission, negotiate and enter  
38 into interstate reciprocity agreements with similar agencies in other  
39 states, if in the judgment of the *Deputy* Administrator the  
40 agreements are or will be helpful in effectuating the purposes of  
41 NRS 394.383 to 394.560, inclusive. Nothing contained in any  
42 reciprocity agreement may limit the powers, duties and  
43 responsibilities of the *Deputy* Administrator independently to  
44 investigate or act upon any application for a license to operate a  
45 postsecondary educational institution, or an application for issuance



1 or renewal of any agent's permit, or with respect to the enforcement  
2 of any provision of this chapter, or any regulation promulgated  
3 pursuant to it.

4 (b) Investigate, on the *Deputy* Administrator's own initiative or  
5 in response to any complaint lodged with the *Deputy* Administrator,  
6 any person subject to, or reasonably believed by the *Deputy*  
7 Administrator to be subject to, the Commission's jurisdiction.  
8 During an investigation the *Deputy* Administrator may:

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

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

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

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

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

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

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

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

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

42 394.441 A postsecondary educational institution shall:

43 1. Provide students and other interested persons with a catalog  
44 or brochure containing information describing the programs offered,  
45 objectives of the program, length of the program, schedule of



1 tuition, fees and all other charges and expenses necessary for  
2 completion of the course of study, policies concerning cancellations  
3 and refunds, an explanation of the Account for Student  
4 Indemnification and other material facts concerning the institution  
5 and the program or course of instruction that are likely to affect the  
6 decision of the student to enroll therein, together with any other  
7 disclosures specified by the *Deputy* Administrator or defined in the  
8 regulations of the Commission. The information must be provided  
9 before enrollment.

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

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

14 (b) If the training does not lead to a degree, the number of hours  
15 of instruction or credits required of the student to complete the  
16 training.

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

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

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

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

28 (b) The number of:

29 (1) Students enrolled in the program;

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

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

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

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

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

39 (3) The number of such graduates who have passed the  
40 examination.

41 6. Select, from the information collected pursuant to subsection  
42 5, the information relating to any 6-month period within the  
43 18-month period preceding its next date for enrollment. The  
44 information for the period selected must be set forth in written form  
45 and posted conspicuously at the institution.



1     **Sec. 13.** NRS 394.443 is hereby amended to read as follows:  
2     394.443 A postsecondary educational institution shall:

3     1. Post in a conspicuous place a notice supplied by the *Deputy*  
4 Administrator stating that grievances may be submitted to the  
5 *Deputy* Administrator for resolution.

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

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

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

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

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

26    394.449 1. Each postsecondary educational institution shall  
27 have a policy for refunds which at least provides:

28    (a) That if the institution has substantially failed to furnish the  
29 training program agreed upon in the enrollment agreement, the  
30 institution shall refund to a student all the money the student has  
31 paid.

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

43    (c) That if a student withdraws or is expelled by the institution  
44 after the start of the training program and before the completion of  
45 more than 60 percent of the program, the institution shall refund to





1 the student a pro rata amount of the tuition agreed upon in the  
2 enrollment agreement, minus 10 percent of the tuition agreed upon  
3 in the enrollment agreement or \$150, whichever is less.

4 (d) That if a student withdraws or is expelled by the institution  
5 after completion of more than 60 percent of the training program,  
6 the institution is not required to refund the student any money and  
7 may charge the student the entire cost of the tuition agreed upon in  
8 the enrollment agreement.

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

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

13 (b) Date of termination by the institution of the enrollment of a  
14 student;

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

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

18 ↪ whichever is applicable.

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

25 4. For the purposes of this section:

26 (a) The period of a student's attendance must be measured from  
27 the first day of instruction as set forth in the enrollment agreement  
28 through the student's last day of actual attendance, regardless of  
29 absences.

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

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

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

37 394.455 1. The Commission shall not issue a license to  
38 operate an unaccredited institution which grants degrees until the  
39 institution has been evaluated by the Commission. Each existing or  
40 new institution must be evaluated at least once, but the Commission  
41 may require subsequent evaluations.

42 2. The Chair of the Commission shall appoint a panel of  
43 evaluators for each institution composed of representatives of  
44 institutions or businesses that are directly affected by the program  
45 and persons who significantly contribute to the evaluation because





1 of special knowledge. The *Deputy* Administrator shall accompany  
2 the panel as an observer.

3 3. One hundred and twenty days before the meeting of the  
4 Commission at which the issuance or renewal of a license will be  
5 considered, the panel of evaluators shall present to the *Deputy*  
6 Administrator and to the institution a report specifying the extent to  
7 which the institution meets the standards established by the  
8 Commission, and recommending:

- 9 (a) Issuance or renewal of the license with no qualifications;
- 10 (b) Issuance of a provisional license; or
- 11 (c) Revocation of the license.

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

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

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

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

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

38 2. After review of the application, any other information  
39 required by the *Deputy* Administrator and the report of the panel of  
40 evaluators, and an investigation of the applicant if necessary, the  
41 Commission shall grant or deny a license or grant a provisional  
42 license for a term specified by the Commission. Before the  
43 expiration of a provisional license, the *Deputy* Administrator shall  
44 inspect the institution, or the Commission may require the  
45 appointment of a panel of evaluators to inspect the institution, and



1 recommend whether to revoke or continue the provisional license or  
2 to grant an unqualified license. The Commission may accept or  
3 reject the recommendation.

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

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

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

7 (c) The approved degrees or occupational subjects.

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

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

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

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

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

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

25 394.463 1. The institution shall pay the per diem allowance  
26 and travel expenses allowed for state officers and employees  
27 generally ~~to~~ to the members of the panel of evaluators ~~to~~ and the  
28 *Deputy* Administrator ~~and employees of the Commission~~ during  
29 their inspections of the institution and to the member of the panel  
30 who attends the meeting of the Commission at which the license is  
31 discussed. The institution shall also pay the cost of preparing and  
32 printing the report of the panel.

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

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

41 394.465 1. Except as otherwise provided in subsection 6,  
42 before a postsecondary educational institution employs or contracts  
43 with a person:

44 (a) To occupy an instructional position;



1 (b) To occupy an administrative or financial position, including  
2 a position as school director, personnel officer, counselor, admission  
3 representative, solicitor, canvasser, surveyor, financial aid officer or  
4 any similar position; or

5 (c) To act as an agent for the institution,  
6 ➔ the applicant must submit to the *Deputy* Administrator the  
7 information set forth in subsection 2.

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

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

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

25 3. The *Deputy* Administrator may:

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

31 (b) Request from each such agency any information regarding  
32 the applicant's background as the *Deputy* Administrator deems  
33 necessary.

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

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

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

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

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

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



1 (d) Is an instructor who provides instruction from a location  
2 outside this State through a program of distance education for a  
3 postsecondary educational institution licensed by the Commission  
4 who previously underwent an investigation of his or her background  
5 and the *Deputy* Administrator determines that an additional  
6 investigation is not necessary; or

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

9 7. As used in this section, "distance education" means  
10 instruction delivered by means of video, computer, television, or the  
11 Internet or other electronic means of communication, or any  
12 combination thereof, in such a manner that the person supervising or  
13 providing the instruction and the student receiving the instruction  
14 are separated geographically.

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

16 394.470 1. Each person desiring to solicit or perform the  
17 services of an agent in this state must apply to the *Deputy*  
18 Administrator upon forms provided by the *Deputy* Administrator.  
19 The application must:

20 (a) Be accompanied by evidence of the good reputation and  
21 character of the applicant;

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

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

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

26 (e) State the name of the institution the applicant intends to  
27 represent.

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

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

35 (a) The information required from institutions applying for a  
36 license;

37 (b) Evidence that the institution meets the criteria established for  
38 licensed institutions;

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

41 (d) Evidence that the institution is accredited.

42 4. After a review of the application and other information  
43 submitted by the applicant, as required by regulation of the  
44 Commission, and any investigation of the applicant the *Deputy*



1 Administrator considers appropriate, the *Deputy* Administrator shall  
2 grant or deny an agent's permit to the applicant.

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

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

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

7 (c) The names of the institutions the agent is authorized to  
8 represent.

9 6. An agent's permit must not be issued for a term of more than  
10 1 year.

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

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

17 394.473 1. An applicant for the issuance or renewal of an  
18 agent's permit shall submit to the *Deputy* Administrator the  
19 statement prescribed by the Division of Welfare and Supportive  
20 Services of the Department of Health and Human Services pursuant  
21 to NRS 425.520. The statement must be completed and signed by  
22 the applicant.

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

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

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

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

30 (a) Fails to submit the statement required pursuant to subsection  
31 1; or

32 (b) Indicates on the statement submitted pursuant to subsection  
33 1 that the applicant is subject to a court order for the support of a  
34 child and is not in compliance with the order or a plan approved by  
35 the district attorney or other public agency enforcing the order for  
36 the repayment of the amount owed pursuant to the order.

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



1       **Sec. 22.** NRS 394.474 is hereby amended to read as follows:  
2       394.474 1. In addition to any other requirements set forth in  
3 this chapter, an applicant for the renewal of an agent's permit must  
4 indicate in the application submitted to the *Deputy* Administrator  
5 whether the applicant has a state business registration. If the  
6 applicant has a state business registration, the applicant must include  
7 in the application the business identification number assigned by the  
8 Secretary of State upon compliance with the provisions of chapter  
9 76 of NRS.

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

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

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

18               (1) Satisfied the debt;

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

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

22       3. As used in this section:

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

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

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

26       394.475 Before a postsecondary educational institution  
27 employs agents or contracts with persons to act as agents for the  
28 institution, it must apply for and receive from the *Deputy*  
29 Administrator authorization for the employment of agents.

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

31       394.480 1. Notwithstanding the provisions of NRS 100.065  
32 to the contrary, each:

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

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

43       (c) Postsecondary educational institution that poses a financial  
44 risk to the students who are enrolled in the institution, as determined  
45 by the Commission, shall file with the *Deputy* Administrator a



1 surety bond in the amount of \$10,000 or in a greater amount  
2 determined by the Commission for a period that the Commission  
3 determines is appropriate.

4 (d) Postsecondary educational institution that files for a change  
5 of ownership shall file with the *Deputy* Administrator a surety bond  
6 in the amount of \$10,000 or in a greater amount determined by the  
7 Commission for the period of the initial license to operate issued to  
8 the new owner, including any provisional period.

9 (e) Postsecondary educational institution may be required by the  
10 Commission to file a new or supplementary bond in an amount and  
11 for a period determined appropriate by the Commission if the  
12 Commission determines that the current bond filed by the institution  
13 is insufficient to cover all claims, accrued or contingent, against the  
14 institution.

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

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

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





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

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

5 394.490 1. If the Commission, upon review and  
6 consideration of a person required to be licensed or of an application  
7 for a license to operate, or the *Deputy* Administrator, upon review  
8 and consideration of an application for an agent's permit, for  
9 renewal of a license or agent's permit or for authorization to employ  
10 agents, determines that the applicant fails to meet the criteria for  
11 granting the application, the *Deputy* Administrator shall notify the  
12 applicant by certified mail, setting forth the reasons for the denial of  
13 the application.

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

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

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

21 3. If the *Deputy* Administrator denies an application for an  
22 agent's permit, or an application for renewal, the *Deputy*  
23 Administrator shall notify the institution the agent represented or  
24 sought to represent, setting forth the reasons for the denial.

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

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

36 2. If the Commission revokes a license, the institution shall  
37 cease its operations and grant degrees and shall refund to each  
38 enrolled student the cost of the student's current course or program.

39 3. The *Deputy* Administrator may impose an administrative  
40 fine of not more than \$10,000 against an institution or agent, revoke  
41 an agent's permit, or make a permit conditional after its issuance, if  
42 the *Deputy* Administrator reasonably believes that the holder has  
43 violated the provisions of NRS 394.383 to 394.560, inclusive, or  
44 regulations adopted pursuant thereto. Before action is taken, the  
45 *Deputy* Administrator shall notify the holder by certified mail of



1 facts or conduct that warrant the impending action and advise the  
2 holder that if a hearing is desired it must be requested within 10  
3 days after receipt of the notice letter. If no hearing is requested  
4 within the prescribed period the action becomes final.

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

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

10 394.515 1. If the *Deputy* Administrator receives a copy of a  
11 court order issued pursuant to NRS 425.540 that provides for the  
12 suspension of all professional, occupational and recreational  
13 licenses, certificates and permits issued to a person who is the  
14 holder of an agent's permit, the *Deputy* Administrator shall deem  
15 the permit issued to that person to be suspended at the end of the  
16 30th day after the date on which the court order was issued unless  
17 the *Deputy* Administrator receives a letter issued to the holder of the  
18 permit by the district attorney or other public agency pursuant to  
19 NRS 425.550 stating that the holder of the permit has complied with  
20 the subpoena or warrant or has satisfied the arrearage pursuant to  
21 NRS 425.560.

22 2. The *Deputy* Administrator shall reinstate an agent's permit  
23 that has been suspended by a district court pursuant to NRS 425.540  
24 if the *Deputy* Administrator receives a letter issued by the district  
25 attorney or other public agency pursuant to NRS 425.550 to the  
26 person whose permit was suspended stating that the person whose  
27 permit was suspended has complied with the subpoena or warrant or  
28 has satisfied the arrearage pursuant to NRS 425.560.

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

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

41 2. The *Deputy* Administrator shall investigate any verified  
42 complaint and may, at his or her discretion, attempt to effectuate a  
43 settlement by arbitration, mediation or negotiation. The *Deputy*  
44 Administrator may also consult with the applicable accrediting body  
45 to resolve the complaint. If a settlement cannot be reached, the



1 *Deputy* Administrator shall render a decision and notify each party  
2 of the decision and the reasons for it by certified mail to his or her  
3 last known address. Either party may request a hearing before the  
4 Commission by notifying the *Deputy* Administrator by certified  
5 mail within 15 days after the decision was mailed to the party. The  
6 hearing must be held at the next meeting of the Commission in the  
7 geographical area convenient to the parties. If a hearing is not  
8 requested, the decision of the *Deputy* Administrator is final.

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

30 **Sec. 29.** NRS 394.530 is hereby amended to read as follows:  
31 394.530 If the Commission or the *Deputy* Administrator  
32 determines that irreparable injury would result from putting into  
33 immediate effect a final action or penalty, the Commission or  
34 *Deputy* Administrator, as appropriate, shall postpone the effective  
35 date of the action pending review.

36 **Sec. 30.** NRS 394.540 is hereby amended to read as follows:  
37 394.540 1. The fees imposed pursuant to this section must be  
38 collected by the *Deputy* Administrator and deposited in the State  
39 Treasury to the credit of the State General Fund, and no fees so  
40 collected are subject to refund.

- 41 2. The fees are:  
42 (a) For a new license..... \$2,000  
43 (b) For an application by an unlicensed out-of-  
44 state educational institution to employ agents in this  
45 state or offer experiential courses ..... 1,500



1 (c) For a change of ownership ..... \$1,000  
2 (d) For approval of an alcohol awareness  
3 program ..... 500  
4 (e) To add a new degree or vocational program ..... 500  
5 (f) For an initial agent’s permit ..... 200  
6 (g) For the renewal of an agent’s permit ..... 200  
7 (h) For a transcript of an academic record which  
8 is in the possession of the *Deputy* Administrator  
9 pursuant to NRS 394.550 ..... 5

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

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

22 394.545 1. A driving school:

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

25 (b) Must have the equipment necessary to instruct students in  
26 the safe operation of motor vehicles and maintain the equipment in a  
27 safe condition; and

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

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

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

32 2. The Department of Motor Vehicles may review and approve  
33 or disapprove any application to issue, renew or revoke a license for  
34 a driving school. The Department of Motor Vehicles may, at any  
35 time, inspect a licensed driving school and may recommend that its  
36 license be suspended or revoked. The *Deputy* Administrator shall  
37 investigate and recommend to the Commission the appropriate  
38 action.

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

40 394.550 If any postsecondary educational institution operating  
41 in this state discontinues or proposes to discontinue its operation,  
42 the chief administrative officer of the institution shall file with the  
43 *Deputy* Administrator original or true copies of all academic records  
44 of the institution specified by regulations of the Commission. The  
45 records must include, as a minimum, academic information



1 customarily required by colleges when considering students for  
2 transfer or advanced study; and, as a separate document, the  
3 academic record of each former student. If the *Deputy*  
4 Administrator establishes the likelihood that academic records of an  
5 institution discontinuing its operations are in danger of being  
6 destroyed, secreted, mislaid or otherwise made unavailable to the  
7 Commission, the *Deputy* Administrator may obtain a court order  
8 permitting the seizure of such records. The *Deputy* Administrator  
9 shall receive and maintain a file of such records in the *Deputy*  
10 Administrator's possession.

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

12 394.553 1. The Account for Student Indemnification is  
13 hereby created in the State General Fund. The existence of the  
14 Account does not create a right in any person to receive money from  
15 the Account. The *Deputy* Administrator shall administer the  
16 Account in accordance with regulations adopted by the  
17 Commission.

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

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

23 (b) The violation by such an institution of any provision of NRS  
24 394.383 to 394.560, inclusive, or the regulations adopted pursuant  
25 thereto.

26 3. If a student or enrollee is entitled to indemnification from a  
27 surety bond pursuant to NRS 394.480, the bond must be used to  
28 indemnify the student or enrollee before any money in the Account  
29 may be used for indemnification.

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

40 5. No expenditure may be made from the Account if the  
41 expenditure would cause the balance in the Account to fall below  
42 \$10,000.

43 6. Interest and income earned on the money in the Account,  
44 after deducting any applicable charges, must be credited to the  
45 Account.



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

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

4 394.557 1. Except as otherwise provided in subsection 2,  
5 each postsecondary educational institution licensed in this state shall  
6 pay to the *Deputy* Administrator a fee of \$5 for each student the  
7 institution initially enrolls in a program for which the student pays a  
8 tuition or registration fee. On or before January 1, April 1, July 1  
9 and October 1 of each year, each institution shall transmit to the  
10 *Deputy* Administrator the fees required by this subsection for the  
11 immediately preceding quarter. The *Deputy* Administrator shall  
12 deposit the money in the State Treasury for credit to the Account for  
13 Student Indemnification.

14 2. The *Deputy* Administrator shall notify each postsecondary  
15 educational institution licensed in this state if the balance in the  
16 Account is \$250,000 or more. If the balance in the Account is  
17 \$250,000 or more, a postsecondary educational institution is not  
18 required to pay the fee required by subsection 1. If the balance in the  
19 Account subsequently falls below \$250,000, the *Deputy*  
20 Administrator shall notify each postsecondary educational  
21 institution licensed in this state that the fee must be paid until the  
22 balance in the Account is \$250,000 or more.

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

24 394.610 Unless a specific penalty is otherwise provided, a  
25 person who willfully violates the provisions of NRS 394.005 to  
26 ~~394.550,~~ 394.560, inclusive, *and section 1 of this act* is guilty of a  
27 gross misdemeanor. Each day's failure to comply with the  
28 provisions of these sections is a separate offense.

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

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

41 1. Is accredited; or

42 2. Has filed and kept current with appropriate amendments, in  
43 the office of the *Deputy* Administrator, an affidavit by each  
44 president of two separate accredited colleges or universities stating  
45 that the majority of the course credits offered by the unaccredited



1 institution are generally acceptable or transferable to the accredited  
2 college or university which each president represents.

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

5 **Sec. 38. 1. *The Director may accept, and adopt regulations***  
6 ***or establish policies for the disbursement of, money appropriated***  
7 ***by any Act of Congress and apportioned to the State of Nevada for***  
8 ***use in connection with the workforce development and adult***  
9 ***education programs of this State.***

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

13 **Sec. 39. *The Employment Security Division of the***  
14 ***Department consists of the Administrator of the Division and the***  
15 ***Commission on Postsecondary Education.***

16 **Sec. 40.** NRS 232.900 is hereby amended to read as follows:

17 232.900 As used in NRS 232.900 to 232.960, inclusive, ***and***  
18 ***sections 38 and 39 of this act,*** unless the context otherwise requires:

19 1. "Department" means the Department of Employment,  
20 Training and Rehabilitation.

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

22 **Sec. 41.** NRS 232.920 is hereby amended to read as follows:

23 232.920 The Director:

24 1. Shall:

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

27 (b) Upon request, provide the Director of the Department of  
28 Administration with a list of organizations and agencies in this State  
29 whose primary purpose is the training and employment of persons  
30 with disabilities;

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

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

39 2. Is responsible for the administration, through the divisions  
40 of the Department, of the provisions of NRS ***394.383 to 394.560,***  
41 ***inclusive,*** 426.010 to 426.720, inclusive, 426.740, 426.790 and  
42 426.800, and chapters 612 and 615 of NRS, and all other provisions  
43 of law relating to the functions of the Department and its divisions,  
44 but is not responsible for the professional line activities of the





1 divisions or other operating units except as otherwise provided by  
2 specific statute.

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

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

8 **Sec. 43.** *“Deputy Administrator” means the Deputy*  
9 *Administrator of the Division.*

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

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

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

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

17 *(c) Has full administrative authority with respect to the*  
18 *operation and functions of the Commission, subject to the*  
19 *administrative supervision of the Administrator.*

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

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

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

27 612.015 As used in this chapter, unless the context clearly  
28 requires otherwise, the words and terms defined in NRS 612.016 to  
29 612.200, inclusive, *and section 43 of this act* have the meanings  
30 ascribed to them in those sections.

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

32 612.220 The Administrator:

33 1. Shall administer this chapter.

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

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

42 ~~3~~ 4. Shall determine his or her own organization and  
43 methods of procedure for the Division in accordance with the  
44 provisions of this chapter.



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

2       612.230 1. For the purpose of ensuring the impartial selection  
3 of personnel on the basis of merit, the Administrator shall fill all  
4 positions in the Division, except the ~~post~~ *posts* of Administrator ~~†~~  
5 *and Deputy Administrator*, from registers prepared by the Division  
6 of Human Resource Management of the Department of  
7 Administration, in conformity with such rules, regulations and  
8 classification and compensation plans relating to the selection of  
9 personnel as may be adopted or prescribed by the Administrator.

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

20      3. The Administrator shall classify positions under this chapter  
21 and shall establish salary schedules and minimum personnel  
22 standards for the positions so classified. The Administrator shall  
23 devise and establish fair and reasonable regulations governing  
24 promotions, demotions and terminations for cause in accordance  
25 with such established personnel practices as will tend to promote the  
26 morale and welfare of the organization.

27      4. The Administrator may grant educational leave stipends to  
28 officers and employees of the Division if all of the cost of the  
29 educational leave stipends may be paid from money of the Federal  
30 Government.

31       **Sec. 48.** The term of the member of the Commission on  
32 Postsecondary Education:

33      1. Appointed pursuant to paragraph (d) of subsection 1 of  
34 NRS 394.385;

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

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

38      ↳ expires on June 30, 2017.

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

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



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

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

7 **Sec. 50.** The Legislative Counsel shall, in preparing the  
8 Nevada Revised Statutes or any supplements to the Nevada  
9 Administrative Code, use the authority set forth in subsection 10 of  
10 NRS 220.120 to change appropriately the name of any agency,  
11 officer or instrumentality of the State whose name is changed or  
12 whose responsibilities are transferred pursuant to the provisions of  
13 this act to refer to the appropriate agency, officer or instrumentality.

14 **Sec. 51.** NRS 394.007 is hereby repealed.

15 **Sec. 52.** 1. This section and sections 48 and 49 of this act  
16 become effective upon passage and approval.

17 2. Sections 1 to 47, inclusive, and 50 and 51 of this act become  
18 effective on July 1, 2017.

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**TEXT OF REPEALED SECTION**

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

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