

Proposed Amendment to Senate Bill 237

Prepared by Senator Dallas Harris

March 23, 2023

Amendment Summary: This amendment: (1) retains the ability of the Board of Health to assess the surcharge; (2) removes the ability to assess the surcharge on the branch of a trunk line; (3) adds that the surcharge must be remitted to the Division on a monthly basis, due before the end of the succeeding month; (4) requires certain companies to report information to the Department; (5) authorizes the Board to promulgate regulations to adjust the surcharge; (6) updates the definitions of access line and commercial mobile service; (7) deletes sections 2 and 3 of the bill; (8) amends the effective date of the bill to upon approval and passage; and (9) adds oxford commas where appropriate.

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.

Section 1. NRS 433.708 is hereby amended to read as follows:

433.708 1. The *State Board of Health* ~~[Public Utilities Commission of Nevada]~~ shall ~~[adopt regulations to]~~ impose a surcharge *of 35 cents for each line* on ~~[each]~~ :

(a) *Each* access line of each customer of a company that provides commercial mobile communication services or IP-enabled voice services in this State in accordance with 47 U.S.C. § 251a; and ~~[each]~~

(b) *Each* access line ~~[,]~~ *or* trunk line ~~[and branch of a trunk line]~~ of each customer to the local exchange of any telecommunications provider providing those lines in this State. ~~[Those]~~

2. *The* companies and providers *described in subsection 1* shall collect the surcharge *described in subsection 1* from their customers and transfer the money collected to the *Division*, *the taxes imposed by this section are due and payable to the Division monthly on or before the last day of the month next succeeding each month.* ~~[pursuant to regulations adopted by the State Board of Health. The amount of the surcharge must be sufficient to support the uses set forth in subsection 2, except that the amount of the surcharge must not exceed 35 cents for each access-~~

~~line or trunk line.~~

~~2.] [Public Utilities Commission of Nevada in the manner prescribed by the Commission.]~~

3. The Crisis Response Account is hereby created in the State General Fund. Any money collected from the surcharge imposed pursuant to subsection 1 must be deposited in the State Treasury for credit to the Account. The Division shall administer the Account. The money in the Account:

(a) Must be used by the Division to carry out the provisions of NRS 433.702 to 433.710, inclusive, to the extent authorized by 47 U.S.C. § 251a; and

(b) Must not be used to supplant existing methods of funding that are available for those purposes.

~~3.]~~ 4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

~~4.]~~ 5. Any money remaining in the Account at the end of each fiscal year does not revert to the State General Fund but must be carried over into the next fiscal year.

~~5.]~~ 6. The Division may accept gifts, grants, and donations for the purpose of carrying out the provisions of NRS 433.702 to 433.710, inclusive.

7. The Companies and providers described in subsection 1 shall report to the Division:

(a) The average number of access lines in service and subject to the surcharge imposed pursuant to subsection 1 per month in the calendar year 2022, no later than July 1, 2023;

and

(b) The average number of access lines in service and subject to the surcharge imposed pursuant to subsection 1 per month annually on April 1 thereafter.

This information shall be regarded as proprietary information subject to the provisions of

NRS 333.333.

8. The Board may adopt regulations to adjust the surcharge imposed pursuant to subsection 1.

9. The regulations adopted pursuant to subsection 8 must:

(a) Provide for an adjustment in the surcharge every 5 years; and

(b) Calculate the adjusted surcharge by adding to the surcharge the product of that surcharge multiplied by the average percentage increase in the Consumer Price Index West Urban for All Urban Consumers (All Items) in the preceding 5 calendar years.

~~[7.]~~ 10. As used in this section:

(a) "Access line" means any voice connection between a customer and a carrier that provides the customer with access to telecommunication in this State and is capable of dialing the digits 9-8-8 to access the National Suicide Prevention Lifeline.

(b) "Commercial mobile service" has the meaning ascribed to it in 47 U.S.C. § 251a~~[.]~~ and is provided to a customer with this State as a primary place of use, as defined in 47 U.S.C. 413(8).

(c) "IP-enabled voice service" has the meaning ascribed to it in 47 U.S.C. § 251a.

(d) "Trunk line" means a line which provides a channel between a switchboard owned by a customer of a telecommunications provider and the local exchange of the telecommunications provider.

~~[Sec. 2. NRS 433.708 is hereby amended to read as follows:~~

~~433.708 1. The Public Utilities Commission of Nevada shall adopt regulations to impose a surcharge of not more than 35 cents for each line on:~~

~~(a) Each access line of each customer of a company that provides commercial mobile communication services or IP-enabled voice services in this State in accordance with 47 U.S.C. §~~

~~251a; and~~

~~(b) Each access line, trunk line and branch of a trunk line of each customer to the local exchange of any telecommunications provider providing those lines in this State.~~

~~2. The companies and providers described in subsection 1 shall collect the surcharge described in subsection 1 from their customers and transfer the money collected to the Public Utilities Commission of Nevada in the manner prescribed by the Commission.~~

~~3. The Crisis Response Account is hereby created in the State General Fund. Any money collected from the surcharge imposed pursuant to subsection 1 must be deposited in the State Treasury for credit to the Account. The Division shall administer the Account. The money in the Account:~~

~~(a) Must be used by the Division to carry out the provisions of NRS 433.702 to 433.710, inclusive, to the extent authorized by 47 U.S.C. § 251a; and~~

~~(b) Must not be used to supplant existing methods of funding that are available for those purposes.~~

~~4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.~~

~~5. Any money remaining in the Account at the end of each fiscal year does not revert to the State General Fund but must be carried over into the next fiscal year.~~

~~6. The Division may accept gifts, grants and donations for the purpose of carrying out the provisions of NRS 433.702 to 433.710, inclusive.~~

~~7. [As used in this section:~~

~~(a) "Access line" means any connection between a customer and a carrier that provides the customer with access to telecommunication in this State.~~

~~—(b) “Commercial mobile service” has the meaning ascribed to it in 47 U.S.C. § 251a.~~

~~—(c) “IP-enabled voice service” has the meaning ascribed to it in 47 U.S.C. § 251a.~~

~~—(d) “Trunk line” means a line which provides a channel between a switchboard owned by a customer of a telecommunications provider and the local exchange of the telecommunications provider.] The Public Utilities Commission of Nevada shall adopt regulations defining the terms “access line,” “commercial mobile service,” “IP-enabled voice service” and “trunk line” for the purposes of this section.~~

~~Sec. 3. NRS 704.040 is hereby amended to read as follows:~~

~~704.040 1. Every public utility shall furnish reasonably adequate service and facilities.~~

~~Subject to the provisions of subsection 3, the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, must be just and reasonable.~~

~~2. Every unjust and unreasonable charge for service of a public utility is unlawful.~~

~~3. Except as otherwise provided in NRS 704.68861 to 704.68887, inclusive:~~

~~(a) A competitive supplier is exempt from any provision of this chapter governing the rates, prices, terms and conditions of any telecommunication service.~~

~~(b) A small-scale provider of last resort is subject to the provisions of this chapter, NRS 427A.797, 433.708 and chapter 707 of NRS.~~

~~4. All telecommunication providers which offer the same or similar service must be subject to fair and impartial regulation, to promote adequate, economical and efficient service.~~

~~5. To maintain the availability of telephone service in accordance with the regulations adopted pursuant to NRS 704.6873, the Commission shall provide for the levy and collection of a uniform and equitable assessment, in an amount determined by the Commission, from all persons~~

~~furnishing intrastate telecommunication service or the functional equivalent of such service through any form of telephony technology, unless the levy and collection of the assessment with regard to a particular form of technology is prohibited by federal law. Assessments levied and collected pursuant to this subsection must be maintained in a separate fund established by the Commission. The Commission shall contract with an independent administrator to administer the fund pursuant to open competitive bidding procedures established by the Commission. The independent administrator shall collect the assessments levied and distribute them from the fund pursuant to a plan which has been approved by the Commission.~~

~~6. The Commission shall by regulation establish:~~

~~(a) The procedure for contracting with an independent administrator who will certify or recertify the eligibility of customers for lifeline service as defined in NRS 707.450, including:~~

~~(1) The selection of the independent administrator pursuant to open competitive bidding procedures established by the Commission; and~~

~~(2) The duties of the independent administrator which must be promulgated in advance of conducting the initial request for proposal for the independent administrator.~~

~~(b) The duties of the independent administrator which must:~~

~~(1) Be determined by criteria adopted by the Commission or the Federal Communications Commission;~~

~~(2) Provide for the independent administrator to be able to accomplish all functions necessary for interfacing with the National Lifeline Accountability Database when it is established and operational pursuant to 47 C.F.R. § 54.404 and any other national eligibility database for eligible telecommunication providers; and~~

~~(3) Require the independent administrator to be responsible for informing eligible telecommunication providers of the status of their customers' eligibility to receive lifeline service~~

~~as defined in NRS 707.450.~~

~~7. To implement the requirements of subsections 5 and 6, the Commission:~~

~~(a) May select a single entity to perform the duties of subsections 5 and 6;~~

~~(b) Is authorized to use the fund set forth in subsection 5 for the sole purpose of maintaining the availability of telephone service as set forth in subsections 5 and 6; and~~

~~(c) May, in accordance with the terms of a contract entered into with an independent administrator pursuant to subsection 6, terminate the service to certify or recertify the eligibility of customers for lifeline service, as defined in NRS 707.450, if the National Lifeline Eligibility Verifier, as defined in 47 C.F.R. § 54.400, is able to certify and recertify the eligibility of customers in this State for lifeline service.]~~

Sec. ~~[4.]~~ 2. Any regulations adopted by the State Board of Health pursuant to NRS 433.708, as that section existed before the effective date of section 1 of this act, are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the effective date of this section.

~~[Sec. 5. 1. This section and sections 1, 3 and 4 of this act become effective upon passage and approval]~~

~~2. Section 2 of this act becomes effective:~~

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

~~On the date on which the regulations adopted by the Public Utilities Commission prescribing the amount of the surcharge described in NRS 433.708, as amended by section 2 of this act, and defining the terms listed in subsection 7 of NRS 433.708, as amended by section 2 of this act, become effective.]~~

Sec. 3. This act becomes effective upon passage and approval.