

(Reprinted with amendments adopted on June 2, 2017)

SECOND REPRINT

A.B. 484

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.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.AN ACT relating to education; revising provisions relating to the
accreditation of postsecondary educational institutions;
revising the composition of the Commission on
Postsecondary Education; providing a penalty; and
providing other matters properly relating thereto.**Legislative Counsel's Digest:**

1 Under existing law, a postsecondary educational institution is considered
2 "accredited" if it has met the standards required by an accrediting body recognized
3 by the United States Department of Education. (NRS 394.006) **Section 2.5** of this
4 bill provides that a postsecondary educational institution is also considered to be
5 accredited if it is recognized as accredited directly by the United States Department
6 of Education.

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

14 **Section 6** of this bill locates the Commission within the Employment Security
15 Division of the Department of Employment, Training and Rehabilitation. **Section**
16 **46** of this bill makes the Administrator of the Employment Security Division
17 responsible for the administration of the Commission, through the Administrator of
18 the Commission. **Sections 8 and 41** of this bill make conforming changes.



* A B 4 8 4 R 2 *

19 The Commission presently consists of seven members appointed by the
20 Governor, including one member who is a representative of the State Board of
21 Education. (NRS 394.383, 394.385) **Section 6** of this bill revises the composition
22 of the Commission such that it consists of six voting members and one employee of
23 the Department of Employment, Training and Rehabilitation appointed by the
24 Director of the Department who serves as a nonvoting member. **Section 7** of this
25 bill eliminates the member who is a representative of the State Board of Education
26 from the Commission.

27 Existing law makes certain activities related to postsecondary educational
28 institutions unlawful. (NRS 394.560) **Section 35** of this bill makes the commission
29 of such acts a gross misdemeanor.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 2.5.** NRS 394.006 is hereby amended to read as follows:

4 394.006 A postsecondary educational institution is
5 “accredited” if ~~it~~ :

6 1. *It* has met the standards required by an accrediting body
7 recognized by the United States Department of Education ~~it~~ ; or

8 2. *The United States Department of Education recognizes it*
9 *as accredited.*

10 **Sec. 3.** NRS 394.024 is hereby amended to read as follows:

11 394.024 “Commissioner” means any member of the
12 Commission on Postsecondary Education . ~~except—the~~
13 ~~Administrator.~~

14 **Sec. 4.** (Deleted by amendment.)

15 **Sec. 5.** (Deleted by amendment.)

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

17 394.383 1. The Commission on Postsecondary Education ~~is~~
18 ~~consisting~~ *is hereby created within the Employment Security*
19 *Division of the Department of Employment, Training and*
20 *Rehabilitation. The Commission consists of ~~seven~~ :*

21 *(a) An employee of the Department of Employment, Training*
22 *and Rehabilitation designated by the Director of the Department*
23 *of Employment, Training and Rehabilitation to serve as a*
24 *nonvoting member; and*

25 *(b) Six voting* members appointed by the Governor . ~~is hereby~~
26 ~~created.~~

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

30 3. *The nonvoting member of the Commission designated*
31 *pursuant to paragraph (a) of subsection 1 must be relieved from*



1 *his or her duties with the Department of Employment, Training*
2 *and Rehabilitation without loss of regular compensation so that he*
3 *or she may prepare for and attend meetings of the Commission*
4 *and perform any work necessary to carry out the duties of the*
5 *Commission in the most timely manner practicable. The*
6 *Department may not require the member to make up time or take*
7 *annual vacation or compensatory time for the time that he or she*
8 *is absent from work to carry out his or her duties as a member of*
9 *the Commission.*

10 4. While engaged in the business of the Commission, each
11 member ~~and employee~~ of the Commission is entitled to receive the
12 per diem allowance and travel expenses provided for state officers
13 and employees generally.

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

15 394.385 1. The Governor shall appoint:

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

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

22 ~~(c)~~ (b) Two members who are representatives of private
23 postsecondary educational institutions.

24 ~~(d)~~ (c) Two members who are representatives of the general
25 public and are not associated with the field of education.

26 2. The Commission shall designate a Chair. ~~The Administrator~~
27 ~~is the Executive Secretary.~~ The Commission may meet regularly at
28 least four times each year at such places and times as may be
29 specified by a call of the Chair or majority of the Commission. The
30 Commission shall prescribe regulations for its own management.
31 Four *voting* members of the Commission constitute a quorum which
32 may exercise all the authority conferred upon the Commission.

33 3. Any Commissioner may be removed by the Governor if, in
34 the opinion of the Governor, the Commissioner is guilty of
35 malfeasance in office or neglect of duty.

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

37 394.411 1. The Commission shall adopt regulations
38 governing the administration of NRS 394.383 to 394.560, inclusive,
39 and may adopt such other regulations as are proper or necessary for
40 the execution of the powers and duties conferred upon it by law.

41 2. ~~The~~ *Subject to the administrative supervision of the*
42 *Administrator of the Employment Security Division of the*
43 *Department of Employment, Training and Rehabilitation*
44 *pursuant to NRS 612.220, the Administrator of the Commission*
45 shall execute, direct or supervise all administrative, technical and



1 procedural activities for which the Administrator is responsible in
2 accordance with the policies and regulations of the Commission .

3 ~~and subject to the Commission's direction and control.~~

4 **Sec. 9.** (Deleted by amendment.)

5 **Sec. 10.** (Deleted by amendment.)

6 **Sec. 11.** (Deleted by amendment.)

7 **Sec. 12.** (Deleted by amendment.)

8 **Sec. 13.** (Deleted by amendment.)

9 **Sec. 14.** (Deleted by amendment.)

10 **Sec. 15.** (Deleted by amendment.)

11 **Sec. 16.** (Deleted by amendment.)

12 **Sec. 17.** (Deleted by amendment.)

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

14 394.463 1. The institution shall pay the per diem allowance
15 and travel expenses allowed for state officers and employees
16 generally ~~H~~ to the members of the panel of evaluators ~~H~~ *and* the
17 Administrator ~~and employees of the Commission~~ during their
18 inspections of the institution and to the member of the panel who
19 attends the meeting of the Commission at which the license is
20 discussed. The institution shall also pay the cost of preparing and
21 printing the report of the panel.

22 2. Each claim for reimbursement of these expenses must be
23 submitted to the Administrator within 30 days after they are
24 incurred. The Administrator shall verify the claim and forward it to
25 the institution. Within 30 days after its receipt, the institution shall
26 issue a negotiable instrument which is payable to the claimant and
27 send it to the Administrator, who shall send it to the claimant.

28 **Sec. 19.** (Deleted by amendment.)

29 **Sec. 20.** (Deleted by amendment.)

30 **Sec. 21.** (Deleted by amendment.)

31 **Sec. 22.** (Deleted by amendment.)

32 **Sec. 23.** (Deleted by amendment.)

33 **Sec. 24.** (Deleted by amendment.)

34 **Sec. 25.** (Deleted by amendment.)

35 **Sec. 26.** (Deleted by amendment.)

36 **Sec. 27.** (Deleted by amendment.)

37 **Sec. 28.** (Deleted by amendment.)

38 **Sec. 29.** (Deleted by amendment.)

39 **Sec. 30.** (Deleted by amendment.)

40 **Sec. 31.** (Deleted by amendment.)

41 **Sec. 32.** (Deleted by amendment.)

42 **Sec. 33.** (Deleted by amendment.)

43 **Sec. 34.** (Deleted by amendment.)



1 **Sec. 35.** NRS 394.610 is hereby amended to read as follows:
2 394.610 Unless a specific penalty is otherwise provided, a
3 person who willfully violates the provisions of NRS 394.005 to
4 ~~394.550,~~ **394.560**, inclusive, is guilty of a gross misdemeanor.
5 Each day's failure to comply with the provisions of these sections is
6 a separate offense.

7 **Sec. 36.** (Deleted by amendment.)

8 **Sec. 37.** (Deleted by amendment.)

9 **Sec. 38.** (Deleted by amendment.)

10 **Sec. 39.** (Deleted by amendment.)

11 **Sec. 40.** (Deleted by amendment.)

12 **Sec. 41.** NRS 232.920 is hereby amended to read as follows:
13 232.920 The Director:

14 1. Shall:

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

17 (b) Upon request, provide the Director of the Department of
18 Administration with a list of organizations and agencies in this State
19 whose primary purpose is the training and employment of persons
20 with disabilities;

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

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

29 2. Is responsible for the administration, through the divisions
30 of the Department, of the provisions of NRS **394.383 to 394.560**,
31 **inclusive**, 426.010 to 426.720, inclusive, 426.740, 426.790 and
32 426.800, and chapters 612 and 615 of NRS, and all other provisions
33 of law relating to the functions of the Department and its divisions,
34 but is not responsible for the professional line activities of the
35 divisions or other operating units except as otherwise provided by
36 specific statute.

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

40 **Sec. 42.** (Deleted by amendment.)

41 **Sec. 43.** (Deleted by amendment.)

42 **Sec. 44.** (Deleted by amendment.)

43 **Sec. 45.** (Deleted by amendment.)

44 **Sec. 46.** NRS 612.220 is hereby amended to read as follows:
45 612.220 The Administrator:



- 1 1. Shall administer this chapter.
- 2 2. *Is responsible for the administration, through the*
- 3 *Administrator of the Commission on Postsecondary Education, of*
- 4 *the provisions of NRS 394.383 to 394.560, inclusive.*
- 5 3. Has power and authority to adopt, amend or rescind such
- 6 rules and regulations, to employ, in accordance with the provisions
- 7 of this chapter, such persons, make such expenditures, require such
- 8 reports, make such investigations, and take such other action as the
- 9 Administrator deems necessary or suitable to that end.
- 10 ~~3~~ 4. Shall determine his or her own organization and
- 11 methods of procedure for the Division in accordance with the
- 12 provisions of this chapter.
- 13 **Sec. 47.** (Deleted by amendment.)
- 14 **Sec. 48.** The term of the member of the Commission on
- 15 Postsecondary Education:
- 16 1. Appointed pursuant to paragraph (a) of subsection 1 of
- 17 NRS 394.385; and
- 18 2. Who is incumbent on June 30, 2017,
- 19 ↪ expires on June 30, 2017.
- 20 **Sec. 49.** (Deleted by amendment.)
- 21 **Sec. 50.** The Legislative Counsel shall, in preparing the
- 22 Nevada Revised Statutes or any supplements to the Nevada
- 23 Administrative Code, use the authority set forth in subsection 10 of
- 24 NRS 220.120 to change appropriately the name of any agency,
- 25 officer or instrumentality of the State whose name is changed or
- 26 whose responsibilities are transferred pursuant to the provisions of
- 27 this act to refer to the appropriate agency, officer or instrumentality.
- 28 **Sec. 51.** (Deleted by amendment.)
- 29 **Sec. 52.** This act becomes effective on July 1, 2017.

