

CHAPTER.....

AN ACT relating to telephone systems; providing for the imposition of surcharges on telephone services by certain counties for the enhancement of telephone systems for reporting emergencies in those counties; providing for the deposit of certain fees imposed by cities and counties on providers of personal wireless service into a special revenue fund; revising the purposes for which money in the special revenue fund may be used; prohibiting the governing body of every incorporated city from imposing certain requirements upon a provider of telecommunications service; and providing other matters properly relating thereto.

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

**Section 1.** Chapter 244A of NRS is hereby amended by adding thereto a new section to read as follows:

*1. If the board of county commissioners of a county whose population is less than 100,000 imposes a surcharge pursuant to NRS 244A.7643 and:*

*(a) The board also imposes a fee on a provider of personal wireless service and the fee is a fee for a business license which is regulated pursuant to NRS 354.59881 to 354.59889, inclusive, the county treasurer shall, except as otherwise provided in this section, deposit the money generated from that fee, including any penalty and interest assessed pursuant to NRS 354.59887, into the special revenue fund.*

*(b) A city located within the county imposes a fee on a provider of personal wireless service and the fee is a fee for a business license which is regulated pursuant to NRS 354.59881 to 354.59889, inclusive, the governing body of the city shall transfer the money generated from that fee, including any penalty and interest assessed pursuant to NRS 354.59887, to the county treasurer for deposit into the special revenue fund.*

*2. A county treasurer shall not deposit any money into the special revenue fund pursuant to this section if the deposit of the money would cause the unencumbered balance in the special revenue fund to exceed the maximum allowable balance for the special revenue fund set forth in NRS 244A.7645.*

*3. If the governing body of a city transfers to the county treasurer for deposit into the special revenue fund pursuant to this section money generated from fees for business licenses which fees are regulated by NRS 354.59881 to 354.59889, inclusive, and the deposit of that money into the special revenue fund would cause the unencumbered balance of the special revenue fund to exceed the maximum allowable balance for the special revenue fund set forth in NRS 244A.7645, the county treasurer shall refund to the governing body of the city that amount of such money which, if so deposited, would cause the unencumbered balance of the special revenue fund to exceed its maximum allowable balance.*

*4. As used in this section:*

*(a) "Personal wireless service" has the meaning ascribed to it in NRS 354.598816.*

*(b) "Special revenue fund" means the special revenue fund created pursuant to NRS 244A.7645.*

**Sec. 2.** NRS 244A.7641 is hereby amended to read as follows:

244A.7641 As used in NRS 244A.7641 to 244A.7647, inclusive, *and section 1 of this act*, unless the context otherwise requires:

1. "Mobile telephone service" means cellular or other service to a telephone installed in a vehicle or *which is* otherwise portable.

2. "Supplier" means a person authorized by the Federal Communications Commission to provide mobile telephone service.

**Sec. 3.** NRS 244A.7643 is hereby amended to read as follows:

244A.7643 1. ~~The~~ *Except as otherwise provided in this section, the* board of county commissioners in a county whose population is *20,000 or more* ~~than 100,000~~ but less than 400,000 may, by ordinance, impose a surcharge on:

(a) Each access line or trunk line of each customer to the local exchange of any telephone company providing those lines in the county; and

(b) The mobile telephone service provided to each customer of that service ~~who resides~~ *whose place of primary use is* in the county, for the enhancement of the telephone system for reporting an emergency in the county.

2. *The board of county commissioners of a county whose population is less than 100,000 may not impose a surcharge pursuant to this section unless the board first adopts a 5-year master plan for the enhancement of the telephone system for reporting emergencies in the county. The master plan must include an estimate of the cost of the enhancement of the telephone system and all proposed sources of money for funding the enhancement.*

3. The surcharge imposed by a board of county commissioners pursuant to ~~subsection 1;~~ *this section:*

(a) For each access line to the local exchange of a telephone company, must not exceed 25 cents each month;

(b) For each trunk line to the local exchange of a telephone company, must equal 10 times the amount of the surcharge imposed for each access line to the local exchange of a telephone company pursuant to paragraph (a); and

(c) For each telephone number assigned to a customer by a supplier of mobile telephone service, must equal the amount of the surcharge imposed for each access line to the local exchange of a telephone company pursuant to paragraph (a).

~~3-1~~ 4. A telephone company which provides access lines or trunk lines in a county which imposes a surcharge pursuant to this section or a supplier which provides mobile telephone service to a customer in such a county, shall collect the surcharge from its customers each month. Except as otherwise provided in NRS 244A.7647, the telephone company or supplier shall remit the surcharge it collects to the treasurer of the county ~~where~~ *in which* the surcharge is imposed not later than the 15th day of the month after the month it receives payment of the surcharge from its customers.

~~14.1~~ 5. An ordinance adopted pursuant to subsection 1 may include a schedule of penalties for the delinquent payment of amounts due from telephone companies or suppliers pursuant to this section. Such a schedule:

(a) Must provide for a grace period of not less than 90 days after the date on which the telephone company or supplier must otherwise remit the surcharge to the county treasurer; and

(b) Must not provide for a penalty that exceeds 5 percent of the cumulative amount of surcharges owed by a telephone company or a supplier.

~~15.1~~ 6. As used in this section, "trunk line" means a line which provides a channel between a switchboard owned by a customer of a telephone company and the local exchange of the telephone company.

**Sec. 4.** NRS 244A.7645 is hereby amended to read as follows:

244A.7645 If a surcharge is imposed in a county pursuant to NRS 244A.7643, the board of county commissioners of that county shall:

1. Establish, by ordinance, an advisory committee to develop a plan to enhance the telephone system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must consist of not less than five members who:

(a) Are residents of the county;

(b) Possess knowledge concerning telephone systems for reporting emergencies; and

(c) Are not elected public officers.

*If the county in which the surcharge is being imposed pursuant to NRS 244A.7643 has a population of less than 100,000, the advisory committee must include a representative of an incumbent local exchange carrier which provides service to persons in that county. As used in this subsection, "incumbent local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.*

2. Create a special revenue fund of the county for the deposit of the money collected pursuant to NRS 244A.7643. The money in the fund must be used only to ~~+~~

~~—(a) Enhance~~ *enhance* the telephone system for reporting an emergency so that the number and address from which a call received by the system is made may be determined ~~+~~ *and*

~~—(b) Make any other improvements to the services provided by the telephone system for reporting an emergency-], including only:~~

*(a) Paying recurring and nonrecurring charges for telecommunication services necessary for the operation of the enhanced telephone system;*

*(b) Paying costs for personnel and training associated with the routine maintenance and updating of the database for the system;*

*(c) Purchasing, leasing or renting the equipment and software necessary to operate the enhanced telephone system; and*

*(d) Paying costs associated with any maintenance, upgrade and replacement of equipment and software necessary for the operation of the enhanced telephone system.*

3. If the balance in the fund created pursuant to subsection 2 which has not been committed for expenditure exceeds \$500,000 at the end of any fiscal year, reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$500,000.

**Sec. 5.** NRS 268.088 is hereby amended to read as follows:

268.088 The governing body of an incorporated city ~~whose population is 25,000 or more~~ shall not:

1. Impose any terms or conditions on a franchise for the provision of telecommunications service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

2. Require a company that provides telecommunications service or interactive computer service to obtain a franchise if it provides telecommunications service over the telephone or telegraph lines owned by another company.

3. Require a person who holds a franchise for the provision of telecommunications service to place its facilities in ducts or conduits or on poles owned or leased by the city.

4. As used in this section:

(a) “Interactive computer service” has the meaning ascribed to it in 47 U.S.C. § 230(e)(2), as that section existed on July 16, 1997.

(b) “Telecommunications service” has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on July 16, 1997.

**Sec. 6.** This act becomes effective on July 1, 2001.