

ASSEMBLY BILL NO. 388—ASSEMBLYMEN
C.H. MILLER, DURAN; AND THOMAS

MARCH 23, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions governing access to broadband services. (BDR 18-790)

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

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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 telecommunication service; requiring the State Treasurer to establish a program to enable voluntary contributions for infrastructure grants for broadband deployment; requiring the Office of Science, Innovation and Technology in the Office of the Governor to establish a program to make infrastructure grants for broadband deployment; requiring the Office of Science, Innovation and Technology to establish a program to encourage deployment of broadband infrastructure in certain communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 7.92 of this bill requires the State Treasurer to establish, by regulation, a program that enables a provider of broadband or commercial mobile radio service to participate in a voluntary contribution program for broadband infrastructure that enables a customer to opt in and make voluntary monetary contributions as part of the customer's monthly bill. Existing law defines various activities involving businesses and occupations that constitute deceptive trade practices. (NRS 598.0915-598.0925) If a person engages in a deceptive trade practice, the person may be subject to restraint by injunction and the imposition of civil and criminal penalties. (NRS 598.0979, 598.0985, 598.0999) **Section 7.92** makes a willful violation of any regulation adopted by the State Treasurer concerning the voluntary contribution program a deceptive trade practice.

Existing law establishes the Office of Science, Innovation and Technology in the Office of the Governor and prescribes its powers and duties and those of its Director. (NRS 223.600-223.650) **Section 7.8** of this bill requires the Director of the Office of Science, Innovation and Technology to establish and administer a program of infrastructure grants for the development or improvement of broadband



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services for persons with low income and persons in rural areas of this State. **Section 7.5** of this bill creates the Account for the Grant Program for Broadband Infrastructure for the deposit of money collected by the State Treasurer from participating providers in the voluntary contribution program established pursuant to **section 7.92**. **Section 7.5** requires that money deposited in the Account be used to: (1) provide infrastructure grants pursuant to the program established pursuant to **section 7.8**; and (2) defray the costs of establishing and administering the programs established pursuant to **sections 7.8 and 7.92**.

Section 7.6 of this bill requires the Director of the Office of Science, Innovation and Technology to biennially: (1) prepare a report concerning the availability of broadband service in this State; and (2) submit the report to the Governor and Legislature. **Sections 7.7 and 7.93** of this bill require the Office, on or before October 1, 2021, to establish and administer a Broadband Ready Community Certification program for the purpose of encouraging the deployment of broadband infrastructure in underserved communities.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.5. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.5. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 4.5. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.1. Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.2 to 7.7, inclusive, of this act.

Sec. 7.2. (Deleted by amendment.)

Sec. 7.3. (Deleted by amendment.)

Sec. 7.4. (Deleted by amendment.)

Sec. 7.5. 1. The Account for the Grant Program for Broadband Infrastructure is hereby created in the State General Fund. The Director of the Office of Science, Innovation and Technology shall administer the Account.

2. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

3. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The money in the Account must only be used to:



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(a) Make infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State established by the Director pursuant to subsection 5 of NRS 223.610; and

(b) Defray the costs of establishing and administering the programs established pursuant to subsection 5 of NRS 223.610 and section 7.92 of this act.

5. Claims against the Account must be paid as other claims against the State are paid.

Sec. 7.6. The Director of the Office of Science, Innovation and Technology shall, not less than biennially:

1. Prepare a report that includes, without limitation:

(a) A summary of the availability of broadband services throughout the State; and

(b) Recommendations for the deployment of broadband infrastructure to underserved communities.

2. Submit the report prepared pursuant to subsection 1 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission.

Sec. 7.7. 1. The Office of Science, Innovation and Technology shall establish and administer a Broadband Ready Community Certification program in order to encourage the deployment of broadband infrastructure in underserved communities in this State.

2. The Office of Science, Innovation and Technology shall adopt regulations necessary to carry out the program established pursuant to subsection 1. Such regulations must include, without limitation:

(a) The requirements for a community to apply for and receive certification as a Broadband Ready Community; and

(b) The grounds for withdrawal of a certification as a Broadband Ready Community.

3. The Office of Science, Innovation and Technology shall post on an Internet website maintained by the Office, a list of each community in this State that has been certified as a Broadband Ready Community.

Sec. 7.8. NRS 223.610 is hereby amended to read as follows:

223.610 The Director of the Office of Science, Innovation and Technology shall:

1. Advise the Governor and the Executive Director of the Office of Economic Development on matters relating to science, innovation and technology.

2. Work in coordination with the Office of Economic Development to establish criteria and goals for economic



development and diversification in this State in the areas of science, innovation and technology.

3. As directed by the Governor, identify, recommend and carry out policies related to science, innovation and technology.

4. Report periodically to the Executive Director of the Office of Economic Development concerning the administration of the policies and programs of the Office of Science, Innovation and Technology.

5. Coordinate activities in this State relating to the planning, mapping and procurement of broadband service in a competitively neutral and nondiscriminatory manner, which must include, without limitation:

(a) Development of a strategic plan to improve the delivery of broadband services in this State to schools, libraries, providers of health care, transportation facilities, prisons and other community facilities;

(b) Applying for state and federal grants on behalf of eligible entities and managing state matching money that has been appropriated by the Legislature;

(c) Coordinating and processing applications for state and federal money relating to broadband services;

(d) Prioritizing construction projects which affect or involve the expansion or deployment of broadband services in this State;

(e) In consultation with providers of health care from various health care settings, the expansion of telehealth services to reduce health care costs and increase health care quality and access in this State, especially in rural, unserved and underserved areas of this State;

(f) Expansion of the fiber optic infrastructure in this State for the benefit of the public safety radio and communications systems in this State;

(g) Collection and storage of data relating to agreements and contracts entered into by the State for the provision of fiber optic assets in this State; ~~and~~

(h) Administration of the trade policy for fiber optic infrastructure in this State ~~and~~ ; and

(i) Establishing and administering a program of infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State using money from the Account for the Grant Program for Broadband Infrastructure created by section 7.5 of this act. The Director may adopt regulations to carry out his or duties pursuant to this paragraph.

6. Provide support to the Advisory Council on Science, Technology, Engineering and Mathematics and direct the



1 implementation in this State of plans developed by the Council
2 concerning, without limitation, workforce development, college
3 preparedness and economic development.

4 7. In carrying out his or her duties pursuant to this section,
5 consult with the Executive Director of the Office of Economic
6 Development and cooperate with the Executive Director in
7 implementing the State Plan for Economic Development developed
8 by the Executive Director pursuant to subsection 2 of NRS 231.053.

9 8. Administer such grants as are provided by legislative
10 appropriation.

11 **Sec. 7.9.** NRS 223.630 is hereby amended to read as follows:

12 223.630 1. The Account for the Office of Science, Innovation
13 and Technology is hereby created in the State General Fund. The
14 Account must be administered by the Director of the Office of
15 Science, Innovation and Technology.

16 2. ~~{Any}~~ *Except as otherwise provided in section 7.5 of this*
17 *act, any* money accepted pursuant to NRS 223.620 must be
18 deposited in the Account.

19 3. The interest and income earned on the money in the
20 Account, after deducting any applicable charges, must be credited to
21 the Account.

22 4. The money in the Account must only be used to carry out
23 the duties of the Director.

24 5. Claims against the Account must be paid as other claims
25 against the State are paid.

26 **Sec. 7.92.** Chapter 226 of NRS is hereby amended by adding
27 thereto a new section to read as follows:

28 *1. To the extent consistent with federal law, the State*
29 *Treasurer shall establish, by regulation, a program that enables a*
30 *provider of broadband or commercial mobile radio service to*
31 *participate in a voluntary contribution program for broadband*
32 *infrastructure that enables a customer of the provider to opt in*
33 *and make voluntary monetary contributions as part of the*
34 *customer's monthly bill to fund a program of infrastructure grants*
35 *for broadband deployment. The regulations must establish,*
36 *without limitation:*

37 *(a) Procedures to enable a provider of broadband or*
38 *commercial mobile radio service to elect to participate in the*
39 *program;*

40 *(b) The manner in which a participating provider must give*
41 *notice to its customers about the program;*

42 *(c) Procedures to enable a customer of a participating provider*
43 *to opt in to the program and make contributions to the program;*
44 *and*



(d) *The manner in which a participating provider must collect and account for contributions to the program made by participating customers.*

2. *The State Treasurer shall deposit money collected from participating providers in the program established pursuant to subsection 1 in the Account for the Grant Program for Broadband Infrastructure created by section 7.5 of this act.*

3. *A willful violation by a participant in the program of any regulation adopted pursuant to subsection 1 constitutes a deceptive trade practice for purposes of NRS 598.0903 to 598.0999, inclusive.*

Sec. 7.93. On or before October 31, 2021, the Office of Science, Innovation and Technology in the Office of the Governor established by NRS 223.600 shall, in consultation with representatives of local governments, providers of broadband or commercial mobile radio services and interested stakeholders identified by the Office of Science, Innovation and Technology, establish the program required by section 7.7 of this act.

Sec. 7.95. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 7.95, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2022, for all other purposes.

