

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

MARCH 21, 2005

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.

AN ACT relating to higher education; requiring the Board of Regents of the University of Nevada to ensure that students enrolled in a program for the education of teachers are instructed in the academic standards required for high school pupils; 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 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 Board of Regents of the University of Nevada to work
- 4 with the State Board of Education and the Council to Establish Academic Standards
- 5 for Public Schools to ensure that students enrolled in a program for the education of
- 6 teachers are provided instruction in the standards for high school pupils.



Existing law authorizes high school pupils to earn credit towards graduation from high school for courses taken at a community college or university within the University and Community College System of Nevada. (NRS 389.160)

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

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

This bill reduces the terms of office to 4 years. The current members elected will continue to serve out their 6-year terms of office. This provision becomes effective only if AJR 11 of the 72nd Session of the Nevada Legislature is not passed by the 73rd Session of the Legislature.

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

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

This bill also provides that a student who has been awarded an associate's degree must be enrolled as a junior if he enrolls in any institution within the System. This bill further provides that a student enrolled at any campus of the System must be granted access to library and research services available within the System and must be adequately informed of those services.

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

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

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *The Legislature hereby encourages the Board of Regents to review periodically their mission for higher education, as the number of institutions within the System expands and the focus of each institution is defined and further redefined, to determine whether there is unnecessary duplication of programs or courses within the System which might be more appropriate for a different institution.*

Sec. 3. *The Board of Regents shall, in cooperation with the State Board and the Council to Establish Academic Standards for Public Schools, ensure that students enrolled in a program developed by the System for the education of teachers are provided*



1 *instruction regarding the standards of content and performance*
2 *required of pupils enrolled in high schools in this State.*

3 **Sec. 4.** *For the purposes of the dual credit authorized*
4 *pursuant to NRS 389.160, the board of trustees of a school district*
5 *or the governing body of a charter school may request that the*
6 *Board of Regents grant permission for a licensed teacher*
7 *employed by the school district or charter school to provide*
8 *instruction for a dual-credit course if:*

9 1. *The course is approved by the System or the applicable*
10 *institution as qualifying for dual credit;*

11 2. *The content of the course is approved by the applicable*
12 *institution; and*

13 3. *The teacher provides instruction at a high school and*
14 *holds a master's degree in the subject area he teaches.*

15 **Sec. 5.** *A student who is enrolled in a university, state college*
16 *or community college within the System must be granted access to*
17 *all the library and research services that are available to students*
18 *enrolled in any of the institutions within the System and must be*
19 *adequately informed of the services that are available.*

20 **Sec. 6.** NRS 396.040 is hereby amended to read as follows:

21 396.040 1. The Board of Regents consists of 13 members
22 elected by the registered voters within the districts described in NRS
23 396.0415 to 396.046, inclusive.

24 2. The members of the Board of Regents must be elected as
25 follows:

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

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

32 (c) At the general election in 2006, and every ~~[6]~~ 4 years
33 thereafter, one member of the Board of Regents must be elected
34 from districts 1, 4, 9 and 12.

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

37 **Sec. 7.** NRS 396.568 is hereby amended to read as follows:

38 396.568 ~~[In accordance with the policy of the Board of~~
39 ~~Regents, all]~~

40 1. All credits earned by a student in a course at a community
41 college within the System, including, without limitation, all credits
42 earned in a course toward the award of an associate's degree ~~[,~~
43 ~~including, without limitation, a degree of associate in applied~~
44 ~~science, must be accepted and applied]~~ *must automatically transfer*



1 toward the course work required of the student in his major or
2 minor, or other course work required of the student, for the award of
3 a baccalaureate degree upon graduation of the student from any
4 university or state college within the System . ~~if the catalog for the~~
5 ~~community college;~~

6 ~~— 1. Designates the course as transferable by the System;~~

7 ~~— 2. Identifies the course by the same title as the equivalent~~
8 ~~required course offered at a university or state college, as applicable;~~
9 ~~and~~

10 ~~— 3. Contains the same description for the course as the~~
11 ~~equivalent required course offered at a university or state college, as~~
12 ~~applicable.]~~

13 *2. A student who is awarded an associate's degree:*

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

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

18 *3. If a student who is awarded an associate's degree or a*
19 *baccalaureate degree from an institution within the System,*
20 *subsequently enrolls in an institution within the System to earn*
21 *another degree, the student must not be required to retake core*
22 *course work that he completed to obtain his initial degree.*

23 **Sec. 8.** NRS 338.010 is hereby amended to read as follows:

24 338.010 As used in this chapter:

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

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

31 3. "Contractor" means:

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

35 (b) A design-build team.

36 4. "Day labor" means all cases where public bodies, their
37 officers, agents or employees, hire, supervise and pay the wages
38 thereof directly to a workman or workmen employed by them on
39 public works by the day and not under a contract in writing.

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

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



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

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

5 (1) A building and its site, at least one person who holds a
6 certificate of registration to practice architecture pursuant to chapter
7 623 of NRS.

8 (2) Anything other than a building and its site, at least one
9 person who holds a certificate of registration to practice architecture
10 pursuant to chapter 623 of NRS or landscape architecture pursuant
11 to chapter 623A of NRS or who is licensed as a professional
12 engineer pursuant to chapter 625 of NRS.

13 7. "Design professional" means:

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

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

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

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

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

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

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

31 (b) Determined by a public body or its authorized representative
32 which awarded a contract for a public work pursuant to NRS
33 338.1375 to 338.139, inclusive, to be qualified to bid on that
34 contract pursuant to NRS 338.1379 or 338.1382.

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

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

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

42 10. "Governing body" means the board, council, commission
43 or other body in which the general legislative and fiscal powers of a
44 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;
- ~~[(6)]~~ (f) Public utilities;
- ~~[(7)]~~ (g) Publicly owned water mains and sewers;
- ~~[(8)]~~ (h) Public parks and playgrounds;
- ~~[(9)]~~ (i) Public convention facilities which are financed at least in part with public money; ~~land~~



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

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

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

17. "Stand-alone underground utility project" means an
underground utility project that is not integrated into a larger
project, including, without limitation:

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

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

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

18. "Subcontract" means a written contract entered into
between:

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

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

19. "Subcontractor" means a person who:

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

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

20. "Supplier" means a person who provides materials,
equipment or supplies for a construction project.

21. "Wages" means:

(a) The basic hourly rate of pay; and

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

22. "Workman" means a skilled mechanic, skilled workman,
semiskilled mechanic, semiskilled workman or unskilled workman
in the service of a contractor or subcontractor under any
appointment or contract of hire or apprenticeship, express or



1 implied, oral or written, whether lawfully or unlawfully employed.
2 The term does not include a design professional.

3 **Sec. 9.** If section 6 of this act becomes effective, the members
4 of the Board of Regents of the University of Nevada who are in
5 office on July 1, 2005, shall serve out the term of office for which
6 they were elected.

7 **Sec. 10.** If a committee related to higher education is created
8 by the Legislature, that committee is encouraged to participate in
9 any review conducted by the Board of Regents of the University of
10 Nevada pursuant to section 2 of this act and to report back to the
11 Legislature on the status of the review.

12 **Sec. 11.** 1. This section and sections 1 to 5, inclusive, and 7
13 to 10, inclusive, of this act become effective on July 1, 2005.

14 2. Section 6 of this act becomes effective only if Assembly
15 Joint Resolution No. 11 of the 72nd Session of the Nevada
16 Legislature is not passed by the 73rd Session of the Nevada
17 Legislature.

