

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of a Regulation of the
Nevada Department of Public Safety, General Services Division
LCB File Number: R059-13

The Nevada Department of Public Safety, General Services Division, will hold a public hearing at **9:00 a.m.** on **December 13, 2013**, at the offices of the Nevada Legislative Counsel Bureau, 401 S. Carson Street, Carson City, Nevada, 89701, Room 2134, and at 555 East Washington Avenue, Las Vegas, Nevada, 89101, Room 4406. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to chapter 707 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation.

Senate Bill 268 of the 2013 Nevada Legislative Session authorizes the Department of Public Safety to adopt regulations to carry out the Department's responsibilities to maintain a list of emergency contacts from wireless telecommunications (cell phone) service providers in order to assist law enforcement agencies in responding to emergency situations when a person's cell phone call to 9-1-1 is disconnected or when there is reason to believe that a person may be at risk of death or serious physical harm. The proposed regulations specify the manner in which the Department will collect emergency contact information from wireless telecommunications service providers, the manner in which the Department will store this information, and the manner in which the Department will notify Nevada law enforcement agencies of the list of emergency contacts from wireless telecommunications service providers.

2. If the proposed regulation is a temporary regulation, either the terms or the substance of the regulations to be adopted, amended, or repealed, or a description of the subjects and issues involved.

The proposed regulation is a permanent regulation.

3. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to subsection 3 of NRS 233B.0608.

The proposed regulation pertaining to Chapter 707 of the Nevada Administrative Code is a permanent regulation. Interested individuals may obtain the text of the proposed regulation prepared by the Legislative Counsel Bureau pursuant to NRS 233B.063 by requesting the same in writing of the Department of Public Safety, General Services Division, 333 W. Nye Lane, Suite 100, Carson City, Nevada 89706. Refer to regulation R059-13. Copies also may be obtained by accessing the General Services Division's

public website at <http://nvrepository.state.nv.us> or by attending the public hearing at the date and time as specified in this Notice.

4. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:**
 - a. **Both adverse and beneficial effects; and**
 - b. **Both immediate and long-term effects.**

Small Business Effects

Regulation R059-13 is not expected to have any adverse impacts on businesses that provide wireless telecommunications services. These businesses simply need to provide the Department with the name and telephone number of an employee that law enforcement can contact 24x7 in an emergency situation where knowing the location of a person's cell phone could assist in locating that person.

The Department has created a form for wireless telecommunications service providers to use to report their emergency contact information to the Department. It is anticipated that it will take less than 10 minutes for wireless telecommunications service providers to complete the form and fax or email it to the Department. The form will have to be completed annually or as soon as practicable following a change in the emergency contact person.

Regulation R059-13 will have the following beneficial effects. First, it will standardize the manner in which wireless telecommunications service providers are sending their emergency contact information to the Department. Having consistency in reporting will make it easier on the providers and easier on the Department to maintain the required emergency contact information. Second, from a public relations/public safety standpoint, wireless telecommunications service providers can play a crucial role in assisting law enforcement in locating persons who may be at risk of serious physical harm or death. This may result in a person's life being saved and positive media coverage for the providers.

The immediate effects of the regulation may not be felt for several months as it may take some time for providers of wireless telecommunications services to realize their duty to comply with SB 268 and regulation R059-13. The long-term effects are seen as beneficial in that the emergency contacts can play a critical role in assisting law enforcement when trying to locate a person after a 9-1-1 disconnect and/or when a person's life may be in danger. In the best case scenario, providing this emergency contact information to the Department for use by law enforcement can assist in saving lives.

Public Effects

Regulation R059-13 is beneficial to the public in that it provides a tool for law enforcement to assist in locating individuals who may be at risk of serious physical harm

or death. In cases where a person calls 9-1-1 on a cell phone and the call is disconnected, a law enforcement agency can access the cell phone service provider's emergency contact information, contact the provider, and obtain the location of the person's cell phone to assist law enforcement in locating that person to see if she/he is alright. In cases of suspected kidnappings or missing persons, law enforcement can similarly contact the cell phone provider's emergency contact to find the last known location of the person's cell phone to assist in locating that person.

As for adverse effects of regulation R059-13, a person could potentially make a claim that a cell phone service provider gave out his/her cell phone location information to law enforcement in error—that the person actually was not in danger of serious physical harm or death. However, SB 268 provides an immunity provision for cell phone service providers that act in good faith when providing a person's cell phone location information to law enforcement.

The immediate and long-term effects of regulation R059-13 are expected to be similar to those for the regulated businesses. In the immediate future, there may be a delay in beneficial impacts to the public if the cell phone service providers do not provide their emergency contact information to the Department as required by SB 268 and regulation R059-13. However, as time goes on the long-term impact to overall public safety and the ability for cell phone service providers to assist in saving lives is seen as beneficial to the public.

5. A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

The small business impact statement was prepared on October 23, 2013, in advance of the original workshop hearing date, which was scheduled for October 24, 2013. Due to the Division's error in not posting an agenda for the workshop three business days before the workshop, the workshop had to be canceled and rescheduled for December 12, 2013.

The impact of proposed regulation R059-13 upon small business was determined in two ways. First, staff of the Department of Public Safety, General Services Division, reviewed the public testimony on Senate Bill 268 of the 2013 Legislative Session, which authorizes the Department to adopt regulations implementing SB 268. An industry representative from AT&T testified in support of SB 268 and said it already had a national call center that provides call location information to law enforcement agencies.

Second, the General Services Division requested from the Nevada Public Utilities Commission a mailing list of all Nevada telecommunications providers. The Division used that list to mail the proposed regulations to all Nevada telecommunications providers on September 16, 2013, approximately 6 weeks before the public workshop that was originally scheduled for October 24, 2013. The proposed regulation also was posted to the Nevada Legislative Counsel Bureau's website at <http://leg.state.nv.us> and to the General Services Division's public website at <http://nvrepository.state.nv.us>. As of October 23, 2013, the day before the originally-scheduled workshop, the Division had not

received any comments from Nevada telecommunication providers about the proposed regulation R059-13.

6. The estimated cost to the agency for enforcement of the proposed regulation.

There are no estimated costs to the Department of Public Safety, General Services Division, for enforcement of the proposed regulation. All impacts can be absorbed within existing staff and resources.

7. A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The proposed regulation does not overlap or duplicate any other state or local government regulations. The proposed regulation does not overlap or duplicate a federal regulation.

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulation is not required pursuant to federal law.

9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.

10. Whether the proposed regulation establishes a new fee or increases an existing fee.

The proposed regulation does not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Department of Public Safety, General Services Division, may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form to the Nevada Department of Public Safety, General Services Division, 333 W. Nye Lane, Suite 100, Carson City, Nevada 89706. Written submissions must be received by the Department of Public Safety, General Services Division, on or before **December 9, 2013**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the General Services Division may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the Nevada State Library and Archives, 100 N. Stewart Street, Carson City, Nevada, for inspection by members of the

public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the General Services Division’s Carson City Office at 333 W. Nye Lane, Carson City, Nevada; the General Services Division’s Las Vegas Offices at 4615 W. Sunset Road and 215 W. Bonanza Road; and in all counties in which an office of the Division is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us> and <http://nvrepository.state.nv.us>. Copies of this notice and the proposed regulation also will be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the Division, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Nevada State Library and Archives 100 N. Stewart Street Carson City, Nevada 89701	Department of Public Safety General Services Division 333 W. Nye Lane, Suite 100 Carson City, Nevada 89706 www.nvrepository.state.nv.us
Department of Public Safety General Services Division 4615 W. Sunset Road Las Vegas, Nevada 89118	Department of Public Safety General Services Division 215 W. Bonanza Road Las Vegas, Nevada 89101
Churchill County Library 553 South Main Street Fallon, Nevada 89406	Clark County District Library 833 Las Vegas Boulevard North Las Vegas, Nevada 89101
Douglas County Library 1625 Library Lane Minden, Nevada 89423	Elko County Library 720 Court Street Elko, Nevada 89801
Esmeralda County Library Corner of Crook & 4 th Streets Goldfield, Nevada 89013	Humboldt County Library 85 East 5 th Street Winnemucca, Nevada 89445
Lander County Library 625 South Broad Street Battle Mountain, Nevada 89820	Lincoln County Library 63 Main Street Pioche, Nevada 89043

Lyon County Library 20 Nevin Way Yerington, Nevada 89447	Mineral County Public Library 110 1 st Street Hawthorne, Nevada 89415
Pershing County Library 1125 Central Avenue Lovelock, Nevada 89419	Storey County Public Library 95 South R Street Virginia City, Nevada 89440
Tonopah Public Library 167 Central Street Tonopah, Nevada 89049	Washoe County Library 301 South Center Street Reno, Nevada 89501
White Pine County Library 950 Campton Street Ely, Nevada 89301	

Posted November 5, 2013