

A.B. 466

ASSEMBLY BILL NO. 466—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

APRIL 27, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to crisis intervention.
(BDR 39-1077)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Executive Budget.

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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 behavioral health; revising provisions governing the imposition of a surcharge on certain communications services to support a suicide prevention and behavioral health crisis hotline; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing state law requires: (1) the State Board of Health to adopt regulations to
2 impose a surcharge on certain mobile communication services, IP-enabled voice
3 services and landline telephone services; and (2) the Division of Public and
4 Behavioral Health of the Department of Health and Human Services to use the
5 money collected as a result of the surcharge to support the operation of a suicide
6 prevention and behavioral health crisis hotline and the services provided to persons
7 who access the hotline. (NRS 433.708) **Section 1** of this bill defines terms used to
8 describe the mobile communication services, IP-enabled voice services and
9 landline telephone services that are subject to the surcharge.

10 Existing law defines “small-scale provider of last resort” to mean an incumbent
11 local exchange carrier that is a provider of last resort of basic network service and
12 business line service to customers through less than 60,000 access lines. (NRS
13 704.023) **Section 2** of this bill clarifies that a small-scale provider of last resort is
14 required to collect the surcharge described in **section 1** from its customers and
15 transfer the surcharge to the Division in the same manner as other
16 telecommunication providers.



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

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

2 433.708 1. The State Board of Health shall adopt regulations
3 to impose a surcharge on each access line of each customer of a
4 company that provides commercial mobile communication services
5 or IP-enabled voice services in this State in accordance with 47
6 U.S.C. § 251a and each access line , ~~or~~ trunk line *or branch of a*
7 *trunk line* of each customer to the local exchange of any
8 telecommunications provider providing those lines in this State.
9 Those companies and providers shall collect the surcharge from
10 their customers and transfer the money collected to the Division
11 pursuant to regulations adopted by the State Board of Health. The
12 amount of the surcharge must be sufficient to support the uses set
13 forth in subsection 2, except that the amount of the surcharge must
14 not exceed 35 cents for each access line , ~~or~~ trunk line ~~or~~ *or*
15 *branch of a trunk line.*

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

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

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

26 3. The interest and income earned on the money in the
27 Account, after deducting any applicable charges, must be credited to
28 the Account.

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

32 5. The Division may accept gifts, grants and donations for the
33 purpose of carrying out the provisions of NRS 433.702 to 433.710,
34 inclusive.

35 6. *As used in this section:*

36 (a) *“Access line” means any connection between a customer*
37 *and a telecommunications provider that provides the customer*
38 *with access to telecommunication. The term includes, without*
39 *limitation:*

40 (1) *Basic network service, as that term is defined in NRS*
41 *704.006; and*



1 (2) *Any other connection provided by a telecommunications*
2 *provider, including, without limitation, a provider of commercial*
3 *mobile communication services or IP-enabled voice services, that*
4 *allows a customer to reach the hotline described in NRS 433.704*
5 *by dialing the digits 9-8-8.*

6 (b) *“Commercial mobile communication service” has the*
7 *meaning ascribed to “commercial mobile service” in 47 U.S.C. §*
8 *251a.*

9 (c) *“IP-enabled voice service” has the meaning ascribed to it*
10 *in 47 U.S.C. § 251a. The term includes a Voice over Internet*
11 *Protocol service, as defined in NRS 704.685.*

12 (d) *“Trunk line” means a line which provides a transmission*
13 *path or group of transmission paths that connects the private*
14 *branch exchange of a customer, an automatic call distributing*
15 *system or other similar device to the public switched network of a*
16 *telecommunications provider.*

17 **Sec. 2.** NRS 704.040 is hereby amended to read as follows:

18 704.040 1. Every public utility shall furnish reasonably
19 adequate service and facilities. Subject to the provisions of
20 subsection 3, the charges made for any service rendered or to be
21 rendered, or for any service in connection therewith or incidental
22 thereto, must be just and reasonable.

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

25 3. Except as otherwise provided in NRS 704.68861 to
26 704.68887, inclusive:

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

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

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

36 5. To maintain the availability of telephone service in
37 accordance with the regulations adopted pursuant to NRS 704.6873,
38 the Commission shall provide for the levy and collection of a
39 uniform and equitable assessment, in an amount determined by the
40 Commission, from all persons furnishing intrastate
41 telecommunication service or the functional equivalent of such
42 service through any form of telephony technology, unless the levy
43 and collection of the assessment with regard to a particular form of
44 technology is prohibited by federal law. Assessments levied and
45 collected pursuant to this subsection must be maintained in a



1 separate fund established by the Commission. The Commission
2 shall contract with an independent administrator to administer the
3 fund pursuant to open competitive bidding procedures established
4 by the Commission. The independent administrator shall collect the
5 assessments levied and distribute them from the fund pursuant to a
6 plan which has been approved by the Commission.

7 6. The Commission shall by regulation establish:

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

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

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

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

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

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

25 (3) Require the independent administrator to be responsible
26 for informing eligible telecommunication providers of the status of
27 their customers' eligibility to receive lifeline service as defined in
28 NRS 707.450.

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

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

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

36 (c) May, in accordance with the terms of a contract entered into
37 with an independent administrator pursuant to subsection 6,
38 terminate the service to certify or recertify the eligibility of
39 customers for lifeline service, as defined in NRS 707.450, if the
40 National Lifeline Eligibility Verifier, as defined in 47 C.F.R. §
41 54.400, is able to certify and recertify the eligibility of customers in
42 this State for lifeline service.

43 **Sec. 3.** 1. This section becomes effective upon passage and
44 approval.

45 2. Sections 1 and 2 of this act become effective:



- 1 (a) Upon passage and approval for the purpose of adopting any
2 regulations and performing any other preparatory administrative
3 tasks that are necessary to carry out the provisions of this act; and
4 (b) On July 1, 2023, for all other purposes.



