

§§5,6 -
C.52:17C-3.2 &
52:17C-3.3
§7 - Repealer

P.L.2011, CHAPTER 4, *approved January 25, 2011*
Senate, No. 2315 (*Second Reprint*)

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 as
10 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
22 as 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 "9-1-
35 1." The service directs 9-1-1 calls to appropriate public safety
36 answering points by selective routing based on the location from

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:

¹Senate SLP committee amendments adopted October 7, 2010.

²Assembly floor amendments adopted October 25, 2010.

- 1 which the call originated and provides for automatic number
2 identification and automatic location identification features;
- 3 h. "Enhanced 9-1-1 termination equipment" means the
4 equipment located at the public safety answering point which is
5 needed to receive or record voice and data communications from
6 the enhanced 9-1-1 network;
- 7 i. "Office" means the Office of Emergency
8 Telecommunications Services established by section 3 of this act;
- 9 j. "Public safety agency" means a functional division of a
10 municipality, a county, or the State which dispatches or provides
11 law enforcement, fire fighting, emergency medical services, or
12 other emergency services;
- 13 k. "Private safety agency" means any entity, except a
14 municipality or a public safety agency, providing emergency
15 medical services, fire fighting, or other emergency services;
- 16 l. "Public safety answering point (PSAP)" means a facility,
17 operated on a 24-hour basis, assigned the responsibility of receiving
18 9-1-1 calls and, as appropriate, directly dispatching emergency
19 response services or transferring or relaying emergency 9-1-1 calls
20 to other public safety agencies. A public safety answering point is
21 the first point of reception by a public safety agency of 9-1-1 calls
22 and serves the jurisdictions in which it is located or other
23 participating jurisdictions;
- 24 m. "Selective routing" means the method employed to direct
25 9-1-1 calls to the appropriate public safety answering point based
26 on the location from which the call originated;
- 27 n. "Emergency enhanced 9-1-1 system" or "system" means the
28 emergency enhanced 9-1-1 telephone system to be established
29 pursuant to this act, including wireless enhanced 9-1-1 service;
- 30 o. "Telephone company" means the organization that provides
31 switched local telephone exchange access service;
- 32 p. "Wireless telephone company" means any person providing
33 commercial mobile radio service as defined in 47 U.S.C.s.332 (d);
- 34 q. "FCC wireless E9-1-1 requirements" means the order
35 adopted in the Federal Communications Commission proceeding
36 entitled "Revision of the Commission's Rules to Ensure
37 Comparability with Enhanced 9-1-1 Emergency Calling Systems,"
38 (CC Docket No. 94-102: RM-8143), or any successor proceeding,
39 and the rules adopted by the Federal Communications Commission
40 in any such proceeding, as these rules may be amended from time to
41 time;
- 42 r. "Wireless 9-1-1 service" means the service which enables
43 wireless telephone company customers to dial the digits 9-1-1 and
44 be connected to a public safety agency;
- 45 s. "Wireless enhanced 9-1-1 service" means the service
46 required to be provided by a wireless telephone company pursuant
47 to FCC wireless E9-1-1 requirements;

1 t. "Chief Technology Officer" means the person appointed by
2 and serving at the pleasure of the Governor who is responsible for
3 the day-to-day operations of the Office of Information Technology;

4 u. **["Governing Board"** means the board established pursuant to
5 section 10 of P.L.2007, c.56 (C.52:18A-228), to oversee the Office
6 of Information Technology; and**]** (Deleted by amendment, P.L. ,
7 c.) (now before the Legislature as this bill).

8 v. "Office of Information Technology" means the Office of
9 Information Technology in but not of the Department of the
10 Treasury **[.]**;

11 w. "Council" means the Statewide Public Safety
12 Communications Advisory Council created pursuant to section '1[5]
13 6' of P.L. , c. (C.) (pending before the Legislature as this
14 bill);

15 x. "Delaware River Homeland Security Region
16 Communications Working Group" means the group of individuals
17 from agencies assigned to that region by the Office of Homeland
18 Security and Preparedness that collaborate on common
19 communications issues;

20 y. "Interoperability" means the ability of diverse information
21 and communication technology systems and the processes they
22 support to effectively work together through compatible
23 communication paths to directly and satisfactorily exchange,
24 correlate, and integrate data , information, and knowledge across
25 jurisdictional boundaries and to use the data, information, and
26 knowledge that has been exchanged;

27 z. "Northeast/UASI Homeland Security Region
28 Communications Working Group" means the group of individuals
29 from agencies assigned to that region by the Office of Homeland
30 Security and Preparedness that collaborate on common
31 communications issues;

32 aa. "Northwest Homeland Security Region Communications
33 Working Group" means the group of individuals from agencies
34 assigned to that region by the Office of Homeland Security and
35 Preparedness that collaborate on common communications issues;

36 bb. "Shore Homeland Security Region Communications
37 Working Group" means the group 'of' individuals from agencies
38 assigned to that region by the Office of Homeland Security and
39 Preparedness that collaborate on common communications issues;
40 and

41 cc. "State Agency Communications Working Group" means the
42 group of individuals made up of State and quasi-state agencies as
43 defined in the State Preparedness Report that collaborate on
44 common communications issues.

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

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

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

5 b. The office shall be under the immediate supervision of a
6 director, who shall be a person qualified by training and experience
7 to direct the work of the office. The director shall administer the
8 provisions of this act subject to review by the Chief Technology
9 Officer and shall perform other duties as may be provided by law.
10 The director shall be appointed by the Chief Technology Officer,
11 but the commission shall advise the Chief Technology Officer on
12 the qualifications of the director. The Chief Technology Officer is
13 authorized to appoint, in accordance with Title 11A of the New
14 Jersey Statutes, clerical, technical, and professional assistants, and
15 also may designate any available personnel as shall be necessary to
16 effectuate the purposes of this act.

17 The office shall designate a staff member from within 'the' Office
18 of Information Technology to be designated as a professional spectrum
19 manager. The professional spectrum manager shall be responsible for
20 approving all applications for public safety spectrum allocations in the
21 State to ensure that the State fully complies with Federal
22 Communications Commission rules that impact frequency allocation
23 for public safety use. The spectrum manager may be chosen from
24 among the current employees of the office and the chosen employee
25 may continue the duties and responsibilities of their current position in
26 addition to the duties and responsibilities of spectrum manager as
27 provided in this section.

28 The office shall designate a staff member from within 'the' Office
29 of Information Technology to be designated the Statewide
30 Interoperability Coordinator to coordinate interoperable
31 communications grants and projects consistent with the National
32 Communications Plan. The coordinator may be chosen from among
33 the current employees of the office and the chosen employee may
34 continue the duties and responsibilities of '[their] his' current
35 position in addition to the duties and responsibilities of coordinator as
36 provided in this section.

37 The office shall, subject to review by the commission and the
38 Chief Technology Officer, [only as provided in subsection c. of this
39 section,] and in consultation with the council, the telephone
40 companies, the Board of Public Utilities and the wireless telephone
41 companies, and with the assistance of the Office of Information
42 Technology in but not of the Department of the Treasury, continue
43 to plan, design, implement, and coordinate the Statewide emergency
44 enhanced 9-1-1 telephone system to be established pursuant to this
45 act as well as any changes to that system needed to provide wireless
46 enhanced 9-1-1 service.

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

5 (1) The configuration of, and requirements for, the enhanced 9-1-
6 1 network. The office with the approval of the commission and the
7 Chief Technology Officer, in consultation with the council, only as
8 provided herein, and assistance and advice of the Office of
9 Information Technology in but not of the Department of the
10 Treasury is empowered to enter into contracts [with the telephone
11 companies and the wireless telephone companies] for the provision
12 of this network.

13 (2) The role and responsibilities of the counties and
14 municipalities of the State in the implementation of the system,
15 consistent with the provisions of this act, including a timetable for
16 implementation.

17 (3) Technical and operational standards for the establishment of
18 public safety answering points (PSAPs) which utilize enhanced 9-1-
19 1 network features in accordance with the provisions of this act and
20 in alignment with the Next Generation 9-1-1 Planning by the
21 National 9-1-1 Office within the United States Department of
22 Transportation, National Highway Traffic Safety Administration.
23 Those entities having responsibility for the creation and
24 management of PSAPs shall conform to these standards in the
25 design, implementation and operation of the PSAPs. These
26 standards shall include provision for the training and certification of
27 call-takers and public safety dispatchers or for the adoption of such
28 a program.

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

33 The office, after review and approval by the commission and the
34 Chief Technology Officer, in consultation with the council, only as
35 provided herein, may update and revise the State plan from time to
36 time.

37 The office may inspect each PSAP to determine if it meets the
38 requirements of this act and the technical and operational standards
39 established pursuant to this section. The office shall explore ways
40 to maximize the reliability of the system.

41 The plan or any portion of it may be implemented by the
42 adoption of regulations pursuant to subsection b. of section 15 of
43 this act.

44 The State plan shall require the consolidation of PSAPs as
45 appropriate, consistent with revisions in the plan to upgrade the
46 enhanced 9-1-1 system and shall condition the allocation of moneys
47 dedicated for the operation of PSAPs on the merging and sharing of
48 PSAP functions by municipalities, counties and the State Police,

1 consistent with the revised plan. The Treasurer may establish, by
2 regulation, a 9-1-1 call volume minimum that may be utilized as a
3 factor in determining which PSAP functions are to be consolidated
4 under the State plan.

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

10 The office shall plan, implement and coordinate a Statewide
11 public education program designed to generate public awareness at
12 all levels of the emergency enhanced 9-1-1 system. Advertising
13 and display of 9-1-1 shall be in accordance with standards
14 established by the office. Advertising expenses may be defrayed
15 from the moneys appropriated to the office.

16 [The office, after review and approval by the commission and
17 the Chief Technology Officer, only as provided herein, shall submit
18 a report to the Senate Revenue, Finance and Appropriations
19 Committee and the Assembly Appropriations Committee, or their
20 successors, not later than February 15 of each year, concerning its
21 progress in carrying out this act and the expenditure of moneys
22 appropriated thereto and appropriated for the purposes of
23 installation of the Statewide enhanced 9-1-1 network.]

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

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

29 (1) the strategy to most effectively provide interoperability and
30 coordinate public safety communications between and among State,
31 county and municipal public safety agencies. The office shall
32 submit recommendations and proposals, as appropriate, to the
33 Regional Planning Committees to which the State is assigned by the
34 Federal Communications Commission; and

35 (2) the role and responsibilities of the counties and
36 municipalities of the State in the implementation of the New Jersey
37 Interoperable Communications System, consistent with the National
38 Communications Plan and the provisions of this act, including a
39 timetable for implementation.

40 e. The office, after review and approval by the commission and
41 the Chief Technology Officer, in consultation with the council, only
42 as provided herein, may update and revise the State plan as needed.
43 The plan or any portion of it may be implemented by the adoption
44 of regulations pursuant the "Administrative Procedure Act,"
45 P.L.1968, c.410 (C.52:14B-1 et seq.).

46 f. The office, after review and approval by the commission and
47 the Chief Technology Officer, only as provided herein, shall submit
48 a report to the Senate Revenue, Finance and Appropriations

1 Committee and the Assembly Appropriations Committee, or their
2 successors, not later than February 15 of each year, concerning its
3 progress in carrying out 'the provisions of' this act and the
4 expenditure of moneys appropriated thereto and appropriated for the
5 purposes of installation of the Statewide enhanced 9-1-1 network
6 and the New Jersey Interoperable Communications System.
7 (cf: P.L.2007, c.56, s.20)

8
9 3. Section 4 of P.L.1989, c.3 (C.52:17C-4) is amended to read
10 as follows:

11 4. Each telephone company providing service within the State
12 shall provide **【within three years of the operative date of this act】**
13 enhanced 9-1-1 service to include selective routing, automatic
14 number identification and automatic location identification features
15 as a tariffed service package in compliance with a timetable issued
16 by the office with the approval of the commission. **【The office with**
17 **the approval of the commission may extend the three-year limit if**
18 **necessary】.**

19 Each wireless telephone company providing service within the
20 State shall provide wireless enhanced 9-1-1 service pursuant to FCC
21 wireless E9-1-1 requirements and P.L.1999, c.125 (C.52:17C-3.1 et
22 al.).

23 (cf: P.L.1999, c.125, s.4)

24
25 4. Section 11 of P.L.1989, c.3 (C.52:17C-11) is amended to
26 read as follows:

27 11. **【As enhanced 9-1-1 service becomes available, all】** All coin
28 and credit card telephones whether public or private within areas
29 served by enhanced 9-1-1 service shall be converted to dial tone
30 first capability, which shall allow a caller to dial 9-1-1 without first
31 inserting a coin or any other device. On each converted telephone,
32 instructions on how to access the emergency enhanced 9-1-1 system
33 shall be prominently displayed.

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

35
36 5. (New section) a. There is established in the Office of
37 Information Technology a Statewide Public Safety Communications
38 Commission which shall oversee the office in the planning, design,
39 and implementation of the Statewide emergency enhanced 9-1-1
40 telephone system and the New Jersey Interoperable
41 Communications System.

42 b. The commission shall consist of 16 members as follows: two
43 members of the Senate appointed by the President of the Senate,
44 who shall not be both of the same political party; two members of
45 the General Assembly appointed by the Speaker of the General
46 Assembly, who shall not be both of the same political party; the
47 following members ex officio: Chief Technology Officer of the

1 Office of Information Technology or his designee; Director of the
2 Office of Homeland Security and Preparedness or his designee;
3 Superintendent of State Police or his designee; Commissioner of
4 Department of Health and Senior Services or his designee; the State
5 Treasurer or his designee; the New Jersey State Fire Marshal or his
6 designee; the following public members appointed by the Governor
7 with the advice and consent of the Senate: a representative of the
8 Northeast/UASI Homeland Security Region; a representative of the
9 Delaware River Homeland Security Region; a representative of the
10 Shore Homeland Security Region; a representative of the Northwest
11 Homeland Security Region; a representative from the State Agency
12 Communications Working Group; 'and' a representative from the
13 Statewide Public Safety Advisory Council.

14 c. The members of the Senate and General Assembly appointed
15 to the commission shall serve for the term for which they were
16 elected. The members of the Senate and General Assembly
17 appointed to the commission shall be non-voting, advisory
18 members, appointed solely for the purpose of developing and
19 facilitating legislation to assist the commission in fulfilling its
20 statutory mission, and may not exercise any of the executive powers
21 delegated to the commission by law.

22 d. Of the public members first appointed to the commission by
23 the Governor with the advice and consent of the Senate, two shall
24 be appointed for terms of three years, two shall be appointed for
25 terms of two years, and one shall be appointed for '[terms] a term'
26 of one year. Thereafter, the public members of the commission shall
27 be appointed for terms of three years. Vacancies on the commission
28 shall be filled in the same manner as the original appointment but
29 for the unexpired term. Members may be removed by the appointing
30 authority for cause. The initial members shall be appointed within
31 30 days of the effective date of this act. The commission shall have
32 the authority to establish subcommittees as it deems appropriate to
33 carry out the purposes of this act.

34 e. The commission shall be co-chaired by the Chief
35 Technology Officer within the Office of Information Technology
36 and the Director of the Office of Homeland Security and
37 Preparedness, or their designees.

38 f. The commission shall be constituted upon the appointment
39 of the majority of its authorized membership and shall have no
40 expiration date.

41 g. The commission shall meet bi-annually or at more frequent
42 intervals at the discretion of the co-chairs. The meetings of the
43 '[Commission] commission' shall be held at the times and in the
44 places necessary and appropriate to fulfill its duties and
45 responsibilities.

46 h. The Office of Information Technology shall provide such
47 administrative and professional assistance as the commission
48 requires to carry out its work.

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

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

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

17

18 6. (New section) a. There is established in the Office of
19 Information Technology the Statewide Public Safety
20 Communications Advisory Council which shall provide advice and
21 assistance to the commission and the office in the planning, design,
22 and implementation of the Statewide emergency enhanced 9-1-1
23 telephone system and the New Jersey Interoperable
24 Communications System.

25 b. The council shall consist of ²[21] 22² members, the
26 following members ex-officio; the Chief Technology Officer within
27 ¹[OIT] the Office of Information Technology¹ who shall serve as
28 the council chairperson; the Deputy Director, Office of Homeland
29 Security and Preparedness, Preparedness Division; the Bureau
30 Chief, New Jersey State Police Communications within ¹the¹ Office
31 of Emergency Management; the Director of the ¹[department]
32 Department¹ of Health and Senior Services, Health Infrastructure
33 Preparedness and Emergency Response; the President of the New
34 Jersey Board of Public Utilities; the New Jersey State Fire Marshal;
35 the following public members: ²a representative from the Federal
36 Emergency Management Agency, Region II;² a representative from
37 the Northeast/USAI Homeland Security Region Communications
38 Working Group; a representative from the Northwest Homeland
39 Security Region Communications Working Group; a representative
40 from the Shore Homeland Security Region Communications
41 Working Group; a representative from the Delaware River
42 Homeland Security Region Communications Working Group; a
43 representative from the State Agency Communications Working
44 Group; a representative from ²[NENA] the National Emergency
45 Number Association², New Jersey Chapter; a representative from
46 the Association of Public-Safety Communications Professionals
47 ²[(APCO)]²; a representative from the New Jersey Chiefs of Police

1 Association; a representative from the New Jersey Fire Chiefs
2 Association; a representative from the New Jersey State First Aid
3 Council; a representative from the Sheriffs Association of New
4 Jersey; a representative from the Department of Health and Senior
5 services, Office of Emergency Medical Services, ²**[EMS]**
6 Emergency Medical Services² Council; the ²**[APCO]** Association
7 of Public-Safety Communications Professionals² Public Safety
8 Frequency Coordinator; a representative from ²the² New Jersey
9 ²**[EMS]** Emergency Medical Services² Task Force,
10 communications branch; ¹and¹ a representative from the New Jersey
11 Urban Search and Rescue ²**[(USAR)]**² Team, communications
12 branch.

13 c. Public members of council shall be recommended by the
14 appointing authority and subject to confirmation by the commission
15 and shall serve as a member of the council until replaced or
16 removed for cause by the commission or appointing authority. The
17 council shall have the authority to establish subcommittees as it
18 deems appropriate to carry out the purposes of this act.

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

20 e. Each ex-officio member may designate an employee of the
21 member's department or agency to represent the member at
22 meetings or hearings of the council. All designees may lawfully
23 vote and otherwise act on behalf of the members for whom they
24 constitute the designees.

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

28 g. The council shall be governed by the charter established by
29 the commission.

30

31 7. The following sections are repealed:

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

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

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

35

36 8. This act shall take effect immediately.

37

38

39

40

41 Establishes State Public Safety Interoperable Communications
42 Coordinating Council.