

Amendment No. 386

Assembly Amendment to Assembly Bill No. 122 (BDR 20-380)

Proposed by: Assembly Committee on Government Affairs**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

HAC/MSM



Date: 4/15/2007

A.B. No. 122—Revises provisions governing systems used for reporting emergencies in certain counties. (BDR 20-380)



ASSEMBLY BILL NO. 122—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

FEBRUARY 15, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing systems used for reporting emergencies in certain counties. (BDR 20-380)

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 counties; revising the provisions governing systems used for reporting emergencies in certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, counties whose population is 20,000 or more but less than 400,000 (currently Washoe, Elko, Douglas, Nye, Lyon and Churchill Counties and Carson City) may impose a surcharge to enhance the telephone system for reporting an emergency in the county so that the number and address from which a call received by the system is made may be determined. The proceeds of the surcharge are required to be deposited in a special revenue fund of the county and may only be used to enhance the telephone system. (NRS 244A.7643, 244A.7645) **Sections 1 and 2** of this bill expand the authority to impose such a surcharge to counties whose population is less than 20,000 (currently Humboldt, White Pine, Pershing, Lander, Mineral, Lincoln, Storey, Eureka and Esmeralda Counties). **Sections 1 and 2** also allow counties that impose such a surcharge, other than a county whose population is 100,000 or more **but less than 400,000** (currently Washoe County), to spend the proceeds of the surcharge for the additional purpose of improving the telephone system for reporting an emergency in the county . ~~and any related communications system, which may include purchasing, leasing or renting the equipment and software necessary to ensure the interoperability of the communications system among emergency response agencies.~~

Existing law authorizes local governments to impose certain fees on public utilities, including persons and local governments that sell or resell personal wireless services, for a business license, franchise or right-of-way, which are deposited in the general fund of the local government. (NRS 354.59881-354.59889) Under existing law, if a surcharge to enhance the telephone system for reporting an emergency is imposed in a county whose population is less than 100,000 and the governing body of the county or a city within the county also imposes a fee for a business license on a provider of personal wireless service, the money generated by the fee is required to be deposited into the same special revenue fund in which the proceeds of the surcharge are deposited. (NRS 244A.7645, 244A.76455) **Section 4** of this bill eliminates the requirement that these fees be deposited in the special revenue fund; therefore, such fees will be deposited in the county general fund in the same manner as before the enactment of the ordinance imposing the surcharge.

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

Section 1. NRS 244A.7643 is hereby amended to read as follows:

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

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

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

~~for the enhancement of the telephone system for reporting an emergency in the county.~~

2. *Except as otherwise provided in this section, the board of county commissioners in a county whose population is less than 100,000 may by ordinance, for the enhancement or improvement of the telephone ~~and telecommunications~~ system for reporting an emergency in the county, impose a surcharge on:*

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

(b) *The mobile telephone service provided to each customer of that service whose place of primary use is in the county.*

3. 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 *or improvement* of the telephone ~~and telecommunications~~ system for reporting emergencies in the county. The master plan must include an estimate of the cost of the enhancement *or improvement* of the telephone ~~and telecommunications~~ system and all proposed sources of money for funding the enhancement ~~or improvement~~ *or improvement*.

4. The surcharge imposed by a board of county commissioners pursuant to this section:

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

(b) For each trunk line to the local exchange of a ~~telephone company~~ *telecommunications provider*, must equal 10 times the amount of the surcharge imposed for each access line to the local exchange of a ~~telephone company~~ *telecommunications provider* 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~~ *telecommunications provider* pursuant to paragraph (a).

~~4.~~ 5. A ~~telephone company~~ *telecommunications provider* 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~~ *telecommunications provider* or supplier shall remit the surcharge it collects to the treasurer of the county 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.

~~5.1~~ 6. An ordinance adopted pursuant to subsection 1 or 2 may include a schedule of penalties for the delinquent payment of amounts due from ~~telephone companies,~~ telecommunications providers 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,~~ telecommunications provider 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,~~ telecommunications provider or a supplier.

~~6.1~~ 7. 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,~~ telecommunications provider and the local exchange of the ~~telephone company,~~ telecommunications provider.

Sec. 2. NRS 244A.7645 is hereby amended to read as follows:

244A.7645 1. If a surcharge is imposed ~~in a county,~~ pursuant to NRS 244A.7643 ~~in a county whose population is 100,000 or more but less than 400,000,~~ the board of county commissioners of that county shall ~~1.~~

~~1. Establish,~~ establish by ordinance ~~1.~~ 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.

~~1. If the county in which the~~

2. If a surcharge is ~~being~~ imposed pursuant to NRS 244A.7643 ~~has a population of~~ in a county whose population is less than 100,000, the board of county commissioners of that county shall establish by ordinance an advisory committee to develop a plan to enhance or improve the telephone and telecommunications system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must ~~include~~ :

(a) Consist of not less than five members who:

(1) Are residents of the county;

(2) Possess knowledge concerning telephone ~~and communications~~ systems for reporting emergencies; and

(3) Are not elected public officers; and

(b) Include a representative of an incumbent local exchange carrier which provides service to persons in that county. As used in this ~~subsection,~~ paragraph, "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~~

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

(a) To 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, including only:

~~(1)~~ (1) Paying recurring and nonrecurring charges for telecommunication services necessary for the operation of the enhanced telephone system;

~~(2)~~ (2) Paying costs for personnel and training associated with the routine maintenance and updating of the database for the system;

~~(3)~~ (3) Purchasing, leasing or renting the equipment and software necessary to operate the enhanced telephone system; and

~~(4)~~ (4) Paying costs associated with any maintenance, upgrade and replacement of equipment and software necessary for the operation of the enhanced telephone system.

~~(b) In a county whose population is less than 100,000, to improve the telephone and communications system for reporting an emergency in the county, including, without limitation, purchasing, leasing or renting the equipment and software necessary to ensure the interoperability of the system for communication among emergency response agencies, including, without limitation, local police and fire departments.~~

4. If the balance in the fund created pursuant to subsection ~~(2)~~ 3 which has not been committed for expenditure exceeds \$500,000 at the end of any fiscal year, the board of county commissioners shall 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. 3. NRS 244A.7647 is hereby amended to read as follows:

244A.7647 A ~~telephone company~~ telecommunications provider or supplier which collects the surcharge imposed pursuant to NRS 244A.7643 is entitled to retain an amount of the surcharge collected which is equal to the cost to collect the surcharge.

~~Sec. 3.~~ Sec. 4. NRS 244A.76455 is hereby repealed.

~~Sec. 4.~~ Sec. 5. This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

244A.76455 Requiring deposit of business license fees imposed in county whose population is less than 100,000 on providers of personal wireless service into special revenue fund; exceptions.

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.