

ASSEMBLY BILL NO. 344—ASSEMBLYWOMAN CARLTON

MARCH 18, 2019

Referred to Committee on Growth and Infrastructure

SUMMARY—Makes various changes to modernize the provision of cellular coverage. (BDR 58-838)

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 utilities; prohibiting a political subdivision of this State from discriminating against or preventing certain uses of a telecommunication system or cable television system under certain circumstances; requiring a political subdivision of this State to allow the installation, maintenance, operation and replacement of micro wireless facilities under certain circumstances; affirming the authority of political subdivisions of this State to exercise certain powers; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 7** of this bill prohibits a political subdivision of this State from discriminating against or preventing certain uses of a telecommunication system or cable television system in the public rights-of-way by a telecommunication provider or a wireless infrastructure provider if the provider complies with applicable federal and state requirements.

**Section 8** of this bill requires a political subdivision of this State to allow a telecommunication provider or a wireless infrastructure provider, or an affiliate thereof, to install, place, maintain, operate or replace micro wireless facilities on certain cables owned by the provider or affiliate under the provisions of a franchise which was granted to the provider or affiliate, as applicable.

**Section 9** of this bill provides that the provisions of this bill do not otherwise: (1) limit the authority of a political subdivision of this State to license telecommunication providers and establish certain conditions on such licenses; or (2) affect the authority of a political subdivision to manage the public rights-of-way or exercise its police powers and land use powers.



\* A B 3 4 4 \*

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

**Section 1.** Chapter 707 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *"Affiliate" means a person or entity that, directly or indirectly through one or more intermediaries, owns, controls, is owned or controlled by, or is under common ownership or control with another person or entity.*

**Sec. 4.** *"Micro wireless facility" means a small wireless facility that:*

*1. Is not larger in dimension than 36 inches in length, 22 inches in width and 12 inches in height; and*

*2. Does not have an exterior antenna which is longer than 11 1/2 inches.*

**Sec. 5.** *"Small wireless facility" means a wireless facility that meets the following qualifications:*

*1. Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of not more than 6 cubic feet; and*

*2. All other wireless equipment associated with the facility has a cumulative volume of not more than 28 cubic feet or such higher limit as is established by the Federal Communications Commission.*

**Sec. 6.** *"Wireless infrastructure provider" means any person who:*

*1. Is authorized to provide telecommunication service in this State; or*

*2. Builds or installs:*

*(a) Transmission equipment;*

*(b) Wireless facilities; or*

*(c) Micro wireless facilities or structures.*

*➔ The term does not include a provider of wireless services.*

**Sec. 7.** *A political subdivision of this State may not:*

*1. Discriminate against a telecommunication provider or a wireless infrastructure provider in the use of a telecommunication system or cable television system; or*



2. Prevent a telecommunication provider or a wireless infrastructure provider from using a telecommunication system or cable television system,   
 ➡ in the public rights-of-way to provide services other than telecommunication service if the telecommunication provider or wireless infrastructure provider, as applicable, complies with applicable federal and state requirements.

**Sec. 8. 1.** A political subdivision of this State shall allow a telecommunication provider or a wireless infrastructure provider, or an affiliate of such a provider, to install, place, maintain, operate or replace one or more micro wireless facilities on cables that are strung between utility poles and owned by the provider or affiliate, as applicable, under the provisions of a franchise which was granted to the provider or affiliate, as applicable, to provide telecommunication service or cable television service.

2. The installation, placement, maintenance, operation or replacement of a micro wireless facility which is allowed pursuant to subsection 1 must be performed in compliance with the National Electrical Safety Code.

**Sec. 9.** The provisions of sections 2 to 9, inclusive, of this act do not:

1. Limit the authority of a political subdivision of this State to:

- (a) License telecommunication providers; or
- (b) Establish conditions on those licenses that are:
  - (1) Competitively neutral and nondiscriminatory; and
  - (2) Consistent with federal and state law.

2. Affect the authority of a political subdivision of this State to:

- (a) Manage the public rights-of-way within its boundaries; or
- (b) Exercise its police powers and land use powers.

