

ASSEMBLY BILL NO. 61—ASSEMBLYMAN BEERS

PREFILED FEBRUARY 1, 2001

Referred to Committee on Government Affairs

SUMMARY—Provides certain restrictions relating to regulation of amateur service communications. (BDR 22-672)

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

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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 property; prohibiting a governing body from taking certain actions that preclude amateur service communications; providing certain requirements relating to the regulation of the placement, screening or height of a station antenna structure; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 278 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. A governing body shall not adopt an ordinance, regulation or plan***
4 ***or take any other action that precludes amateur service communications***
5 ***or that in any other manner does not conform to the provisions of 47***
6 ***C.F.R. § 97.15 and the limited preemption entitled “Amateur Radio***
7 ***Preemption, 101 F.C.C. 2d 952 (1985)” as issued by the Federal***
8 ***Communications Commission.***
9 ***2. If a governing body adopts an ordinance, regulation or plan or***
10 ***takes any other action that regulates the placement, screening or height***
11 ***of a station antenna structure based on health, safety or aesthetic***
12 ***considerations, the ordinance, regulation, plan or action must:***
13 ***(a) Reasonably accommodate amateur service communications; and***
14 ***(b) Constitute the minimum level of regulation practicable to carry out***
15 ***the legitimate purpose of the governing body.***
16 ***3. The provisions of this section do not apply to any district***
17 ***organized pursuant to federal, state or local law for the purpose of***
18 ***historic or architectural preservation.***
19 ***4. Any ordinance, regulation or plan adopted by or other action***
20 ***taken by a governing body in violation of the provisions of this section is***
21 ***void.***



1 5. *As used in this section:*
2 (a) *“Amateur radio services” has the meaning ascribed to it in 47*
3 *C.F.R. § 97.3.*
4 (b) *“Amateur service communications” means communications*
5 *carried out by one or more of the amateur radio services.*
6 (c) *“Amateur station” has the meaning ascribed to it in 47 C.F.R. §*
7 *97.3.*
8 (d) *“Station antenna structure” means the antenna that serves an*
9 *amateur station, including such appurtenances and other structures as*
10 *may be necessary to support, stabilize, raise, lower or otherwise adjust*
11 *the antenna.*
12 **Sec. 2.** NRS 278.010 is hereby amended to read as follows:
13 278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 1*
14 *of this act*, unless the context otherwise requires, the words and terms
15 defined in NRS 278.0105 to 278.0195, inclusive, have the meanings
16 ascribed to them in those sections.
17 **Sec. 3.** A governing body shall review any ordinance, regulation or
18 plan that it has adopted or action it has taken before October 1, 2001,
19 relating to amateur service communications to determine whether such an
20 ordinance, regulation, plan or action conforms to the provisions of 47
21 C.F.R. § 97.15 and the limited preemption entitled “Amateur Radio
22 Preemption, 101 F.C.C. 2d 952 (1985)” as issued by the Federal
23 Communications Commission.

