

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

Amend the Bill as a Whole

Delete Sections 1. Through 14.

NRS sec 244.4 Regulator Parity Obligations.

Section 1. In the event that a board of county commissioners or any political subdivision thereof, not subject to NRS 711.175 provides video programming services to subscribers via a community antenna television system, as defined by NRS 711.040 or an Open Video System, on an area served by a privately-owned community antenna television system, the county's system shall be subject to the same regulations, terms, conditions, and obligations required of the privately owned community antenna television system, including any obligation to pay taxes and/or fees enforced by any governmental entity as prescribed by NRS 711.

NRS sec 244.435 Limitation on cross-subsidization.

Section 2. No governing authority of any County or political subdivision thereof shall provide video programming services to subscribers via a community antenna television system or an Open Video System, whether bundled with other services or unbundled, except in accordance with the following:

- a. When the bundled or unbundled product contains a community antenna television programming service, that programming service shall be priced no less than the actual cost of said programming service.
- b. The governing authority may not use public money for the provision of video programming services.
- c. The governing authority may not use its rights of way, property or any other special power it may have as a government or a Utility, to create a preference or advantage for its system, or any undue burden on the privately-owned community antenna television system.

Section 3. Any governing authority that violates the provisions of this Act shall be subject to the following remedies administered by the Nevada Department of Taxation (Department).

1. If a privately operated video system files with the Department a complaint which contains a prima facie showing that a County or a publicly operated video programming system is violating section 3, of this act, the Department shall:
 - (a) Issue a temporary order directing the county or the public system to cease and desist from committing or repeating the violation; and
 - (b) Schedule a hearing on the matter.
2. If, after conducting the hearing, the Department determines that the county or public system is violating or has violated section 3, of this act, the Department shall:
 - (a) Issue a permanent order directing the county or the public system to cease and desist from committing or repeating the violation; and

- (b) Award to the private system all damages that have been proximately caused by the violation and all costs incurred by the private system to prosecute the complaint, including, without limitation, reasonable attorney's fees.
- 3. The provisions of this section do not create an exclusive remedy and do not Abrogate or limit any other action or remedy that is available to the private system pursuant to any other statute or the common law.

Section 4. 711.175(1). The governing body of a county whose populations is 35,000, or more, and any entity or agency over which such county exercises control, directly or indirectly, shall not sell the services of a community antenna television system to the general public.

Deleted: 50,000

a. except where a governing agency who currently provides a community antenna television system or an open video system prior to reaching the population threshold will be grandfathered and can continue to provide the service.

Section 5. 711.190(2). IF a local government grants a franchise to two or more community antenna television companies to construct, maintain or operate a community antenna television system in the same area, the local government shall impose the same terms and conditions on each franchise, and shall enforce such terms and conditions in a non-discriminatory fashion. No governmental entity shall construct, maintain or operate a community antenna television system in the same area served by one or more community antenna television companies without a franchise agreement with franchise fees up to 5% of gross revenues or an interlocal agreement, defined by NRS 277.045 and NRS 277.105 provided said interlocal agreement meets the same financial requirements imposed on the private community antenna television system operating with in the franchised area.

(Section 15.) Section 6. This act becomes effective upon passage and approval.