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FIRST REPRINT

S.B. 25

SENATE BILL NO. 25—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF RENO)

PREFILED NOVEMBER 16, 2018

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the administration of the surcharge imposed on telephone users. (BDR 20-442)

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 public safety; revising provisions relating to the imposition of a surcharge which may be collected and used for the enhancement of the telephone system for reporting an emergency; providing that such a surcharge may also be used for the purpose of paying costs for personnel and training associated with portable event recording devices and vehicular event recording devices; requiring a recipient of money collected from the surcharge to repay or return that money under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain peace officers to wear a portable event recording device while on duty. (NRS 289.830) Existing law authorizes: (1) all counties in this State to impose a surcharge to be used for the enhancement of the telephone system for reporting an emergency in the county; and (2) the surcharge to be used for the purpose of purchasing and maintaining portable event recording devices and vehicular event recording devices. (NRS 244A.7643, 244A.7645) **Section 1** of this bill authorizes the surcharge to also be used for personnel and training associated with: (1) maintaining, updating and operating the equipment, hardware and software of portable event recording devices and vehicular event recording devices; and (2) the maintenance, retention and redaction of audio and video events recorded on portable event recording devices and vehicular event recording devices.

Section 1 also requires a recipient to: (1) return money not used within 6 months for an approved purpose; (2) repay any money that is not used for an



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14 approved purpose; and (3) repay any amount to which the recipient was not entitled
15 to receive.

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

1 **Section 1.** NRS 244A.7645 is hereby amended to read as
2 follows:

3 244A.7645 1. If a surcharge is imposed pursuant to NRS
4 244A.7643 in a county whose population is 100,000 or more, the
5 board of county commissioners of that county shall establish by
6 ordinance an advisory committee to develop a plan to enhance the
7 telephone system for reporting an emergency in that county and to
8 oversee any money allocated for that purpose. The advisory
9 committee must:

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

11 (1) Are residents of the county;

12 (2) Possess knowledge concerning telephone systems for
13 reporting emergencies; and

14 (3) Are not elected public officers.

15 (b) Subject to the provisions of subparagraph (3) of paragraph
16 (a), include the chief law enforcement officer or his or her designee
17 from each office of the county sheriff, metropolitan police
18 department, police department of an incorporated city within the
19 county and department, division or municipal court of a city or town
20 that employs marshals within the county, as applicable.

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

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

29 (1) Are residents of the county;

30 (2) Possess knowledge concerning telephone systems for
31 reporting emergencies; and

32 (3) Are not elected public officers.

33 (b) Include a representative of an incumbent local exchange
34 carrier which provides service to persons in that county. As used in
35 this paragraph, "incumbent local exchange carrier" has the meaning
36 ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on
37 October 1, 1999, and includes a local exchange carrier that is treated
38 as an incumbent local exchange carrier pursuant to that section.



(c) Subject to the provisions of subparagraph (3) of paragraph (a), include the chief law enforcement officer or his or her designee from each office of the county sheriff, metropolitan police department, police department of an incorporated city within the county and department, division or municipal court of a city or town that employs marshals within the county, as applicable.

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:

(a) With respect to the telephone system for reporting an emergency:

(1) In a county whose population is 45,000 or more, to enhance the telephone system for reporting an emergency, including only:

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

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

(III) Purchasing, leasing or renting the equipment and software necessary to operate the enhanced telephone system, including, without limitation, equipment and software that identify the number or location from which a call is made; and

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

(2) In a county whose population is less than 45,000, to improve the telephone system for reporting an emergency in the county.

(b) With respect to purchasing and maintaining portable event recording devices and vehicular event recording devices ~~[-, paying]~~:

(1) *Paying* costs associated with the acquisition, maintenance, storage of data, upgrade and replacement of equipment and software necessary for the operation of portable event recording devices and vehicular event recording devices or systems that consist of both portable event recording devices and vehicular event recording devices ~~[-]~~;

(2) *Paying costs for personnel and training associated with maintaining, updating and operating the equipment, hardware and software necessary for portable event recording devices and vehicular event recording devices or systems that consist of both*



portable event recording devices and vehicular event recording devices; and

(3) Paying costs for personnel and training associated with the maintenance, retention and redaction of audio and video events recorded on portable event recording devices and vehicular event recording devices or systems that consist of both portable event recording devices and vehicular event recording devices.

4. If money in the fund is distributed to a recipient and:

(a) The recipient has not used the money for any purpose authorized pursuant to subsection 3 within 6 months, the recipient must:

(1) Notify the board of county commissioners and the advisory committee; and

(2) Return the unused money.

(b) The recipient used any portion of the money for a purpose that is not authorized pursuant to subsection 3, the recipient must:

(1) Notify the board of county commissioners and the advisory committee; and

(2) Repay the portion of the money that was used for a purpose not authorized pursuant to subsection 3.

(c) The recipient was not entitled to receive all or a portion of the money, the recipient must:

(1) Notify the board of county commissioners and the advisory committee; and

(2) Repay all money to which the recipient was not entitled to receive.

5. If the balance in the fund created in a county whose population is 100,000 or more pursuant to subsection 3 which has not been committed for expenditure exceeds \$5,000,000 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 \$5,000,000.

~~§5~~ *6. If the balance in the fund created in a county whose population is 45,000 or more but less than 100,000 pursuant to subsection 3 which has not been committed for expenditure exceeds \$1,000,000 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 \$1,000,000.*

~~§6~~ *7. If the balance in the fund created in a county whose population is less than 45,000 pursuant to subsection 3 which has not been committed for expenditure exceeds \$500,000 at the end of*



1 any fiscal year, the board of county commissioners shall reduce the
2 amount of the surcharge imposed during the next fiscal year by the
3 amount necessary to ensure that the unencumbered balance in
4 the fund at the end of the next fiscal year does not exceed \$500,000.
5 **Sec. 2.** This act becomes effective upon passage and approval.

