

ASSEMBLY BILL NO. 526—COMMITTEE ON COMMERCE AND LABOR

MARCH 23, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to community antenna television, cable television, video service, Internet service and other information technology. (BDR 58-1129)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. 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 information technology; revising provisions governing the regulation of community antenna television, cable television and other video service; establishing a new regulatory structure for video service providers; requiring the Secretary of State to perform certain duties under the new regulatory structure; limiting the regulatory powers of local governments regarding video service providers; providing fees; requiring providers of Internet service to offer products or services which enable subscribers to regulate and monitor a child's use of the Internet; providing remedies and penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 This bill enacts various provisions relating to community antenna television,
- 2 cable television, video service, Internet service and other information technology.
- 3 Under existing law, a local government has the authority to grant local
- 4 franchises for the operation of a community antenna or cable television system
- 5 within its jurisdiction. Because each local government has independent authority to
- 6 grant its own franchises, a cable operator that wants to operate in multiple
- 7 jurisdictions must negotiate a separate local franchise with each local government.
- 8 (Chapter 711 of NRS)
- 9 To promote competition in the cable industry, the federal Cable Act prohibits a
- 10 local government from granting an exclusive franchise or unreasonably refusing to
- 11 grant competitive franchises. The federal Cable Act also prohibits a local
- 12 government from imposing a franchise fee that exceeds 5 percent of a cable
- 13 operator's gross revenue. (47 U.S.C. §§ 541, 542)



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14 This bill repeals the existing statutory scheme of regulating video service  
15 through local franchises and replaces it with a statutory scheme that is intended to  
16 promote more competition in the market for such service. This bill applies to  
17 community antenna television companies, cable operators and other video service  
18 providers. However, this bill allows an existing franchise holder to continue  
19 operating under its local franchise until that franchise expires.

20 Under this bill, a video service provider must obtain a certificate of authority  
21 from the Secretary of State, which acts as a state-issued franchise to provide video  
22 service within the service areas designated in the certificate. This bill establishes  
23 various standards and practices for video service providers, including requirements  
24 for providing local governments with community access channels for public,  
25 educational and governmental programming.

26 This bill preempts most local regulation of video service providers. However,  
27 this bill allows a local government to manage the activities of video service  
28 providers within any public right-of-way or highway, including inspecting any  
29 construction or repair work. This bill also allows a local government to impose a  
30 franchise fee that does not exceed 5 percent of a video service provider's gross  
31 revenue.

32 Finally, this bill requires a provider of Internet service to make available to  
33 subscribers in this State products or services which enable the subscribers to block,  
34 restrict and monitor a child's Internet activities. This bill authorizes the provider to  
35 charge a fee to those subscribers who elect to use the products or services. A  
36 provider of Internet service that fails to comply with the requirements commits a  
37 deceptive trade practice and is subject to civil and administrative remedies and  
38 penalties.

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

1 **Section 1.** NRS 704.030 is hereby amended to read as follows:  
2 704.030 "Public utility" or "utility" does not include:

3 1. Persons engaged in the production and sale of natural gas,  
4 other than sales to the public, or engaged in the transmission of  
5 natural gas other than as a common carrier transmission or  
6 distribution line or system.

7 2. Persons engaged in the business of furnishing, for  
8 compensation, water or services for the disposal of sewage, or both,  
9 to persons within this State if:

10 (a) They serve 25 persons or less; and

11 (b) Their gross sales for water or services for the disposal of  
12 sewage, or both, amounted to \$5,000 or less during the immediately  
13 preceding 12 months.

14 3. Persons not otherwise engaged in the business of furnishing,  
15 producing or selling water or services for the disposal of sewage, or  
16 both, but who sell or furnish water or services for the disposal of  
17 sewage, or both, as an accommodation in an area where water or  
18 services for the disposal of sewage, or both, are not available from a  
19 public utility, cooperative corporations and associations or political  
20 subdivisions engaged in the business of furnishing water or services



1 for the disposal of sewage, or both, for compensation, to persons  
2 within the political subdivision.

3 4. Persons who are engaged in the production and sale of  
4 energy, including electricity, to public utilities, cities, counties or  
5 other entities which are reselling the energy to the public.

6 5. Persons who are subject to the provisions of NRS 590.465 to  
7 590.645, inclusive.

8 6. Persons who are engaged in the sale or use of special fuel as  
9 defined in NRS 366.060.

10 7. Persons who provide water from water storage, transmission  
11 and treatment facilities if those facilities are for the storage,  
12 transmission or treatment of water from mining operations.

13 *8. Persons who are video service providers, as defined in*  
14 *section 27 of this act, except for those operations of the video*  
15 *service provider which consist of providing a telecommunication*  
16 *service to the public, in which case the video service provider is a*  
17 *public utility only with regard to those operations of the video*  
18 *service provider which consist of providing a telecommunication*  
19 *service to the public.*

20 **Sec. 2.** Chapter 711 of NRS is hereby amended by adding  
21 thereto the provisions set forth as sections 3 to 60, inclusive, of this  
22 act.

23 **Sec. 3.** *“Agreement” means any agreement or contract of*  
24 *any kind.*

25 **Sec. 4.** *“Cable operator” has the meaning ascribed to it in 47*  
26 *U.S.C. § 522, as that section existed on January 1, 2007.*

27 **Sec. 5.** *“Cable service” has the meaning ascribed to it in 47*  
28 *U.S.C. § 522, as that section existed on January 1, 2007.*

29 **Sec. 6.** *“Cable system” has the meaning ascribed to it in 47*  
30 *U.S.C. § 522, as that section existed on January 1, 2007.*

31 **Sec. 7.** *“Certificate of authority” or “certificate” means a*  
32 *certificate issued by the Secretary of State pursuant to this chapter*  
33 *which grants the holder of the certificate a state-issued franchise*  
34 *to provide video service and construct and operate a video service*  
35 *network within the service areas designated in the certificate.*

36 **Sec. 8.** *“Commercial mobile service provider” means a*  
37 *person who provides commercial mobile service, as defined in 47*  
38 *U.S.C. § 332(d), as that section existed on January 1, 2007.*

39 **Sec. 9.** *“Franchise” has the meaning ascribed to it in 47*  
40 *U.S.C. § 522, as that section existed on January 1, 2007.*

41 **Sec. 10.** *“Franchise fee” means a franchise fee imposed by a*  
42 *local government on a video service provider for the privilege of*  
43 *providing video service.*

44 **Sec. 11. 1.** *“Gross revenue” means:*



1 (a) Any revenue a video service provider receives from its  
2 subscribers for providing video service to those subscribers, as  
3 determined in accordance with generally accepted accounting  
4 principles, except for revenue excluded pursuant to subsection 3;  
5 and

6 (b) Any other consideration a video service provider receives  
7 for providing video service when it is received in a transaction that  
8 would evade imposition of a franchise fee if such consideration is  
9 not included in revenue, except for revenue excluded pursuant to  
10 subsection 3.

11 2. The term includes, without limitation:

12 (a) Recurring monthly charges;

13 (b) Event-based charges, including, without limitation,  
14 charges for pay per view and video on demand;

15 (c) Charges for the rental of set-top boxes and other  
16 equipment;

17 (d) Service charges, including, without limitation, charges for  
18 activation, installation, repair and maintenance;

19 (e) Administrative charges, including, without limitation,  
20 charges for service orders and service termination; and

21 (f) The amount of any revenue received by a video service  
22 provider for providing video service when such service is a  
23 component of a bundle of services or products sold for a single  
24 price, but only to the extent the revenue received by the video  
25 service provider for the bundle of services or products is  
26 proportionately allocated among each of the components.

27 3. The term does not include:

28 (a) Revenue not actually received, regardless of when it is  
29 billed.

30 (b) Refunds, rebates or discounts made to subscribers.

31 (c) Revenue from providing service other than video service,  
32 including, without limitation, revenue from providing:

33 (1) Telecommunication service; or

34 (2) Information service that is not video service.

35 (d) Any fee imposed on the video service provider that is  
36 passed through to and paid by subscribers, including, without  
37 limitation, a franchise fee.

38 (e) Revenue from the sale of video service to any person who  
39 purchases the video service for resale and who, upon resale, is  
40 required to pay a franchise fee pursuant to this chapter or the  
41 terms of a local franchise.

42 (f) Any tax of general applicability.

43 (g) The fair market value of free or reduced-cost video service  
44 provided without set-off or exchange to any person who is entitled



1 *or permitted to receive such service pursuant to this chapter or*  
2 *federal law.*

3 *(h) Late payment fees collected from subscribers.*

4 **Sec. 12.** *“Holder of a certificate” or “holder” means a video*  
5 *service provider that has been issued a certificate of authority*  
6 *pursuant to this chapter.*

7 **Sec. 13.** *“Incumbent cable operator” means any cable*  
8 *operator, community antenna television company or other video*  
9 *service provider that, on the effective date of this act, is providing*  
10 *video service in this State pursuant to a local franchise.*

11 **Sec. 14.** *“Information service” has the meaning ascribed to it*  
12 *in 47 U.S.C. § 153(20), as that section existed on January 1, 2007.*

13 **Sec. 15.** *“Interactive computer service” has the meaning*  
14 *ascribed to it in 47 U.S.C. § 230(f)(2), as that section existed on*  
15 *January 1, 2007.*

16 **Sec. 16.** *“Jurisdiction of a local government” means:*

17 *1. In the case of a city, the corporate limits of the city.*

18 *2. In the case of a county, the unincorporated area of the*  
19 *county.*

20 **Sec. 17.** *“Local franchise” means any franchise, agreement,*  
21 *permit, license or similar authorization, regardless of its name,*  
22 *which:*

23 *1. Permits a person to construct or operate a cable system,*  
24 *community antenna television system or video service network*  
25 *within the jurisdiction of a local government;*

26 *2. Was issued, granted, approved or renewed by the*  
27 *governing body of the local government before the effective date of*  
28 *this act pursuant to the authority of any federal, state or local law*  
29 *in effect at the time of the issuance, grant, approval or renewal;*  
30 *and*

31 *3. On the effective date of this act, is legally effective and*  
32 *unexpired.*

33 **Sec. 18.** *“Local law” means any charter, code, ordinance,*  
34 *regulation or other law of a local government.*

35 **Sec. 19.** *“Multichannel video programming distributor” has*  
36 *the meaning ascribed to it in 47 U.S.C. § 522, as that section*  
37 *existed on January 1, 2007.*

38 **Sec. 20.** *“Service area” means the geographical territory in*  
39 *this State within which a video service provider is authorized to*  
40 *provide video service under a certificate of authority.*

41 **Sec. 21.** *1. “Subscriber” means any person in this State*  
42 *who purchases video service.*

43 *2. The term does not include any person who purchases video*  
44 *service for resale and who, upon resale, is required to pay a*



1 *franchise fee pursuant to this chapter or the terms of a local*  
2 *franchise.*

3 **Sec. 22.** *“Telecommunication” means the transmission,*  
4 *between or among points specified by the user, of information of*  
5 *the user’s choosing, without change in the form or content of the*  
6 *information sent and received, regardless of the facilities,*  
7 *equipment or technology used.*

8 **Sec. 23.** *“Telecommunication provider” means any person*  
9 *required to obtain from the Public Utilities Commission of Nevada*  
10 *a certificate of public convenience and necessity pursuant to NRS*  
11 *704.330 to provide telecommunication service.*

12 **Sec. 24.** *“Telecommunication service” means the offering of*  
13 *telecommunication for a fee directly to the public, or such classes*  
14 *of users as to be effectively available directly to the public,*  
15 *regardless of the equipment, facilities or technology used.*

16 **Sec. 25.** 1. *“Video service” means the provision of*  
17 *multichannel video programming generally considered*  
18 *comparable to video programming delivered by a television*  
19 *broadcast station, cable service or other digital television service,*  
20 *whether provided as part of a tier, on-demand or on a per-channel*  
21 *basis, without regard to the technology used to deliver the video*  
22 *service, including, without limitation, Internet protocol technology*  
23 *or any successor technology.*

24 2. *The term includes, without limitation:*

25 (a) *Cable service; and*

26 (b) *Video service delivered by a community antenna television*  
27 *system.*

28 3. *The term does not include:*

29 (a) *Any video content provided solely as part of, and through,*  
30 *a service which enables users to access content, information,*  
31 *electronic mail or other services that are offered via the public*  
32 *Internet.*

33 (b) *Direct broadcast satellite service.*

34 (c) *Any wireless multichannel video programming provided by*  
35 *a commercial mobile service provider.*

36 **Sec. 26.** 1. *“Video service network” means a wireline*  
37 *facility, or any component thereof, which is:*

38 (a) *Located in this State;*

39 (b) *Constructed in whole or in part in, on, under or over any*  
40 *public right-of-way or highway; and*

41 (c) *Used to provide video service.*

42 2. *The term includes, without limitation:*

43 (a) *A cable system; and*

44 (b) *A community antenna television system.*



1 **Sec. 27. 1.** *“Video service provider” or “provider” means*  
2 *any person that provides or offers to provide video service over a*  
3 *video service network to subscribers in this State.*

4 **2.** *The term includes, without limitation:*

5 *(a) A cable operator;*

6 *(b) A community antenna television company; and*

7 *(c) A multichannel video programming distributor.*

8 **Sec. 28.** *This chapter occupies the entire field of franchising*  
9 *and regulation of video service and, except as otherwise provided*  
10 *in sections 45 and 46 of this act, preempts any local law or*  
11 *agreement with a local government that:*

12 **1.** *Requires a person to obtain or hold from a local*  
13 *government any franchise, permit, license or similar*  
14 *authorization, regardless of its name, to provide video service or to*  
15 *construct or operate a video service network, unless the person is*  
16 *an incumbent cable operator which holds an unexpired local*  
17 *franchise and which has elected pursuant to section 32 of this act*  
18 *to continue to operate within its service area pursuant to the local*  
19 *franchise until the date on which the local franchise expires.*

20 **2.** *Regulates the provision of video service or the construction*  
21 *or operation of a video service network if such regulation conflicts*  
22 *or is otherwise inconsistent with the provisions of this chapter or*  
23 *the purposes and objectives of this chapter.*

24 **3.** *Requires a video service provider to pay any fee to a local*  
25 *government if the payment of such a fee conflicts or is otherwise*  
26 *inconsistent with the provisions of this chapter or the purposes*  
27 *and objectives of this chapter.*

28 **Sec. 29. 1.** *For the purpose of bringing about fair and*  
29 *reasonable competition for video service, the Secretary of State*  
30 *has the exclusive authority to issue a certificate of authority to a*  
31 *person to provide video service and construct and operate a video*  
32 *service network in any service area in this State.*

33 **2.** *The Secretary of State:*

34 *(a) Shall carry out the provisions of this chapter; and*

35 *(b) May adopt regulations necessary for the issuance,*  
36 *modification and termination of a certificate of authority,*  
37 *including, without limitation, prescribing any forms related to the*  
38 *application process.*

39 **3.** *On or after the effective date of this act, a local*  
40 *government does not have the authority to:*

41 *(a) Issue, grant, approve or renew any franchise, agreement,*  
42 *permit, license or similar authorization, regardless of its name, for*  
43 *the privilege of:*

44 *(1) Providing video service within the jurisdiction of the*  
45 *local government; or*



1           (2) *Except as otherwise provided in sections 45 and 46 of*  
2 *this act, constructing or operating a video service network within*  
3 *the jurisdiction of the local government;*

4           (b) *Impose any build-out requirements, investment*  
5 *requirements or other requirements relating to infrastructure,*  
6 *facilities or deployment of equipment for the privilege of providing*  
7 *video service or constructing or operating a video service network*  
8 *within the jurisdiction of the local government; or*

9           (c) *Except as otherwise provided in sections 45 and 46 of this*  
10 *act, require the payment of any application, document, franchise,*  
11 *service or other fee, tax, charge or assessment for the privilege of*  
12 *providing video service or constructing or operating a video*  
13 *service network within the jurisdiction of the local government.*

14       **Sec. 29.5.** *In carrying out the provisions of this chapter, the*  
15 *Secretary of State shall charge and collect:*

16       1. *A filing fee, in an amount not to exceed \$1,000, for*  
17 *accepting any application or notice pursuant to the provisions of*  
18 *this chapter; and*

19       2. *Except as otherwise provided in this subsection, a*  
20 *certification fee, in the amount of \$25,000, for issuing an original*  
21 *certificate of authority to a person who does not hold such a*  
22 *certificate pursuant to the provisions of this chapter. The*  
23 *Secretary of State:*

24       (a) *May charge and collect the certification fee only once from*  
25 *each such person; and*

26       (b) *May not charge and collect the certification fee from a*  
27 *local government that is authorized pursuant to NRS 711.175 to*  
28 *sell video service to the general public, or any entity or agency that*  
29 *is directly or indirectly controlled by the local government, if it*  
30 *provides video service or constructs or operates a video service*  
31 *network exclusively within the territorial boundaries of the local*  
32 *government.*

33       **Sec. 30.** *The provisions of this chapter must not be*  
34 *interpreted to:*

35       1. *Authorize the Secretary of State to exercise oversight of*  
36 *video service providers except as provided in this chapter.*

37       2. *Prevent a telecommunication provider from exercising any*  
38 *rights or authority that the provider has as a public utility under*  
39 *federal or state law.*

40       **Sec. 31.** *Except as otherwise provided in this chapter, a*  
41 *person shall not act as a video service provider or construct or*  
42 *operate a video service network in any service area unless the*  
43 *person has obtained a certificate of authority for that service area.*

44       **Sec. 32.** 1. *If, on the effective date of this act, an incumbent*  
45 *cable operator is providing video service within a service area*





1 *pursuant to a local franchise, the incumbent cable operator may*  
2 *elect to:*

3 *(a) Continue to operate within that service area pursuant to*  
4 *the local franchise until the date on which the local franchise*  
5 *expires; or*

6 *(b) Terminate the local franchise within that service area by*  
7 *applying for and obtaining a certificate of authority pursuant to*  
8 *subsection 3.*

9 *2. If an incumbent cable operator elects to continue to*  
10 *operate within a service area pursuant to a local franchise, the*  
11 *incumbent cable operator:*

12 *(a) Must comply with the local franchise and all applicable*  
13 *provisions of this chapter until the date on which the local*  
14 *franchise expires; and*

15 *(b) To operate within that service area on or after the date on*  
16 *which the local franchise expires, must apply for and obtain a*  
17 *certificate of authority in the same manner as any other video*  
18 *service provider. If the incumbent cable operator is issued a*  
19 *certificate of authority for that service area while operating*  
20 *pursuant to the local franchise, the certificate does not become*  
21 *effective until the date on which the local franchise expires.*

22 *3. To elect to terminate a local franchise within a service*  
23 *area, an incumbent cable operator must, not later than 6 months*  
24 *after the effective date of this act, apply for a certificate of*  
25 *authority for that service area in the same manner as any other*  
26 *video service provider. If the incumbent cable operator makes*  
27 *such an election and obtains a certificate of authority for that*  
28 *service area:*

29 *(a) The local franchise for that service area is deemed to be*  
30 *terminated by operation of law on the date on which the Secretary*  
31 *of State issues the certificate of authority;*

32 *(b) Not later than 3 business days after the date on which the*  
33 *Secretary of State issues the certificate of authority, the incumbent*  
34 *cable operator shall file with the clerk of the local government*  
35 *which granted the franchise a written declaration that the*  
36 *incumbent cable operator has obtained a certificate of authority*  
37 *and that the local franchise for that service area has been*  
38 *terminated by operation of law; and*

39 *(c) The incumbent cable operator shall operate within that*  
40 *service area thereafter subject only to the same requirements that*  
41 *apply to any other holder of a certificate.*

42 **Sec. 33. 1. To obtain a certificate of authority, a person**  
43 **must:**

44 *(a) File with the Secretary of State an application and affidavit*  
45 *which are signed by one of the principal executive officers or*



1 *general partners of the applicant and which comply with the*  
2 *provisions of this section; and*

3 *(b) Pay the fees required by section 29.5 of this act.*

4 *2. The application and affidavit must be in the form required*  
5 *by the Secretary of State and must contain only the following:*

6 *(a) A description of each service area designated by the*  
7 *applicant in which the applicant intends to provide video service*  
8 *and a map of each such service area that shows the territorial*  
9 *boundaries of each local government located, in whole or in part,*  
10 *within the service area.*

11 *(b) The location of the principal place of business of the*  
12 *applicant and the names of the principal executive officers or*  
13 *general partners of the applicant.*

14 *(c) Certifications that the applicant:*

15 *(1) Agrees to comply with all applicable federal and state*  
16 *laws and regulations;*

17 *(2) Agrees to comply with all generally applicable,*  
18 *nondiscriminatory local laws regarding the use and occupation of*  
19 *any public right-of-way or highway in the construction, operation,*  
20 *maintenance and repair of a video service network, including,*  
21 *without limitation, any local laws enacted pursuant to the police*  
22 *powers of the local government in which the video service network*  
23 *is located; and*

24 *(3) Has filed or will timely file with the Federal*  
25 *Communications Commission all forms required by that agency*  
26 *before offering video service.*

27 *3. If the Secretary of State determines that the application*  
28 *and affidavit are incomplete or otherwise deficient, the Secretary*  
29 *of State shall provide written notice to the applicant not later than*  
30 *15 days after the date on which the application and affidavit are*  
31 *filed. The written notice must:*

32 *(a) Explain the incompleteness or deficiency in detail; and*

33 *(b) Identify with specificity the information or other items that*  
34 *are necessary to complete the application and affidavit properly.*

35 *4. The applicant shall provide a copy of the application and*  
36 *affidavit to the governing body of each local government located,*  
37 *in whole or in part, within each service area designated in the*  
38 *application. The applicant shall provide such a copy:*

39 *(a) Not later than 3 business days after the date on which the*  
40 *application and affidavit are first filed with the Secretary of State;*  
41 *and*

42 *(b) If a revised application and affidavit are filed, not later*  
43 *than 3 business days after the date on which the revised*  
44 *application and affidavit are filed with the Secretary of State.*



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1       5. *The copy of the application and affidavit provided by the*  
2 *applicant to a governing body is for informational purposes only,*  
3 *and the governing body may not:*

4       (a) *Vote on or take other official action regarding the*  
5 *application and affidavit; or*

6       (b) *Require the applicant to obtain the approval of the*  
7 *governing body regarding the application and affidavit.*

8       **Sec. 34.** *1. Not later than 20 days after the date on which*  
9 *an applicant files a completed application and affidavit pursuant*  
10 *to section 33 of this act and pays the fees required by section 29.5*  
11 *of this act, the Secretary of State shall issue a certificate of*  
12 *authority to the applicant.*

13       2. *The certificate of authority issued by the Secretary of State*  
14 *is a state-issued franchise granting the holder of the certificate*  
15 *with the authority to:*

16       (a) *Provide video service in each service area designated in the*  
17 *application and affidavit filed with the Secretary of State; and*

18       (b) *Construct and operate a video service network in*  
19 *compliance with the provisions of this chapter and all local laws*  
20 *that are not in conflict or otherwise inconsistent with the*  
21 *provisions of this chapter or the purposes and objectives of this*  
22 *chapter.*

23       3. *The Secretary of State may not condition or limit a*  
24 *certificate of authority by imposing on the holder of the certificate*  
25 *any obligations or requirements that are not authorized by the*  
26 *provisions of this chapter, including, without limitation:*

27       (a) *Any build-out requirements, investment requirements or*  
28 *other requirements relating to infrastructure, facilities or*  
29 *deployment of equipment; or*

30       (b) *Any requirements to pay any application, document,*  
31 *franchise, service or other fee, tax, charge or assessment that is*  
32 *not authorized by the provisions of this chapter.*

33       **Sec. 35.** *1. If the holder of a certificate wants to add one or*  
34 *more new service areas to the certificate, the holder must file with*  
35 *the Secretary of State an application for an amendment to the*  
36 *certificate to add the new service areas.*

37       2. *The application for an amendment to the certificate must*  
38 *contain a description of each new service area designated by the*  
39 *holder and a map of each new service area that shows the*  
40 *territorial boundaries of each local government located, in whole*  
41 *or in part, within the new service area.*

42       3. *The application for an amendment to the certificate is*  
43 *subject to the same procedures, requirements and time periods as*  
44 *an application for the issuance of a certificate pursuant to sections*



1 33 and 34 of this act, except that the holder is not required to pay  
2 the certification fee required by section 29.5 of this act.

3 **Sec. 36.** 1. If the holder of a certificate wants to modify the  
4 boundaries of an existing service area authorized under the  
5 certificate, the holder must file with the Secretary of State written  
6 notice of the modification.

7 2. The holder may make the modification on the date on  
8 which it files the written notice with the Secretary of State.

9 **Sec. 37.** 1. If the holder of a certificate wants to terminate  
10 service to an existing service area authorized under the certificate,  
11 the holder must file with the Secretary of State written notice of  
12 the termination.

13 2. The holder may make the termination on the date on which  
14 it files the written notice with the Secretary of State.

15 **Sec. 38.** 1. Except as otherwise provided in this section, a  
16 certificate of authority is fully transferable to any successor-in-  
17 interest of the holder of the certificate whether the transfer to the  
18 successor-in-interest arises through merger, sale, assignment,  
19 restructuring, change of control or any other type of transaction.

20 2. The holder shall file with the Secretary of State written  
21 notice of the transfer of the certificate to the successor-in-interest  
22 not later than 10 days after the date on which the transfer is  
23 completed.

24 3. Before the holder may transfer its certificate to the  
25 successor-in-interest, the successor-in-interest must agree that any  
26 collective bargaining agreement entered into by the holder shall  
27 continue to be honored, paid or performed by the successor-in-  
28 interest to the same extent as would be required if the holder  
29 continued to operate under its certificate unless such continued  
30 application of the collective bargaining agreement to the  
31 successor-in-interest is prohibited or limited by the terms of the  
32 agreement or by federal or state law. Any transfer of a certificate  
33 of authority that violates the provisions of this subsection is void  
34 and unenforceable and is not valid for any purpose.

35 **Sec. 39.** 1. Not later than 24 months after the date on  
36 which the Secretary of State issues a certificate of authority  
37 pursuant to sections 33 and 34 of this act or an amended  
38 certificate of authority pursuant to section 35 of this act, the  
39 holder of the certificate must have the capability to offer and  
40 provide video service to at least one subscriber who resides within  
41 the territorial boundaries of each service area authorized by the  
42 certificate or the amended certificate.

43 2. If a holder fails to comply with the provisions of subsection  
44 1, the holder's certificate of authority shall be deemed to be



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1 *revoked by operation of law without the need for any notice,*  
2 *hearing or action by the Secretary of State.*

3 **Sec. 40.** *A holder of a certificate shall provide video service*  
4 *in accordance with the certifications made by the holder in each*  
5 *application and affidavit that the holder files with the Secretary of*  
6 *State pursuant to section 33 or 35 of this act.*

7 **Sec. 40.5.** *1. If a video service provider that is not an*  
8 *incumbent cable operator within the jurisdiction of a local*  
9 *government intends to construct facilities within the jurisdiction of*  
10 *the local government pursuant to a certificate of authority, the*  
11 *video service provider shall, until it has constructed all the*  
12 *facilities intended for the jurisdiction of the local government,*  
13 *prepare and submit to the local government a semiannual report*  
14 *which describes the number of service locations within the*  
15 *jurisdiction of the local government that are capable of receiving*  
16 *video service from the video service provider.*

17 *2. The video service provider shall submit the report to the*  
18 *local government not later than 10 business days after the last day*  
19 *of the second and fourth calendar quarters of each year.*

20 *3. The information contained in a report that is submitted to*  
21 *a local government pursuant to this section:*

22 *(a) Is confidential proprietary information of the video service*  
23 *provider;*

24 *(b) Is not a public record; and*

25 *(c) Must not be disclosed to any person who is not an officer or*  
26 *employee of the local government unless the video service provider*  
27 *consents to the disclosure or the disclosure is made pursuant to*  
28 *subsection 4.*

29 *4. Upon request from the Director of the Legislative Counsel*  
30 *Bureau, a local government shall disclose the information*  
31 *contained in a report that is submitted to the local government*  
32 *pursuant to this section to the Director for confidential use by the*  
33 *Legislature and the Legislative Counsel Bureau. The information*  
34 *that is disclosed to the Director:*

35 *(a) Is confidential proprietary information of the video service*  
36 *provider;*

37 *(b) Is not a public record; and*

38 *(c) Must not be disclosed to any person who is not an officer or*  
39 *employee of the Legislature or the Legislative Counsel Bureau*  
40 *unless the video service provider consents to the disclosure.*

41 **Sec. 41.** *1. A video service provider shall activate and offer*  
42 *video service in a nondiscriminatory manner within each service*  
43 *area and shall not deny access to video service to any group of*  
44 *potential residential subscribers within a particular part of a*



1 *service area because of the income profile of the persons who*  
2 *reside in that particular part of the service area.*

3 *2. In providing video service, a video service provider shall*  
4 *comply with:*

5 *(a) The provisions of 47 U.S.C. § 551, as that section existed*  
6 *on January 1, 2007.*

7 *(b) The provisions of the National Electrical Safety Code, as*  
8 *adopted and as may be amended by the Institute of Electrical and*  
9 *Electronics Engineers, Inc., with regard to the video service*  
10 *provider's construction practices and installation of equipment.*

11 *(c) Any technical standards governing the design, construction*  
12 *and operation of a video service network required by federal law.*

13 *(d) The provisions of 47 C.F.R. Part 11, as adopted and as may*  
14 *be amended by the Federal Communications Commission, to the*  
15 *extent those provisions require a video service provider to*  
16 *participate in the Emergency Alert System.*

17 **Sec. 42. 1. A video service provider:**

18 *(a) Shall comply with the provisions of 47 C.F.R. §§ 76.309,*  
19 *76.1601 to 76.1604, inclusive, and 76.1618 to 76.1622, inclusive,*  
20 *as adopted and as may be amended by the Federal*  
21 *Communications Commission, with regard to the standards*  
22 *governing the quality of video service and customer service; and*

23 *(b) May not be required to comply with more stringent or*  
24 *different customer service obligations than those set forth in*  
25 *paragraph (a).*

26 *2. To facilitate the resolution of complaints regarding video*  
27 *service made by subscribers, a video service provider shall*  
28 *establish and maintain a customer service department and provide*  
29 *each subscriber with instructions for:*

30 *(a) Contacting the customer service department if the*  
31 *subscriber has a complaint regarding video service; and*

32 *(b) Contacting the local government if the video service*  
33 *provider does not resolve the complaint to the satisfaction of the*  
34 *subscriber.*

35 *3. Before a local government may take the action permitted*  
36 *by subsection 4 or 5 against a video service provider regarding a*  
37 *complaint from a subscriber:*

38 *(a) The subscriber must provide notice of the complaint to the*  
39 *video service provider by contacting the customer service*  
40 *department of the video service provider; and*

41 *(b) The video service provider must be given a period of not*  
42 *less than 5 business days after the date on which it receives the*  
43 *notice from the subscriber to resolve the complaint to the*  
44 *satisfaction of the subscriber.*



1       4. *If a subscriber files a written complaint regarding video*  
2 *service with a local government, the local government may impose*  
3 *an administrative fine against the video service provider if, after*  
4 *notice and an opportunity for a hearing before a hearing officer, it*  
5 *is proven by substantial evidence that the video service provider*  
6 *has, with regard to that subscriber, violated the customer service*  
7 *obligations that apply to the video service provider pursuant to this*  
8 *section. The amount of the administrative fine:*

9       (a) *For the first violation involving that subscriber in any*  
10 *period of 12 consecutive months, must not exceed \$250.*

11       (b) *For the second violation involving that subscriber in any*  
12 *period of 12 consecutive months, must not exceed \$500.*

13       (c) *For the third and any subsequent violation involving that*  
14 *subscriber in any period of 12 consecutive months, must not*  
15 *exceed \$750.*

16       5. *If a video service provider fails to pay a fine imposed by a*  
17 *local government pursuant to this section or if a local government*  
18 *has reasonable cause to believe that a video service provider has*  
19 *committed persistent or repeated violations of the customer service*  
20 *obligations that apply to the video service provider pursuant to this*  
21 *section, the local government may file a written complaint with the*  
22 *Bureau of Consumer Protection in the Office of the Attorney*  
23 *General pursuant to section 60 of this act.*

24       **Sec. 43.** *1. A video service provider may provide*  
25 *telecommunication service pursuant to chapter 704 of NRS and*  
26 *the regulations approved by the Public Utilities Commission of*  
27 *Nevada for telecommunication providers.*

28       2. *A video service provider shall obtain a certificate of public*  
29 *convenience and necessity pursuant to NRS 704.330 before*  
30 *providing any telecommunication service that is subject to*  
31 *regulation by the Public Utilities Commission of Nevada.*

32       3. *A local government shall not require a video service*  
33 *provider to obtain a franchise from the local government to*  
34 *provide:*

35       (a) *Telecommunication service; or*

36       (b) *Interactive computer service,*

37       ↪ *if the video service provider uses its own video service network*  
38 *within the jurisdiction of the local government to provide such*  
39 *service.*

40       **Sec. 44.** *1. On or after the effective date of this act, a*  
41 *purveyor of video service shall not enter into any agreement or*  
42 *other arrangement with any person that directly or indirectly:*

43       (a) *Excludes another purveyor of video service from any*  
44 *private easement or right-of-way for the installation on real*  
45 *property of facilities or equipment used to provide video service;*





1 (b) Restricts or limits access to real property on different terms  
2 and conditions among different purveyors of video service; or

3 (c) Grants exclusive rights to the purveyor of video service to:

4 (1) Install its facilities or equipment on real property during  
5 the construction or developmental phase of the real property; or

6 (2) Provide video service to the occupants of the real  
7 property.

8 2. This section does not prohibit a purveyor of video service  
9 from participating in an agreement for exclusive marketing of  
10 video programming and other programming service.

11 3. As used in this section, "purveyor of video service" means  
12 any person who furnishes video service to subscribers in this State  
13 using any form of technology or type of facilities, regardless of  
14 whether the person:

15 (a) Is a video service provider subject to the provisions of this  
16 chapter; or

17 (b) Provides video service over a video service network that is  
18 constructed in whole or in part in, on, under or over any public  
19 right-of-way or highway.

20 **Sec. 45.** 1. A local government shall not require a video  
21 service provider to place its facilities in ducts or conduits or on  
22 poles owned or leased by the local government.

23 2. A local government shall manage the use of any public  
24 right-of-way or highway by video service providers in a manner  
25 that:

26 (a) Is consistent with federal and state law and the lawful  
27 police powers of the local government; and

28 (b) Is competitively neutral and does not:

29 (1) Discriminate among video service providers; or

30 (2) Discriminate between video service providers and any  
31 other users of the public right-of-way or highway for the  
32 construction and operation of facilities.

33 3. In managing any public right-of-way or highway, a local  
34 government may:

35 (a) Require a video service provider that is constructing,  
36 installing, working within, maintaining or repairing facilities in,  
37 on, under or over any public right-of-way or highway to obtain a  
38 construction, encroachment or occupancy permit or license for  
39 such work; and

40 (b) Inspect the construction, installation, maintenance or  
41 repair work performed on such facilities.

42 4. If a video service provider makes a request for such a  
43 permit or license, the local government shall act upon the request  
44 not later than 10 business days after the date on which the request  
45 is made.





1       5. *A local government may charge a video service provider a*  
2 *fee to issue such a permit or license or to perform any inspection*  
3 *authorized by this section. The amount of any fee charged by a*  
4 *local government pursuant to this subsection may not exceed the*  
5 *actual costs incurred by the local government in administering the*  
6 *process of issuing such permits or licenses and performing such*  
7 *inspections.*

8       6. *If there is a situation necessitating emergency response*  
9 *work or repair in, on, under or over any public right-of-way or*  
10 *highway, a video service provider may begin that work or repair*  
11 *without prior approval from a local government if the provider*  
12 *notifies the local government as promptly as reasonably possible*  
13 *after learning of the need for that work or repair.*

14       **Sec. 46.** 1. *For the privilege of providing video service*  
15 *through a video service network that occupies or uses, in whole or*  
16 *in part, any public right-of-way or highway within the jurisdiction*  
17 *of a local government, the local government may require a video*  
18 *service provider to pay a franchise fee to the local government*  
19 *based on the gross revenue that the provider receives from its*  
20 *subscribers within the jurisdiction of the local government.*

21       2. *To require the payment of the franchise fee, the governing*  
22 *body of the local government must adopt a nondiscriminatory*  
23 *ordinance or resolution that imposes the franchise fee equally and*  
24 *uniformly on all video service providers operating within the*  
25 *jurisdiction of the local government.*

26       3. *The local government shall not require a video service*  
27 *provider to pay a franchise fee for any year in a total amount that*  
28 *exceeds 5 percent of the gross revenue that the provider received*  
29 *during that year from its subscribers within the jurisdiction of the*  
30 *local government.*

31       4. *The entire amount of the franchise fee must be paid by a*  
32 *video service provider directly to the local government in legal*  
33 *tender of the United States or in a check, draft or note that is*  
34 *payable in legal tender of the United States.*

35       5. *A video service provider may:*

36       (a) *Pass the franchise fee through to and collect the franchise*  
37 *fee from its subscribers within the jurisdiction of the local*  
38 *government based on the gross revenue received from each such*  
39 *subscriber; and*

40       (b) *Designate the amount of the franchise fee collected from*  
41 *each subscriber as a separate line item on the subscriber's bill.*

42       6. *Except as otherwise provided in subsection 7, the franchise*  
43 *fee authorized by this section:*

44       (a) *Is the only fee, tax, assessment or other charge that a local*  
45 *government may impose on a video service provider for the*



1 *privilege of providing video service or constructing or operating a*  
2 *video service network within the jurisdiction of the local*  
3 *government; and*

4 *(b) Is in lieu of any other fee, tax, assessment or charge that*  
5 *may be imposed by a local government on a video service provider*  
6 *for its occupation or use of any public right-of-way or highway.*

7 *7. This section does not restrict the right of a local*  
8 *government to impose on a video service provider:*

9 *(a) The fees authorized by subsection 5 of section 45 of this*  
10 *act; and*

11 *(b) Any generally applicable and nondiscriminatory fees, ad*  
12 *valorem taxes, sales taxes or other taxes that are lawfully imposed*  
13 *on other businesses within the jurisdiction of the local*  
14 *government.*

15 **Sec. 47. 1.** *Not more than once every 3 years, a local*  
16 *government may, upon reasonable written notice, review and audit*  
17 *the business records of a video service provider to the extent*  
18 *necessary to ensure payment of a franchise fee pursuant to this*  
19 *chapter. If the results of such a review and audit identify an*  
20 *underpayment of the franchise fee in an amount that requires*  
21 *corrective action, the local government may perform a subsequent*  
22 *compliance review and audit to determine whether the video*  
23 *service provider has corrected the underpayment of the franchise*  
24 *fee. The compliance review and audit must be performed not later*  
25 *than 12 months after the date on which the results of the initial*  
26 *review and audit are submitted to the local government.*

27 *2. The local government and the video service provider shall*  
28 *each pay its own costs and fees relating to each review and audit*  
29 *performed pursuant to subsection 1, except that if the video service*  
30 *provider elects to have the local government review and audit the*  
31 *requested business records of the video service provider at a*  
32 *location outside the territorial boundaries of the local government,*  
33 *the video service provider shall pay the per diem allowances and*  
34 *travel expenses incurred by the local government to perform the*  
35 *review and audit at that location.*

36 *3. A person who performs a review and audit pursuant to*  
37 *subsection 1 may not receive compensation that is based, in whole*  
38 *or in part, on:*

39 *(a) Finding a particular result; or*

40 *(b) The amount of any underpayment of the franchise fee that*  
41 *is identified as a result of the review and audit.*

42 *4. Any action to recover a disputed underpayment of a*  
43 *franchise fee from a video service provider must be commenced*  
44 *and prosecuted by the Attorney General on behalf of the affected*  
45 *local governments.*



1       5. *A video service provider may bring an action against a*  
2 *local government to recover a disputed overpayment of a franchise*  
3 *fee to the local government.*

4       6. *Any action to recover a disputed underpayment or*  
5 *overpayment of a franchise fee must be commenced in a district*  
6 *court not later than 4 years after the last day of the tax year to*  
7 *which the disputed underpayment or overpayment relates.*

8       7. *Each party shall pay its own costs and attorney's fees in*  
9 *commencing and prosecuting any action involving a disputed*  
10 *underpayment or overpayment of a franchise fee.*

11       **Sec. 48.** *As used in sections 48 to 59, inclusive, of this act,*  
12 *unless the context otherwise requires, the words and terms defined*  
13 *in sections 49 to 53, inclusive, have the meanings ascribed to them*  
14 *in those sections.*

15       **Sec. 49.** *“Hub office” means the facility and related*  
16 *equipment located within a video service network at which video*  
17 *programming is received directly or indirectly from national or*  
18 *international content providers or broadcast networks and*  
19 *combined with local programming and channels for signal*  
20 *distribution to subscribers through central offices and related*  
21 *transmission or transport facilities.*

22       **Sec. 50.** *“Locally produced video programming” means*  
23 *video programming produced for a service area by:*

24       1. *One or more natural persons who reside within the service*  
25 *area; or*

26       2. *Any local government, educational institution or other*  
27 *public or nonprofit private entity located within the service area.*

28       **Sec. 51.** *“Nonrepeat locally produced video programming”*  
29 *includes, without limitation, the first three videocastings of an*  
30 *official meeting of a local government.*

31       **Sec. 52.** *“PEG access channel” means a channel that*  
32 *videocasts PEG access programming.*

33       **Sec. 53.** *“PEG access programming” means noncommercial*  
34 *public, educational and governmental video programming or the*  
35 *capacity for the transmission of such programming.*

36       **Sec. 54.** *For the purposes of sections 48 to 59, inclusive, of*  
37 *this act, a PEG access channel shall be deemed to be*  
38 *“substantially utilized” if at least 12 hours of PEG access*  
39 *programming, excluding any alpha-numeric programming, is*  
40 *videocast on the PEG access channel each calendar day and at*  
41 *least 80 percent of the PEG access programming on each calendar*  
42 *day is nonrepeat locally produced video programming.*

43       **Sec. 54.5.** 1. *Except as otherwise provided in subsection 2,*  
44 *the provisions of sections 48 to 59, inclusive, of this act do not*



1 apply to any existing PEG access channel in service on the  
2 effective date of this act.

3 2. The provisions of sections 48 to 59, inclusive, of this act do  
4 not prevent a video service provider from changing the channel  
5 number assigned to any PEG access channel, including, without  
6 limitation, any existing PEG access channel in service on the  
7 effective date of this act. If a video service provider intends to  
8 change the channel number assigned to any PEG access channel,  
9 the provider:

10 (a) Shall use good faith efforts to provide the affected local  
11 government with written notice of the change, to the extent  
12 reasonably practicable, at least 120 days before the date on which  
13 the change is to become effective; and

14 (b) Shall not provide such notice less than 30 days before the  
15 date on which the change is to become effective.

16 **Sec. 55.** Except as otherwise provided in sections 48 to 59,  
17 inclusive, of this act, a holder of a certificate is not required to:

18 1. Provide any network or channel capacity or free or  
19 discounted cable service or other service to any governmental  
20 entity or school, library or other public building; or

21 2. Furnish any funds, services, programming, facilities,  
22 staffing or equipment related to the use of PEG access channels or  
23 the production or videocasting of PEG access programming.

24 **Sec. 56.** 1. Not sooner than 12 months after the date on  
25 which an incumbent cable operator obtains a certificate of  
26 authority, the incumbent cable operator may cease providing any  
27 network or channel capacity or free or discounted cable service or  
28 other service to any governmental entity or school, library or other  
29 public building.

30 2. If an incumbent cable operator ceases to provide network  
31 or channel capacity to a governmental entity, the incumbent cable  
32 operator may reclaim for its own purposes the network or channel  
33 capacity that was used by the governmental entity unless:

34 (a) The governmental entity uses the capacity for PEG access  
35 programming pursuant to sections 48 to 59, inclusive, of this act;  
36 or

37 (b) The incumbent cable operator and the governmental entity  
38 enter into a commercial agreement regarding the rates, terms and  
39 conditions for the governmental entity to continue using the  
40 network or channel capacity.

41 **Sec. 57.** 1. On or after the date on which a holder of a  
42 certificate first provides video service to at least one subscriber  
43 within the service area of a local government, the local  
44 government may request that the holder provide capacity for PEG  
45 access programming on its video service network on any service



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1 tier viewed by more than 50 percent of the subscribers in that  
2 service area. Within a reasonable period of not less than 120 days  
3 after the date on which the local government submits its request,  
4 the holder shall provide the local government with such capacity  
5 for PEG access programming subject to the provisions of sections  
6 48 to 59, inclusive, of this act.

7 2. If a video service provider did not provide capacity for PEG  
8 access programming to a local government while operating  
9 pursuant to a local franchise, the video service provider shall,  
10 after obtaining a certificate of authority, provide capacity for PEG  
11 access programming to the local government upon a request made  
12 by the local government pursuant to this section.

13 **Sec. 58. 1.** A local government that requests capacity for  
14 PEG access programming may require a holder of a certificate to  
15 designate:

16 (a) Not more than two PEG access channels, if the population  
17 within the jurisdiction of the local government is less than 50,000.

18 (b) Not more than three PEG access channels, if the  
19 population within the jurisdiction of the local government is  
20 50,000 or more.

21 2. The number of PEG access channels set forth in  
22 subsection 1 constitutes the total number of PEG access channels  
23 that the holder may be required to designate on any single video  
24 service network utilizing a single headend or hub office, or on all  
25 commonly owned video service networks that share a common  
26 headend or hub office, regardless of the number of local  
27 governments served from that headend or hub office. If more than  
28 one local government is served by a single or common headend or  
29 hub office, the populations within the jurisdictions of all those  
30 local governments must be aggregated to determine the total  
31 number of PEG access channels under subsection 1.

32 3. When a local government submits its request for capacity  
33 for PEG access programming, the local government must submit  
34 information which establishes that each PEG access channel it  
35 has requested will be substantially utilized. If one or more of the  
36 PEG access channels available under subsection 1 are being used  
37 at the headend or hub office when the local government submits  
38 its request, the holder is not required to make any of the  
39 remaining PEG access channels available to the local government  
40 unless the local government submits information which  
41 establishes that all existing PEG access channels at the headend  
42 or hub office are being substantially utilized.

43 4. Except as otherwise provided in subsection 5, if a local  
44 government does not substantially utilize a PEG access channel  
45 made available to it pursuant this section, the holder may reclaim



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1 *the channel capacity for its own purposes. After reclaiming the*  
2 *channel capacity, if the local government makes a request for*  
3 *restoration of the PEG access channel and submits to the holder*  
4 *information which establishes that the PEG access channel will be*  
5 *substantially utilized, the holder shall restore the PEG access*  
6 *channel to the local government unless, when the request is*  
7 *submitted to the holder, the maximum number of PEG access*  
8 *channels available under subsection 1 are being used at the*  
9 *headend or hub office which serves the local government. If*  
10 *the restoration can be made within the limits of subsection 1, the*  
11 *holder shall restore the PEG access channel to the local*  
12 *government within a reasonable period of not less than 120 days*  
13 *after the date on which the request is submitted to the holder.*

14 *5. The provisions of subsection 4 do not apply to the first*  
15 *PEG access channel which is made available to a local*  
16 *government that does not have a PEG access channel in service*  
17 *on the effective date of this act.*

18 **Sec. 59. 1.** *A local government receiving the benefit of a*  
19 *PEG access channel, or its designee, is responsible for producing*  
20 *the programming of that channel and for providing that*  
21 *programming to the holder of a certificate. The holder is*  
22 *responsible only for the transmission of the programming to*  
23 *subscribers.*

24 *2. A local government, or its designee, shall provide to the*  
25 *holder all programming for a PEG access channel in a manner or*  
26 *form that is:*

27 *(a) Capable of being accepted and transmitted by the holder*  
28 *over its video service network without alteration or change in the*  
29 *content or transmission signal; and*

30 *(b) Compatible with the technology or protocol utilized by the*  
31 *holder to deliver its video service.*

32 *3. A local government shall:*

33 *(a) Make the programming for each PEG access channel*  
34 *available in a nondiscriminatory manner to all holders or*  
35 *incumbent cable operators providing video service in the service*  
36 *area of the local government.*

37 *(b) Provide all facilities necessary for connectivity to a single*  
38 *PEG access channel distribution point in the service area of the*  
39 *local government, except that the first 200 feet extending from the*  
40 *video service network for the connectivity is the responsibility of*  
41 *the holder.*

42 *4. Where necessary and technically feasible, holders or*  
43 *incumbent cable operators shall use reasonable efforts to*  
44 *interconnect their video service networks for the purpose of*  
45 *exchanging PEG access channel programming on mutually*



1 *acceptable rates, terms and conditions. Interconnection may be*  
2 *accomplished by direct cable microwave link, satellite or other*  
3 *reasonable methods of connection. Holders and incumbent cable*  
4 *operators shall negotiate interconnection in good faith. The*  
5 *person requesting interconnection is responsible for any costs,*  
6 *including, without limitation, signal transmission from the*  
7 *origination point to the point of interconnection.*

8 **Sec. 60.** 1. *A video service provider or a local government*  
9 *may file with the Bureau of Consumer Protection in the Office of*  
10 *the Attorney General a written complaint alleging a violation of*  
11 *the provisions of this chapter.*

12 2. *Upon a written complaint filed by a video service provider*  
13 *or a local government pursuant to this section, the Attorney*  
14 *General may commence in a district court an action to enforce the*  
15 *provisions of this chapter and to seek injunctive or declaratory*  
16 *relief.*

17 3. *If such an action is commenced against a video service*  
18 *provider and the district court determines that the provider has*  
19 *violated any provision of this chapter, the court shall issue an*  
20 *order to the provider directing the provider to take corrective*  
21 *action within a specified reasonable period and providing for such*  
22 *other injunctive or declaratory relief as the court finds necessary,*  
23 *including, without limitation, suspending the certificate of*  
24 *authority held by the video service provider.*

25 4. *The provisions of this section do not apply to any action*  
26 *authorized pursuant to NRS 711.265 to 711.290, inclusive, or*  
27 *section 47 of this act.*

28 **Sec. 61.** NRS 711.020 is hereby amended to read as follows:

29 711.020 ~~[The words and phrases] As used in this chapter [have~~  
30 ~~the meanings ascribed to them]~~ , *unless the context otherwise*  
31 *requires, the words and terms defined in NRS 711.030 to 711.074,*  
32 *inclusive, [unless a different meaning clearly appears in the*  
33 *context.] and sections 3 to 27, inclusive, of this act have the*  
34 *meanings ascribed to them in those sections.*

35 **Sec. 62.** NRS 711.030 is hereby amended to read as follows:

36 711.030 1. "Community antenna television company" means  
37 any person ~~[or organization which] who~~ owns, controls, operates or  
38 manages a community antenna television system . ~~[, except that the~~  
39 ~~definition]~~

40 2. *The term* does not include:

41 ~~[1.—A telephone, telegraph]~~

42 (a) *A telecommunication provider* or electric utility regulated  
43 by the Public Utilities Commission of Nevada where the  
44 *telecommunication provider or electric* utility merely leases or  
45 rents to a community antenna television company wires or cables





1 for the redistribution of television signals to or toward subscribers of  
2 that company; or

3 ~~{2.—A telephone or telegraph utility}~~

4 (b) A *telecommunication provider* regulated by the Public  
5 Utilities Commission of Nevada where the ~~{utility}~~  
6 *telecommunication provider* merely provides channels of  
7 communication under published tariffs filed with that Commission  
8 to a community antenna television company for the redistribution of  
9 television signals to or toward subscribers of that company.

10 **Sec. 63.** NRS 711.040 is hereby amended to read as follows:

11 711.040 1. “Community antenna television system” means  
12 any facility , *or any component thereof, which is:*

13 (a) *Located* within this State ~~{which is constructed}~~ ;

14 (b) *Constructed* in whole or in part in, on, under or over any  
15 *public right-of-way or* highway ~~{or other public place and is}~~  
16 ~~operated}~~ ; and

17 (c) *Operated* to perform for hire the service of:

18 ~~{(a)}~~ (1) Receiving and amplifying the signals broadcast by one  
19 or more television stations or provided for public, educational or  
20 governmental purposes and redistributing those signals by wire,  
21 cable or other means of closed transmission; or

22 ~~{(b)}~~ (2) Providing two-way interactive services by wire, cable  
23 or other means of closed transmission, including, without limitation,  
24 Internet services, intranet services and electronic mail,

25 ↪ to members of the public who subscribe to the service.

26 2. ~~{Such a system}~~ *The term* does not include any system  
27 which serves:

28 (a) Fewer than 50 subscribers; or

29 (b) Only the residents of one or more apartment dwellings under  
30 common ownership, control or management, and commercial  
31 establishments located on the premises of those dwellings , if the  
32 buildings are separated by not more than one public ~~{street or}~~  
33 ~~right-of-way }~~ *or highway.*

34 3. As used in this section, “apartment dwelling” does not  
35 include a hotel, motel, condominium, town house or other similar  
36 dwelling.

37 **Sec. 64.** NRS 711.060 is hereby amended to read as follows:

38 711.060 “Facility” means all real property, antennae, poles,  
39 wires, cables, conduits, amplifiers, instruments, appliances, fixtures  
40 and other personal property used by a ~~{community antenna}~~  
41 ~~television company}~~ *video service provider* to provide service to its  
42 subscribers.

43 **Sec. 65.** NRS 711.074 is hereby amended to read as follows:

44 711.074 *I.* “Local government” means any city or county .  
45 ~~{which has the power to grant a franchise under NRS 711.190.}~~





1       **2. The term includes, without limitation:**

2       **(a) Any entity or agency that is directly or indirectly controlled**  
3 **by any city or county; and**

4       **(b) Any entity or agency that is created by joint action or any**  
5 **interlocal or cooperative agreement of two or more cities or**  
6 **counties, or any combination thereof.**

7       **Sec. 66.** NRS 711.175 is hereby amended to read as follows:

8       711.175 1. Except as otherwise provided in subsection 2 and  
9 NRS 318.1192 : ~~[, 318.1193 and 318.1194:]~~

10       (a) The governing body of a county whose population is 50,000  
11 or more, and any entity or agency that is directly or indirectly  
12 controlled by such a county, shall not sell ~~[the services of a~~  
13 ~~community antenna television system]~~ **video service** to the general  
14 public.

15       (b) The governing body of a city whose population is 25,000 or  
16 more, and any entity or agency that is directly or indirectly  
17 controlled by such a city, shall not sell ~~[the services of a community~~  
18 ~~antenna television system]~~ **video service** to the general public.

19       2. If the governing body of a county or city, or any entity or  
20 agency that is directly or indirectly controlled by such a county or  
21 city, was selling ~~[the services of a community antenna television~~  
22 ~~system]~~ **video service** to the general public on April 1, 2003, it may  
23 continue to sell ~~[the services of a community antenna television~~  
24 ~~system]~~ **video service** to the general public after that date, regardless  
25 of the population of the county or city.

26       **Sec. 67.** NRS 711.178 is hereby amended to read as follows:

27       711.178 1. If the governing body of a county or city is  
28 authorized pursuant to NRS 711.175 to sell ~~[the services of a~~  
29 ~~community antenna television system]~~ **video service** to the general  
30 public, the governing body, and any entity or agency that is directly  
31 or indirectly controlled by the county or city, shall not construct,  
32 own, manage or operate a ~~[community antenna television system]~~  
33 **video service network** in any area outside its territorial boundaries  
34 unless it:

35       (a) Obtains a ~~[franchise from the appropriate governing body~~  
36 ~~pursuant to NRS 711.190]~~ **certificate of authority** for that portion of  
37 the ~~[community antenna television system]~~ **video service network**  
38 which it constructs, owns, manages or operates outside its territorial  
39 boundaries; and

40       (b) Complies with the same federal, state and local requirements  
41 that apply to a privately held ~~[community antenna television~~  
42 ~~company]~~ **video service provider** with regard to that portion of the  
43 ~~[community antenna television system]~~ **video service network** which  
44 it constructs, owns, manages or operates outside its territorial  
45 boundaries.



1 2. ~~[On and after October 1, 2003, if]~~ *If* the governing body of a  
2 county or city is authorized pursuant to NRS 711.175 to sell ~~[the~~  
3 ~~services of a community antenna television system]~~ *video service* to  
4 the general public, the governing body, and any entity or agency that  
5 is directly or indirectly controlled by the county or city, shall not  
6 construct, own, manage or operate a ~~[community antenna television~~  
7 ~~system]~~ *video service network* in any area within its territorial  
8 boundaries which is governed by another governing body and which  
9 is served by one or more privately held ~~[community antenna~~  
10 ~~television companies]~~ *video service providers* unless it:

11 (a) Obtains a ~~[franchise from the other governing body pursuant~~  
12 ~~to NRS 711.190 or enters into an interlocal agreement with the other~~  
13 ~~governing body;]~~ *certificate of authority for that portion of the*  
14 *video service network which it constructs, owns, manages or*  
15 *operates within the jurisdiction of the other governing body;*

16 (b) ~~[Is]~~ *Except as otherwise provided in section 29.5 of this act,*  
17 *is* required by the ~~[franchise or interlocal agreement]~~ *certificate of*  
18 *authority* to comply with the same *federal, state and local*  
19 requirements that apply to the privately held ~~[community antenna~~  
20 ~~television companies;]~~ *video service providers with regard to that*  
21 *portion of the video service network which it constructs, owns,*  
22 *manages or operates within the jurisdiction of the other governing*  
23 *body;* and

24 (c) Is prohibited by the ~~[franchise or interlocal agreement]~~  
25 *certificate of authority* from providing the services of the  
26 ~~[community antenna television system;]~~ *video service provider,* free  
27 of charge, to any governmental officer or employee for his personal  
28 or household use.

29 **Sec. 68.** NRS 711.240 is hereby amended to read as follows:

30 711.240 1. Except with respect to reasonable promotional  
31 activities, a ~~[person]~~ *video service provider* shall not advertise, offer  
32 to provide or provide any *video* service to subscribers ~~[of television~~  
33 ~~services]~~ at a rate, including any rebate, less than the cost to the  
34 ~~[company]~~ *video service provider* to provide ~~[the service which is~~  
35 ~~advertised, offered or provided]~~ *that service* with the intent to:

36 (a) Impair fair competition or restrain trade among ~~[companies]~~  
37 *video service providers* which provide ~~[services]~~ *video service* in the  
38 same area; or

39 (b) Create a monopoly.

40 2. For the purposes of this section, "cost" means the expense of  
41 doing business including, without limitation, expenses for labor,  
42 rent, depreciation, interest, maintenance, delivery of the *video*  
43 service, franchise fees, taxes, insurance and advertising.

44 3. ~~[A community antenna television company may offer any~~  
45 ~~telecommunication or related services which are offered in the same~~



1 ~~area by a telephone company, pursuant to chapter 704 of NRS and~~  
2 ~~regulations approved by the Public Utilities Commission of Nevada~~  
3 ~~for providers of similar services. A community antenna television~~  
4 ~~company shall obtain a certificate of public convenience and~~  
5 ~~necessity pursuant to NRS 704.330 before providing~~  
6 ~~telecommunication or related services which are subject to~~  
7 ~~regulation by the Public Utilities Commission of Nevada.~~

8 ~~—4.]~~ A violation of subsection 1 constitutes a prohibited act  
9 under NRS 598A.060. The Attorney General and any other person  
10 may exercise the powers conferred by that chapter to prevent,  
11 remedy or punish such a violation. The provisions of chapter 598A  
12 of NRS apply to any such violation.

13 **Sec. 69.** NRS 711.255 is hereby amended to read as follows:

14 711.255 1. A landlord shall not:

15 (a) Interfere with the receipt of service by a tenant from a  
16 ~~[community antenna television company]~~ *video service provider* or  
17 discriminate against a tenant for receiving ~~[such a company's~~  
18 ~~service.]~~ *service from a video service provider.*

19 (b) Except as otherwise provided in subsection 3, demand or  
20 accept payment of any fee, charge or valuable consideration from a  
21 ~~[community antenna television company]~~ *video service provider* or  
22 a tenant in exchange for granting access to the ~~[community antenna~~  
23 ~~television company]~~ *provider* to provide ~~[its services]~~ *service* to the  
24 tenant.

25 2. A ~~[community antenna television company]~~ *video service*  
26 *provider* which desires to provide ~~[such services]~~ *service* to a tenant  
27 shall give 30 days' written notice of that desire to the landlord  
28 before the ~~[company]~~ *provider* takes any action to provide that  
29 service. Before authorizing the receipt of such service a landlord  
30 may:

31 (a) Take such reasonable steps as are necessary to ensure that  
32 the safety, function and appearance of the premises and the  
33 convenience and safety of persons on the property are not adversely  
34 affected by the installation, construction, operation or maintenance  
35 of the facilities necessary to provide the service, and is entitled to be  
36 reimbursed by the ~~[community antenna television company]~~  
37 *provider* for the reasonable expenses incurred;

38 (b) Require that the cost of the installation, construction,  
39 operation, maintenance or removal of the necessary facilities be  
40 borne by the ~~[community antenna television company;]~~ *provider;*  
41 and

42 (c) Require the ~~[community antenna television company]~~  
43 *provider* to provide evidence that the ~~[company]~~ *provider* will  
44 indemnify the landlord for any damage caused by the installation,  
45 construction, operation, maintenance or removal of the facilities.



1 3. A landlord is entitled to receive reasonable compensation for  
2 any direct adverse economic effect resulting from granting access to  
3 a ~~{community antenna television company.}~~ *video service provider*.  
4 There is a rebuttable presumption that the direct adverse economic  
5 effect resulting from granting access to the real property of the  
6 landlord is \$1,000 or \$1 for each dwelling unit thereon, whichever  
7 sum is greater. If a landlord intends to require the payment of such  
8 compensation in an amount exceeding that sum, the landlord shall  
9 notify the ~~{community antenna television company}~~ *provider* in  
10 writing of that intention. If the ~~{company}~~ *provider* does not receive  
11 such a notice within 20 days after the landlord is notified by the  
12 ~~{company}~~ *provider* that a tenant has requested the ~~{company}~~  
13 *provider* to provide ~~{its services}~~ *service* to the tenant on the  
14 landlord's premises, the landlord may not require compensation for  
15 access to that tenant's dwelling unit in an amount exceeding \$1,000.  
16 If within 30 days after receiving a landlord's request for  
17 compensation in an amount exceeding \$1,000, the ~~{company}~~  
18 *provider* has not agreed to pay the requested amount or an amount  
19 mutually acceptable to the ~~{company}~~ *provider* and the landlord, the  
20 landlord may petition a court of competent jurisdiction to set a  
21 reasonable amount of compensation for the damage of or taking of  
22 his real property. Such an action must be filed within 6 months after  
23 the date the ~~{company}~~ *provider* completes construction.

24 4. In establishing the amount which will constitute reasonable  
25 compensation for any damage or taking *claim* by a landlord in  
26 excess of the sum established by rebuttable presumption pursuant to  
27 subsection 3, the court shall consider:

28 (a) The extent to which the ~~{community antenna television~~  
29 ~~company's}~~ facilities *of the video service provider* physically  
30 occupy the premises;

31 (b) The actual long-term damage which the ~~{company's}~~  
32 facilities *of the video service provider* may cause to the premises;

33 (c) The extent to which the ~~{company's}~~ facilities *of the video*  
34 *service provider* would interfere with the normal use and enjoyment  
35 of the premises; and

36 (d) The diminution or enhancement in value of the premises  
37 resulting from the availability of the service.

38 ~~{→ The court may also award to the prevailing party reasonable~~  
39 ~~attorney's fees.}~~

40 5. The ~~{company's}~~ right *of a video service provider* to  
41 construct, install or repair its facilities and maintain its services  
42 within and upon the landlord's premises is not affected or impaired  
43 because the landlord requests compensation in an amount exceeding  
44 the sum established by rebuttable presumption pursuant to



1 subsection 3, or files an action to assert a specific claim against the  
2 ~~[company.]~~ *provider*.

3 6. A ~~[community antenna television company]~~ *video service*  
4 *provider* shall not offer a special discount or other benefit to a  
5 particular group of tenants as an incentive *for those tenants* to  
6 request ~~[the company's services,]~~ *service from the provider*, unless  
7 the same discount or benefit is offered generally in the county.

8 7. ~~[The community antenna television company and the]~~ *A*  
9 *video service provider and a* landlord shall negotiate in good faith  
10 for the purchase of the landlord's existing cable facilities rather than  
11 for the construction of new facilities on the premises.

12 8. As used in this section, "landlord" means an owner of real  
13 property, or his authorized representative, who provides a dwelling  
14 unit on the real property for occupancy by another for valuable  
15 consideration. The term includes, without limitation, the lessor of a  
16 mobile home lot and the lessor or operator of a mobile home park.

17 **Sec. 70.** NRS 711.265 is hereby amended to read as follows:

18 711.265 1. Any person who:

19 (a) By the attachment of a ground wire, or by any other  
20 contrivance, willfully destroys the insulation of a  
21 ~~[telecommunications line of a community antenna television~~  
22 ~~company.]~~ *wire, cable, conduit, line or similar facility of a video*  
23 *service provider* or interrupts the transmission of the electric current  
24 through ~~[the line;]~~ *such a wire, cable, conduit, line or similar*  
25 *facility;*

26 (b) Willfully interferes with the use of ~~[any such line,]~~ *such a*  
27 *wire, cable, conduit, line or similar facility* or obstructs or  
28 postpones the transmission of any message *or signal* over ~~[the line;]~~  
29 *such a wire, cable, conduit, line or similar facility;* or

30 (c) Procures or advises any such injury, interference or  
31 obstruction,

32 ➔ is guilty of a public offense, as prescribed in NRS 193.155,  
33 proportionate to the value of any property damaged, altered,  
34 removed or destroyed and in no event less than a misdemeanor.

35 2. Any person who violates the provisions of subsection 1 is, in  
36 addition to the penalty set forth in that subsection, liable to the  
37 ~~[community antenna television company]~~ *video service provider*  
38 injured by such conduct in a civil action for all damages occasioned  
39 thereby.

40 **Sec. 71.** NRS 711.270 is hereby amended to read as follows:

41 711.270 1. It is unlawful for a person knowingly, ~~[and]~~  
42 with the intent to intercept or receive a program or other service provided  
43 by a ~~[community antenna television company,]~~ *video service*  
44 *provider and* without the authorization of the ~~[company.]~~ *provider*,  
45 to:



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1 (a) Make a connection or attach a device to a line or other  
2 ~~[component of a community antenna television company;]~~ *facility*  
3 *of the provider;*

4 (b) Purchase or possess a device or kit designed to intercept or  
5 receive a program or other service provided by the ~~[community~~  
6 ~~antenna television company;]~~ *provider;*

7 (c) Make or maintain a modification to a device installed by or  
8 with the authorization of ~~[a community antenna television company]~~  
9 *the provider* to intercept or receive a program or other service  
10 provided by the ~~[community antenna television company;]~~ *provider;*  
11 or

12 (d) Manufacture, import, distribute, advertise, sell, lease, offer to  
13 sell or lease, or possess with the intent to sell or lease a device  
14 designed to decode, descramble, intercept or otherwise make  
15 intelligible a signal encoded by ~~[a community antenna television~~  
16 ~~company.]~~ *the provider.*

17 2. Unless a greater penalty is provided in NRS 711.265:

18 (a) Except as otherwise provided in paragraph (b), a person who  
19 violates paragraph (a), (b) or (c) of subsection 1 is guilty of a  
20 misdemeanor.

21 (b) A person who violates paragraph (a), (b) or (c) of subsection  
22 1 for commercial advantage, whether direct or indirect, is guilty of a  
23 gross misdemeanor.

24 (c) A person who violates paragraph (d) of subsection 1:

25 (1) If the violation involves nine or fewer devices, is guilty  
26 of a gross misdemeanor.

27 (2) If the violation involves 10 or more devices, is guilty of a  
28 category D felony and shall be punished as provided in  
29 NRS 193.130.

30 **Sec. 72.** NRS 711.280 is hereby amended to read as follows:

31 711.280 1. A person who violates paragraph (a), (b) or (c) of  
32 subsection 1 of NRS 711.270 is, in addition to being criminally  
33 liable pursuant to NRS 711.270, civilly liable to the ~~[community~~  
34 ~~antenna television company]~~ *video service provider* injured by the  
35 conduct for \$3,500 or three times any actual damages incurred by  
36 the company, whichever is greater, and reasonable attorney's fees.

37 2. A person who violates paragraph (d) of subsection 1 of NRS  
38 711.270 is, in addition to being criminally liable pursuant to NRS  
39 711.270, civilly liable to the ~~[community antenna television~~  
40 ~~company]~~ *video service provider* injured by the conduct for \$5,000  
41 or three times any actual damages incurred by the company,  
42 whichever is greater, and reasonable attorney's fees.

43 3. In any action brought pursuant to this section, proof that any  
44 of the acts prohibited in subsection 1 were committed on or about



1 the premises occupied by the defendant is prima facie evidence that  
2 such acts were committed by the defendant.

3 4. ~~[An owner or operator of a community antenna television~~  
4 ~~company]~~ *A video service provider* may bring an action to enjoin  
5 any violation of NRS 711.270.

6 **Sec. 73.** NRS 37.010 is hereby amended to read as follows:

7 37.010 Subject to the provisions of this chapter, the right of  
8 eminent domain may be exercised in behalf of the following public  
9 purposes:

10 1. Federal activities. All public purposes authorized by the  
11 Government of the United States.

12 2. State activities. Public buildings and grounds for the use of  
13 the State, the Nevada System of Higher Education and all other  
14 public purposes authorized by the Legislature.

15 3. County, city, town and school district activities. Public  
16 buildings and grounds for the use of any county, incorporated city or  
17 town, or school district, reservoirs, water rights, canals, aqueducts,  
18 flumes, ditches or pipes for conducting water for the use of the  
19 inhabitants of any county, incorporated city or town, for draining  
20 any county, incorporated city or town, for raising the banks of  
21 streams, removing obstructions therefrom, and widening, deepening  
22 or straightening their channels, for roads, streets and alleys, and all  
23 other public purposes for the benefit of any county, incorporated  
24 city or town, or the inhabitants thereof.

25 4. Bridges, toll roads, railroads, street railways and similar  
26 uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll  
27 roads, byroads, plank and turnpike roads, roads for transportation by  
28 traction engines or locomotives, roads for logging or lumbering  
29 purposes, and railroads and street railways for public transportation.

30 5. Ditches, canals, aqueducts for smelting, domestic uses,  
31 irrigation and reclamation. Reservoirs, dams, water gates, canals,  
32 ditches, flumes, tunnels, aqueducts and pipes for supplying persons,  
33 mines, mills, smelters or other works for the reduction of ores, with  
34 water for domestic and other uses, for irrigating purposes, for  
35 draining and reclaiming lands, or for floating logs and lumber on  
36 streams not navigable.

37 6. Mining, smelting and related activities. Mining, smelting  
38 and related activities as follows:

39 (a) Mining and related activities, which are recognized as the  
40 paramount interest of this State.

41 (b) Roads, railroads, tramways, tunnels, ditches, flumes, pipes,  
42 reservoirs, dams, water gates, canals, aqueducts and dumping places  
43 to facilitate the milling, smelting or other reduction of ores, the  
44 working, reclamation or dewatering of mines, and for all mining  
45 purposes, outlets, natural or otherwise, for the deposit or conduct of





1 tailings, refuse, or water from mills, smelters, or other work for the  
2 reduction of ores from mines, mill dams, pipelines, tanks or  
3 reservoirs for natural gas or oil, an occupancy in common by the  
4 owners or possessors of different mines, mills, smelters or other  
5 places for the reduction of ores, or any place for the flow, deposit or  
6 conduct of tailings or refuse matter and the necessary land upon  
7 which to erect smelters and to operate them successfully, including  
8 the deposit of fine flue dust, fumes and smoke.

9 7. Byroads. Byroads leading from highways to residences and  
10 farms.

11 8. Public utilities. Lines for telegraph, telephone, electric light  
12 and electric power and sites for plants for electric light and power.

13 9. Sewerage. Sewerage of any city, town, settlement of not less  
14 than 10 families or any public building belonging to the State or  
15 college or university.

16 10. Water for generation and transmission of electricity.  
17 Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for  
18 supplying and storing water for the operation of machinery to  
19 generate and transmit electricity for power, light or heat.

20 11. Cemeteries, public parks. Cemeteries or public parks.

21 12. Pipelines of beet sugar industry. Pipelines to conduct any  
22 liquids connected with the manufacture of beet sugar.

23 13. Pipelines for petroleum products, natural gas. Pipelines for  
24 the transportation of crude petroleum, petroleum products or natural  
25 gas, whether interstate or intrastate.

26 14. Aviation. Airports, facilities for air navigation and aerial  
27 rights-of-way.

28 15. Monorails. Monorails and any other overhead or  
29 underground system used for public transportation.

30 16. ~~[Community antenna television companies. Community~~  
31 ~~antenna television companies which have been granted a franchise~~  
32 ~~from the governing body of the jurisdictions in which they provide~~  
33 ~~services.]~~ *Video service providers. Video service providers that are*  
34 *authorized pursuant to chapter 711 of NRS to operate a video*  
35 *service network.* The exercise of the power of eminent domain may  
36 include the right to use the wires, conduits, cables or poles of any  
37 public utility if:

38 (a) It creates no substantial detriment to the service provided by  
39 the utility;

40 (b) It causes no irreparable injury to the utility; and

41 (c) The Public Utilities Commission of Nevada, after giving  
42 notice and affording a hearing to all persons affected by the  
43 proposed use of the wires, conduits, cables or poles, has found that it  
44 is in the public interest.





1 17. Redevelopment. The acquisition of property pursuant to  
2 NRS 279.382 to 279.685, inclusive.

3 **Sec. 74.** NRS 118B.0195 is hereby amended to read as  
4 follows:

5 118B.0195 "Utility" includes ~~{a}~~:

6 **1.** A public utility which provides:

7 ~~{1-}~~ (a) Electricity;

8 ~~{2-}~~ (b) Natural gas;

9 ~~{3-}~~ (c) Liquefied petroleum gas;

10 ~~{4- Cable television;~~

11 ~~—5-} (d) Sewer services;~~

12 ~~{6-}~~ (e) Garbage collection; or

13 ~~{7-}~~ (f) Water.

14 **2.** A video service provider which provides video service  
15 pursuant to chapter 711 of NRS.

16 **Sec. 75.** NRS 205.0829 is hereby amended to read as follows:

17 205.0829 "Services" includes labor, professional services,  
18 transportation, cable television ~~{}~~ or other video service, telephone,  
19 gas or electricity services, accommodations in hotels, restaurants,  
20 leased premises or elsewhere, admissions to exhibitions and the use  
21 of vehicles or other movable property.

22 **Sec. 76.** NRS 205.4743 is hereby amended to read as follows:

23 205.4743 1. "Information service" means a service that is  
24 designed or has the capability to generate, process, store, retrieve,  
25 convey, emit, transmit, receive, relay, record or reproduce any data,  
26 information, image, program, signal or sound by means of any  
27 component, device, equipment, system or network, including,  
28 without limitation, by means of:

29 (a) A computer, computer system, computer network, modem or  
30 scanner.

31 (b) A telephone, cellular phone, satellite phone, pager, personal  
32 communications device or facsimile machine.

33 (c) Any type of transmitter or receiver.

34 (d) Any other component, device, equipment, system or network  
35 that uses analog, digital, electronic, electromagnetic, magnetic or  
36 optical technology.

37 2. The term does not include ~~{a community antenna television~~  
38 ~~company;} video service, as defined in ~~{NRS 711.030-} section 25 of~~  
39 ~~this act.~~~~

40 **Sec. 76.5.** NRS 228.380 is hereby amended to read as follows:

41 228.380 1. Except as otherwise provided in this section, the  
42 Consumer's Advocate may exercise the power of the Attorney  
43 General in areas of consumer protection, including, but not limited to,  
44 enforcement of chapters 90, 597, 598, 598A, 598B, 598C ~~{and}~~,  
45 599B and 711 of NRS.



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1 2. The Consumer's Advocate may not exercise any powers to  
2 enforce any criminal statute set forth in ~~chapters~~ :

3 (a) *Chapters* 90, 597, 598, 598A, 598B, 598C or 599B of NRS  
4 for any transaction or activity that involves a proceeding before the  
5 Public Utilities Commission of Nevada if the Consumer's Advocate  
6 is participating in that proceeding as a real party in interest on behalf  
7 of the customers or a class of customers of utilities ~~f~~

8 ~~—2.] ; or~~

9 (b) *Chapter 711 of NRS.*

10 3. The Consumer's Advocate may expend revenues derived  
11 from NRS 704.033 only for activities directly related to the  
12 protection of customers of public utilities.

13 ~~3-] 4.~~ The powers of the Consumer's Advocate do not extend  
14 to proceedings before the Public Utilities Commission of Nevada  
15 directly relating to discretionary or competitive telecommunication  
16 services.

17 **Sec. 77.** NRS 244.186 is hereby amended to read as follows:

18 244.186 1. If the governing body of a county is authorized  
19 pursuant to NRS 711.175 to sell video ~~programming services~~  
20 *service* to the general public over a ~~community antenna television~~  
21 *system.] video service network*, the governing body, and any entity  
22 or agency that is directly or indirectly controlled by the county, shall  
23 not do any of the following:

24 (a) Sell such video ~~programming services] service~~ at a price  
25 that is less than the actual cost of the video ~~programming services~~  
26 *service* or sell a bundle of services containing such video  
27 ~~programming services] service~~ at a price that is less than the actual  
28 cost of the bundle of services.

29 (b) Use any money from the county general fund for the  
30 provision of such video ~~programming services] service~~ over its  
31 ~~community antenna television system.] video service network~~.

32 (c) Use its rights-of-way, its property or any special power it  
33 may possess by virtue of its status as a government or a  
34 government-owned utility to:

35 (1) Create a preference or advantage for its ~~community~~  
36 *antenna television system.] video service network*; or

37 (2) Impose any discriminatory burden on any privately held  
38 ~~community antenna television company.] video service provider~~.

39 2. The provisions of this section must be enforced in the  
40 manner set forth in paragraph (c) of subsection 4 of NRS 354.624  
41 and paragraph (c) of subsection 5 of NRS 354.624.

42 3. The provisions of this section do not create an exclusive  
43 remedy and do not abrogate or limit any other action or remedy that  
44 is available to the governing body or a privately held ~~community~~



1 ~~antenna television company]~~ *video service provider* pursuant to any  
2 other statute or the common law.

3 4. As used in this section:

4 (a) ~~["Community antenna television company"]~~ *"Video service"*  
5 has the meaning ascribed to it in ~~[NRS 711.030.~~

6 ~~—(b) "Community antenna television system" has the meaning~~  
7 ~~ascribed to it in NRS 711.040.~~

8 ~~—(c) "Video programming services" means services which are~~  
9 ~~provided over a community antenna television system and which~~  
10 ~~contain:~~

11 ~~—(1) Programming provided by a television broadcast station;~~  
12 ~~or~~

13 ~~—(2) Programming that is generally considered comparable to~~  
14 ~~programming provided by a television broadcast station.]~~ *section 25*  
15 *of this act.*

16 (b) *"Video service network" has the meaning ascribed to it in*  
17 *section 26 of this act.*

18 (c) *"Video service provider" has the meaning ascribed to it in*  
19 *section 27 of this act.*

20 **Sec. 78.** NRS 271.204 is hereby amended to read as follows:

21 271.204 "Service facilities" means any works or improvements  
22 used or useful in providing:

23 1. Electric or communication service; or

24 2. Service from a ~~[community antenna television system]~~ *video*  
25 *service network*, as that term is defined in ~~[NRS 711.040,]~~ *section*  
26 *26 of this act,*

27 ↪ including, but not limited to, poles, supports, tunnels, manholes,  
28 vaults, conduits, pipes, wires, conductors, guys, stubs, platforms,  
29 crossarms, braces, transformers, insulators, cutouts, switches,  
30 capacitors, meters, communication circuits, appliances, attachments  
31 and appurtenances.

32 **Sec. 79.** NRS 271.2045 is hereby amended to read as follows:

33 271.2045 "Service provider" means:

34 1. A person or corporation subject to the jurisdiction of the  
35 Public Utilities Commission of Nevada that provides electric or  
36 communication service to the public; and

37 2. A ~~[community antenna television company]~~ *video service*  
38 *provider*, as that term is defined in ~~[NRS 711.030]~~ *section 27 of this*  
39 *act,* that provides service from a ~~[community antenna television~~  
40 ~~system,]~~ *video service network,*

41 ↪ by means of service facilities.

42 **Sec. 80.** NRS 271.850 is hereby amended to read as follows:

43 271.850 1. The service facilities within the boundaries of  
44 each lot within a district to finance an underground conversion  
45 project established pursuant to NRS 271.800 must be placed



1 underground at the same time as or after the underground system in  
2 private easements and public places is placed underground. The  
3 service provider involved, directly or through a contractor, shall, in  
4 accordance with the rules and regulations of the service provider,  
5 but subject to the regulations of the Public Utilities Commission of  
6 Nevada and any other applicable laws, ordinances, rules or  
7 regulations of the municipality or any other public agency under the  
8 police power, convert to underground its facilities on any such lot:

9 (a) For service facilities that provide electric service, up to the  
10 service entrance.

11 (b) For service facilities that provide communication service or  
12 service from a ~~[community antenna television system]~~ *video service*  
13 *network*, as that term is defined in ~~[NRS 711.040,]~~ *section 26 of*  
14 *this act*, up to the connection point within the house or structure.

15 2. All costs or expenses of conversion must be included in the  
16 cost on which the cost of the underground conversion for that  
17 property is calculated.

18 3. As used in this section, "lot" includes any portion, piece or  
19 parcel of land.

20 **Sec. 81.** NRS 278.329 is hereby amended to read as follows:

21 278.329 A governing body or its authorized representative may  
22 relieve a person who proposes to divide land pursuant to NRS  
23 278.360 to 278.460, inclusive, or 278.471 to 278.4725, inclusive,  
24 from the requirement to dedicate easements to public utilities that  
25 provide gas, electric, telecommunications, water and sewer services  
26 and any ~~[franchised community antenna television companies]~~ *video*  
27 *service providers* pursuant to paragraph (d) or (e) of subsection 9 of  
28 NRS 278.372 or paragraph (c) or (d) of subsection 4 of NRS  
29 278.472 if the person demonstrates to the public body or its  
30 authorized representative that there is not an essential nexus to the  
31 public purpose for the dedication and the dedication is not roughly  
32 proportional in nature and extent to the impact of the proposed  
33 development.

34 **Sec. 82.** NRS 278.372 is hereby amended to read as follows:

35 278.372 1. The final map must be clearly and legibly drawn  
36 in permanent black ink upon good tracing cloth or produced by the  
37 use of other materials of a permanent nature generally used for such  
38 purpose in the engineering profession. Affidavits, certificates and  
39 acknowledgments must be legibly stamped or printed upon the final  
40 map with permanent black ink.

41 2. The size of each sheet of the final map must be 24 by 32  
42 inches. A marginal line must be drawn completely around each  
43 sheet, leaving an entirely blank margin of 1 inch at the top, bottom,  
44 and right edges, and of 2 inches at the left edge along the 24-inch  
45 dimension.



1 3. The scale of the final map must be large enough to show all  
2 details clearly. The final map must have a sufficient number of  
3 sheets to accomplish this end.

4 4. Each sheet of the final map must indicate its particular  
5 number, the total number of sheets in the final map and its relation  
6 to each adjoining sheet.

7 5. The final map must show all surveyed and mathematical  
8 information and data necessary to locate all monuments and to  
9 locate and retrace all interior and exterior boundary lines appearing  
10 thereon, including the bearings and distances of straight lines,  
11 central angle, radii and arc length for all curves and such  
12 information as may be necessary to determine the location of the  
13 centers of curves.

14 6. Each lot must be numbered or lettered.

15 7. Each street must be named and each block may be numbered  
16 or lettered.

17 8. The exterior boundary of the land included within the  
18 subdivision must be indicated by graphic border.

19 9. The final map must show:

20 (a) The definite location of the subdivision, particularly its  
21 relation to surrounding surveys.

22 (b) The area of each lot and the total area of the land in the  
23 subdivision in the following manner:

24 (1) In acres, calculated to the nearest one-hundredth of an  
25 acre, if the area is 2 acres or more; or

26 (2) In square feet if the area is less than 2 acres.

27 (c) Any roads or easements of access which the owner intends to  
28 offer for dedication.

29 (d) Except as otherwise provided in NRS 278.329, an easement  
30 for public utilities that provide gas, electric and telecommunications  
31 services and for any ~~community antenna television companies that~~  
32 ~~have a franchise~~ *video service providers that are authorized*  
33 *pursuant to chapter 711 of NRS* to operate a ~~community antenna~~  
34 ~~television system~~ *video service network* in that area.

35 (e) Except as otherwise provided in NRS 278.329, an easement  
36 for public utilities that provide water and sewer services.

37 10. The final map for a condominium must also indicate, for  
38 the purpose of assessing taxes, whether any garage units, parking  
39 spaces or storage units may be conveyed separately from the units  
40 within the condominium or are parceled separately from those units.  
41 As used in this subsection, "condominium" has the meaning  
42 ascribed to it in NRS 116.027.

43 11. The final map must also satisfy any additional survey and  
44 map requirements, including the delineation of Nevada state plane  
45 coordinates established pursuant to chapter 327 of NRS, for any



1 corner of the subdivision or any other point prescribed by the local  
2 ordinance.

3 **Sec. 83.** NRS 278.374 is hereby amended to read as follows:

4 278.374 1. Except as otherwise provided in subsection 2, a  
5 final map presented for filing must include a certificate signed and  
6 acknowledged, in the manner provided in NRS 240.1665 or  
7 240.167, by each person who is an owner of the land:

8 (a) Consenting to the preparation and recordation of the final  
9 map.

10 (b) Offering for dedication that part of the land which the person  
11 wishes to dedicate for public use, subject to any reservation  
12 contained therein.

13 (c) Reserving any parcel from dedication.

14 (d) Granting any permanent easement for utility or ~~community~~  
15 ~~antenna-television-cable~~ *video service network* installation or  
16 access, as designated on the final map, together with a statement  
17 approving such easement, signed by the public utility, ~~community~~  
18 ~~antenna-television-company~~ *video service provider* or person in  
19 whose favor the easement is created or whose services are required.

20 2. If the map presented for filing is an amended map of a  
21 common-interest community, the certificate need only be signed and  
22 acknowledged by a person authorized to record the map under  
23 chapter 116 of NRS.

24 3. A final map of a common-interest community presented for  
25 recording and, if required by local ordinance, a final map of any  
26 other subdivision presented for recording must include:

27 (a) A report from a title company in which the title company  
28 certifies that it has issued a guarantee for the benefit of the local  
29 government which lists the names of:

30 (1) Each owner of record of the land to be divided; and

31 (2) Each holder of record of a security interest in the land to  
32 be divided, if the security interest was created by a mortgage or a  
33 deed of trust.

34 ➔ The guarantee accompanying a final map of a common-interest  
35 community must also show that there are no liens of record against  
36 the common-interest community or any part thereof for delinquent  
37 state, county, municipal, federal or local taxes or assessments  
38 collected as taxes or special assessments.

39 (b) The written consent of each holder of record of a security  
40 interest listed pursuant to subparagraph (2) of paragraph (a), to the  
41 preparation and recordation of the final map. A holder of record  
42 may consent by signing:

43 (1) The final map; or

44 (2) A separate document that is filed with the final map and  
45 declares his consent to the division of land.



1 4. For the purpose of this section, the following shall be  
2 deemed not to be an interest in land:

- 3 (a) A lien for taxes or special assessments.
- 4 (b) A trust interest under a bond indenture.

5 5. As used in this section, "guarantee" means a guarantee of the  
6 type filed with the Commissioner of Insurance pursuant to  
7 paragraph (e) of subsection 1 of NRS 692A.120.

8 **Sec. 84.** NRS 278.4713 is hereby amended to read as follows:

9 278.4713 1. Unless the filing of a tentative map is waived, a  
10 person who proposes to make a division of land pursuant to NRS  
11 278.471 to 278.4725, inclusive, must first:

12 (a) File a tentative map for the area in which the land is located  
13 with the planning commission or its designated representative or  
14 with the clerk of the governing body if there is no planning  
15 commission; and

16 (b) Pay a filing fee of no more than \$750 set by the governing  
17 body.

18 2. This map must be:

- 19 (a) Entitled "Tentative Map of Division into Large Parcels"; and
- 20 (b) Prepared and certified by a professional land surveyor.

21 3. This map must show:

22 (a) The approximate, calculated or actual acreage of each lot and  
23 the total acreage of the land to be divided.

24 (b) Any roads or easements of access which exist, are proposed  
25 in the applicable master plan or are proposed by the person who  
26 intends to divide the land.

27 (c) Except as otherwise provided in NRS 278.329, an easement  
28 for public utilities that provide gas, electric and telecommunications  
29 services and for any ~~community antenna television companies that~~  
30 ~~have a franchise~~ *video service providers that are authorized*  
31 *pursuant to chapter 711 of NRS* to operate a ~~community antenna~~  
32 ~~television system~~ *video service network* in that area.

33 (d) Except as otherwise provided in NRS 278.329, an easement  
34 for public utilities that provide water and sewer services.

35 (e) Any existing easements for irrigation or drainage, and any  
36 normally continuously flowing watercourses.

37 (f) An indication of any existing road or easement which the  
38 owner does not intend to dedicate.

39 (g) The name and address of the owner of the land.

40 **Sec. 85.** NRS 278.472 is hereby amended to read as follows:

41 278.472 1. After the planning commission or the governing  
42 body or its authorized representative has approved the tentative map  
43 or waived the requirement of its filing, or 60 days after the date of  
44 its filing, whichever is earlier, the person who proposes to divide the  
45 land may file a final map of the division with the governing body or





1 its authorized representative or, if authorized by the governing body,  
2 with the planning commission. The map must be accompanied by a  
3 written statement signed by the treasurer of the county in which the  
4 land to be divided is located indicating that all property taxes on the  
5 land for the fiscal year have been paid.

6 2. This map must be:

7 (a) Entitled "Map of Division into Large Parcels."

8 (b) Filed with the governing body or its authorized  
9 representative or, if authorized by the governing body, with the  
10 planning commission not later than 1 year after the date that  
11 the tentative map was first filed with the planning commission or the  
12 governing body or its authorized representative or that the  
13 requirement of its filing was waived.

14 (c) Prepared by a professional land surveyor.

15 (d) Based upon an actual survey by the preparer and show the  
16 date of the survey and contain the certificate of the surveyor  
17 required pursuant to NRS 278.375.

18 (e) Clearly and legibly drawn in permanent black ink upon good  
19 tracing cloth or produced by the use of other materials of a  
20 permanent nature generally used for this purpose in the engineering  
21 profession. Affidavits, certificates and acknowledgments must be  
22 legibly stamped or printed upon the map with permanent black ink.

23 (f) Twenty-four by 32 inches in size with a marginal line drawn  
24 completely around each sheet, leaving an entirely blank margin of 1  
25 inch at the top, bottom, and right edges, and of 2 inches at the left  
26 edge along the 24-inch dimension.

27 (g) Of scale large enough to show clearly all details.

28 3. The particular number of the sheet and the total number of  
29 sheets comprising the map must be stated on each of the sheets, and  
30 its relation to each adjoining sheet must be clearly shown.

31 4. This map must show and define:

32 (a) All subdivision lots by the number and actual acreage of  
33 each lot.

34 (b) Any roads or easements of access which exist and which the  
35 owner intends to offer for dedication, any roads or easements of  
36 access which are shown on the applicable master plan and any roads  
37 or easements of access which are specially required by the planning  
38 commission or the governing body or its authorized representative.

39 (c) Except as otherwise provided in NRS 278.329, an easement  
40 for public utilities that provide gas, electric and telecommunications  
41 services and for any ~~community antenna television companies that~~  
42 ~~have a franchise~~ *video service providers that are authorized*  
43 *pursuant to chapter 711 of NRS* to operate a ~~community antenna~~  
44 ~~television system~~ *video service network* in that area.



\* A B 5 2 6 R 1 \*



1 (d) Except as otherwise provided in NRS 278.329, an easement  
2 for public utilities that provide water and sewer services.

3 (e) Any existing easements for irrigation or drainage, and any  
4 normally continuously flowing watercourses.

5 **Sec. 86.** NRS 318.1192 is hereby amended to read as follows:

6 318.1192 In the case of a district created wholly or in part for  
7 acquiring television maintenance facilities, the board shall have  
8 power to:

9 1. Acquire television broadcast, transmission and relay  
10 improvements ~~and~~ *and construct and operate a video service*  
11 *network pursuant to chapter 711 of NRS.*

12 2. Levy special assessments against specially benefited real  
13 property on which are located television receivers operated within  
14 the district and able to receive television broadcasts supplied by the  
15 district.

16 3. Fix tolls, rates and other service or use charges for services  
17 furnished by the district or facilities of the district, including,  
18 without limitation, any one, all or any combination of the following:

19 (a) Flat rate charges;

20 (b) Charges classified by the number of receivers;

21 (c) Charges classified by the value of property served by  
22 television receivers;

23 (d) Charges classified by the character of the property served by  
24 television receivers;

25 (e) Minimum charges;

26 (f) Stand-by charges; or

27 (g) Other charges based on the availability of service.

28 4. The district shall not have the power in connection with the  
29 basic power stated in this section to borrow money which loan is  
30 evidenced by the issuance of any general obligation bonds or other  
31 general obligations of the district.

32 **Sec. 87.** NRS 354.59881 is hereby amended to read as  
33 follows:

34 354.59881 As used in NRS 354.59881 to 354.59889, inclusive,  
35 unless the context otherwise requires, the words and terms defined  
36 in NRS ~~{354.59881}~~ *354.598812* to 354.598818, inclusive, have  
37 the meanings ascribed to them in those sections.

38 **Sec. 88.** NRS 354.598814 is hereby amended to read as  
39 follows:

40 354.598814 "Fee" means a charge imposed by a city or county  
41 upon a public utility for a business license, franchise or right-of-way  
42 over streets or other public areas, except ~~for~~

43 ~~1. Any~~ *any* charge paid pursuant to the provisions of NRS  
44 709.110, 709.230 or 709.270. ~~for~~

45 ~~2. A term or condition of a franchise granted by:~~



1 ~~—(a) A county whose population is 400,000 or more, or by an~~  
2 ~~incorporated city that is located in whole or in part within such a~~  
3 ~~county, that requires a community antenna television company to~~  
4 ~~provide channels for public, educational or governmental access.~~

5 ~~—(b) A county or an incorporated city not specified in paragraph~~  
6 ~~(a) that requires a community antenna television company to~~  
7 ~~provide channels, facilities or equipment for public, educational or~~  
8 ~~governmental access.]~~

9 **Sec. 89.** NRS 354.598817 is hereby amended to read as  
10 follows:

11 354.598817 **1.** “Public utility” includes ~~‡~~

12 ~~—1. A] a~~ person or local government that:

13 (a) Provides electric energy or gas, whether or not the person or  
14 local government is subject to regulation by the Public Utilities  
15 Commission of Nevada;

16 (b) Is a telecommunication carrier as that term is defined in 47  
17 U.S.C. § 153 on July 16, 1997, if the person or local government  
18 holds a certificate of public convenience and necessity issued by the  
19 Public Utilities Commission of Nevada and derives intrastate  
20 revenue from the provision of telecommunication service to retail  
21 customers; or

22 (c) Sells or resells personal wireless services.

23 2. ~~[A community antenna television company as that term is]~~  
24 *The term does not include a video service provider, as* defined in  
25 ~~[NRS 711.030.] section 27 of this act.~~

26 **Sec. 90.** NRS 354.598818 is hereby amended to read as  
27 follows:

28 354.598818 “Revenue” does not include:

29 1. Any proceeds from the interstate sale of natural gas to a  
30 provider of electric energy that holds a certificate of public  
31 convenience and necessity issued by the Public Utilities  
32 Commission of Nevada; *or*

33 2. Any revenue of a provider of a telecommunication service  
34 other than intrastate revenue that the provider collects from retail  
35 customers. ~~‡; or~~

36 ~~—3. The amount deducted from the gross revenue of a~~  
37 ~~community antenna television company pursuant to paragraph (b) of~~  
38 ~~subsection 2 of NRS 711.200.]~~

39 **Sec. 91.** NRS 354.5989 is hereby amended to read as follows:

40 354.5989 1. A local government shall not increase any fee  
41 for a business license or adopt a fee for a business license issued for  
42 revenue or regulation, or both, except as permitted by this section.  
43 This prohibition does not apply to fees:



1 (a) Imposed by hospitals, county airports, airport authorities,  
2 convention authorities, the Las Vegas Valley Water District or the  
3 Clark County Sanitation District;

4 (b) Imposed on public utilities for the privilege of doing  
5 business pursuant to a franchise;

6 (c) *Imposed in compliance with the provisions of section 46 of*  
7 *this act on video service providers for the privilege of doing*  
8 *business pursuant to chapter 711 of NRS;*

9 (d) For business licenses which are calculated as a fraction or  
10 percentage of the gross revenue of the business;

11 ~~[(d)]~~ (e) Imposed pursuant to NRS 244.348, 268.0973, 268.821  
12 or 269.182; or

13 ~~[(e)]~~ (f) Regulated pursuant to NRS 354.59881 to 354.59889,  
14 inclusive.

15 2. The amount of revenue the local government derives or is  
16 allowed to derive, whichever is greater, from all fees for business  
17 licenses except:

18 (a) The fees excluded by subsection 1, for the fiscal year ended  
19 on June 30, 1991; and

20 (b) The fees collected for a particular type of business during the  
21 immediately preceding fiscal year ending on June 30 that a local  
22 government will not collect in the next subsequent fiscal year,

23 ➤ is the base from which the maximum allowable revenue from  
24 such fees must be calculated for the next subsequent fiscal year. To  
25 the base must be added the sum of the amounts respectively equal to  
26 the product of the base multiplied by the percentage increase in the  
27 population of the local government added to the percentage increase  
28 in the Consumer Price Index for the year ending on December 31  
29 next preceding the year for which the limit is being calculated. The  
30 amount so determined becomes the base for computing the allowed  
31 increase for each subsequent year.

32 3. A local government may not increase any fee for a business  
33 license which is calculated as a fraction or percentage of the gross  
34 revenue of the business if its total revenues from such fees have  
35 increased during the preceding fiscal year by more than the increase  
36 in the Consumer Price Index during that preceding calendar year.  
37 The provisions of this subsection do not apply to a fee ~~[imposed]~~ :

38 (a) *Imposed in compliance with the provisions of section 46 of*  
39 *this act on video service providers for the privilege of doing*  
40 *business pursuant to chapter 711 of NRS;*

41 (b) *Imposed* pursuant to NRS 244.348, 268.0973, 268.821 or  
42 269.182 ~~[, or regulated]~~ ; or

43 (c) *Regulated* pursuant to NRS 354.59881 to 354.59889,  
44 inclusive.



1 4. A local government may submit an application to increase  
2 its revenue from fees for business licenses beyond the amount  
3 allowable pursuant to this section to the Nevada Tax Commission,  
4 which may grant the application only if it finds that the rate of a  
5 business license of the local government is substantially below that  
6 of other local governments in the State.

7 5. The provisions of this section apply to a business license  
8 regardless of the fund to which the revenue from it is assigned. An  
9 ordinance or resolution enacted by a local government in violation  
10 of the provisions of this section is void.

11 6. As used in this section, "fee for a business license" does not  
12 include a tax imposed on the revenues from the rental of transient  
13 lodging.

14 **Sec. 92.** NRS 360.825 is hereby amended to read as follows:

15 360.825 1. Except as otherwise provided in this section, if on  
16 or after July 1, 2003, a local government acquires from another  
17 entity a public utility that provides electric service, natural gas  
18 service, telecommunications service or community antenna  
19 television, *cable television or other video* service:

20 (a) The local government shall make payments in lieu of and  
21 equal to all state and local taxes and franchise fees from which the  
22 local government is exempt but for which the public utility would be  
23 liable if the public utility was not owned by a governmental entity;  
24 and

25 (b) The Nevada Tax Commission shall, solely for the purpose  
26 set forth in this paragraph, annually determine and apportion the  
27 assessed valuation of the property of the public utility. For the  
28 purpose of calculating any allocation or apportionment of money for  
29 distribution among local governments pursuant to a formula  
30 required by state law which is based partially or entirely on the  
31 assessed valuation of taxable property:

32 (1) The property of the public utility shall be deemed to  
33 constitute taxable property to the same extent as if the public utility  
34 was not owned by a governmental entity; and

35 (2) To the extent that the property of the public utility is  
36 deemed to constitute taxable property pursuant to this paragraph:

37 (I) The assessed valuation of that property must be  
38 included in that calculation as determined and apportioned by the  
39 Nevada Tax Commission pursuant to this paragraph; and

40 (II) The payments required by paragraph (a) in lieu of any  
41 taxes that would otherwise be required on the basis of the assessed  
42 valuation of that property shall be deemed to constitute payments of  
43 those taxes.

44 2. The payments in lieu of taxes and franchise fees required by  
45 subsection 1 are due at the same time and must be collected,



1 accounted for and distributed in the same manner as those taxes and  
2 franchise fees would be due, collected, accounted for and distributed  
3 if the public utility was not owned by a governmental entity, except  
4 that no lien attaches upon any property or money of the local  
5 government by virtue of any failure to make all or any part of those  
6 payments. The local government may contest the validity and  
7 amount of any payment in lieu of a tax or franchise fee to the same  
8 extent as if that payment was a payment of the tax or franchise fee  
9 itself. The payments in lieu of taxes and franchise fees must be  
10 reduced if and to the extent that such a contest is successful.

11 3. The provisions of this section do not:

12 (a) Apply to the acquisition by a local government of a public  
13 utility owned by another governmental entity, except a public utility  
14 owned by another local government for which any payments in lieu  
15 of state or local taxes or franchise fees was required before its  
16 acquisition as provided in this section.

17 (b) Require a local government to make any payments in lieu of  
18 taxes or franchise fees to the extent that the making of those  
19 payments would cause a deficiency in the money available to the  
20 local government to make required payments of principal of,  
21 premium, if any, or interest on any bonds or other securities issued  
22 to finance the acquisition of that public utility or to make required  
23 payments to any funds established under the proceedings under  
24 which those bonds or other securities were issued.

25 (c) Require a county to duplicate any payments in lieu of taxes  
26 required pursuant to NRS 244A.755.

27 **Sec. 93.** NRS 360.830 is hereby amended to read as follows:

28 360.830 1. Except as otherwise provided in this section, if on  
29 or after July 1, 2003, a local government:

30 (a) Acquires from another entity a public utility that provides  
31 water service or sewer service; or

32 (b) Expands facilities for the provision of water service, sewer  
33 service, electric service, natural gas service, telecommunications  
34 service or community antenna television, *cable television or other*  
35 *video* service, and the expansion results in the local government  
36 serving additional retail customers who were, before the expansion,  
37 retail customers of a public utility which provided that service,

38 ↪ the local government shall enter into an interlocal agreement with  
39 each affected local government to compensate the affected local  
40 government each fiscal year, as nearly as practicable, for the amount  
41 of any money from state and local taxes and franchise fees and from  
42 payments in lieu of those taxes and franchise fees, and for any  
43 compensation from a local government pursuant to this section, the  
44 affected local government would be entitled to receive but will not



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1 receive because of the acquisition of that public utility or expansion  
2 of those facilities as provided in this section.

3 2. An affected local government may waive any or all of the  
4 compensation to which it may be entitled pursuant to subsection 1.

5 3. The provisions of this section do not require a:

6 (a) Local government to provide any compensation to an  
7 affected local government to the extent that the provision of that  
8 compensation would cause a deficiency in the money available to  
9 the local government to make required payments of principal of,  
10 premium, if any, or interest on any bonds or other securities issued  
11 to finance the acquisition of that public utility or expansion of those  
12 facilities, or to make required payments to any funds established  
13 under the proceedings under which those bonds or other securities  
14 were issued.

15 (b) County to duplicate any compensation an affected local  
16 government receives from any payments in lieu of taxes required  
17 pursuant to NRS 244A.755.

18 **Sec. 94.** NRS 361.320 is hereby amended to read as follows:

19 361.320 1. At the regular session of the Nevada Tax  
20 Commission commencing on the first Monday in October of each  
21 year, the Nevada Tax Commission shall examine the reports filed  
22 pursuant to NRS 361.318 and establish the valuation for assessment  
23 purposes of any property of an interstate or intercounty nature used  
24 directly in the operation of all interstate or intercounty railroad,  
25 sleeping car, private car, natural gas transmission and distribution,  
26 water, telephone, scheduled and unscheduled air transport, electric  
27 light and power companies, and the property of all railway express  
28 companies operating on any common or contract carrier in this  
29 State. This valuation must not include the value of vehicles as  
30 defined in NRS 371.020.

31 2. Except as otherwise provided in subsections 3, 4 and 7 and  
32 NRS 361.323, the Nevada Tax Commission shall establish and fix  
33 the valuation of all physical property used directly in the operation  
34 of any such business of any such company in this State, as a  
35 collective unit. If the company is operating in more than one county,  
36 on establishing the unit valuation for the collective property, the  
37 Nevada Tax Commission shall then determine the total aggregate  
38 mileage operated within the State and within its several counties and  
39 apportion the mileage upon a mile-unit valuation basis. The number  
40 of miles apportioned to any county are subject to assessment in that  
41 county according to the mile-unit valuation established by the  
42 Nevada Tax Commission.

43 3. After establishing the valuation, as a collective unit, of a  
44 public utility which generates, transmits or distributes electricity, the  
45 Nevada Tax Commission shall segregate the value of any project in



1 this State for the generation of electricity which is not yet put to use.  
2 This value must be assessed in the county where the project is  
3 located and must be taxed at the same rate as other property.

4 4. After establishing the valuation, as a collective unit, of an  
5 electric light and power company that places a facility into operation  
6 on or after July 1, 2003, in a county whose population is less than  
7 100,000, the Nevada Tax Commission shall segregate the value of  
8 the facility from the collective unit. This value must be assessed in  
9 the county where the facility is located and taxed at the same rate as  
10 other property.

11 5. The Nevada Tax Commission shall adopt formulas and  
12 incorporate them in its records, providing the method or methods  
13 pursued in fixing and establishing the taxable value of all property  
14 assessed by it. The formulas must be adopted and may be changed  
15 from time to time upon its own motion or when made necessary by  
16 judicial decisions, but the formulas must in any event show all the  
17 elements of value considered by the Nevada Tax Commission in  
18 arriving at and fixing the value for any class of property assessed by  
19 it. These formulas must take into account, as indicators of value, the  
20 company's income and the cost of its assets, but the taxable value  
21 may not exceed the cost of replacement as appropriately  
22 depreciated.

23 6. If two or more persons perform separate functions that  
24 collectively are needed to deliver electric service to the final  
25 customer and the property used in performing the functions would  
26 be centrally assessed if owned by one person, the Nevada Tax  
27 Commission shall establish its valuation and apportion the valuation  
28 among the several counties in the same manner as the valuation of  
29 other centrally assessed property. The Nevada Tax Commission  
30 shall determine the proportion of the tax levied upon the property by  
31 each county according to the valuation of the contribution of each  
32 person to the aggregate valuation of the property. This subsection  
33 does not apply to a qualifying facility, as defined in 18 C.F.R. §  
34 292.101, which was constructed before July 1, 1997, or to an  
35 exempt wholesale generator, as defined in 15 U.S.C. § 79z-5a.

36 7. A company engaged in a business described in subsection 1  
37 that does not have property of an interstate or intercounty nature  
38 must be assessed as provided in subsection 8.

39 8. All other property, including, without limitation, that of any  
40 company engaged in providing commercial mobile radio service,  
41 radio or television transmission services or cable television *or other*  
42 *video* services, must be assessed by the county assessors, except as  
43 otherwise provided in NRS 361.321 and 362.100 and except that the  
44 valuation of land and mobile homes must be established for





1 assessment purposes by the Nevada Tax Commission as provided in  
2 NRS 361.325.

3 9. On or before November 1 of each year, the Department shall  
4 forward a tax statement to each private car line company based on  
5 the valuation established pursuant to this section and in accordance  
6 with the tax levies of the several districts in each county. The  
7 company shall remit the ad valorem taxes due on or before  
8 December 15 to the Department, which shall allocate the taxes due  
9 each county on a mile-unit basis and remit the taxes to the counties  
10 no later than January 31. The portion of the taxes which is due the  
11 State must be transmitted directly to the State Treasurer. A company  
12 which fails to pay the tax within the time required shall pay a  
13 penalty of 10 percent of the tax due or \$5,000, whichever is greater,  
14 in addition to the tax. Any amount paid as a penalty must be  
15 deposited in the State General Fund. The Department may, for good  
16 cause shown, waive the payment of a penalty pursuant to this  
17 subsection. As an alternative to any other method of recovering  
18 delinquent taxes provided by this chapter, the Attorney General may  
19 bring a civil action in a court of competent jurisdiction to recover  
20 delinquent taxes due pursuant to this subsection in the manner  
21 provided in NRS 361.560.

22 10. For the purposes of this section, an unscheduled air  
23 transport company does not include a company that only uses three  
24 or fewer fixed-wing aircraft with a weight of less than 12,500  
25 pounds to provide transportation services, if the company elects, in  
26 the form and manner prescribed by the Department, to have the  
27 property of the company assessed by a county assessor.

28 11. As used in this section:

29 (a) "Company" means any person, company, corporation or  
30 association engaged in the business described.

31 (b) "Commercial mobile radio service" has the meaning  
32 ascribed to it in 47 C.F.R. § 20.3, as that section existed on  
33 January 1, 1998.

34 **Sec. 95.** NRS 372.728 is hereby amended to read as follows:

35 372.728 In administering the provisions of this chapter, the  
36 Department shall construe the term "retailer maintaining a place of  
37 business in this State" to include:

38 1. A retailer maintaining, occupying or using, permanently or  
39 temporarily, directly or indirectly, or through a subsidiary or agent,  
40 by whatever name called, an office, place of distribution, sales or  
41 sample room or place, warehouse or place of storage, or any other  
42 place of business, in this State.

43 2. A retailer having any representative, agent, salesman,  
44 canvasser or solicitor operating in this State under the authority of



1 the retailer or its subsidiary to sell, deliver or take orders for tangible  
2 personal property.

3 3. With respect to a lease, a retailer deriving rentals from a  
4 lease of tangible personal property situated in this State.

5 4. A retailer soliciting orders for tangible personal property  
6 through a system for shopping by means of telecommunication or  
7 television, using toll-free telephone numbers, which is intended by  
8 the retailer to be broadcast by cable television or *other video service*  
9 *network or any* other means of broadcasting to persons located in  
10 this State or through a website on the Internet or other electronic  
11 means of communication to provide solicitations to persons in this  
12 State.

13 5. A retailer who, pursuant to a contract with a broadcaster or  
14 publisher located in this State, solicits orders for tangible personal  
15 property by means of advertising which is disseminated primarily to  
16 persons located in this State and only secondarily to bordering  
17 jurisdictions.

18 6. A retailer soliciting orders for tangible personal property by  
19 mail or electronic facsimile if the solicitations are substantial and  
20 recurring and if the retailer benefits from any activities occurring in  
21 this State related to banking, financing, the collection of debts,  
22 telecommunication or marketing, or benefits from the location in  
23 this State of authorized facilities for installation, servicing or repairs.

24 7. A retailer owned or controlled by the same person who owns  
25 or controls a retailer who maintains a place of business in the same  
26 or a similar line of business in this State.

27 8. A retailer having a person operating under its trade name,  
28 pursuant to a franchise or license authorized by the retailer, if the  
29 person so operating is required to collect the tax pursuant to  
30 NRS 372.195.

31 9. A retailer who, pursuant to a contract with the operator of a  
32 ~~system of~~ cable television *system or other video service network*  
33 located in this State, solicits orders for tangible personal property by  
34 means of advertising which is transmitted or distributed over a  
35 ~~system of~~ cable television *system or other video service network*  
36 *located* in this State.

37 **Sec. 96.** NRS 372.734 is hereby amended to read as follows:

38 372.734 In administering the provisions of this chapter, the  
39 Department shall not consider the activities of persons that are  
40 directly related to the process of transmitting radio, television, cable  
41 television, *video* or data signals, including the transmission of news  
42 or information by *video or* data signal, the transmission of signals  
43 from one broadcaster to another and from a broadcaster to a member  
44 of the public and including the production and airing of any form of  
45 speech or broadcast by radio or television, whether or not



1 compensation is provided to the broadcaster in connection  
2 therewith, to be transactions that are taxable pursuant to the  
3 provisions of this chapter.

4 **Sec. 97.** NRS 374.728 is hereby amended to read as follows:

5 374.728 In administering the provisions of this chapter, the  
6 Department shall construe the term "retailer maintaining a place of  
7 business in a county" to include:

8 1. A retailer maintaining, occupying or using, permanently or  
9 temporarily, directly or indirectly, or through a subsidiary or agent,  
10 by whatever name called, an office, place of distribution, sales or  
11 sample room or place, warehouse or place of storage, or any other  
12 place of business, in the county.

13 2. A retailer having any representative, agent, salesman,  
14 canvasser or solicitor operating in the county under the authority of  
15 the retailer or its subsidiary to sell, deliver or take orders for tangible  
16 personal property.

17 3. With respect to a lease, a retailer deriving rentals from a  
18 lease of tangible personal property situated in the county.

19 4. A retailer soliciting orders for tangible personal property  
20 through a system for shopping by means of telecommunication or  
21 television, using toll-free telephone numbers, which is intended by  
22 the retailer to be broadcast by cable television or *other video service*  
23 *network or any* other means of broadcasting to persons located in  
24 the county or through a website on the Internet or other electronic  
25 means of communication to provide solicitations to persons in this  
26 State.

27 5. A retailer who, pursuant to a contract with a broadcaster or  
28 publisher located in the State, solicits orders for tangible personal  
29 property by means of advertising which is disseminated primarily to  
30 persons located in the State and only secondarily to bordering  
31 jurisdictions, and which is disseminated to persons located in the  
32 county.

33 6. A retailer soliciting orders for tangible personal property by  
34 mail or electronic facsimile if the solicitations are substantial and  
35 recurring and if the retailer benefits from any activities occurring in  
36 the county related to banking, financing, the collection of debts,  
37 telecommunication or marketing, or benefits from the location in the  
38 county of authorized facilities for installation, servicing or repairs.

39 7. A retailer owned or controlled by the same persons who own  
40 or control a retailer who maintains a place of business in the same or  
41 a similar line of business in the county.

42 8. A retailer having a person operating under its trade name,  
43 pursuant to a franchise or license authorized by the retailer, if the  
44 person so operating is required to collect the tax pursuant to  
45 NRS 374.200.



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1 9. A retailer who, pursuant to a contract with the operator of a  
2 ~~[system of]~~ cable television *system or other video service network*  
3 located in the State, solicits orders for tangible personal property by  
4 means of advertising which is transmitted or distributed over a  
5 ~~[system of]~~ cable television *system or other video service network*  
6 *located* in the county.

7 **Sec. 98.** NRS 374.739 is hereby amended to read as follows:

8 374.739 In administering the provisions of this chapter, the  
9 Department shall not consider the activities of persons that are  
10 directly related to the process of transmitting radio, television, cable  
11 television, *video* or data signals, including the transmission of news  
12 or information by *video or* data signal, the transmission of signals  
13 from one broadcaster to another and from a broadcaster to a member  
14 of the public and including the production and airing of any form of  
15 speech or broadcast by radio or television, whether or not  
16 compensation is provided to the broadcaster in connection  
17 therewith, to be transactions that are taxable pursuant to the  
18 provisions of this chapter.

19 **Sec. 99.** NRS 425.393 is hereby amended to read as follows:

20 425.393 1. The Chief may request the following information  
21 to carry out the provisions of this chapter:

22 (a) The records of the following public officers and state, county  
23 and local agencies:

- 24 (1) The State Registrar of Vital Statistics;
- 25 (2) Agencies responsible for maintaining records relating to  
26 state and local taxes and revenue;
- 27 (3) Agencies responsible for keeping records concerning real  
28 property and personal property for which a title must be obtained;
- 29 (4) All boards, commissions and agencies that issue  
30 occupational or professional licenses, certificates or permits;
- 31 (5) The Secretary of State;
- 32 (6) The Employment Security Division of the Department of  
33 Employment, Training and Rehabilitation;
- 34 (7) Agencies that administer public assistance;
- 35 (8) The Department of Motor Vehicles;
- 36 (9) The Department of Public Safety;
- 37 (10) The Department of Corrections; and
- 38 (11) Law enforcement agencies and any other agencies that  
39 maintain records of criminal history.

40 (b) The names and addresses of:

41 (1) The customers of public utilities and ~~[community antenna~~  
42 ~~television companies;]~~ *video service providers;* and

43 (2) The employers of the customers described in  
44 subparagraph (1).



1 (c) Information in the possession of financial institutions  
2 relating to the assets, liabilities and any other details of the finances  
3 of a person.

4 (d) Information in the possession of a public or private employer  
5 relating to the employment, compensation and benefits of a person  
6 employed by the employer as an employee or independent  
7 contractor.

8 2. If a person or other entity fails to supply the information  
9 requested pursuant to subsection 1, the Administrator may issue a  
10 subpoena to compel the person or entity to provide that information.  
11 A person or entity who fails to comply with a request made pursuant  
12 to subsection 1 is subject to a civil penalty not to exceed \$500 for  
13 each failure to comply.

14 3. A disclosure made in good faith pursuant to subsection 1  
15 does not give rise to any action for damages for the disclosure.

16 **Sec. 100.** NRS 432.310 is hereby amended to read as follows:

17 432.310 "Broadcaster" means a radio broadcasting station,  
18 cable operator *or other video service provider* or television  
19 broadcasting station primarily engaged in, and deriving income  
20 from, the business of facilitating speech via over-the-air  
21 communications, both as to pure speech and commercial speech.

22 **Sec. 101.** NRS 455.210 is hereby amended to read as follows:

23 455.210 The provisions of NRS 455.220 and 455.230 are not  
24 applicable to:

25 1. An employee of a public utility which produces, transmits or  
26 delivers electricity, or a public utility which provides  
27 communication services, while the employee, in the course of his  
28 employment, constructs, modifies, operates or maintains:

29 (a) Electrical systems;

30 (b) Communication systems; or

31 (c) Overhead electrical or communication circuits or conductors,  
32 or the structures supporting them.

33 2. An employee of a ~~[cable antenna television system]~~ *video*  
34 *service provider operating pursuant to chapter 711 of NRS* or a  
35 business which provides communication services, while the  
36 employee, acting within the scope of his employment, is making  
37 service attachments to the structure supporting an overhead line  
38 carrying high voltage, if authorized to do so by the public utility  
39 operating the overhead line.

40 **Sec. 102.** NRS 597.816 is hereby amended to read as follows:

41 597.816 The provisions of NRS 597.814 do not prohibit the  
42 use of a device for automatic dialing and announcing by any person  
43 exclusively on behalf of:



1 1. A school or school district to contact the parents or  
2 guardians of a pupil regarding the attendance of the pupil or  
3 regarding other business of the school or school district.

4 2. A nonprofit organization.

5 3. A ~~company~~ *video service provider* that provides cable  
6 television *or other video* services to contact its customers regarding  
7 a previously arranged installation of such services at the premises of  
8 the customer.

9 4. A public utility to contact its customers regarding a  
10 previously arranged installation of utility services at the premises of  
11 the customer.

12 5. A facility that processes or stores petroleum, volatile  
13 petroleum products, natural gas, liquefied petroleum gas,  
14 combustible chemicals, explosives, high-level radioactive waste or  
15 other dangerous substances to advise local residents, public service  
16 agencies and news media of an actual or potential life-threatening  
17 emergency.

18 6. A state or local governmental agency, or a private entity  
19 operating under contract with and at the direction of such an agency,  
20 to provide:

21 (a) Information relating to public safety;

22 (b) Information relating to a police or fire emergency; or

23 (c) A warning of an impending or threatening emergency.

24 7. A candidate for public office, committee advocating the  
25 passage or defeat of a ballot question, political party, committee  
26 sponsored by a political party or a committee for political action.

27 **Sec. 103.** NRS 598.137 is hereby amended to read as follows:

28 598.137 1. A person shall not, in connection with the sale or  
29 lease or solicitation for sale or lease of any goods, property or  
30 service, represent that another person has a chance to receive a prize  
31 or item of value without clearly disclosing on whose behalf the  
32 contest or promotion is conducted and all conditions that a  
33 participant must meet.

34 2. A person who makes a representation described in  
35 subsection 1 must display, clearly and conspicuously, adjacent to the  
36 description of the item or prize to which it relates:

37 (a) The actual retail value of each item or prize;

38 (b) The number of each item or prize to be awarded; and

39 (c) The odds of receiving each item or prize, expressed in whole  
40 numbers.

41 3. It is unlawful to make a representation described in  
42 subsection 1 if it has already been determined which items will be  
43 given to the person to whom the representation is made.

44 4. The provisions of this section do not apply if:



1 (a) Participants are asked to complete and mail or deposit, at a  
2 local retail commercial establishment, an entry blank obtained  
3 locally or by mail, or to call in their entry by telephone; and

4 (b) Participants are not asked to listen to a sales presentation.

5 5. Advertisements with representations made pursuant to  
6 subsection 1 that are broadcast by radio or television may be  
7 broadcast without the required disclosures, conditions and  
8 restrictions but must clearly broadcast the availability of such  
9 disclosures, conditions and restrictions to an interested person,  
10 without any charge, upon request.

11 6. This section does not create liability for acts of a publisher,  
12 owner, agent or employee of a newspaper, periodical, radio station,  
13 television station, cable television system *or other video service*  
14 *network* or other advertising medium for the publication or  
15 dissemination of an advertisement or promotion pursuant to this  
16 section if the publisher, owner, agent or employee did not know that  
17 the advertisement or promotion violated the provisions of this  
18 section.

19 7. For the purposes of this section, the actual retail value of an  
20 item or prize is the price at which substantial sales of the item were  
21 made in an area within the last 90 days, or if no substantial sales  
22 were made, the cost of the item or prize to the person on whose  
23 behalf the contest or promotion is conducted.

24 **Sec. 104.** NRS 598A.040 is hereby amended to read as  
25 follows:

26 598A.040 The provisions of this chapter do not apply to:

27 1. Any labor, agricultural or horticultural organizations  
28 organized for the purpose of self-help and not for profit to itself nor  
29 to individual members thereof, while lawfully carrying out its  
30 legitimate objects.

31 2. Bona fide religious and charitable activities of any nonprofit  
32 corporation, trust or organization established exclusively for  
33 religious or charitable purposes.

34 3. Conduct which is expressly authorized, regulated or  
35 approved by:

36 (a) A statute of this State or of the United States;

37 (b) An ordinance of any city or county of this State, except for  
38 ordinances relating to ~~community antenna television companies;~~  
39 *video service providers;* or

40 (c) An administrative agency of this State or of the United States  
41 or of a city or county of this State, having jurisdiction of the subject  
42 matter.

43 4. Conduct or agreements relating to rates, fares,  
44 classifications, divisions, allowances or charges, including charges  
45 between carriers and compensation paid or received for the use of





1 facilities and equipment, that are authorized, regulated or approved  
2 by the Transportation Services Authority pursuant to chapter 706 of  
3 NRS.

4 5. Restrictive covenants:

5 (a) Which are part of a contract of sale for a business and which  
6 bar the seller of the business from competing with the purchaser of  
7 the business sold within a reasonable market area for a reasonable  
8 period of time; or

9 (b) Which are part of a commercial shopping center lease and  
10 which bar the parties from permitting or engaging in the furnishing  
11 of certain services or the sale of certain commodities within the  
12 commercial shopping center where such leased premises are located.

13 **Sec. 105.** NRS 599B.010 is hereby amended to read as  
14 follows:

15 599B.010 As used in this chapter, unless the context otherwise  
16 requires:

17 1. "Chance promotion" means any plan in which premiums are  
18 distributed by random or chance selection.

19 2. "Commissioner" means the Commissioner of Consumer  
20 Affairs.

21 3. "Consumer" means a person who is solicited by a seller or  
22 salesman.

23 4. "Division" means the Consumer Affairs Division of the  
24 Department of Business and Industry.

25 5. "Donation" means a promise, grant or pledge of money,  
26 credit, property, financial assistance or other thing of value given in  
27 response to a solicitation by telephone, including, but not limited to,  
28 a payment or promise to pay in consideration for a performance,  
29 event or sale of goods or services. The term does not include  
30 volunteer services, government grants or contracts or a payment by  
31 members of any organization of membership fees, dues, fines or  
32 assessments or for services rendered by the organization to those  
33 persons, if:

34 (a) The fees, dues, fines, assessments or services confer a bona  
35 fide right, privilege, professional standing, honor or other direct  
36 benefit upon the member; and

37 (b) Membership in the organization is not conferred solely in  
38 consideration for making a donation in response to a solicitation.

39 6. "Goods or services" means any property, tangible or  
40 intangible, real, personal or mixed, and any other article, commodity  
41 or thing of value.

42 7. "Premium" includes any prize, bonus, award, gift or any  
43 other similar inducement or incentive to purchase.

44 8. "Recovery service" means a business or other practice  
45 whereby a person represents or implies that he will, for a fee,



1 recover any amount of money that a consumer has provided to a  
2 seller or salesman pursuant to a solicitation governed by the  
3 provisions of this chapter.

4 9. "Salesman" means any person:

5 (a) Employed or authorized by a seller to sell, or to attempt to  
6 sell, goods or services by telephone;

7 (b) Retained by a seller to provide consulting services relating to  
8 the management or operation of the seller's business; or

9 (c) Who communicates on behalf of a seller with a consumer:

10 (1) In the course of a solicitation by telephone; or

11 (2) For the purpose of verifying, changing or confirming an  
12 order,

13 ↪ except that a person is not a salesman if his only function is to  
14 identify a consumer by name only and he immediately refers the  
15 consumer to a salesman.

16 10. Except as otherwise provided in subsection 11, "seller"  
17 means any person who, on his own behalf, causes or attempts to  
18 cause a solicitation by telephone to be made through the use of one  
19 or more salesmen or any automated dialing announcing device  
20 under any of the following circumstances:

21 (a) The person initiates contact by telephone with a consumer  
22 and represents or implies:

23 (1) That a consumer who buys one or more goods or services  
24 will receive additional goods or services, whether or not of the same  
25 type as purchased, without further cost, except for actual postage or  
26 common carrier charges;

27 (2) That a consumer will or has a chance or opportunity to  
28 receive a premium;

29 (3) That the items for sale are gold, silver or other precious  
30 metals, diamonds, rubies, sapphires or other precious stones, or any  
31 interest in oil, gas or mineral fields, wells or exploration sites or any  
32 other investment opportunity;

33 (4) That the product offered for sale is information or  
34 opinions relating to sporting events;

35 (5) That the product offered for sale is the services of a  
36 recovery service; or

37 (6) That the consumer will receive a premium or goods or  
38 services if he makes a donation;

39 (b) The solicitation by telephone is made by the person in  
40 response to inquiries from a consumer generated by a notification or  
41 communication sent or delivered to the consumer that represents or  
42 implies:

43 (1) That the consumer has been in any manner specially  
44 selected to receive the notification or communication or the offer  
45 contained in the notification or communication;



- 1 (2) That the consumer will receive a premium if the recipient  
2 calls the person;
- 3 (3) That if the consumer buys one or more goods or services  
4 from the person, the consumer will also receive additional or other  
5 goods or services, whether or not the same type as purchased,  
6 without further cost or at a cost that the person represents or implies  
7 is less than the regular price of the goods or services;
- 8 (4) That the product offered for sale is the services of a  
9 recovery service; or
- 10 (5) That the consumer will receive a premium or goods or  
11 services if he makes a donation; or
- 12 (c) The solicitation by telephone is made by the person in  
13 response to inquiries generated by advertisements that represent or  
14 imply that the person is offering to sell any:
- 15 (1) Gold, silver or other metals, including coins, diamonds,  
16 rubies, sapphires or other stones, coal or other minerals or any  
17 interest in oil, gas or other mineral fields, wells or exploration sites,  
18 or any other investment opportunity;
- 19 (2) Information or opinions relating to sporting events; or
- 20 (3) Services of a recovery service.
- 21 11. "Seller" does not include:
- 22 (a) A person licensed pursuant to chapter 90 of NRS when  
23 soliciting offers, sales or purchases within the scope of his license.
- 24 (b) A person licensed pursuant to chapter 119A, 119B, 624, 645  
25 or 696A of NRS when soliciting sales within the scope of his  
26 license.
- 27 (c) A person licensed as an insurance broker, agent or solicitor  
28 when soliciting sales within the scope of his license.
- 29 (d) Any solicitation of sales made by the publisher of a  
30 newspaper or magazine or by an agent of the publisher pursuant to a  
31 written agreement between the agent and publisher.
- 32 (e) A broadcaster soliciting sales who is licensed by any state or  
33 federal authority, if the solicitation is within the scope of the  
34 broadcaster's license.
- 35 (f) A person who solicits a donation from a consumer when:
- 36 (1) The person represents or implies that the consumer will  
37 receive a premium or goods or services with an aggregated fair  
38 market value of 2 percent of the donation or \$50, whichever is less;  
39 or
- 40 (2) The consumer provides a donation of \$50 or less in  
41 response to the solicitation.
- 42 (g) A charitable organization which is registered or approved to  
43 conduct a lottery pursuant to chapter 462 of NRS.
- 44 (h) A public utility or motor carrier which is regulated pursuant  
45 to chapter 704 or 706 of NRS, or by an affiliate of such a utility or



1 motor carrier, if the solicitation is within the scope of its certificate  
2 or license.

3 (i) A utility which is regulated pursuant to chapter 710 of NRS,  
4 or by an affiliate of such a utility.

5 (j) A person soliciting the sale of books, recordings, video  
6 cassettes, software for computer systems or similar items through:

7 (1) An organization whose method of sales is governed by  
8 the provisions of Part 425 of Title 16 of the Code of Federal  
9 Regulations relating to the use of negative option plans by sellers in  
10 commerce;

11 (2) The use of continuity plans, subscription arrangements,  
12 arrangements for standing orders, supplements, and series  
13 arrangements pursuant to which the person periodically ships  
14 merchandise to a consumer who has consented in advance to receive  
15 the merchandise on a periodic basis and has the opportunity to  
16 review the merchandise for at least 10 days and return it for a full  
17 refund within 30 days after it is received; or

18 (3) An arrangement pursuant to which the person ships  
19 merchandise to a consumer who has consented in advance to receive  
20 the merchandise and has the opportunity to review the merchandise  
21 for at least 10 days and return it for a full refund within 30 days after  
22 it is received.

23 (k) A person who solicits sales by periodically publishing and  
24 delivering a catalog to consumers if the catalog:

25 (1) Contains a written description or illustration of each item  
26 offered for sale and the price of each item;

27 (2) Includes the business address of the person;

28 (3) Includes at least 24 pages of written material and  
29 illustrations;

30 (4) Is distributed in more than one state; and

31 (5) Has an annual circulation by mailing of not less than  
32 250,000.

33 (l) A person soliciting without the intent to complete and who  
34 does not complete, the sales transaction by telephone but completes  
35 the sales transaction at a later face-to-face meeting between the  
36 solicitor and the consumer, if the person, after soliciting a sale by  
37 telephone, does not cause another person to collect the payment  
38 from or deliver any goods or services purchased to the consumer.

39 (m) Any commercial bank, bank holding company, subsidiary or  
40 affiliate of a bank holding company, trust company, savings and  
41 loan association, credit union, industrial loan company, personal  
42 property broker, consumer finance lender, commercial finance  
43 lender, or insurer subject to regulation by an official or agency of  
44 this State or of the United States, if the solicitation is within the  
45 scope of the certificate or license held by the entity.



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1 (n) A person holding a certificate of authority issued pursuant to  
2 chapter 452 of NRS when soliciting sales within the scope of the  
3 certificate.

4 (o) A person licensed pursuant to chapter 689 of NRS when  
5 soliciting sales within the scope of his license.

6 (p) A person soliciting the sale of services provided by a  
7 ~~community antenna television company~~ *video service provider*  
8 subject to regulation pursuant to chapter 711 of NRS.

9 (q) A person soliciting the sale of agricultural products, if the  
10 solicitation is not intended to and does not result in a sale of more  
11 than \$100 that is to be delivered to one address. As used in this  
12 paragraph, "agricultural products" has the meaning ascribed to it in  
13 NRS 587.290.

14 (r) A person who has been operating, for at least 2 years, a retail  
15 business establishment under the same name as that used in  
16 connection with the solicitation of sales by telephone if, on a  
17 continuing basis:

18 (1) Goods are displayed and offered for sale or services are  
19 offered for sale and provided at the person's business establishment;  
20 and

21 (2) At least 50 percent of the person's business involves the  
22 buyer obtaining such goods or services at the person's business  
23 establishment.

24 (s) A person soliciting only the sale of telephone answering  
25 services to be provided by the person or his employer.

26 (t) A person soliciting a transaction regulated by the Commodity  
27 Futures Trading Commission, if:

28 (1) The person is registered with or temporarily licensed by  
29 the Commission to conduct that activity pursuant to the Commodity  
30 Exchange Act, ~~17~~ 7 U.S.C. §§ 1 et seq. ; ~~17~~ and

31 (2) The registration or license has not expired or been  
32 suspended or revoked.

33 (u) A person who contracts for the maintenance or repair of  
34 goods previously purchased from the person:

35 (1) Making the solicitation; or

36 (2) On whose behalf the solicitation is made.

37 (v) A person to whom a license to operate an information  
38 service or a nonrestricted gaming license, which is current and valid,  
39 has been issued pursuant to chapter 463 of NRS when soliciting  
40 sales within the scope of his license.

41 (w) A person who solicits a previous customer of the business  
42 on whose behalf the call is made if the person making the call:

43 (1) Does not offer the customer any premium in connection  
44 with the sale;



1 (2) Is not selling an investment or an opportunity for an  
2 investment that is not registered with any state or federal authority;  
3 and

4 (3) Is not regularly engaged in telephone sales.

5 (x) A person who solicits the sale of livestock.

6 (y) An issuer which has a class of securities that is listed on the  
7 New York Stock Exchange, the American Stock Exchange or the  
8 National Market System of the National Association of Securities  
9 Dealers Automated Quotation System.

10 (z) A subsidiary of an issuer that qualifies for exemption  
11 pursuant to paragraph (y) if at least 60 percent of the voting power  
12 of the shares of the subsidiary is owned by the issuer.

13 **Sec. 105.1.** For the purposes of sections 105.3 to 106.2,  
14 inclusive, of this act, the Legislature hereby finds and declares that:

15 1. There is a need to balance the goal of providing children  
16 with the benefits and opportunities available on the Internet against  
17 the compelling need and duty to protect children from contact with  
18 sexual predators.

19 2. Sexual predators use Internet and network sites, including  
20 chat rooms and social networking websites, to locate, approach and  
21 befriend children, to acquire personal information about children  
22 and to prey on children by engaging in sexually explicit  
23 conversations, requesting photographs and attempting to lure  
24 children into meeting with them in person.

25 3. According to the United States Attorney General, one in five  
26 children has been approached sexually on the Internet.

27 4. The explosive growth of chat rooms and social networking  
28 websites has increased the difficulty of monitoring the Internet  
29 activities of children and protecting children from sexual predators,  
30 particularly when children use the Internet without supervision.

31 5. Providers of Internet service and the owners and operators of  
32 chat rooms and social networking websites are well-situated to help  
33 parents and guardians in the on-going effort to guard against sexual  
34 predators who misuse Internet technology as a tool to prey on and  
35 victimize children.

36 **Sec. 105.2.** Chapter 603 of NRS is hereby amended by adding  
37 thereto the provisions set forth as sections 105.3 to 106.2, inclusive,  
38 of this act.

39 **Sec. 105.3.** *As used in sections 105.3 to 106.2, inclusive, of*  
40 *this act, unless the context otherwise requires, the words and terms*  
41 *defined in sections 105.4 to 105.7, inclusive, of this act have the*  
42 *meanings ascribed to them in those sections.*

43 **Sec. 105.4.** *“Child” means a person who is less than 18 years*  
44 *of age.*



1     **Sec. 105.5.** *“Electronic mail” has the meaning ascribed to it*  
2 *in NRS 41.715.*

3     **Sec. 105.6.** 1. *“Internet or any other computer network”*  
4 *means:*

5       (a) *The computer network commonly known as the Internet*  
6 *and any other local, regional or global computer network that is*  
7 *similar to or is a predecessor or successor of the Internet; and*

8       (b) *Any identifiable site on the Internet or such other computer*  
9 *network.*

10     2. *The term includes, without limitation:*

11       (a) *A website or other similar site on the World Wide Web;*

12       (b) *A site that is identifiable through a Uniform Resource*  
13 *Location;*

14       (c) *A site on a computer network that is owned, operated,*  
15 *administered or controlled by a provider of Internet service;*

16       (d) *An electronic bulletin board;*

17       (e) *A list server;*

18       (f) *A newsgroup; or*

19       (g) *A chat room.*

20     **Sec. 105.7.** *“Provider of Internet service” or “provider”*  
21 *means any person who, for a fee or other consideration, provides*  
22 *subscribers with access to the Internet or any other computer*  
23 *network.*

24     **Sec. 105.8.** *For the purposes of sections 105.3 to 106.2,*  
25 *inclusive, of this act, a person has “reasonable cause to believe” if,*  
26 *in light of all the surrounding facts and circumstances which are*  
27 *known or which reasonably should be known to the person at the*  
28 *time, a reasonable person would believe, under those facts and*  
29 *circumstances, that an act, transaction, event, situation or*  
30 *condition exists, is occurring or has occurred.*

31     **Sec. 106.** 1. *If a provider of Internet service knows or has*  
32 *reasonable cause to believe that a subscriber resides within this*  
33 *State, the provider shall make available to the subscriber a product*  
34 *or service which enables the subscriber to regulate a child’s use of*  
35 *the Internet service provided to the subscriber. The product or*  
36 *service must enable the subscriber to:*

37       (a) *Block all access to the Internet;*

38       (b) *Block access to specific websites or domains disapproved*  
39 *by the subscriber;*

40       (c) *Restrict access exclusively to specific websites or domains*  
41 *approved by the subscriber; and*

42       (d) *Allow the subscriber to monitor a child’s use of the*  
43 *Internet service by providing a report to the subscriber of the*  
44 *specific websites or domains that the child has visited or has*





1 *attempted to visit but could not access because the websites or*  
2 *domains were blocked or restricted by the subscriber.*

3 2. *For the purposes of subsection 1, a provider of Internet*  
4 *service shall be deemed to know that a subscriber resides within*  
5 *this State if the subscriber identifies Nevada as his place of*  
6 *residence at the time of subscription.*

7 3. *A provider of Internet service:*

8 (a) *Shall provide to the subscriber, at the time of subscription,*  
9 *notice of the availability of the product or service described in*  
10 *subsection 1. The notice must be provided to the subscriber by*  
11 *electronic mail or in a written form through another reasonable*  
12 *means.*

13 (b) *May make the product or service described in subsection 1*  
14 *available to the subscriber either directly or through a third-party*  
15 *vendor. The provider or third-party vendor may charge the*  
16 *subscriber a fee for the product or service.*

17 **Sec. 106.2.** 1. *Any violation of sections 105.3 to 106.2,*  
18 *inclusive, of this act constitutes a deceptive trade practice for the*  
19 *purposes of the civil and administrative remedies and penalties set*  
20 *forth in NRS 598.0903 to 598.0999, inclusive.*

21 2. *The remedies, duties and prohibitions set forth in sections*  
22 *105.3 to 106.2, inclusive, of this act are not exclusive and are in*  
23 *addition to any other remedies, duties and prohibitions provided by*  
24 *law.*

25 **Sec. 106.4.** NRS 603.010 is hereby amended to read as  
26 follows:

27 603.010 As used in ~~[this chapter]~~ *NRS 603.010 to 603.090,*  
28 *inclusive,* unless the context otherwise requires, the words and terms  
29 defined in NRS 603.020 and 6503.030, have the meanings ascribed  
30 to them in those sections.

31 **Sec. 106.6.** NRS 603.090 is hereby amended to read as  
32 follows:

33 603.090 The civil remedies provided in ~~[this chapter:]~~ *NRS*  
34 *603.010 to 603.090, inclusive:*

35 1. Do not preclude the prosecution of a defendant under the  
36 penal laws of this State.

37 2. Are in addition to any rights or remedies to which the owner  
38 of a proprietary program or data stored in a computer is entitled  
39 under the common law.

40 **Sec. 106.8.** NRS 618.880 is hereby amended to read as  
41 follows:

42 618.880 1. The Division shall adopt regulations establishing  
43 standards and procedures for the operation of cranes, including,  
44 without limitation, regulations requiring the:



1 (a) Establishment and implementation of site safety plans and  
2 procedures for the erection and dismantling of tower cranes;

3 (b) Establishment of a clear zone around the erection,  
4 dismantling or other highly hazardous lifts with a crane;

5 (c) Annual certification of the mechanical lifting parts of the  
6 crane; and

7 (d) Certification of tower cranes each time a tower crane is  
8 erected and additional annual certifications of tower cranes while  
9 they continue to be in use.

10 2. Except as otherwise provided in subsection 3:

11 (a) The Division shall adopt regulations requiring the  
12 establishment and implementation of programs for the certification  
13 of all persons who operate:

14 (1) Tower cranes; or

15 (2) Mobile cranes having a usable boom length of 25 feet or  
16 greater or a maximum machine rated capacity of 15,000 pounds or  
17 greater.

18 (b) A person shall not operate a tower crane or a mobile crane  
19 described in subparagraph (2) of paragraph (a) unless the person  
20 holds certification as a crane operator issued pursuant to this  
21 subsection for the type of crane being operated.

22 (c) An applicant for certification as a crane operator must hold a  
23 certificate which:

24 (1) Is issued by an organization whose program of  
25 certification for crane operators:

26 (I) Is accredited by the National Commission for  
27 Certifying Agencies or an equivalent accrediting body approved by  
28 the Division; or

29 (II) Meets other criteria established by the Division; and

30 (2) Certifies that the person has met the standards to be a  
31 crane operator established by the American Society of Mechanical  
32 Engineers in its standards B30.3, B30.4 or B30.5 as adopted by  
33 regulation of the Division.

34 3. The provisions of subsection 2 do not apply to a person who:

35 (a) Is an employee of a utility while the person is engaged in  
36 work for or at the direction of the utility;

37 (b) Operates an electric or utility line truck that is regulated  
38 pursuant to 29 C.F.R. § 1910.269 or 29 C.F.R. Part 1926, Subpart  
39 V; or

40 (c) Operates an aerial or lifting device, whether or not self-  
41 propelled, that is designed and manufactured with the specific  
42 purpose of lifting one or more persons in a bucket or basket or on a  
43 ladder or platform and holding those persons in the lifted position  
44 while they perform tasks. Such devices include, without limitation:

45 (1) A bucket truck or lift;



- 1 (2) An aerial platform;
- 2 (3) A platform lift; or
- 3 (4) A scissors lift.

4 4. As used in this section, "utility" means any public or private  
5 utility, whether or not the utility is subject to regulation by the  
6 Public Utilities Commission of Nevada, that provides, at wholesale  
7 or retail:

- 8 (a) Electric service;
- 9 (b) Gas service;
- 10 (c) Water or sewer service;
- 11 (d) Telecommunication service, including, without limitation,  
12 local exchange service, long distance service and personal wireless  
13 service; or
- 14 (e) Television service, including, without limitation, community  
15 antenna television, *cable television and other video* service.

16 **Sec. 107.** NRS 624.218 is hereby amended to read as follows:

17 624.218 1. The Board shall adopt by regulation a  
18 classification of licensing for persons who construct or improve  
19 ~~community antenna television systems.~~ *video service networks.*  
20 Except as otherwise provided in subsection 2, a person who engages  
21 in such construction, alteration or improvement must be licensed in  
22 this classification and may not be required to be licensed in any  
23 other classification.

24 2. The licensing requirements adopted pursuant to subsection 1  
25 do not apply to a person who is engaged solely in the alteration or  
26 repair of antennae used by a community antenna television system.

27 **3. As used in this section, "video service network" has the**  
28 **meaning ascribed to it in section 26 of this act.**

29 **Sec. 108.** 1. NRS 318.1193, 318.1194, 354.598811, 711.185,  
30 711.190, 711.200, 711.210, 711.230 and 711.250 are hereby  
31 repealed.

32 2. Section 2.290 of the Charter of the City of Caliente, being  
33 chapter 31, Statutes of Nevada 1971, at page 63, is hereby repealed.

34 3. Section 2.320 of the Charter of the City of Carlin, being  
35 chapter 344, Statutes of Nevada 1971, at page 612, is hereby  
36 repealed.

37 4. Section 2.280 of the Charter of Carson City, being chapter  
38 213, Statutes of Nevada 1969, at page 300, is hereby repealed.

39 5. Section 2.350 of the Charter of the City of Elko, being  
40 chapter 276, Statutes of Nevada 1971, as amended by chapter 51,  
41 Statutes of Nevada 2001, at page 460, is hereby repealed.

42 6. Section 2.300 of the Charter of the City of Henderson, being  
43 chapter 266, Statutes of Nevada 1971, at page 410, is hereby  
44 repealed.



1 7. Section 2.330 of the Charter of the City of Las Vegas, being  
2 chapter 517, Statutes of Nevada 1983, at page 1405, is hereby  
3 repealed.

4 8. Section 2.300 of the Charter of the City of North Las Vegas,  
5 being chapter 573, Statutes of Nevada 1971, at page 1219, is hereby  
6 repealed.

7 9. Section 2.320 of the Charter of the City of Wells, being  
8 chapter 275, Statutes of Nevada 1971, at page 466, is hereby  
9 repealed.

10 10. Section 2.300 of the Charter of the City of Yerington, being  
11 chapter 465, Statutes of Nevada 1971, as amended by chapter 184,  
12 Statutes of Nevada 1985, at page 645, is hereby repealed.

13 **Sec. 109.** On or before October 1, 2007, the Secretary of State  
14 shall adopt any regulations that are necessary to carry out the  
15 provisions of this act.

16 **Sec. 110.** This act becomes effective upon passage and  
17 approval.

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### LEADLINES OF REPEALED SECTIONS

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**318.1193 Facilities for television: Limitation on organization if area includes existing service.**

**318.1194 Facilities for television: Approval of electors required in certain districts for franchise for community antenna television system.**

**354.598811 Limitations on fees applicable to public utilities: "Community antenna television company" defined.**

**711.185 Governing body may grant exclusive franchise.**

**711.190 Franchise granted by city or county: Conditions; requirements.**

**711.200 Fees for franchise.**

**711.210 Renewal of franchise.**

**711.230 Considerations in granting franchise.**

**711.250 Adoption of ordinance to establish procedure to resolve complaints of subscribers; notice.**

**Caliente City Charter Sec. 2.290 Powers of City Council: Television franchises.**

**Carlin City Charter Sec. 2.320 Powers of Board of Councilmen: Television franchises.**

**Carson City Charter Sec. 2.280 Power of Board: Television franchises.**



**Elko City Charter Sec. 2.350 Powers of City Council:  
Television franchises.**

**Henderson City Charter Sec. 2.300 Powers of City  
Council: Television franchises.**

**Las Vegas City Charter Sec. 2.330 Powers of City Council:  
Television franchises.**

**North Las Vegas City Charter Sec. 2.300 Powers of City  
Council: Television franchises.**

**Wells City Charter Sec. 2.320 Powers of Board of  
Councilmen: Television franchises.**

**Yerington City Charter Sec. 2.300 Powers of City Council:  
Franchises for television and cable television.**

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