

[First Reprint]

## **ASSEMBLY, No. 2934**

# **STATE OF NEW JERSEY**

## **214th LEGISLATURE**

INTRODUCED JUNE 17, 2010

**Sponsored by:**

**Assemblyman FREDERICK SCALERA**

**District 36 (Bergen, Essex and Passaic)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**SYNOPSIS**

Establishes State Public Safety Interoperable Communications Coordinating Council.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Homeland Security and State Preparedness Committee on September 16, 2010, with amendments.



**(Sponsorship Updated As Of: 9/17/2010)**

1 AN ACT establishing the State Public Safety Interoperable  
2 Communications Coordinating Council amending and  
3 supplementing P.L.1989, c.3 and repealing various sections of  
4 the statutory law.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. Section 1 of P.L.1989, c.3 (C.52:17C-1) is amended to read  
10 as follows:

11 1. As used in this act:

12 a. "Automatic number identification (ANI)" means an  
13 enhanced 9-1-1 service capability that enables the automatic display  
14 of the callback number used to place a 9-1-1 call;

15 b. "Automatic location identification (ALI)" means an  
16 enhanced 9-1-1 service capability that enables the automatic display  
17 of information defining the geographical location of the telephone  
18 used to place a 9-1-1 call;

19 c. "Commission" means the **[9-1-1 Commission]** the Statewide  
20 Public Safety Communications Commission created pursuant to  
21 section 5 of P.L. , c. (C. ) (pending before the Legislature as  
22 this bill);

23 d. "County 9-1-1 Coordinator" means the County 9-1-1  
24 Coordinator appointed pursuant to section 5 of this act;

25 e. "Enhanced 9-1-1 network" means the switching equipment,  
26 trunk system, database operation and connections to the public  
27 safety answering point;

28 f. "Enhanced 9-1-1 network features" means those features of  
29 selective routing which have the capability of automatic number  
30 and location identification;

31 g. "Enhanced 9-1-1 service" means a service consisting of  
32 telephone network features and public safety answering points  
33 provided for users of the public telephone system enabling the users  
34 to reach a public service answering point by dialing the digits  
35 "9-1-1." The service directs 9-1-1 calls to appropriate public safety  
36 answering points by selective routing based on the location from  
37 which the call originated and provides for automatic number  
38 identification and automatic location identification features;

39 h. "Enhanced 9-1-1 termination equipment" means the  
40 equipment located at the public safety answering point which is  
41 needed to receive or record voice and data communications from  
42 the enhanced 9-1-1 network;

43 i. "Office" means the Office of Emergency  
44 Telecommunications Services established by section 3 of this act;

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AHS committee amendments adopted September 16, 2010.

- 1       j. "Public safety agency" means a functional division of a  
2       municipality, a county, or the State which dispatches or provides  
3       law enforcement, fire fighting, emergency medical services, or  
4       other emergency services;
- 5       k. "Private safety agency" means any entity, except a  
6       municipality or a public safety agency, providing emergency  
7       medical services, fire fighting, or other emergency services;
- 8       l. "Public safety answering point (PSAP)" means a facility,  
9       operated on a 24-hour basis, assigned the responsibility of receiving  
10      9-1-1 calls and, as appropriate, directly dispatching emergency  
11      response services or transferring or relaying emergency 9-1-1 calls  
12      to other public safety agencies. A public safety answering point is  
13      the first point of reception by a public safety agency of 9-1-1 calls  
14      and serves the jurisdictions in which it is located or other  
15      participating jurisdictions;
- 16      m. "Selective routing" means the method employed to direct  
17      9-1-1 calls to the appropriate public safety answering point based  
18      on the location from which the call originated;
- 19      n. "Emergency enhanced 9-1-1 system" or "system" means the  
20      emergency enhanced 9-1-1 telephone system to be established  
21      pursuant to this act, including wireless enhanced 9-1-1 service;
- 22      o. "Telephone company" means the organization that provides  
23      switched local telephone exchange access service;
- 24      p. "Wireless telephone company" means any person providing  
25      commercial mobile radio service as defined in 47U.S.C.s.332 (d);
- 26      q. "FCC wireless E9-1-1 requirements" means the order  
27      adopted in the Federal Communications Commission proceeding  
28      entitled "Revision of the Commission's Rules to Ensure  
29      Comparability with Enhanced 9-1-1 Emergency Calling Systems,"  
30      (CC Docket No. 94-102: RM-8143), or any successor proceeding,  
31      and the rules adopted by the Federal Communications Commission  
32      in any such proceeding, as these rules may be amended from time to  
33      time;
- 34      r. "Wireless 9-1-1 service" means the service which enables  
35      wireless telephone company customers to dial the digits 9-1-1 and  
36      be connected to a public safety agency;
- 37      s. "Wireless enhanced 9-1-1 service" means the service  
38      required to be provided by a wireless telephone company pursuant  
39      to FCC wireless E9-1-1 requirements;
- 40      t. "Chief Technology Officer" means the person appointed by  
41      and serving at the pleasure of the Governor who is responsible for  
42      the day-to-day operations of the Office of Information Technology;
- 43      u. **["Governing Board" means the board established pursuant to**  
44      **section 10 of P.L.2007, c.56 (C.52:18A-228), to oversee the Office**  
45      **of Information Technology; and]** (Deleted by amendment, P.L. , c. )  
46      (now before the Legislature as this bill).

1 v. "Office of Information Technology" means the Office of  
2 Information Technology in but not of the Department of the  
3 Treasury [.] ;

4 w. "Council" means the Statewide Public Safety  
5 Communications Advisory Council created pursuant to section 5 of  
6 P.L. , c. (C. ) (pending before the Legislature as this bill);

7 x. "Delaware River Homeland Security Region Communications  
8 Working Group" means the group of individuals from agencies  
9 assigned to that region by the Office of Homeland Security and  
10 Preparedness that collaborate on common communications issues;

11 y. "Interoperability" means the ability of diverse information and  
12 communication technology systems and the processes they support  
13 to effectively work together through compatible communication  
14 paths to directly and satisfactorily exchange, correlate, and integrate  
15 data , information, and knowledge across jurisdictional boundaries  
16 and to use the data, information, and knowledge that has been  
17 exchanged;

18 z. "Northeast/UASI Homeland Security Region Communications  
19 Working Group" means the group of individuals from agencies  
20 assigned to that region by the Office of Homeland Security and  
21 Preparedness that collaborate on common communications issues;

22 aa. "Northwest Homeland Security Region Communications  
23 Working Group" means the group of individuals from agencies  
24 assigned to that region by the Office of Homeland Security and  
25 Preparedness that collaborate on common communications issues;

26 bb. "Shore Homeland Security Region Communications Working  
27 Group" means the group individuals from agencies assigned to that  
28 region by the Office of Homeland Security and Preparedness that  
29 collaborate on common communications issues; and

30 cc. "State Agency Communications Working Group" means the  
31 group of individuals made up of State and quasi-state agencies as  
32 defined in the State Preparedness Report that collaborate on  
33 common communications issues.

34 (cf: P.L.2007, c.56, s.18)

35  
36 2. Section 3 of P.L.1989, c.3 (C.52:17C-3) is amended to read  
37 as follows:

38 3. a. There is established in the Office of Information  
39 Technology an Office of Emergency Telecommunications Services.

40 b. The office shall be under the immediate supervision of a  
41 director, who shall be a person qualified by training and experience  
42 to direct the work of the office. The director shall administer the  
43 provisions of this act subject to review by the Chief Technology  
44 Officer and shall perform other duties as may be provided by law.  
45 The director shall be appointed by the Chief Technology Officer,  
46 but the commission shall advise the Chief Technology Officer on  
47 the qualifications of the director. The Chief Technology Officer is  
48 authorized to appoint, in accordance with Title 11A of the New

1 Jersey Statutes, clerical, technical, and professional assistants, and  
2 also may designate any available personnel as shall be necessary to  
3 effectuate the purposes of this act.

4 The office shall designate a staff member from within Office of  
5 Information Technology to be designated as a professional spectrum  
6 manager. The professional spectrum manager shall be responsible  
7 for approving all applications for public safety spectrum allocations  
8 in the State to ensure that the State fully complies with Federal  
9 Communications Commission rules that impact frequency  
10 allocation for public safety use. The spectrum manager may be  
11 chosen from among the current employees of the office and the  
12 chosen employee may continue the duties and responsibilities of  
13 their current position in addition to the duties and responsibilities of  
14 spectrum manager as provided in this section.

15 The office shall designate a staff member from within Office of  
16 Information Technology to be designated the Statewide  
17 Interoperability Coordinator to coordinate interoperable  
18 communications grants and projects consistent with the National  
19 Communications Plan. The coordinator may be chosen from among  
20 the current employees of the office and the chosen employee may  
21 continue the duties and responsibilities of their current position in  
22 addition to the duties and responsibilities of coordinator as provided  
23 in this section.

24 The office shall, subject to review by the commission and the  
25 Chief Technology Officer, [only as provided in subsection c. of this  
26 section,] and in consultation with the council, the telephone  
27 companies, the Board of Public Utilities and the wireless telephone  
28 companies, and with the assistance of the Office of Information  
29 Technology in but not of the Department of the Treasury, continue  
30 to plan, design, implement, and coordinate the Statewide emergency  
31 enhanced 9-1-1 telephone system to be established pursuant to this  
32 act as well as any changes to that system needed to provide wireless  
33 enhanced 9-1-1 service.

34 To this end the office shall establish, after review and approval  
35 by the commission, in consultation with the council, a State plan for  
36 the emergency enhanced 9-1-1 system in this State, which plan shall  
37 include:

38 (1) The configuration of, and requirements for, the enhanced  
39 9-1-1 network. The office with the approval of the commission and  
40 the Chief Technology Officer, in consultation with the council, only  
41 as provided herein, and assistance and advice of the Office of  
42 Information Technology in but not of the Department of the  
43 Treasury is empowered to enter into contracts [with the telephone  
44 companies and the wireless telephone companies] for the provision  
45 of this network.

46 (2) The role and responsibilities of the counties and  
47 municipalities of the State in the implementation of the system,

1 consistent with the provisions of this act, including a timetable for  
2 implementation.

3 (3) Technical and operational standards for the establishment of  
4 public safety answering points (PSAPs) which utilize enhanced  
5 9-1-1 network features in accordance with the provisions of this act  
6 and in alignment with the Next Generation 9-1-1 Planning by the  
7 National 9-1-1 Office within the United States Department of  
8 Transportation, National Highway Traffic Safety Administration.  
9 Those entities having responsibility for the creation and  
10 management of PSAPs shall conform to these standards in the  
11 design, implementation and operation of the PSAPs. These  
12 standards shall include provision for the training and certification of  
13 call-takers and public safety dispatchers or for the adoption of such  
14 a program.

15 [The State plan shall be established within 270 days of the  
16 operative date of this act except that the technical and operational  
17 standards specified in paragraph (3) of this subsection shall be  
18 established within 180 days of the operative date of this act.]

19 The office, after review and approval by the commission and the  
20 Chief Technology Officer, in consultation with the council, only as  
21 provided herein, may update and revise the State plan from time to  
22 time.

23 The office may inspect each PSAP to determine if it meets the  
24 requirements of this act and the technical and operational standards  
25 established pursuant to this section. The office shall explore ways  
26 to maximize the reliability of the system.

27 The plan or any portion of it may be implemented by the  
28 adoption of regulations pursuant to subsection b. of section 15 of  
29 this act.

30 The State plan shall require the consolidation of PSAPs as  
31 appropriate, consistent with revisions in the plan to upgrade the  
32 enhanced 9-1-1 system and shall condition the allocation of moneys  
33 dedicated for the operation of PSAPs on the merging and sharing of  
34 PSAP functions by municipalities, counties and the State Police,  
35 consistent with the revised plan. The Treasurer may establish, by  
36 regulation, a 9-1-1 call volume minimum that may be utilized as a  
37 factor in determining which PSAP functions are to be consolidated  
38 under the State plan.

39 The State plan shall limit the use of sworn law enforcement  
40 officers to provide dispatch services and the office shall condition  
41 the receipt of moneys dedicated for the operation of PSAPs on the  
42 limited use of sworn law enforcement officers, except for officers  
43 returning to active duty from an injury or other physical disability.

44 The office shall plan, implement and coordinate a Statewide  
45 public education program designed to generate public awareness at  
46 all levels of the emergency enhanced 9-1-1 system. Advertising  
47 and display of 9-1-1 shall be in accordance with standards

1 established by the office. Advertising expenses may be defrayed  
2 from the moneys appropriated to the office.

3 **【The office, after review and approval by the commission and**  
4 **the Chief Technology Officer, only as provided herein, shall submit**  
5 **a report to the Senate Revenue, Finance and Appropriations**  
6 **Committee and the Assembly Appropriations Committee, or their**  
7 **successors, not later than February 15 of each year, concerning its**  
8 **progress in carrying out this act and the expenditure of moneys**  
9 **appropriated thereto and appropriated for the purposes of**  
10 **installation of the Statewide enhanced 9-1-1 network.】**

11 c. (Deleted by amendment, P.L.1999, c.125).

12 d. To this end, the office shall, subject to review and approval  
13 by the commission and the Chief Technology Officer, and in  
14 consultation with the council, develop a Statewide Communications  
15 Interoperability Plan, which shall include:

16 (1) the strategy to most effectively provide interoperability and  
17 coordinate public safety communications between and among State,  
18 county and municipal public safety agencies. The office shall  
19 submit recommendations and proposals, as appropriate, to the  
20 Regional Planning Committees to which the State is assigned by the  
21 Federal Communications Commission; and

22 (2) the role and responsibilities of the counties and  
23 municipalities of the State in the implementation of the New Jersey  
24 Interoperable Communications System, consistent with the National  
25 Communications Plan and the provisions of this act, including a  
26 timetable for implementation.

27 <sup>1</sup>[e] e.<sup>1</sup> The office, after review and approval by the commission  
28 and the Chief Technology Officer, in consultation with the council,  
29 only as provided herein, may update and revise the State plan as  
30 needed. The plan or any portion of it may be implemented by the  
31 adoption of regulations pursuant the “Administrative Procedure  
32 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

33 f. The office, after review and approval by the commission and  
34 the Chief Technology Officer, only as provided herein, shall submit  
35 a report to the Senate Revenue, Finance and Appropriations  
36 Committee and the Assembly Appropriations Committee, or their  
37 successors, not later than February 15 of each year, concerning its  
38 progress in carrying out this act and the expenditure of moneys  
39 appropriated thereto and appropriated for the purposes of  
40 installation of the Statewide enhanced 9-1-1 network and the New  
41 Jersey Interoperable Communications System.

42 (cf: P.L.2007, c.56, s.20)

43  
44 3. Section 4 of P.L.1989, c.3 (C.52:17C-4) is amended to read  
45 as follows:

46 4. Each telephone company providing service within the State  
47 shall provide **【within three years of the operative date of this act】**  
48 enhanced 9-1-1 service to include selective routing, automatic

1 number identification and automatic location identification features  
2 as a tariffed service package in compliance with a timetable issued  
3 by the office with the approval of the commission. [The office with  
4 the approval of the commission may extend the three-year limit if  
5 necessary].

6 Each wireless telephone company providing service within the  
7 State shall provide wireless enhanced 9-1-1 service pursuant to FCC  
8 wireless E9-1-1 requirements and P.L.1999, c.125 (C.52:17C-3.1 et  
9 al.).  
10 (cf: P.L.1999, c.125, s.4)

11  
12 4. Section 11 of P.L.1989, c.3 (C.52:17C-11) is amended to  
13 read as follows:

14 11. [As enhanced 9-1-1 service becomes available, all] All coin  
15 and credit card telephones whether public or private within areas  
16 served by enhanced 9-1-1 service shall be converted to dial tone  
17 first capability, which shall allow a caller to dial 9-1-1 without first  
18 inserting a coin or any other device. On each converted telephone,  
19 instructions on how to access the emergency enhanced 9-1-1 system  
20 shall be prominently displayed.

21 (cf: P.L.1989, c.3 s.11)

22  
23 5. (New section) a. There is established in the Office of  
24 Information Technology a Statewide Public Safety Communications  
25 Commission which shall oversee the office in the planning, design,  
26 and implementation of the Statewide emergency enhanced 9-1-1  
27 telephone system and the New Jersey Interoperable  
28 Communications System.

29 b. The commission shall consist of 16 members as follows: two  
30 members of the Senate appointed by the President of the Senate,  
31 who shall not be both of the same political party; two members of  
32 the General Assembly appointed by the Speaker of the General  
33 Assembly, who shall not be both of the same political party; the  
34 following members ex officio: Chief Technology Officer of the  
35 Office of Information Technology or his designee; Director of the  
36 Office of Homeland Security and Preparedness or his designee;  
37 Superintendent of State Police or his designee; Commissioner of  
38 Department of Health and Senior Services or his designee; the State  
39 Treasurer or his designee; the New Jersey State Fire Marshal or his  
40 designee; the following public members appointed by the Governor  
41 with the advice and consent of the Senate: a representative of the  
42 Northeast/UASI Homeland Security Region; a representative of the  
43 Delaware River Homeland Security Region; a representative of the  
44 Shore Homeland Security Region; a representative of the Northwest  
45 Homeland Security Region; a representative from the State Agency  
46 Communications Working Group; a representative from the  
47 Statewide Public Safety Advisory Council.

1 c. The members of the Senate and General Assembly appointed  
2 to the commission shall serve for the term for which they were  
3 elected. The members of the Senate and General Assembly  
4 appointed to the commission shall be non-voting, advisory  
5 members, appointed solely for the purpose of developing and  
6 facilitating legislation to assist the commission in fulfilling its  
7 statutory mission, and may not exercise any of the executive powers  
8 delegated to the commission by law.

9 d. Of the public members first appointed to the commission by  
10 the Governor with the advice and consent of the Senate, two shall  
11 be appointed for terms of three years, two shall be appointed for  
12 terms of two years, and one shall be appointed for terms of one  
13 year. Thereafter, the public members of the commission shall be  
14 appointed for terms of three years. Vacancies on the commission  
15 shall be filled in the same manner as the original appointment but  
16 for the unexpired term. Members may be removed by the appointing  
17 authority for cause. The initial members shall be appointed within  
18 30 days of the effective date of this '**[Act]**'<sup>1</sup> act<sup>1</sup>. The commission  
19 shall have the authority to establish subcommittees as it deems  
20 appropriate to carry out the purposes of this act.

21 e. The commission shall be co-chaired by the Chief  
22 Technology Officer within the Office of Information Technology  
23 and the Director of the Office of Homeland Security and  
24 Preparedness, or their designees.

25 f. The commission shall be constituted upon the appointment  
26 of the majority of its authorized membership and shall have no  
27 expiration date.

28 g. The commission shall meet bi-annually or at more frequent  
29 intervals at the discretion of the co-chairs. The meetings of the  
30 Commission shall be held at the times and in the places necessary  
31 and appropriate to fulfill its duties and responsibilities.

32 h. The Office of Information Technology shall provide such  
33 administrative and professional assistance as the commission  
34 requires to carry out its work.

35 i. The commission shall be authorized to call to its assistance  
36 and avail itself of the services of the employees of any State,  
37 county, or local law enforcement entity, any fire department, paid  
38 or volunteer, rescue squad or any other department or agency as it  
39 may require. State, county, and municipal agencies shall cooperate  
40 with the commission by providing information and data as needed.

41 j. For security concerns, meetings of the commission shall be  
42 exempt from the provisions set forth in the "Open Public Meeting  
43 Act," P.L.1975, c.231 (C.10:4-6 et seq.). Records made or  
44 maintained by the commission shall not be considered public or  
45 government records under P.L.1963, c.73 (C.47:1A-1 et seq.). The  
46 commission may call upon staff members and the expertise of non-  
47 council members to participate in commission activities to provide  
48 information and advice.

1 k. The commission shall adopt a charter to effectuate this act  
2 within 180 days after the first meeting date.

3  
4 6. (New section) a. There is established in the Office of  
5 Information Technology the Statewide Public Safety  
6 Communications Advisory Council which shall provide advice and  
7 assistance to the commission and the office in the planning, design,  
8 and implementation of the Statewide emergency enhanced 9-1-1  
9 telephone system and the New Jersey Interoperable  
10 Communications System.

11 b. The council shall consist of 21 members, the following  
12 members ex-officio; the Chief Technology Officer within OIT who  
13 shall serve as the council chairperson; the Deputy Director, Office  
14 of Homeland Security and Preparedness, Preparedness Division; the  
15 Bureau Chief, New Jersey State Police Communications within  
16 Office of Emergency Management; the Director of the department  
17 of Health and Senior Services, Health Infrastructure Preparedness  
18 and Emergency Response; the President of the New Jersey Board of  
19 Public Utilities; the New Jersey State Fire Marshal; the following  
20 public members: a representative from the Northeast/USAI  
21 Homeland Security Region Communications Working Group; a  
22 representative from the Northwest Homeland Security Region  
23 Communications Working Group; a representative from the Shore  
24 Homeland Security Region Communications Working Group; a  
25 representative from the Delaware River Homeland Security Region  
26 Communications Working Group; a representative from the State  
27 Agency Communications Working Group; a representative from  
28 NENA, New Jersey Chapter; a representative from the Association  
29 of Public-Safety Communications Professionals (APCO); a  
30 representative from the New Jersey Chiefs of Police Association; a  
31 representative from the New Jersey Fire Chiefs Association; a  
32 representative from the New Jersey State First Aid Council; a  
33 representative from the Sheriffs Association of New Jersey; a  
34 representative from the Department of Health and Senior services,  
35 Office of Emergency Medical Services, EMS Council; the APCO  
36 Public Safety Frequency Coordinator; a representative from New  
37 Jersey EMS Task Force, communications branch; a representative  
38 from the New Jersey Urban Search and Rescue (USAR) Team,  
39 communications branch.

40 c. Public members of council shall be recommended by the  
41 appointing authority and subject to confirmation by the commission  
42 and shall serve as a member of the council until replaced or  
43 removed for cause by the commission or appointing authority. The  
44 council shall have the authority to establish subcommittees as it  
45 deems appropriate to carry out the purposes of this act.

46 d. Members of the council shall serve without compensation.

47 e. Each ex-officio member may designate an employee of the  
48 member's department or agency to represent the member at

1 meetings or hearings of the council. All designees may lawfully  
2 vote and otherwise act on behalf of the members for whom they  
3 constitute the designees.

4 f. The council shall be constituted upon the appointment of the  
5 majority of its authorized membership and shall have no expiration  
6 date.

7 g. The council shall be governed by the charter established by  
8 the commission.

9

10 7. The following sections are repealed:

11 Section 1 through 8 of P.L.2003, c.235 (C.52:17E-1 et seq.);

12 Section 2 of P.L.1989, c.3 (C.52:17C-2); and

13 Section 8 of P.L.1999, c.125 (C.52:17C-3.1).

14

15 8. This act shall take effect immediately.