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ASSEMBLY BILL NO. 280—ASSEMBLYMEN GIUNCHIGLIANI,  
CONKLIN, DENIS, HOGAN, HORNE, KOIVISTO AND OHRENSCHALL

MARCH 21, 2005

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Referred to Committee on Education

SUMMARY—Revises provisions regarding University and  
Community College System of Nevada.  
(BDR 34-85)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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

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AN ACT relating to higher education; requiring the State Board of Education and the Council to Establish Academic Standards for Public Schools to work with the Board of Regents of the University of Nevada to ensure that the courses and academic standards required in high school sufficiently prepare students for college; authorizing school districts and charter schools to request permission from the Board of Regents for certain high school teachers to provide instruction for dual-credit courses; requiring full access to library and research services for students enrolled at an institution within the University and Community College System of Nevada; revising the terms of office of members of the Board of Regents; revising provisions regarding the degrees and transferability of credits earned within the System; revising the definition of the term “public work” as that term applies to the System; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law provides for the establishment of courses of study and academic
- 2 standards for the public schools in this State. (Chapter 389 of NRS)
- 3 This bill requires the State Board of Education and the Council to Establish
- 4 Academic Standards for Public Schools to work with the Board of Regents of the
- 5 University of Nevada to ensure that the courses of study and academic standards



6 required of pupils in public high schools effectively prepare pupils for the course  
7 work required by the institutions within the University and Community College  
8 System of Nevada.

9 Existing law authorizes high school pupils to earn credit towards graduation  
10 from high school for courses taken at a community college or university within the  
11 System. (NRS 389.160)

12 This bill authorizes school districts and charter schools to request permission  
13 from the Board of Regents for certain high school teachers to provide instruction  
14 for the dual-credit courses offered in which a pupil earns high school credit and  
15 college credit for the same course.

16 Existing law prescribes 6-year terms of office for the members of the Board of  
17 Regents. (NRS 396.040)

18 This bill reduces the terms of office to 4 years. The current members elected to  
19 serve continue to serve out their 6-year terms of office.

20 Existing law establishes requirements for the awarding of credits and degrees to  
21 students enrolled in the System. (NRS 396.530-396.591)

22 This bill provides that a program leading to the award of a degree by an  
23 institution within the System may not require the completion of course work or  
24 credits in excess of the requirements for the same degree awarded by another  
25 institution within the System. This bill also prescribes the maximum number of  
26 credits that may be required of a student for the award of an associate's degree,  
27 baccalaureate degree and master's degree.

28 Existing law requires that all credits earned at a community college within the  
29 System be transferable to a university or state college within the System if the  
30 course catalog identifies the course by the same title and description.  
31 (NRS 396.568)

32 This bill requires that all courses earned at a community college within the  
33 System automatically transfer to a university or state college within the System and  
34 removes the requirements regarding the course catalog.

35 This bill also provides that a student who has been awarded an associate's  
36 degree must be enrolled as a junior if he enrolls in any institution within the  
37 System. If a student is awarded any degree by any institution within the System, he  
38 must not be required to retake any core course work that he was required to  
39 complete to earn the initial degree. This bill further provides that a student enrolled  
40 at any campus of the System must be granted full access to library and research  
41 services available within the System.

42 Existing law prescribes requirements for contracts for public works. (Chapter  
43 338 of NRS) The definition of a public work that is subject to those requirements  
44 includes a building for the System of which 25 percent or more of the costs of the  
45 building as a whole are paid from state or federal money. (NRS 338.010)

46 This bill amends the definition of a public work as applied to the System to  
47 mean a project financed in whole or in part from public money if the estimated cost  
48 of the project is more than \$100,000.

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

1 **Section 1.** Chapter 389 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *The State Board and the Council to Establish Academic*  
4 *Standards for Public Schools shall, in cooperation with the Board*  
5 *of Regents of the University of Nevada, ensure that the courses of*



*study and the standards of content and performance required of pupils in public high schools effectively prepare pupils for the course work required by the institutions within the University and Community College System of Nevada.*

**Sec. 2.** NRS 389.160 is hereby amended to read as follows:

389.160 1. A pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school, who successfully completes a course of education offered by a community college or university in this State which has been approved pursuant to subsection 2 ~~(b)~~ must be allowed to apply the credit received for the course so completed to the total number of credits required for graduation from high school or the charter school in which the pupil is enrolled.

2. With the approval of the State Board, the board of trustees of each county school district and the governing body of each charter school shall prescribe the courses for which credits may be received pursuant to subsection 1, including occupational courses for academic credit, and the amount of credit allowed for the completion of those courses.

*3. The board of trustees of a school district or the governing body of a charter school may request that the Board of Regents of the University of Nevada grant permission for a licensed teacher employed by the school district or charter school to provide instruction for dual-credit courses offered pursuant to this section if the teacher:*

*(a) Provides instruction to high school pupils; and*

*(b) Holds a master's degree in the subject area he teaches.*

**Sec. 3.** Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 8, inclusive, of this act.

**Sec. 4. 1.** *The Legislature believes that to perpetuate an effective system of higher education in this State, the community colleges within the System should offer first- and second-year courses toward a baccalaureate degree and the state colleges and universities within the System should offer third- and fourth-year courses toward a baccalaureate degree, and the universities and state colleges within the System should not offer first- and second-year courses that duplicate those offered by a community college within the System in the same geographic area.*

*2. To further this policy, the Legislature declares that it is in the best interest of the residents of the State of Nevada and students within the System that programs be transferred from the universities within the System to the state colleges within the System.*



1     **Sec. 5.** *A program leading to any degree awarded by a*  
2 *university, state college or community college within the System*  
3 *may not require the completion of course work or credits in excess*  
4 *of the course-work and credit requirements for the same degree*  
5 *awarded by another university, state college or community college,*  
6 *as applicable, within the System.*

7     **Sec. 6.** *For the purposes of the dual credit authorized*  
8 *pursuant to NRS 389.160, the board of trustees of a school district*  
9 *or the governing body of a charter school may request that the*  
10 *Board of Regents grant permission for a licensed teacher who is*  
11 *employed by the school district or charter school, provides*  
12 *instruction at a high school and holds a master's degree in the*  
13 *subject area he teaches to provide instruction for dual-credit*  
14 *courses.*

15     **Sec. 7.** *A student who is enrolled in a university, state college*  
16 *or community college within the System must be granted full*  
17 *access to all the library and research services that are available to*  
18 *students enrolled in any of the institutions within the System.*

19     **Sec. 8.** *The maximum number of credits that may be*  
20 *required for the award of:*

21     1. *An associate's degree, including, without limitation, a*  
22 *degree of associate in applied science is 60 credits.*

23     2. *A baccalaureate degree is 130 credits.*

24     3. *A master's degree is 36 credits.*

25     **Sec. 9.** NRS 396.040 is hereby amended to read as follows:

26     396.040 1. The Board of Regents consists of 13 members  
27 elected by the registered voters within the districts described in NRS  
28 396.0415 to 396.046, inclusive.

29     2. The members of the Board of Regents must be elected as  
30 follows:

31     (a) At the general election in ~~2002,~~ 2008, and every ~~6~~ 4 years  
32 thereafter, one member of the Board of Regents must be elected  
33 from districts 2, 3, 5 and 10.

34     (b) At the general election in ~~2004,~~ 2010, and every ~~6~~ 4 years  
35 thereafter, one member of the Board of Regents must be elected  
36 from districts 6, 7, 8, 11 and 13.

37     (c) At the general election in 2006, and every ~~6~~ 4 years  
38 thereafter, one member of the Board of Regents must be elected  
39 from districts 1, 4, 9 and 12.

40     3. Each member of the Board of Regents must be a resident of  
41 the district from which he is elected.

42     **Sec. 10.** NRS 396.568 is hereby amended to read as follows:

43     396.568 ~~In accordance with the policy of the Board of~~  
44 ~~Regents, all~~



1 **1. All** credits earned by a student in a course at a community  
2 college within the System, including, without limitation, all credits  
3 earned in a course toward the award of an associate's degree,  
4 including, without limitation, a degree of associate in applied  
5 science, must ~~[be accepted and applied]~~ **automatically transfer**  
6 toward the course work required of the student in his major or  
7 minor, or other course work required of the student, for the award of  
8 a baccalaureate degree upon graduation of the student from any  
9 university or state college within the System . ~~[if the catalog for the~~  
10 ~~community college:~~

11 ~~— 1. Designates the course as transferable by the System;~~  
12 ~~— 2. Identifies the course by the same title as the equivalent~~  
13 ~~required course offered at a university or state college, as applicable;~~  
14 ~~and~~  
15 ~~— 3. Contains the same description for the course as the~~  
16 ~~equivalent required course offered at a university or state college, as~~  
17 ~~applicable.]~~

18 **2. A student who is awarded an associate's degree, including,**  
19 **without limitation, a degree of associate in applied science, or the**  
20 **equivalent thereof:**

21 **(a) Shall be deemed to have completed the course of study**  
22 **required of a sophomore.**

23 **(b) If he enrolls in another institution within the System, must**  
24 **be enrolled as a junior.**

25 **3. If a student who is awarded an associate's degree,**  
26 **including, without limitation, a degree of associate in applied**  
27 **science, or a baccalaureate degree from an institution within the**  
28 **System, subsequently enrolls in an institution within the System to**  
29 **earn another degree, the student must not be required to retake**  
30 **core course work that he completed to obtain his initial degree.**

31 **Sec. 11.** NRS 338.010 is hereby amended to read as follows:

32 338.010 As used in this chapter:

33 1. "Authorized representative" means a person designated by a  
34 governing body to be responsible for the development and award of  
35 contracts for public works pursuant to this chapter.

36 2. "Contract" means a written contract entered into between a  
37 contractor and a public body for the provision of labor, materials,  
38 equipment or supplies for a public work.

39 3. "Contractor" means:

40 (a) A person who is licensed pursuant to the provisions of  
41 chapter 624 of NRS or performs such work that he is not required to  
42 be licensed pursuant to chapter 624 of NRS.

43 (b) A design-build team.

44 4. "Day labor" means all cases where public bodies, their  
45 officers, agents or employees, hire, supervise and pay the wages



1 thereof directly to a workman or workmen employed by them on  
2 public works by the day and not under a contract in writing.

3 5. "Design-build contract" means a contract between a public  
4 body and a design-build team in which the design-build team agrees  
5 to design and construct a public work.

6 6. "Design-build team" means an entity that consists of:

7 (a) At least one person who is licensed as a general engineering  
8 contractor or a general building contractor pursuant to chapter 624  
9 of NRS; and

10 (b) For a public work that consists of:

11 (1) A building and its site, at least one person who holds a  
12 certificate of registration to practice architecture pursuant to chapter  
13 623 of NRS.

14 (2) Anything other than a building and its site, at least one  
15 person who holds a certificate of registration to practice architecture  
16 pursuant to chapter 623 of NRS or landscape architecture pursuant  
17 to chapter 623A of NRS or who is licensed as a professional  
18 engineer pursuant to chapter 625 of NRS.

19 7. "Design professional" means:

20 (a) A person who is licensed as a professional engineer pursuant  
21 to chapter 625 of NRS;

22 (b) A person who is licensed as a professional land surveyor  
23 pursuant to chapter 625 of NRS;

24 (c) A person who holds a certificate of registration to engage in  
25 the practice of architecture, interior design or residential design  
26 pursuant to chapter 623 of NRS;

27 (d) A person who holds a certificate of registration to engage in  
28 the practice of landscape architecture pursuant to chapter 623A of  
29 NRS; or

30 (e) A business entity that engages in the practice of professional  
31 engineering, land surveying, architecture or landscape architecture.

32 8. "Eligible bidder" means a person who is:

33 (a) Found to be a responsible and responsive contractor by a  
34 local government or its authorized representative which requests  
35 bids for a public work in accordance with paragraph (b) of  
36 subsection 1 of NRS 338.1373; or

37 (b) Determined by a public body or its authorized representative  
38 which awarded a contract for a public work pursuant to NRS  
39 338.1375 to 338.139, inclusive, to be qualified to bid on that  
40 contract pursuant to NRS 338.1379 or 338.1382.

41 9. "General contractor" means a person who is licensed to  
42 conduct business in one, or both, of the following branches of the  
43 contracting business:

44 (a) General engineering contracting, as described in subsection 2  
45 of NRS 624.215.



(b) General building contracting, as described in subsection 3 of NRS 624.215.

10. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

11. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by a local government to serve as its authorized representative.

12. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 4 or 5 of NRS 338.070.

13. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➤ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

14. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

15. "Public work" means any project for the new construction, repair or reconstruction of ~~F~~:

~~(a) A~~ a project financed in whole or in part from public money for:

~~(1)~~ (a) Public buildings;

~~(2)~~ (b) Jails and prisons;

~~(3)~~ (c) Public roads;

~~(4)~~ (d) Public highways;

~~(5)~~ (e) Public streets and alleys;



1       ~~[(6)]~~ (f) Public utilities;  
2       ~~[(7)]~~ (g) Publicly owned water mains and sewers;  
3       ~~[(8)]~~ (h) Public parks and playgrounds;  
4       ~~[(9)]~~ (i) Public convention facilities which are financed at  
5 least in part with public money; ~~and~~

6 ~~— [(10)] (j) All other publicly owned works and property [~~  
7 ~~— (b) A building for the] ; and~~

8       (k) The University and Community College System of Nevada  
9 ~~[of which 25 percent or more of the costs of the building as a whole~~  
10 ~~are paid from money appropriated by this State or from federal~~  
11 ~~money.] if the estimated cost of the project is \$100,000 or more.~~

12       16. “Specialty contractor” means a person who is licensed to  
13 conduct business as described in subsection 4 of NRS 624.215.

14       17. “Stand-alone underground utility project” means an  
15 underground utility project that is not integrated into a larger  
16 project, including, without limitation:

17       (a) An underground sewer line or an underground pipeline for  
18 the conveyance of water, including facilities appurtenant thereto;  
19 and

20       (b) A project for the construction or installation of a storm drain,  
21 including facilities appurtenant thereto,

22       ➡ that is not located at the site of a public work for the design and  
23 construction of which a public body is authorized to contract with a  
24 design-build team pursuant to subsection 2 of NRS 338.1711.

25       18. “Subcontract” means a written contract entered into  
26 between:

27       (a) A contractor and a subcontractor or supplier; or

28       (b) A subcontractor and another subcontractor or supplier, for  
29 the provision of labor, materials, equipment or supplies for a  
30 construction project.

31       19. “Subcontractor” means a person who:

32       (a) Is licensed pursuant to the provisions of chapter 624 of NRS  
33 or performs such work that he is not required to be licensed pursuant  
34 to chapter 624 of NRS; and

35       (b) Contracts with a contractor, another subcontractor or a  
36 supplier to provide labor, materials or services for a construction  
37 project.

38       20. “Supplier” means a person who provides materials,  
39 equipment or supplies for a construction project.

40       21. “Wages” means:

41       (a) The basic hourly rate of pay; and

42       (b) The amount of pension, health and welfare, vacation and  
43 holiday pay, the cost of apprenticeship training or other similar  
44 programs or other bona fide fringe benefits which are a benefit to  
45 the workman.





1       22. "Workman" means a skilled mechanic, skilled workman,  
2 semiskilled mechanic, semiskilled workman or unskilled workman  
3 in the service of a contractor or subcontractor under any  
4 appointment or contract of hire or apprenticeship, express or  
5 implied, oral or written, whether lawfully or unlawfully employed.  
6 The term does not include a design professional.

7       **Sec. 12.** The members of the Board of Regents of the  
8 University of Nevada who are in office on July 1, 2005, shall serve  
9 out the term of office for which they were elected.

10       **Sec. 13.** This act becomes effective on July 1, 2005.







