

ASSEMBLY BILL NO. 388—ASSEMBLYMEN  
C.H. MILLER, DURAN; AND THOMAS

MARCH 23, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions governing access to broadband services. (BDR 18-790)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to telecommunication service; requiring the State Treasurer to establish a program to enable voluntary contributions for infrastructure grants for broadband deployment; requiring the Office of Science, Innovation and Technology in the Office of the Governor to establish a program to make infrastructure grants for broadband deployment; requiring the Office of Science, Innovation and Technology to establish a program to encourage deployment of broadband infrastructure in certain communities; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 **Section 7.92** of this bill requires the State Treasurer to establish, by regulation,  
2 a program that enables a provider of broadband or commercial mobile radio service  
3 to participate in a voluntary contribution program for broadband infrastructure that  
4 enables a customer to opt in and make voluntary monetary contributions as part of  
5 the customer's monthly bill. Existing law defines various activities involving  
6 businesses and occupations that constitute deceptive trade practices. (NRS  
7 598.0915-598.0925) If a person engages in a deceptive trade practice, the person  
8 may be subject to restraint by injunction and the imposition of civil and criminal  
9 penalties. (NRS 598.0979, 598.0985, 598.0999) **Section 7.92** makes a willful  
10 violation of any regulation adopted by the State Treasurer concerning the voluntary  
11 contribution program a deceptive trade practice.

12 Existing law establishes the Office of Science, Innovation and Technology in  
13 the Office of the Governor and prescribes its powers and duties and those of its  
14 Director. (NRS 223.600-223.650) **Section 7.8** of this bill requires the Director of  
15 the Office of Science, Innovation and Technology to establish and administer a  
16 program of infrastructure grants for the development or improvement of broadband



17 services for persons with low income and persons in rural areas of this State.  
18 **Section 7.5** of this bill creates the Account for the Grant Program for Broadband  
19 Infrastructure for the deposit of money collected by the State Treasurer from  
20 participating providers in the voluntary contribution program established pursuant  
21 to **section 7.92**. **Section 7.5** requires that money deposited in the Account be used  
22 to: (1) provide infrastructure grants pursuant to the program established pursuant to  
23 **section 7.8**; and (2) defray the costs of establishing and administering the programs  
24 established pursuant to **sections 7.8 and 7.92**.

25 **Section 7.6** of this bill requires the Director of the Office of Science,  
26 Innovation and Technology to biennially: (1) prepare a report concerning the  
27 availability of broadband service in this State; and (2) submit the report to the  
28 Governor and Legislature. **Sections 7.7 and 7.93** of this bill require the Office, on  
29 or before October 1, 2021, to establish and administer a Broadband Ready  
30 Community Certification program for the purpose of encouraging the deployment  
31 of broadband infrastructure in underserved communities.

---

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 2.5.** (Deleted by amendment.)

4 **Sec. 3.** (Deleted by amendment.)

5 **Sec. 3.5.** (Deleted by amendment.)

6 **Sec. 4.** (Deleted by amendment.)

7 **Sec. 4.5.** (Deleted by amendment.)

8 **Sec. 5.** (Deleted by amendment.)

9 **Sec. 6.** (Deleted by amendment.)

10 **Sec. 7.** (Deleted by amendment.)

11 **Sec. 7.1.** Chapter 223 of NRS is hereby amended by adding  
12 thereto the provisions set forth as sections 7.2 to 7.7, inclusive, of  
13 this act.

14 **Sec. 7.2.** (Deleted by amendment.)

15 **Sec. 7.3.** (Deleted by amendment.)

16 **Sec. 7.4.** (Deleted by amendment.)

17 **Sec. 7.5.** *1. The Account for the Grant Program for  
18 Broadband Infrastructure is hereby created in the State General  
19 Fund. The Director of the Office of Science, Innovation and  
20 Technology shall administer the Account.*

21 *2. The interest and income earned on the money in the  
22 Account, after deducting any applicable charges, must be credited  
23 to the Account.*

24 *3. Any money remaining in the Account at the end of a fiscal  
25 year does not revert to the State General Fund, and the balance in  
26 the Account must be carried forward to the next fiscal year.*

27 *4. The money in the Account must only be used to:*



1 (a) *Make infrastructure grants for the development or*  
2 *improvement of broadband services for persons with low income*  
3 *and persons in rural areas of this State established by the Director*  
4 *pursuant to subsection 5 of NRS 223.610; and*

5 (b) *Defray the costs of establishing and administering the*  
6 *programs established pursuant to subsection 5 of NRS 223.610*  
7 *and section 7.92 of this act.*

8 5. *Claims against the Account must be paid as other claims*  
9 *against the State are paid.*

10 **Sec. 7.6.** *The Director of the Office of Science, Innovation*  
11 *and Technology shall, not less than biennially:*

12 1. *Prepare a report that includes, without limitation:*

13 (a) *A summary of the availability of broadband services*  
14 *throughout the State; and*

15 (b) *Recommendations for the deployment of broadband*  
16 *infrastructure to underserved communities.*

17 2. *Submit the report prepared pursuant to subsection 1 to the*  
18 *Governor and to the Director of the Legislative Counsel Bureau*  
19 *for transmittal to the Legislature or, if the Legislature is not in*  
20 *session, to the Legislative Commission.*

21 **Sec. 7.7.** 1. *The Office of Science, Innovation and*  
22 *Technology shall establish and administer a Broadband Ready*  
23 *Community Certification program in order to encourage the*  
24 *deployment of broadband infrastructure in underserved*  
25 *communities in this State.*

26 2. *The Office of Science, Innovation and Technology shall*  
27 *adopt regulations necessary to carry out the program established*  
28 *pursuant to subsection 1. Such regulations must include, without*  
29 *limitation:*

30 (a) *The requirements for a community to apply for and receive*  
31 *certification as a Broadband Ready Community; and*

32 (b) *The grounds for withdrawal of a certification as a*  
33 *Broadband Ready Community.*

34 3. *The Office of Science, Innovation and Technology shall*  
35 *post on an Internet website maintained by the Office, a list of each*  
36 *community in this State that has been certified as a Broadband*  
37 *Ready Community.*

38 **Sec. 7.8.** NRS 223.610 is hereby amended to read as follows:

39 223.610 The Director of the Office of Science, Innovation and  
40 Technology shall:

41 1. Advise the Governor and the Executive Director of the  
42 Office of Economic Development on matters relating to science,  
43 innovation and technology.

44 2. Work in coordination with the Office of Economic  
45 Development to establish criteria and goals for economic



1 development and diversification in this State in the areas of science,  
2 innovation and technology.

3 3. As directed by the Governor, identify, recommend and carry  
4 out policies related to science, innovation and technology.

5 4. Report periodically to the Executive Director of the Office  
6 of Economic Development concerning the administration of the  
7 policies and programs of the Office of Science, Innovation and  
8 Technology.

9 5. Coordinate activities in this State relating to the planning,  
10 mapping and procurement of broadband service in a competitively  
11 neutral and nondiscriminatory manner, which must include, without  
12 limitation:

13 (a) Development of a strategic plan to improve the delivery of  
14 broadband services in this State to schools, libraries, providers of  
15 health care, transportation facilities, prisons and other community  
16 facilities;

17 (b) Applying for state and federal grants on behalf of eligible  
18 entities and managing state matching money that has been  
19 appropriated by the Legislature;

20 (c) Coordinating and processing applications for state and  
21 federal money relating to broadband services;

22 (d) Prioritizing construction projects which affect or involve the  
23 expansion or deployment of broadband services in this State;

24 (e) In consultation with providers of health care from various  
25 health care settings, the expansion of telehealth services to reduce  
26 health care costs and increase health care quality and access in this  
27 State, especially in rural, unserved and underserved areas of this  
28 State;

29 (f) Expansion of the fiber optic infrastructure in this State for the  
30 benefit of the public safety radio and communications systems in  
31 this State;

32 (g) Collection and storage of data relating to agreements and  
33 contracts entered into by the State for the provision of fiber optic  
34 assets in this State; ~~and~~

35 (h) Administration of the trade policy for fiber optic  
36 infrastructure in this State ~~]; and~~

37 *(i) Establishing and administering a program of infrastructure*  
38 *grants for the development or improvement of broadband services*  
39 *for persons with low income and persons in rural areas of this*  
40 *State using money from the Account for the Grant Program for*  
41 *Broadband Infrastructure created by section 7.5 of this act. The*  
42 *Director may adopt regulations to carry out his or duties pursuant*  
43 *to this paragraph.*

44 6. Provide support to the Advisory Council on Science,  
45 Technology, Engineering and Mathematics and direct the



1 implementation in this State of plans developed by the Council  
2 concerning, without limitation, workforce development, college  
3 preparedness and economic development.

4 7. In carrying out his or her duties pursuant to this section,  
5 consult with the Executive Director of the Office of Economic  
6 Development and cooperate with the Executive Director in  
7 implementing the State Plan for Economic Development developed  
8 by the Executive Director pursuant to subsection 2 of NRS 231.053.

9 8. Administer such grants as are provided by legislative  
10 appropriation.

11 **Sec. 7.9.** NRS 223.630 is hereby amended to read as follows:

12 223.630 1. The Account for the Office of Science, Innovation  
13 and Technology is hereby created in the State General Fund. The  
14 Account must be administered by the Director of the Office of  
15 Science, Innovation and Technology.

16 2. ~~Any~~ *Except as otherwise provided in section 7.5 of this*  
17 *act, any* money accepted pursuant to NRS 223.620 must be  
18 deposited in the Account.

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

22 4. The money in the Account must only be used to carry out  
23 the duties of the Director.

24 5. Claims against the Account must be paid as other claims  
25 against the State are paid.

26 **Sec. 7.92.** Chapter 226 of NRS is hereby amended by adding  
27 thereto a new section to read as follows:

28 *1. To the extent consistent with federal law, the State*  
29 *Treasurer shall establish, by regulation, a program that enables a*  
30 *provider of broadband or commercial mobile radio service to*  
31 *participate in a voluntary contribution program for broadband*  
32 *infrastructure that enables a customer of the provider to opt in*  
33 *and make voluntary monetary contributions as part of the*  
34 *customer's monthly bill to fund a program of infrastructure grants*  
35 *for broadband deployment. The regulations must establish,*  
36 *without limitation:*

37 *(a) Procedures to enable a provider of broadband or*  
38 *commercial mobile radio service to elect to participate in the*  
39 *program;*

40 *(b) The manner in which a participating provider must give*  
41 *notice to its customers about the program;*

42 *(c) Procedures to enable a customer of a participating provider*  
43 *to opt in to the program and make contributions to the program;*  
44 *and*



1 *(d) The manner in which a participating provider must collect*  
2 *and account for contributions to the program made by*  
3 *participating customers.*

4 *2. The State Treasurer shall deposit money collected from*  
5 *participating providers in the program established pursuant to*  
6 *subsection 1 in the Account for the Grant Program for Broadband*  
7 *Infrastructure created by section 7.5 of this act.*

8 *3. A willful violation by a participant in the program of any*  
9 *regulation adopted pursuant to subsection 1 constitutes a deceptive*  
10 *trade practice for purposes of NRS 598.0903 to 598.0999,*  
11 *inclusive.*

12 **Sec. 7.93.** On or before October 31, 2021, the Office of  
13 Science, Innovation and Technology in the Office of the Governor  
14 established by NRS 223.600 shall, in consultation with  
15 representatives of local governments, providers of broadband or  
16 commercial mobile radio services and interested stakeholders  
17 identified by the Office of Science, Innovation and Technology,  
18 establish the program required by section 7.7 of this act.

19 **Sec. 7.95.** The provisions of subsection 1 of NRS 218D.380  
20 do not apply to any provision of this act which adds or revises a  
21 requirement to submit a report to the Legislature.

22 **Sec. 8.** 1. This section becomes effective upon passage and  
23 approval.

24 2. Sections 1 to 7.95, inclusive, of this act become effective:

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

28 (b) On January 1, 2022, for all other purposes.





