

Amendment No. 22

Senate Amendment to Senate Bill No. 12	(BDR 20-475)
Proposed by: Senate Committee on Government Affairs	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date		SENATE ACTION			Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added 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 proposed to be retained in this amendment.



SENATE BILL NO. 12—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

PREFILED NOVEMBER 14, 2018

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing telephone systems used for reporting emergencies. (BDR 20-475)

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; authorizing a county to use revenue collected from certain telephone surcharges to pay for an analysis or audit of the surcharges collected by a telecommunications provider; providing the conditions under which such audits may be performed; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a board of county commissioners to impose a surcharge for the enhancement of the telephone system for reporting an emergency. ~~[]~~ if the board adopts and reviews, at least annually, a 5-year master plan for the enhancement of that system or the purchase and maintenance of certain recording devices. (NRS 244A.7643) If a county imposes such a surcharge, the revenue collected from the surcharge must be used only for certain purposes. (NRS 244A.7645) ~~[This]~~

Section 1.3 of this bill authorizes the revenue collected from the surcharge to also be used to pay for the costs of an analysis or audit of the surcharges collected by a telecommunications provider. Section 1 of this bill authorizes the board of county commissioners in a county where a surcharge is imposed to engage an independent auditor to perform such an analysis or audit: (1) as part of the mandatory review of the 5-year master plan; or (2) if a previous analysis or audit revealed evidence of a violation of certain provisions of law with respect to the amount of money a telecommunications provider collected or remitted to the county.

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

Section 1. Chapter 244A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, if a surcharge is imposed in a county pursuant to NRS 244A.7643, the board of county commissioners of that

1 county may, as part of its review of the 5-year master plan adopted pursuant to
2 NRS 244A.7643 for the enhancement of the telephone system for reporting
3 emergencies in the county or for the purpose of purchasing and maintaining
4 portable event recording devices and vehicular event recording devices, as
5 applicable, engage a qualified independent auditor to perform an analysis or
6 audit of the surcharges collected by telecommunications providers in the county.

7 2. An auditor that performs an analysis or audit pursuant to this section:

8 (a) Shall not charge a fee exceeding the actual costs of performing the
9 analysis or audit.

10 (b) Shall submit a report of his or her findings to the advisory committee of
11 the county established pursuant to NRS 244A.7645.

12 3. If an auditor performing an analysis or audit of the surcharges collected
13 by telecommunications providers finds in the course of conducting the analysis or
14 audit evidence of a violation of the provisions of NRS 244A.7643, with respect to
15 the amount of money collected or remitted to the county treasurer by a
16 telecommunications provider, the board of county commissioners may engage a
17 qualified independent auditor to perform an additional analysis or audit of the
18 surcharges collected by the telecommunications provider before the next review
19 of the 5-year master plan is conducted.

20 Sec. 1.3. NRS 244A.7645 is hereby amended to read as follows:

21 244A.7645 1. If a surcharge is imposed pursuant to NRS 244A.7643 in a
22 county whose population is 100,000 or more, the board of county commissioners of
23 that county shall establish by ordinance an advisory committee to develop a plan to
24 enhance the telephone system for reporting an emergency in that county and to
25 oversee any money allocated for that purpose. The advisory committee must:

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

27 (1) Are residents of the county;

28 (2) Possess knowledge concerning telephone systems for reporting
29 emergencies; and

30 (3) Are not elected public officers.

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

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

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

42 (1) Are residents of the county;

43 (2) Possess knowledge concerning telephone systems for reporting
44 emergencies; and

45 (3) Are not elected public officers.

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

51 (c) Subject to the provisions of subparagraph (3) of paragraph (a), include the
52 chief law enforcement officer or his or her designee from each office of the county
53 sheriff, metropolitan police department, police department of an incorporated city

1 within the county and department, division or municipal court of a city or town that
2 employs marshals within the county, as applicable.

3 3. If a surcharge is imposed in a county pursuant to NRS 244A.7643, the
4 board of county commissioners of that county shall create a special revenue fund of
5 the county for the deposit of the money collected pursuant to NRS 244A.7643. The
6 money in the fund must be used only:

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

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

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

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

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

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

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

23 (b) With respect to purchasing and maintaining portable event recording
24 devices and vehicular event recording devices, paying costs associated with the
25 acquisition, maintenance, storage of data, upgrade and replacement of equipment
26 and software necessary for the operation of portable event recording devices and
27 vehicular event recording devices or systems that consist of both portable event
28 recording devices and vehicular event recording devices.

29 *(c) To pay any costs associated with performing an analysis or audit*
30 *pursuant to section 1 of this act of the ~~surcharge fees~~ surcharges collected by*
31 *telecommunications providers.*

32 4. If the balance in the fund created in a county whose population is 100,000
33 or more pursuant to subsection 3 which has not been committed for expenditure
34 exceeds \$5,000,000 at the end of any fiscal year, the board of county
35 commissioners shall reduce the amount of the surcharge imposed during the next
36 fiscal year by the amount necessary to ensure that the unencumbered balance in the
37 fund at the end of the next fiscal year does not exceed \$5,000,000.

38 5. If the balance in the fund created in a county whose population is 45,000 or
39 more but less than 100,000 pursuant to subsection 3 which has not been committed
40 for expenditure exceeds \$1,000,000 at the end of any fiscal year, the board of
41 county commissioners shall reduce the amount of the surcharge imposed during the
42 next fiscal year by the amount necessary to ensure that the unencumbered balance
43 in the fund at the end of the next fiscal year does not exceed \$1,000,000.

44 6. If the balance in the fund created in a county whose population is less than
45 45,000 pursuant to subsection 3 which has not been committed for expenditure
46 exceeds \$500,000 at the end of any fiscal year, the board of county commissioners
47 shall reduce the amount of the surcharge imposed during the next fiscal year by the
48 amount necessary to ensure that the unencumbered balance in the fund at the end of
49 the next fiscal year does not exceed \$500,000.

50 **Sec. 1.7. 1. Notwithstanding the provisions of section 1 of this act, the**
51 **board of county commissioners of a county where a surcharge is imposed**
52 **pursuant to NRS 244A.7643 may, between July 1, 2019, and July 1, 2020,**

1 engage an independent auditor to perform an analysis or audit of the
2 surcharges collected by telecommunications providers.

3 2. An auditor that performs an analysis or audit pursuant to this section:

4 (a) Shall not charge a fee exceeding the actual costs of performing the
5 analysis or audit.

6 (b) Shall submit a report of his or her findings to the advisory committee
7 of the county established pursuant to NRS 244A.7645.

8 3. If a board of county commissioners has an analysis or audit performed
9 pursuant to this section, the board may use money in the special revenue fund
10 created pursuant to NRS 244A.7645, as amended by section 1.3 of this act, to
11 pay the costs of performing the analysis or audit.

12 **Sec. 2.** This act becomes effective on July 1, 2019.