

SENATE BILL NO. 237—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE JOINT INTERIM STANDING
COMMITTEE ON JUDICIARY)

MARCH 8, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to crisis intervention.
(BDR 39-312)

FISCAL NOTE: Effect on Local Government: No.
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 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 federal law authorizes a state to impose a fee or charge on a
2 commercial mobile communication service or an IP-enabled voice service to fund
3 the operations of a suicide prevention and mental health crisis hotline established
4 pursuant to the National Suicide Prevention Lifeline program. (47 U.S.C. § 251a)
5 Existing state law requires the State Board of Health to adopt regulations to impose
6 a surcharge on certain mobile communication services, IP-enabled voice services
7 and landline telephone services. Existing state law requires telecommunications
8 companies and providers who provide such services to collect the surcharge from
9 customers and transfer the surcharge to the Division of Public and Behavioral
10 Health of the Department of Health and Human Services. Existing state law
11 requires the Division to: (1) deposit the proceeds from the surcharge into the Crisis
12 Response Account; (2) administer the Account; and (3) use the money in the
13 Account to support the operation of a suicide prevention and mental health crisis
14 hotline and the services provided to persons who access the hotline. (NRS 433.708)
15 **Section 2** of this bill transfers the duties to adopt such regulations and receive the
16 surcharge from telecommunications companies from the Board and the Division,
17 respectively, to the Public Utilities Commission of Nevada. **Section 2** requires the
18 Commission to adopt specific regulations to impose the surcharge and define terms
19 used to refer to the types of telecommunications lines that are subject to the



20 surcharge. **Section 1** of this bill: (1) requires the Commission to collect a surcharge
 21 of 35 cents on each line until the Commission adopts those regulations; and (2)
 22 prescribes definitions for those terms that apply until the Commission adopts those
 23 regulations. **Sections 1 and 2** require the Commission to deposit the proceeds of
 24 the surcharge into the Account, which continues to be administered by the Division.
 25 **Sections 1 and 2** also clarify that the surcharge applies to each trunk line and each
 26 branch of a trunk line. **Section 4** of this bill declares any regulations adopted by the
 27 State Board of Health relating to the surcharge to be void.

28 Existing law defines “small-scale provider of last resort” to mean an incumbent
 29 local exchange carrier that is a provider of last resort of basic network service and
 30 business line service to customers through less than 60,000 access lines. (NRS
 31 704.023) **Section 3** of this bill clarifies that a small-scale provider of last resort is
 32 required to collect the surcharge described in **sections 1 and 2** from its customers
 33 and transfer the surcharge to the Commission in the same manner as other
 34 telecommunications companies and 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}~~ *Public Utilities*
 3 *Commission of Nevada* shall ~~{adopt regulations to}~~ impose a
 4 surcharge *of 35 cents for each line* on ~~{each}~~ :

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

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

12 2. *The* companies and providers *described in subsection 1*
 13 shall collect the surcharge *described in subsection 1* from their
 14 customers and transfer the money collected to the ~~{Division~~
 15 ~~pursuant to regulations adopted by the State Board of Health. The~~
 16 ~~amount of the surcharge must be sufficient to support the uses set~~
 17 ~~forth in subsection 2, except that the amount of the surcharge must~~
 18 ~~not exceed 35 cents for each access line or trunk line.~~

19 ~~—2.}~~ *Public Utilities Commission of Nevada in the manner*
 20 *prescribed by the Commission.*

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

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



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

3 ~~4.3~~ 4. The interest and income earned on the money in the
4 Account, after deducting any applicable charges, must be credited to
5 the Account.

6 ~~4.4~~ 5. Any money remaining in the Account at the end of each
7 fiscal year does not revert to the State General Fund but must be
8 carried over into the next fiscal year.

9 ~~4.5~~ 6. The Division may accept gifts, grants and donations for
10 the purpose of carrying out the provisions of NRS 433.702 to
11 433.710, inclusive.

12 7. *As used in this section:*

13 (a) *“Access line” means any connection between a customer*
14 *and a carrier that provides the customer with access to*
15 *telecommunication in this State.*

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

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

20 (d) *“Trunk line” means a line which provides a channel*
21 *between a switchboard owned by a customer of a*
22 *telecommunications provider and the local exchange of the*
23 *telecommunications provider.*

24 **Sec. 2.** NRS 433.708 is hereby amended to read as follows:

25 433.708 1. The Public Utilities Commission of Nevada shall
26 *adopt regulations to* impose a surcharge of *not more than* 35 cents
27 for each line on:

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

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

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

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

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



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

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

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

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

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

13 ~~—(a) “Access line” means any connection between a customer and~~
14 ~~a carrier that provides the customer with access to~~
15 ~~telecommunication in this State.~~

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

18 ~~—(c) “IP-enabled voice service” has the meaning ascribed to it in~~
19 ~~47 U.S.C. § 251a.~~

20 ~~—(d) “Trunk line” means a line which provides a channel between~~
21 ~~a switchboard owned by a customer of a telecommunications~~
22 ~~provider and the local exchange of the telecommunications~~
23 ~~provider.]~~

24 *The Public Utilities Commission of Nevada shall adopt*
25 *regulations defining the terms “access line,” “commercial mobile*
26 *service,” “IP-enabled voice service” and “trunk line” for the*
27 *purposes of this section.*

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

29 704.040 1. Every public utility shall furnish reasonably
30 adequate service and facilities. Subject to the provisions of
31 subsection 3, the charges made for any service rendered or to be
32 rendered, or for any service in connection therewith or incidental
33 thereto, must be just and reasonable.

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

36 3. Except as otherwise provided in NRS 704.68861 to
37 704.68887, inclusive:

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

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

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



1 5. To maintain the availability of telephone service in
2 accordance with the regulations adopted pursuant to NRS 704.6873,
3 the Commission shall provide for the levy and collection of a
4 uniform and equitable assessment, in an amount determined by the
5 Commission, from all persons furnishing intrastate
6 telecommunication service or the functional equivalent of such
7 service through any form of telephony technology, unless the levy
8 and collection of the assessment with regard to a particular form of
9 technology is prohibited by federal law. Assessments levied and
10 collected pursuant to this subsection must be maintained in a
11 separate fund established by the Commission. The Commission
12 shall contract with an independent administrator to administer the
13 fund pursuant to open competitive bidding procedures established
14 by the Commission. The independent administrator shall collect the
15 assessments levied and distribute them from the fund pursuant to a
16 plan which has been approved by the Commission.

17 6. The Commission shall by regulation establish:

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

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

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

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

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

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

35 (3) Require the independent administrator to be responsible
36 for informing eligible telecommunication providers of the status of
37 their customers' eligibility to receive lifeline service as defined in
38 NRS 707.450.

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

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

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



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

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

13 **Sec. 5.** 1. This section and sections 1, 3 and 4 of this act
14 become effective upon passage and approval.

15 2. Section 2 of this act becomes effective:

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

19 (b) On the date on which the regulations adopted by the Public
20 Utilities Commission prescribing the amount of the surcharge
21 described in NRS 433.708, as amended by section 2 of this act, and
22 defining the terms listed in subsection 7 of NRS 433.708, as
23 amended by section 2 of this act, become effective.



