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LAW/RWH

[First Reprint]

SENATE, No. 1495

STATE OF NEW JERSEY

208th LEGISLATURE

INTRODUCED NOVEMBER 16, 1998

Sponsored by:

Senator MARTHA W. BARK

District 8 (Atlantic, Burlington and Camden)

Senator LOUIS F. KOSCO

District 38 (Bergen)

Co-Sponsored by:

**Senators Furnari, Baer, Assemblymen Bodine, Felice, Zisa, Caraballo,
Assemblywoman Heck and Assemblyman Wisniewski**

SYNOPSIS

Establishes permanent 9-1-1 Commission; includes wireless telephone companies in 9-1-1 legislation.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on January 25, 1999, with amendments.

(Sponsorship Updated As Of: 5/11/1999)

1 AN ACT concerning the Statewide emergency, enhanced 9-1-1
2 telephone system, constituting the ¹ **[E9-1-1]** 9-1-1¹ Commission
3 and amending ¹ and supplementing¹ P.L.1989, c.3.

4

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

7

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

10 1. As used in this act:

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

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

18 c. "Commission" means the **[9-1-1 Commission created by section**
19 **2 of this act]** ¹ **[E]**¹ 9-1-1 Commission;

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

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

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

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

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

40 i. "Office" means the Office of Emergency Telecommunications
41 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:

¹ **Senate SLP committee amendments adopted January 25, 1999.**

- 1 j. "Public safety agency" means a functional division of a
2 municipality, a county, or the State which dispatches or provides law
3 enforcement, fire fighting, emergency medical services, or other
4 emergency services;
- 5 k. "Private safety agency" means any entity, except a municipality
6 or a public safety agency, providing emergency medical services, fire
7 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 to
12 other public safety agencies. A public safety answering point is the
13 first point of reception by a public safety agency of 9-1-1 calls and
14 serves the jurisdictions in which it is located or other participating
15 jurisdictions;
- 16 m. "Selective routing" means the method employed to direct 9-1-1
17 calls to the appropriate public safety answering point based on the
18 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 act¹, including wireless enhanced 9-1-1 service¹;
22 **[and]**
- 23 o. "Telephone company" means the organization that provides
24 switched local telephone exchange access service**[.]**;
- 25 p. "Wireless telephone company" means any person providing
26 commercial mobile radio service as defined in 47 U.S.C.s. 332 (d);
- 27 q. "FCC wireless E9-1-1 requirements" means the order adopted
28 in the Federal Communications Commission proceeding entitled
29 "Revision of the Commission's Rules to Ensure Comparability with
30 Enhanced 9-1-1 Emergency Calling Systems," (CC Docket No. 94-
31 102; RM-8143), or any successor proceeding, and the rules adopted
32 by the Federal Communications Commission in any such proceeding,
33 as these rules may be amended from time to time; ¹ **[and]**¹
- 34 ¹r. "Wireless 9-1-1 service" means the service which enables
35 wireless telephone company customers to dial the digits 9-1-1 and be
36 connected to a public safety agency; and
- 37 **[r.] s.¹ "Wireless enhanced 9-1-1 service" means the service**
38 required to be provided by a wireless telephone company pursuant to
39 FCC wireless E9-1-1 requirements.
- 40 ¹t. "Chief Technology Officer" means the person appointed by and
41 serving at the pleasure of the Governing Board who is responsible for
42 the day to day operations of the Office of Information Technology.
- 43 u. "Governing Board" means the seven member board established
44 by Executive Order 87 of 1998 to oversee the Office of Information
45 Technology.
- 46 u. "Office of Information Technology" means the Office of

1 Information Technology established by Executive Order 87 of 1998.¹
2 (cf: P.L.1989, c.3, s.1)
3
4 2. Section 2 of P.L.1989, c.3 (C.52:17C-2) is amended to read as
5 follows:
6 2. a. There is created in the ¹【Department of Law and Public
7 Safety】 Office of Information Technology¹ a commission to be known
8 as the ¹【E】¹ 9-1-1 Commission which shall oversee the office in the
9 planning, design, and implementation of the Statewide emergency
10 enhanced 9-1-1 telephone system to be established pursuant to this act.
11 The commission shall consist of ~~【26】~~ ¹【29】~~30~~¹ members as follows:
12 two members ~~【of the Senate】~~ appointed by the Governor upon the
13 recommendation of the President of the Senate, who shall not be both
14 of the same political party; two members ~~【of the General Assembly,】~~
15 appointed by the Governor upon the recommendation of the Speaker
16 of the General Assembly, who shall not be both of the same political
17 party; the following members ex officio: ¹【Attorney General of the
18 State of New Jersey】 Chief Technology Officer of the Office of
19 Information Technology¹; President of the Board of Public Utilities;
20 Superintendent of State Police; Deputy Director of the State Office of
21 Emergency Management in the Department of Law and Public Safety;
22 Director of the Bureau of Fire Safety in the Department of Community
23 Affairs; Director of Emergency Medical Services in the ¹【Division of
24 Community】 Department of¹ Health ¹and Senior¹ Services ¹【of the
25 Department of Health; the Administrator】; one member of the
26 Governing Board¹ of the Office of ¹【Telecommunications and】¹
27 Information ¹【Systems】 Technology¹ in ¹but not of¹ the Department
28 of the Treasury; the following public members appointed by the
29 Governor with the advice and consent of the Senate: a representative
30 of the New Jersey State League of Municipalities; a representative of
31 the New Jersey State Association of Chiefs of Police; a representative
32 of the Fire Fighters' Association of New Jersey; a representative of the
33 New Jersey First Aid Council; a representative of the Associated
34 Public Safety Communications Officers (APCO); a representative of
35 ~~【the New Jersey Bell Co.】~~ Bell Atlantic-New Jersey; a representative
36 of the independent telephone companies; two representatives of the
37 wireless telephone companies; one representative of the National
38 Emergency Number Association; two members representing
39 county-wide dispatch centers; one representative of the Sheriffs
40 Association of New Jersey; one representative of the New Jersey Fire
41 Chiefs Association; ¹one representative from the Certified Local
42 Exchange Carriers¹; two members representing multi-municipal public
43 safety dispatch centers who serve more than one, but less than five
44 municipalities; and two members representing municipal public safety
45 dispatch centers.

1 **[The members of the Senate and General Assembly appointed to**
2 **the commission shall serve for terms which shall be for the term for**
3 **which they were elected.]** Of the public members first appointed by
4 the Governor with the advice and consent of the Senate and of the
5 members first appointed by the Governor upon recommendation of the
6 President of the Senate and the Speaker of the General Assembly,
7 **[five] eight** shall be appointed for terms of three years, **[five]**
8 **¹[seven] eight¹** shall be appointed for terms of two years, and **[five]**
9 **seven** shall be appointed for terms of one year. Thereafter, the public
10 members of the commission and members appointed by the Governor
11 upon recommendation of the President of the Senate and the Speaker
12 of the General Assembly shall be appointed for terms of three years.
13 Vacancies on the commission shall be filled in the same manner as the
14 original appointment but for the unexpired term. Members may be
15 removed by the appointing authority for cause. The initial members
16 shall be appointed within 30 days of the **[operative date of this act]**
17 effective date of P.L. , c. (C.)(now before the Legislature as
18 this bill). The commission shall have the authority to establish
19 subcommittees as it deems appropriate to carry out the purposes of
20 this act.

21 b. Members of the commission shall serve without compensation
22 but the **[public and legislative] members, other than the ex officio**
23 **members,** shall be entitled to reimbursement for expenses incurred in
24 performance of their duties, within the limits of any funds appropriated
25 or otherwise made available for that purpose.

26 c. Each ex officio member may designate an employee of the
27 member's department or agency to represent the member at meetings
28 or hearings of the commission. All designees may lawfully vote and
29 otherwise act on behalf of the members for whom they constitute the
30 designees.

31 d. The **[commission] ¹[E] 9-1-1 Commission** shall **[expire on the**
32 **first day of the first month following the Statewide implementation of**
33 **the operation of the enhanced 9-1-1 service as shall be determined by**
34 **the Attorney General.]** be constituted upon the appointment of the
35 majority of its authorized membership and shall have no expiration
36 date. Until the commission is constituted: (1) the Advisory
37 Commission appointed by the ¹[Attorney General] Chief Technology
38 Officer¹ before the effective date of P.L. , c. (C.)(now before
39 the Legislature as this bill) shall be continued and shall exercise the
40 advisory functions granted to it by the ¹[Attorney General] Chief
41 Technology Officer¹ and (2) the ¹[Attorney General] Chief
42 Technology Officer¹ shall be responsible for the review and approval
43 of any function of the office which is the responsibility of the ¹[E] 9-
44 1-1 Commission. Membership on the advisory commission shall not

1 disqualify a person from membership on the ¹ **[E]** ¹ 9-1-1 Commission.
2 (cf: P.L.1989, c.3, s.2)

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

6 3. a. There is established in the ¹ **[Department of Law and Public**
7 **Safety]** Office of Information Technology¹ an Office of Emergency
8 Telecommunications Services.

9 b. The office shall be under the immediate supervision of a
10 director, who shall be a person qualified by training and experience to
11 direct the work of the office. The director shall administer the
12 provisions of this act subject to review by the ¹ **[commission]** Chief
13 Technology Officer¹ and shall perform other duties as may be provided
14 by law. The director shall be appointed by the ¹ **[Attorney General]**
15 Chief Technology Officer¹, but the commission shall advise the
16 ¹ **[Attorney General]** Chief Technology Officer¹ on the qualifications
17 of the director. The ¹ **[Attorney General]** Chief Technology Officer¹
18 is authorized to appoint, in accordance with Title 11A of the New
19 Jersey Statutes, clerical, technical, and professional assistants, and also
20 may designate any available personnel as shall be necessary to
21 effectuate the purposes of this act.

22 The office shall, subject to review by the commission~~], or]~~ and the
23 ¹ **[Attorney General]** Chief Technology Officer¹, only as provided in
24 subsection c. of this section, and in consultation with the telephone
25 companies, ~~and]~~ the Board of Public Utilities and the wireless
26 telephone companies, and with the assistance of the Office of
27 ¹ **[Telecommunications and]** Information ¹ **[Systems]** Technology¹ in
28 ¹ but not of¹ the Department of the Treasury, continue to plan,
29 design, implement, and coordinate the Statewide emergency enhanced
30 9-1-1 telephone system to be established pursuant to this act as well
31 as any changes to that system needed to provide wireless enhanced
32 9-1-1 service.

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

36 (1) The configuration of, and requirements for, the enhanced 9-1-1
37 network. The office with the approval of the commission~~], or]~~ and
38 the ¹ **[Attorney General]** Chief Technology Officer¹, only as provided
39 herein, and assistance and advice of the Office of
40 ¹ **[Telecommunications and]** Information ¹ **[Systems]** Technology¹ in
41 ¹ but not of¹ the Department of the Treasury is empowered to enter
42 into contracts with the telephone companies and the wireless telephone
43 companies for the provision of this network.

44 (2) The role and responsibilities of the counties and municipalities
45 of the State in the implementation of the system, consistent with the

1 provisions of this act, including a timetable for implementation.

2 (3) Technical and operational standards for the establishment of
3 public safety answering points (PSAPs) which utilize enhanced 9-1-1
4 network features in accordance with the provisions of this act. Those
5 entities having responsibility for the creation and management of
6 PSAPs shall conform to these standards in the design, implementation
7 and operation of the PSAPs. These standards shall include provision
8 for the training and certification of call-takers and public safety
9 dispatchers or for the adoption of such a program.

10 The State plan shall be established within 270 days of the operative
11 date of this act except that the technical and operational standards
12 specified in paragraph (3) of this subsection shall be established within
13 180 days of the operative date of this act.

14 The office, after review and approval by the commission~~], or]~~ and
15 the ¹~~]~~ Attorney General Chief Technology Officer¹, only as provided
16 herein, may update and revise the State plan from time to time.

17 The office may inspect each PSAP to determine if it meets the
18 requirements of this act and the technical and operational standards
19 established pursuant to this section. The office shall explore ways to
20 maximize the reliability of the system.

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

23 The office shall plan, implement and coordinate a Statewide public
24 education program designed to generate public awareness at all levels
25 of the emergency enhanced 9-1-1 system ¹~~]~~ and wireless enhanced
26 9-1-1 system¹. Advertising and display of 9-1-1 shall be in
27 accordance with standards established by the office. Advertising
28 expenses may be defrayed from the moneys appropriated to the office.

29 The office, after review and approval by the commission~~], or]~~ and
30 the ¹~~]~~ Attorney General Chief Technology Officer¹, only as provided
31 herein, shall submit a report to the Senate Revenue, Finance and
32 Appropriations Committee and the Assembly Appropriations
33 Committee, or their successors, not later than February 15 of each
34 year, concerning its progress in carrying out this act and the
35 expenditure of moneys appropriated thereto and appropriated for the
36 purposes of installation of the Statewide enhanced 9-1-1 network.

37 c. ~~]~~ Upon the expiration of the commission, the Attorney General
38 shall be responsible for the review and approval of any function of the
39 office which was the responsibility of the commission.] Deleted by
40 amendment, P.L. , c. (C.)(now before the Legislature as
41 this bill).

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

43

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

46 4. Each telephone company providing service within the State shall

1 provide within three years of the operative date of this act enhanced
2 9-1-1 service to include selective routing, automatic number
3 identification and automatic location identification features as a
4 tariffed service package in compliance with a timetable issued by the
5 office with the approval of the commission. The office with the
6 approval of the commission may extend the three year limit if
7 necessary.

8 Each wireless telephone company providing service within the State
9 shall provide wireless enhanced 9-1-1 service pursuant to FCC
10 wireless E9-1-1 requirements and P.L. , c. (C.)(now before
11 the Legislature as this bill).

12 (cf: P.L.1989, c.3, s.4)

13

14 5. Section 10 of P.L.1989, c.3 (C.52:17C-10) is amended to read
15 as follows:

16 10. a. Whenever possible and practicable, telephone companies
17 shall forward to jurisdictional public safety answering points via
18 enhanced 9-1-1 network features, the telephone number and street
19 address of any telephone used to place a 9-1-1 call. Subscriber
20 information provided in accordance with this section shall be used only
21 for the purpose of responding to emergency calls or for the
22 investigation of false or intentionally misleading reports of incidents
23 requiring emergency service.

24 b. ~~【No telephone company, person providing commercial mobile~~
25 ~~radio service as defined in 47 U.S.C. 332(d), public safety answering~~
26 ~~point, agents of, or manufacturer supplying equipment to a telephone~~
27 ~~company or PSAP, shall be liable to any person who uses the enhanced~~
28 ~~9-1-1 service established under this act for release of the information~~
29 ~~specified in this section, including non-published telephone numbers,~~
30 ~~or for failure of any equipment or procedure in connection with the~~
31 ~~enhanced 9-1-1 service or for any act or the omission of any act~~
32 ~~committed while in the training for or in rendering PSAP services in~~
33 ~~good faith and in accordance with this act.】 Deleted by amendment,~~
34 ~~P.L. , c. (C.)(now before the Legislature as this bill).~~

35 c. No telephone company, person providing commercial mobile
36 radio service as defined in 47 U.S.C.s. 332(d), public safety answering
37 point, or manufacturer supplying equipment to a telephone company,
38 wireless telephone company, or PSAP, or any employee, director,
39 officer, or agent of any such entity, shall be liable for damages to any
40 person who uses or attempts to use the enhanced 9-1-1 service¹,
41 wireless 9-1-1 service¹ or wireless enhanced 9-1-1 service established
42 under this act for release of the information specified in this section,
43 including non-published telephone numbers. This limitation of liability
44 is inapplicable if such failure resulted from a malicious purpose or a
45 wanton and willful disregard¹ 【of human rights, safety,】 for the safety
46 of persons¹ or property.

1 d. No telephone company, person providing commercial mobile
2 radio service as defined in 47 U.S.C.s. 332(d), public safety answering
3 point, or manufacturer supplying equipment to a telephone company,
4 wireless telephone company, or PSAP, or any employee, director,
5 officer, or agent of any such entity, shall be liable to any person for
6 civil damages, or subject to criminal prosecution resulting from or
7 caused by any act, failure or omission in the development, design,
8 installation, operation, maintenance, performance or provisioning of
9 any hardware, software, or any other aspect of delivering enhanced
10 9-1-1 service¹, wireless 9-1-1 service¹ or wireless enhanced 9-1-1
11 service. This limitation of liability is inapplicable if such failure
12 resulted from a malicious purpose or a wanton and willful disregard
13 ¹[of human rights, safety,] for the safety of persons¹ or property.

14 e. No telephone company, person providing commercial mobile
15 radio service as defined in 47 U.S.C.s. 332(d), public safety answering
16 point, or manufacturer supplying equipment to a telephone company,
17 wireless telephone company, or PSAP, or any employee, director,
18 officer, or agent of any such entity, shall be liable to any person for
19 damages resulting from or in connection with such entity's provision
20 of any lawful assistance to any investigative or law enforcement officer
21 of this State or a political subdivision of this State, of the United
22 States, or of any other state or a political subdivision of such state in
23 connection with any lawful investigation by or other law enforcement
24 activity of the law enforcement officer unless the entity, in providing
25 such assistance, acted in a manner exhibiting wanton and willful
26 disregard¹ [of human rights, safety,] for the safety of persons¹ or
27 property.

28 (cf: P.L.1996, c.63, s.2)

29

30 ¹6. Section 14 of P.L.1989, c.3 (C.52:17C-14) is amended to read
31 as follows:

32 14. a. The Legislature shall annually appropriate such sums as are
33 necessary to pay for the operation and maintenance of the enhanced
34 9-1-1 service and for county 9-1-1 coordinators pursuant to section 13
35 of P.L.1989,c.3 (C.52:17C-13). A telephone company incurring
36 operation and maintenance costs of the system shall submit the costs
37 thereof, after review and approval by the Board of Public Utilities, to
38 the State Treasurer. The operation and maintenance charges for the
39 enhanced 9-1-1 service shall accrue coincident with the availability of
40 the enhanced 9-1-1 service and shall be submitted to the State upon
41 that availability. The State Treasurer, upon warrant of the [State
42 Comptroller] Director of the Division of Budget and Accounting in
43 the Department of the Treasury, shall pay such costs from moneys
44 appropriated pursuant to this section.

45 b. The Legislature shall annually appropriate such sums as are
46 necessary to pay for the installation, operation and maintenance costs

1 required to provide wireless enhanced 9-1-1 service upon request by
2 the office pursuant to 47 CFR 20.18(f). A wireless telephone
3 company incurring installation, operation and maintenance costs
4 required to provide wireless enhanced 9-1-1 service shall submit the
5 costs thereof, after review and approval by the office and the
6 commission, to the State Treasurer. The installation, operation and
7 maintenance costs for wireless enhanced 9-1-1 service shall accrue
8 coincident with the availability of such service and shall be submitted
9 to the State upon that availability. The State Treasurer, upon warrant
10 of the Director of the Division of Budget and Accounting in the
11 Department of the Treasury, shall pay such costs from moneys
12 appropriated pursuant to this section.¹

13 (cf: P.L.1989, c.3, s.14)

14

15 7. Section 15 of P.L.1989, c.3 (C.52:17C-15) is amended to read
16 as follows:

17 15. The Attorney General may, at the request of the commission,
18 or on his own initiative, institute civil proceedings against any
19 appropriate party to enforce the provisions of this act.

20 b. The ¹~~Attorney General shall~~ Chief Technology Officer may¹,
21 after consulting with the director of the office, and subject to the
22 review of the commission ¹~~during its term~~¹, promulgate such rules
23 and regulations in accordance with the "Administrative Procedure
24 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as he deems necessary to
25 effectuate the purposes of this act.

26 (cf: P.L.1989, c.3, s.15)

27

28 ¹8. (New section) The transfer of the Office of Emergency
29 Telecommunications Services shall be accomplished in conformity with
30 the provisions of the "State Agency Transfer Act," P.L.1971, c.375
31 (C.52:14D-1 et seq.), and shall be effectuated as determined by the
32 Attorney General and the Chief Technology Officer.¹

33

34 ¹~~6.~~ 9.¹ This act shall take effect immediately.

1 SPONSORS STATEMENT

2
3 This bill amends P.L.1989, c.3 (C.52:17C-1 et seq.), which
4 established the 9-1-1 Commission, and the Office of Emergency
5 Telecommunications Service (OETS), to plan, design and implement
6 the statewide emergency enhanced 9-1-1 telephone system. Inasmuch
7 as the statewide system has been implemented, the 9-1-1 Commission,
8 pursuant to P.L.1989, c.38, has expired and an Advisory Commission
9 has been created by the Attorney General. However, because of
10 various requirements of the Federal Communications Commission
11 (FCC) concerning E9-1-1 wireless telephone service and in order to
12 facilitate the better functioning of OETS, the bill essentially
13 reestablishes the original 9-1-1 Commission as a permanent E9-1-1
14 Commission with an expanded membership to include wireless
15 telephone companies and the National Emergency Number Association
16 and requires commission approval, in addition to Attorney General
17 approval, of various OETS actions. The commission membership is
18 also restructured to permit four gubernatorial appointments to be
19 made upon two recommendations of the President of the Senate and
20 two recommendations of the Speaker of the General Assembly. In
21 order to insure continuity in function, the Attorney General retains the
22 former commission's approval power until the new E9-1-1 Commission
23 is actually constituted. The advisory commission is also continued
24 until that date.

25 The bill makes additional changes in existing law in order to
26 recognize the FCC requirement that E9-1-1 service be provided by
27 wireless telephone companies. The bill requires each wireless
28 telephone company providing service within the State to provide
29 wireless enhanced 9-1-1 service pursuant to FCC wireless E9-1-1
30 requirements and includes wireless telephone companies and wireless
31 enhanced 9-1-1 service in the original legislation. The bill also
32 provides for an expanded limitation of liability for telephone
33 companies, wireless telephone companies and other entities in
34 connection with enhanced 9-1-1 service or wireless enhanced 9-1-1
35 service and in connection with supplying assistance to investigative or
36 law enforcement officers.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1495

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 25, 1999

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1495.

This bill, as amended by the committee, amends P.L.1989, c.3 (C.52:17C-1 et seq.) which established the 9-1-1 Commission and the Office of Emergency Telecommunications Service (OETS) to plan, design, and implement the statewide emergency enhanced 9-1-1 telephone system.

The amended bill transfers the Office of Emergency Telecommunications Services (OETS) from the Department of Law and Public Safety to the Office of Information Technology in but not of the Department of the Treasury.

Since the statewide system has been implemented, the 9-1-1 Commission has expired and an Advisory Commission has been created by the Attorney General. However, because of various requirements of the Federal Communications Commission (FCC) concerning E9-1-1 wireless telephone service and in order to facilitate the better functioning of OETS, the bill essentially reestablishes the original 9-1-1 Commission as a permanent commission with an expanded membership to include wireless telephone companies, the certified local exchange carriers and the National Emergency Number Association, and requires commission approval, in addition to approval by the Chief Technology Officer, of various OETS actions. The commission membership is also restructured to permit four gubernatorial appointments to be made, two upon recommendation of the President of the Senate and two upon recommendation of the Speaker of the General Assembly. In order to ensure continuity in function, the Chief Technology Officer assumes the former commission's approval power until the new 9-1-1 Commission is actually constituted. The advisory commission is also continued until that date.

The amended bill makes additional changes in existing law in order to recognize the FCC requirement that 9-1-1 service be provided by wireless telephone companies. The bill requires each wireless telephone company providing service within the State to provide

wireless enhanced 9-1-1 service pursuant to FCC requirements (47 C.F.R.20.18(f)). The bill also integrates wireless telephone companies and wireless enhanced 9-1-1 service into existing law and requires annual appropriations for wireless enhanced 9-1-1 service costs. In addition, the bill clarifies existing limitations of liability for telephone companies, wireless telephone companies and other entities in connection with enhanced 9-1-1 service and wireless enhanced 9-1-1 service and in connection with supplying assistance to investigative or law enforcement officers.

The committee amendments transfer the Office of Emergency Telecommunications Services (OETS) from the Department of Law and Public Safety to the Office of Information Technology. The committee also amended the bill by adding a definition of wireless 9-1-1 service, by altering the limitation of liability language to include wireless 9-1-1 service, in addition to enhanced 9-1-1 service and wireless enhanced 9-1-1 service, and by providing that the limitation of liability would be inapplicable in the event of wanton or willful disregard for the safety of persons or property. The committee further amended the bill to provide that the Legislature is to annually appropriate moneys for county coordinators, and for the installation, operation and maintenance costs of wireless enhanced 9-1-1 service upon request by OETS pursuant to 42 CFR 20.18(f), in a manner similar to that provided for the costs of enhanced 9-1-1 service.

ASSEMBLY POLICY AND REGULATORY OVERSIGHT
COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1495

STATE OF NEW JERSEY

DATED: MARCH 18, 1999

The Assembly Policy and Regulatory Oversight Committee reports favorably Senate Bill No. 1495 (1R).

Senate Bill No.1495 (1R) establishes a permanent 9-1-1 Commission and includes the wireless telephone companies in 9-1-1 programs.

Current law provided for a temporary 9-1-1 Commission during the planning, designing and implementation stages of the Statewide emergency enhanced 9-1-1 system and for the establishment of the Office of Emergency Telecommunications Service (OETS) in the Department of Law and Public Safety. The temporary 9-1-1 Commission expired after the Statewide 9-1-1 system was implemented and an Advisory Commission was created by the Attorney General.

Recently, the Federal Communications Commission (FCC) issued new requirements for wireless telephone companies to offer 9-1-1 service connection to a Public Safety Answering Point. The FCC also required a phase in of enhanced 9-1-1 services by October 1, 2001 to include the location of the origin of 9-1-1 calls made from wireless telephones. One condition for these enhanced services is that the states must establish a mechanism for recovering the costs of the service (47 C.F.R.20.18).

Senate Bill No. 1495 (1R) transfers the Office of Emergency Telecommunications Services from the Department of Law and Public Safety to the Office of Information Technology in but not of the Department of the Treasury. The bill also reestablishes a permanent 9-1-1 Commission with an expanded membership, including the wireless telephone companies. Each wireless telephone company servicing the State will also be mandated to provide wireless enhanced 9-1-1 service pursuant to FCC requirements (47 C.F.R.20.18). In addition, the bill integrates wireless telephone companies and wireless enhanced 9-1-1 service into existing law and require annual appropriations for wireless enhanced 9-1-1 service costs, also pursuant to 47 C.F.R.20.18. Finally, the bill alters the existing limitation of liability language to include wireless enhanced 9-1-1 service, except in the event of wanton or willful disregard for the safety of persons or property.

Senate Bill No. 1495 (1R) is identical to the Assembly Committee Substitute for Assembly Bill No. 2581 also reported by the committee on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1495

STATE OF NEW JERSEY

DATED: MAY 3, 1999

The Assembly Appropriations Committee reports favorably Senate Bill No. 1495 (1R).

Senate Bill No. 1495 (1R) establishes a permanent 9-1-1 Commission and includes the wireless telephone companies in 9-1-1 programs.

Current law provided for a temporary 9-1-1 Commission during the planning, designing and implementation stages of the Statewide emergency enhanced 9-1-1 system and for the establishment of the Office of Emergency Telecommunications Service (OETS) in the Department of Law and Public Safety. The temporary 9-1-1 Commission expired after the Statewide 9-1-1 system was implemented and an Advisory Commission was created by the Attorney General.

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This bill transfers the OETS from the Department of Law and Public Safety to the Office of Information Technology in, but not of, the Department of the Treasury. The bill also reestablishes a permanent 9-1-1 Commission with an expanded membership, including the wireless telephone companies. Each wireless telephone company servicing the State also is mandated to provide wireless enhanced 9-1-1 service pursuant to FCC requirements (47 C.F.R.20.18). In addition, the bill integrates wireless telephone companies and wireless enhanced 9-1-1 service into existing law and requires annual appropriations for wireless enhanced 9-1-1 service costs, also pursuant to 47C.F.R.20.18. Finally, the bill alters the existing limitation of liability language to include wireless enhanced 9-1-1 service, except in the event of wanton or willful disregard for the safety of persons or

property.

This bill is identical to Assembly Bill No. 2581 (ACS) also reported by the committee.

FISCAL IMPACT:

The additional expense to include wireless telephone companies within the 9-1-1 system is uncertain. The FY 1999 appropriation for the 9-1-1 reporting system was \$15.3 million, with a similar level requested for FY2000.

SPONSOR'S STATEMENT

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This bill amends P.L.1989, c.3 (C.52:17C-1 et seq.), which established the 9-1-1 Commission, and the Office of Emergency Telecommunications Service (OETS), to plan, design and implement the statewide emergency enhanced 9-1-1 telephone system. Inasmuch as the statewide system has been implemented, the 9-1-1 Commission, pursuant to P.L.1989, c.38, has expired and an Advisory Commission has been created by the Attorney General. However, because of various requirements of the Federal Communications Commission (FCC) concerning E9-1-1 wireless telephone service and in order to facilitate the better functioning of OETS, the bill essentially reestablishes the original 9-1-1 Commission as a permanent E9-1-1 Commission with an expanded membership to include wireless telephone companies and the National Emergency Number Association and requires commission approval, in addition to Attorney General approval, of various OETS actions. The commission membership is also restructured to permit four gubernatorial appointments to be made upon two recommendations of the President of the Senate and two recommendations of the Speaker of the General Assembly. In order to insure continuity in function, the Attorney General retains the former commission's approval power until the new E9-1-1 Commission is actually constituted. The advisory commission is also continued until that date.

The bill makes additional changes in existing law in order to recognize the FCC requirement that E9-1-1 service be provided by wireless telephone companies. The bill requires each wireless telephone company providing service within the State to provide wireless enhanced 9-1-1 service pursuant to FCC wireless E9-1-1 requirements and includes wireless telephone companies and wireless enhanced 9-1-1 service in the original legislation. The bill also provides for an expanded limitation of liability for telephone companies, wireless telephone companies and other entities in connection with enhanced 9-1-1 service or wireless enhanced 9-1-1 service and in connection with supplying assistance to investigative or law enforcement officers.

ASSEMBLY POLICY AND REGULATORY OVERSIGHT
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2581

STATE OF NEW JERSEY

DATED: MARCH 18, 1999

The Assembly Policy and Regulatory Oversight Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2581.

The Assembly Committee Substitute for Assembly Bill No. 2581 establishes a permanent 9-1-1 Commission and includes the wireless telephone companies in 9-1-1 programs.

Current law provided for a temporary 9-1-1 Commission during the planning, designing and implementation stages of the Statewide emergency enhanced 9-1-1 system and for the establishment of the Office of Emergency Telecommunications Service (OETS) in the Department of Law and Public Safety. The temporary 9-1-1 Commission expired after the Statewide 9-1-1 system was implemented and an Advisory Commission was created by the Attorney General.

Recently, the Federal Communications Commission (FCC) issued new requirements for wireless telephone companies to offer 9-1-1 service connection to a Public Safety Answering Point. The FCC also required a phase in of enhanced 9-1-1 services by October 1, 2001 to include the location of the origin of 9-1-1 calls made from wireless telephones. One condition for these enhanced services is that the states must establish a mechanism for recovering the costs of the service (47 C.F.R. 20.18).

The Assembly Committee Substitute for Assembly Bill No. 2581 transfers the Office of Emergency Telecommunications Services from the Department of Law and Public Safety to the Office of Information Technology in but not of the Department of the Treasury. The substitute also reestablishes a permanent 9-1-1 Commission with an expanded membership, including the wireless telephone companies. Each wireless telephone company servicing the State also is mandated to provide wireless enhanced 9-1-1 service pursuant to FCC requirements (47 C.F.R.20.18). In addition, the substitute integrates wireless telephone companies and wireless enhanced 9-1-1 service

into existing law and requires annual appropriations for wireless enhanced 9-1-1 service costs, also pursuant to 47C.F.R.20.18. Finally, the substitute alters the existing limitation of liability language to include wireless enhanced 9-1-1 service, except in the event of wanton or willful disregard for the safety of persons or property.

The Assembly Committee Substitute for Assembly Bill No. 2581 is identical to Senate Bill No. 1495 (1R) also reported by the committee on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2581

STATE OF NEW JERSEY

DATED: MAY 3, 1999

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2581 (ACS).

Assembly Bill No. 2581 (ACS) establishes a permanent 9-1-1 Commission and includes the wireless telephone companies in 9-1-1 programs.

Current law provided for a temporary 9-1-1 Commission during the planning, designing and implementation stages of the Statewide emergency enhanced 9-1-1 system and for the establishment of the Office of Emergency Telecommunications Service (OETS) in the Department of Law and Public Safety. The temporary 9-1-1 Commission expired after the Statewide 9-1-1 system was implemented and an Advisory Commission was created by the Attorney General.

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This bill transfers the OETS from the Department of Law and Public Safety to the Office of Information Technology in, but not of, the Department of the Treasury. The bill also reestablishes a permanent 9-1-1 Commission with an expanded membership, including the wireless telephone companies. Each wireless telephone company servicing the State also is mandated to provide wireless enhanced 9-1-1 service pursuant to FCC requirements (47 C.F.R.20.18). In addition, the bill integrates wireless telephone companies and wireless enhanced 9-1-1 service into existing law and requires annual appropriations for wireless enhanced 9-1-1 service costs, also pursuant to 47C.F.R.20.18. Finally, the bill alters the existing limitation of liability language to include wireless enhanced 9-1-1 service, except in the event of wanton or willful disregard for the safety of persons or

property.

This bill is identical to Senate Bill No. 1495 (1R) also reported by the committee.

FISCAL IMPACT:

The additional expense to include wireless telephone companies within the 9-1-1 system is uncertain. The FY 1999 appropriation for the 9-1-1 reporting system was \$15.3 million, with a similar level requested for FY2000.

LEGISLATIVE FISCAL ESTIMATE

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 2581**

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: MAY 28, 1999

Assembly Committee Substitute for Assembly Bill No. 2581 of 1998 establishes a permanent commission to oversee the planning, design, and implementation of the Statewide emergency 9-1-1 telephone system. The bill also requires that wireless telephone companies are to be included within this system and that the Legislature annually appropriate such sums as are necessary to provide for this requirement.

Although the Department of Law and Public Safety has not submitted a formal, written fiscal note on the estimated cost of this bill, informal discussions between the Office of Legislative Services (OLS) and the department indicate that the department is attempting to quantify the costs of this bill, especially the inclusion of wireless telephone companies within the 9-1-1 reporting system.

According to the department, it is still negotiating the expenses that several wireless telephone companies claim they would incur to become part of the 9-1-1 system. Since the cost of reimbursing such telephone companies for equipment that precisely locates mobile phone callers is an important part of the negotiating process, the department is proceeding cautiously. A further cost issue is the potential need to increase staff at the public safety answering points (PSAP) because of the volume of calls received at these points. There has been a significant increase in the number of mobile phones in New Jersey, and, as a result, numerous wireless phone calls to PSAPs often report the same incident. However, staff at the PSAPs treat all calls as separate incident reports until the reports can be confirmed to be about the same incident.

Consequently, until the department can properly evaluate these various factors as to initial and continuing costs, the additional expense to the State is uncertain. Nevertheless, OLS would note that the Legislature appropriated about \$15.3 million in Fiscal Year 1999 for the 9-1-1 emergency reporting system; a similar appropriation level has been requested for Fiscal Year 2000.

ACS for A2581

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

Office of the GovernorPO BOX 004
TRENTON, NJ 08625**NEWS RELEASE**CONTACT: Jayne O'Connor
Gene Herman
609-777-2600

RELEASE: June 24, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

S-1495, sponsored by Senators Martha W. Bark (R- Atlantic/Burlington/Camden) and Louis F. Kosko (R-Bergen), amends existing law to allow for the creation of a permanent 9-1-1 Commission that would oversee the state-wide emergency 9-1-1 system. The previous law creating the commission has expired. The Commission, vested in the Department of Law and Public Safety, has continued to function in an advisory capacity. The bill also expands the composition of the 9-1-1 Commission to include two representatives of the wireless telephone companies, one representative from the National Emergency Number Association and one representative of the Certified Local Exchange Carriers. The composition of the board and the appointment process will remain the same as under previous law. The bill requires all wireless telephone companies providing service in New Jersey to provide enhanced 9-1-1 services within three years, so as to conform to a Federal Communications Commission mandate. The bill transfers the Office of Telecommunications Services, a subdivision of the State Police responsible for handling 9-1-1 calls, to the Office of Information Technology in the Department of the Treasury.

S-835, sponsored by Senators John J. Matheussen (R- Camden/Gloucester) and Anthony R. Bucco (R-Morris) and Assembly Members Joseph J. Roberts, Jr. (D-Camden/Gloucester) and John V. Kelly (R-Bergen/Essex/Passaic), provides an appropriation of \$1.5 million to the Department of Law and Public Safety to be used by the Office of Emergency Management to develop, equip and train volunteer urban search and rescue teams. Specifically, the appropriation will be used to train and equip a statewide network of volunteers, to be largely drawn from local firefighter and rescue squads, to respond in the event of a building collapse or some other disastrous event requiring specialized response teams and equipment. New Jersey currently has no such team and relies on surrounding states for equipment as well as on the Federal Emergency Management Agency.

A-2114, sponsored by Assembly Members Jeffrey W. Moran (R- Atlantic/Burlington/Ocean) and Anthony Impreveduto (D- Bergen/Hudson) and Senators Robert W. Singer (R- Burlington/Monmouth/Ocean) and Garry J. Furnari (D- Bergen/Essex/Passaic), provides for the licensure of perfusionists - medical technicians who use various procedures to support, treat, measure or supplement the cardiovascular, circulatory or respiratory system under the supervision of a licensed physician. The bill establishes a separate Perfusionists Advisory Committee under the State Board of Medical Examiners to oversee licensure. The committee will consist of seven members who are residents of the state, six of whom shall be