

Amendment No. 953

Assembly Amendment to Senate Bill No. 12 First Reprint (BDR 20-475) <b>Proposed by:</b> Assemblyman Flores <b>Amendment Box:</b> Replaces Amendment No. 857. <b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes
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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.

HAC



Date: 5/24/2019

S.B. No. 12—Revises provisions governing telephone systems used for reporting emergencies. (BDR 20-475)





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 ~~for~~ . certain costs related to a master plan and certain costs for personnel and training associated with portable event recording devices and vehicular event recording devices; providing the conditions under which ~~such~~ the audits may be performed; prioritizing the expenditure of the proceeds of certain telephone surcharges; 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 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 deposited in a special revenue fund and used only for certain purposes. (NRS 244A.7645)

**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.

Section 1.3 further authorizes the revenue collected from 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.

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Section 1.3 establishes the order of priority that revenue collected from the surcharge may be expended.  
Section 1.3 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 approved purpose; and (3) repay any amount to which the recipient was not entitled to receive.

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

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

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

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

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

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

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

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

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

(1) Are residents of the county;

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

(3) Are not elected public officers.

(b) 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.

2. If a surcharge is imposed pursuant to NRS 244A.7643 in a county whose population is less than 100,000, the board of county commissioners of that county

1 shall establish by ordinance an advisory committee to develop a plan to enhance or  
2 improve the telephone system for reporting an emergency in that county and to  
3 oversee any money allocated for that purpose. The advisory committee must:

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

5 (1) Are residents of the county;

6 (2) Possess knowledge concerning telephone systems for reporting  
7 emergencies; and

8 (3) Are not elected public officers.

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

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

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

23 (a) To pay the costs of adopting and reviewing the 5-year master plan for the  
24 enhancement of the telephone system for reporting emergencies in the county  
25 that is required pursuant to NRS 244A.7643.

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

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

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

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

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

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

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

42 ~~(b)~~ (c) With respect to purchasing and maintaining portable event recording  
43 devices and vehicular event recording devices, ~~paying~~ :

44 (1) Paying costs associated with the acquisition, maintenance, storage of  
45 data, upgrade and replacement of equipment and software necessary for the  
46 operation of portable event recording devices and vehicular event recording devices  
47 or systems that consist of both portable event recording devices and vehicular event  
48 recording devices ~~;~~

49 ~~(c)~~ :

50 (2) Paying costs for personnel and training associated with maintaining,  
51 updating and operating the equipment, hardware and software necessary for  
52 portable event recording devices and vehicular event recording devices or systems

1 that consist of both portable event recording devices and vehicular event  
2 recording devices; and

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

8 (d) To pay any costs associated with performing an analysis or audit  
9 pursuant to section 1 of this act of the surcharges collected by  
10 telecommunications providers.

11 4. For the purposes described in subsection 3, money in the fund must be  
12 expended in the following order of priority:

13 (a) Paying the costs authorized pursuant to paragraph (a) of subsection 3 to  
14 adopt and review the 5-year master plan.

15 (b) If the county performs an analysis or audit described in section 1 of this  
16 act, paying the costs associated authorized pursuant to paragraph (d) of  
17 subsection 3.

18 (c) Paying the costs authorized pursuant to paragraph (b) of subsection 3.

19 (d) If the county has imposed a portion of the surcharge for purposes of  
20 purchasing and maintaining portable event recording devices and vehicular event  
21 recording devices:

22 (1) Paying the costs authorized pursuant to paragraph (c) of subsection 3  
23 other than costs related to personnel and training.

24 (2) Paying the costs authorized pursuant to paragraph (c) of subsection 3  
25 related to personnel.

26 (3) Paying the costs authorized pursuant to paragraph (c) of subsection 3  
27 related to training.

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

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

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

33 (2) Return the unused money.

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

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

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

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

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

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

45 6. If the balance in the fund created in a county whose population is 100,000  
46 or more pursuant to subsection 3 which has not been committed for expenditure  
47 exceeds \$5,000,000 at the end of any fiscal year, the board of county  
48 commissioners shall reduce the amount of the surcharge imposed during the next  
49 fiscal year by the amount necessary to ensure that the unencumbered balance in the  
50 fund at the end of the next fiscal year does not exceed \$5,000,000.

51 ~~6.~~ 7. If the balance in the fund created in a county whose population is  
52 45,000 or more but less than 100,000 pursuant to subsection 3 which has not been  
53 committed for expenditure exceeds \$1,000,000 at the end of any fiscal year, the

1 board of county commissioners shall reduce the amount of the surcharge imposed  
2 during the next fiscal year by the amount necessary to ensure that the  
3 unencumbered balance in the fund at the end of the next fiscal year does not exceed  
4 \$1,000,000.

5 ~~6.~~ 8. If the balance in the fund created in a county whose population is less  
6 than 45,000 pursuant to subsection 3 which has not been committed for expenditure  
7 exceeds \$500,000 at the end of any fiscal year, the board of county commissioners  
8 shall reduce the amount of the surcharge imposed during the next fiscal year by the  
9 amount necessary to ensure that the unencumbered balance in the fund at the end of  
10 the next fiscal year does not exceed \$500,000.

11 **Sec. 1.7.** 1. Notwithstanding the provisions of section 1 of this act, the  
12 board of county commissioners of a county where a surcharge is imposed pursuant  
13 to NRS 244A.7643 may, between July 1, 2019, and July 1, 2020, engage an  
14 independent auditor to perform an analysis or audit of the surcharges collected by  
15 telecommunications providers.

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

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

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

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

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