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REPORTS:

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Title 52.
Chapter 17E. (New)
Public Safety
Wireless
Communications
§§1-8 -
C.52:17E-1
to 52:17E-8

P.L. 2003, CHAPTER 235, *approved January 9, 2004*
Assembly, No. 3390 (*Second Reprint*)

1 **AN ACT** concerning public safety wireless communications and
2 establishing a State Public Safety Interoperable Communications
3 Coordinating Council.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. This act shall be known and may be cited as "The Public Safety
9 Interoperable Communications Act."

10

11 2. a. The Legislature finds and determines that:

12 Public safety communications systems must support a growing set
13 of missions, such as response to weapons of mass destruction and
14 domestic terrorism, requiring coordinated participation from agencies
15 at all levels of government¹[:]¹

16 Interoperability is the ability of different governmental agencies to
17 communicate across jurisdictions and with each other;

18 Public safety agencies in New Jersey currently operate on a variety
19 of frequencies and communications systems that are not compatible
20 and do not provide direct communications;

21 Police, fire and rescue responders at the State, county and
22 municipal levels need the ability to communicate and coordinate with
23 each other in their day-to-day operations, as well as in emergencies,
24 and to communicate and coordinate their ¹[emergency] emergency¹
25 response activities with members of the National Guard;

26 New Jersey is geographically assigned to two Regional Planning
27 Committees established by the Federal Communications Commission,
28 Region 8 for the New York Metropolitan Area and Region 28 for the
29 South Jersey area, which underscores the need for Statewide
30 coordination of communications resources in large-scale disasters.

31 b. The Legislature declares that:

32 It is necessary and appropriate to establish a mechanism, which may
33 draw upon federal, State and local resources and expertise, in order to

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHS committee amendments adopted March 6, 2003.

² Senate SLP committee amendments adopted May 19, 2003.

1 facilitate necessary improvements in the coordination of public safety
2 communications through improved interoperability, which may be
3 accomplished through planning and implementation involving both
4 State and local officials.

5
6 3. There is established in the Department of Law and Public Safety
7 a State Public Safety Interoperable Communications Coordinating
8 Council, which shall develop a Statewide Wireless Public Safety
9 Interoperable Communications Strategic Plan to address
10 interoperability and the use of digital technology in public safety
11 communications. The council shall coordinate its activities, as
12 appropriate, with the federal Regional Planning Committees to which
13 the State is assigned by the Federal Communications Commission.

14
15 4. The council shall consist of ²[15] ~~16~~² members as follows:

16 a. The Attorney General, ex officio, or a designated representative;

17 b. The Superintendent of State Police, ex officio, or a designated
18 representative;

19 c. The Commissioner of Transportation, ex officio, or a designated
20 representative;

21 d. The Commissioner of Corrections, ex officio, or a designated
22 representative;

23 e. The Commissioner of Environmental Protection, ex officio, or
24 a designated representative;

25 f. The Commissioner of Health and Senior Services, ex officio, or
26 a designated representative;

27 g. The Commissioner of Community Affairs, ex officio, or a
28 designated representative;

29 h. The Adjutant General of the Department of Military and
30 ¹[Veteran's] Veterans¹ Affairs, ex officio, or a designated
31 representative; ²[and]²

32 i. ²The President of the Board of Public Utilities, ex officio, or a
33 designated representative; and

34 j.² Seven members to be appointed by the Attorney General, ¹[one
35 of whom shall be] including¹ a representative of the Office of
36 Information Technology, ¹[one of whom shall be]¹ a representative
37 of the New Jersey Transit Corporation, ¹[one of whom shall be]¹ a
38 representative of the New Jersey State Fire Chiefs' Association or the
39 New Jersey Career Fire Chiefs Association, ¹[one of whom shall be]¹
40 a representative of the New Jersey State Association of Chiefs of
41 Police, ¹[one of whom shall be]¹ a representative of the Sheriffs'
42 Association of New Jersey, ¹[one of whom shall be]¹ a representative
43 of the Division of Fire Safety in the Department of Community Affairs,
44 and ¹[one of whom shall be]¹ a representative of the emergency
45 medical services community.

1 5. The Attorney General or his designee shall act as chairperson of
2 the council. Members of the council shall serve without compensation,
3 except for reimbursement of reasonable expenses incurred in the
4 performance of their duties, within the limits of any funds appropriated
5 or otherwise made available for that purpose. Any vacancy in the
6 membership of the council shall be filled in the same manner as the
7 original appointment.

8
9 6. The council shall develop a Statewide strategic plan to most
10 effectively provide interoperability and coordinate public safety
11 communications between and among State, county and municipal
12 public safety agencies. The council shall submit the plan to the
13 Governor and the Legislature no later than one year following the
14 original appointment of all members and shall submit recommendations
15 and proposals, as appropriate, to the Regional Planning Committees
16 to which the State is assigned by the Federal Communications
17 Commission.

18
19 7. The council shall engage a full-time professional spectrum
20 manager, who shall be responsible for approving all applications for
21 public safety spectrum allocations in the State to ensure that the State
22 fully complies with Federal Communications Commission rules that
23 impact frequency allocation for public safety use.

24
25 8. Administrative staff and support services shall be provided by
26 the Department of Law and Public Safety. The council shall also be
27 entitled to call to its assistance and avail itself of the services of the
28 employees of any State, county or municipal law enforcement, fire
29 department, paid or volunteer, rescue squad or other department or
30 agency as it may require. State, county and municipal agencies shall
31 cooperate with council in providing information and other data as may
32 be requested.

33
34 9. This act shall take effect immediately.

35
36
37 _____
38
39 Establishes State Public Safety Interoperable Communications
40 Coordinating Council.

ASSEMBLY, No. 3390

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MARCH 3, 2003

Sponsored by:

Assemblyman GARY L. GUEAR, SR.

District 14 (Mercer and Middlesex)

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

SYNOPSIS

Establishes State Public Safety Interoperable Communications Coordinating Council.

CURRENT VERSION OF TEXT

As introduced.



A3390 GUEAR, QUIGLEY

2

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

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11 2. a. The Legislature finds and determines that:

12 Public safety communications systems must support a growing set
13 of missions, such as response to weapons of mass destruction and
14 domestic terrorism, requiring coordinated participation from agencies
15 at all levels of government:

16 Interoperability is the ability of different governmental agencies to
17 communicate across jurisdictions and with each other;

18 Public safety agencies in New Jersey currently operate on a variety
19 of frequencies and communications systems that are not compatible
20 and do not provide direct communications;

21 Police, fire and rescue responders at the State, county and
22 municipal levels need the ability to communicate and coordinate with
23 each other in their day-to-day operations, as well as in emergencies,
24 and to communicate and coordinate their emergency response activities
25 with members of the National Guard;

26 New Jersey is geographically assigned to two Regional Planning
27 Committees established by the Federal Communications Commission,
28 Region 8 for the New York Metropolitan Area and Region 28 for the
29 South Jersey area, which underscores the need for Statewide
30 coordination of communications resources in large-scale disasters.

31 b. The Legislature declares that:

32 It is necessary and appropriate to establish a mechanism, which may
33 draw upon federal, State and local resources and expertise, in order to
34 facilitate necessary improvements in the coordination of public safety
35 communications through improved interoperability, which may be
36 accomplished through planning and implementation involving both
37 State and local officials.

38

39 3. There is established in the Department of Law and Public Safety
40 a State Public Safety Interoperable Communications Coordinating
41 Council, which shall develop a Statewide Wireless Public Safety
42 Interoperable Communications Strategic Plan to address
43 interoperability and the use of digital technology in public safety
44 communications. The council shall coordinate its activities, as
45 appropriate, with the federal Regional Planning Committees to which
46 the State is assigned by the Federal Communications Commission.

A3390 GUEAR, QUIGLEY

- 1 4. The council shall consist of 15 members as follows:
- 2 a. The Attorney General, ex officio, or a designated representative;
- 3 b. The Superintendent of State Police, ex officio, or a designated
- 4 representative;
- 5 c. The Commissioner of Transportation, ex officio, or a designated
- 6 representative;
- 7 d. The Commissioner of Corrections, ex officio, or a designated
- 8 representative;
- 9 e. The Commissioner of Environmental Protection, ex officio, or
- 10 a designated representative;
- 11 f. The Commissioner of Health and Senior Services, ex officio, or
- 12 a designated representative;
- 13 g. The Commissioner of Community Affairs, ex officio, or a
- 14 designated representative;
- 15 h. The Adjutant General of the Department of Military and
- 16 Veteran's Affairs, ex officio, or a designated representative; and
- 17 i. Seven members to be appointed by the Attorney General, one of
- 18 whom shall be a representative of the Office of Information
- 19 Technology, one of whom shall be a representative of the New Jersey
- 20 Transit Corporation, one of whom shall be a representative of the New
- 21 Jersey State Fire Chiefs' Association or the New Jersey Career Fire
- 22 Chiefs Association, one of whom shall be a representative of the New
- 23 Jersey State Association of Chiefs of Police, one of whom shall be a
- 24 representative of the Sheriffs' Association of New Jersey, one of whom
- 25 shall be a representative of the Division of Fire Safety in the
- 26 Department of Community Affairs, and one of whom shall be a
- 27 representative of the emergency medical services community.
- 28
- 29 5. The Attorney General or his designee shall act as chairperson of
- 30 the council. Members of the council shall serve without compensation,
- 31 except for reimbursement of reasonable expenses incurred in the
- 32 performance of their duties, within the limits of any funds appropriated
- 33 or otherwise made available for that purpose. Any vacancy in the
- 34 membership of the council shall be filled in the same manner as the
- 35 original appointment.
- 36
- 37 6. The council shall develop a Statewide strategic plan to most
- 38 effectively provide interoperability and coordinate public safety
- 39 communications between and among State, county and municipal
- 40 public safety agencies. The council shall submit the plan to the
- 41 Governor and the Legislature no later than one year following the
- 42 original appointment of all members and shall submit recommendations
- 43 and proposals, as appropriate, to the Regional Planning Committees
- 44 to which the State is assigned by the Federal Communications
- 45 Commission.

A3390 GUEAR, QUIGLEY

5

1 the council would be filled in the same manner as the original
2 appointment.

3 Under the bill's provisions, the council is required to develop a
4 Statewide strategic plan to most effectively provide interoperability
5 between and coordinate public safety communications among State,
6 county and municipal public safety agencies. The council is to submit
7 the plan to the Governor and the Legislature one year after the
8 members are appointed. The council also is required to submit
9 recommendations and proposals, as appropriate, to the Regional
10 Planning Committees to which the State is assigned by the Federal
11 Communications Commission.

12 In addition, the bill requires the council to engage a full-time
13 professional spectrum manager, who shall be responsible for approving
14 all applications for public safety spectrum allocations in the State to
15 ensure full compliance with Federal Communications Commission
16 rules that impact frequency allocation for public safety use.

ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3390

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 6, 2003

The Assembly Homeland Security and State Preparedness Committee reports favorably and with committee amendments Assembly Bill No. 3390.

This bill establishes a 15 member State Public Safety Interoperable Communications Coordinating Council in the Department of Law and Public Safety. The council members would include State officials and representatives with interests covering law enforcement and corrections, firefighting, emergency medical services, emergency management, transportation, and the environment. The Attorney General or his designee would act as chairperson of the council, and any vacancy in the membership of the council would be filled in the same manner as the original appointment.

The purpose of the council would be to develop a Statewide Wireless Public Safety Interoperable Communications Strategic Plan to address interoperability and the use of digital technology in public safety communications. The bill would also require the council to coordinate its activities, as appropriate, with the federal Regional Planning Committees to which the State is assigned by the Federal Communications Commission.

The council would submit its strategic plan to the Governor and the Legislature one year after the appointment of all of the original members. The council would also be required to submit recommendations and proposals, as appropriate, to the Regional Planning Committees to which the State is assigned by the Federal Communications Commission.

Additionally, the bill would require the council to engage a full-time professional spectrum manager, who would be responsible for approving all applications for public safety spectrum allocations in the State to ensure full compliance with federal rules and regulations that impact frequency allocation for public safety use.

COMMITTEE AMENDMENTS:

The amendments simply correct certain spelling and punctuation errors within the body of the bill draft and remove redundant wording from subsection i. of section 4, pertaining to the council members appointed by the Attorney General. These amendments do not alter the substantive provisions of the bill.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3390

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 2003

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Assembly Bill No. 3390 (1R).

As amended and released by the committee, this bill establishes a 16-member State Public Safety Interoperable Communications Coordinating Council in the Department of Law and Public Safety. The council members would include State officials and representatives with interests covering law enforcement and corrections, firefighting, emergency medical services, emergency management, transportation, and the environment. The Attorney General or his designee would act as chairperson of the council, and any vacancy in the membership of the council would be filled in the same manner as the original appointment.

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Additionally, the bill would require the council to engage a full-time professional spectrum manager, who would be responsible for approving all applications for public safety spectrum allocations in the State to ensure full compliance with federal rules and regulations that impact frequency allocation for public safety use.

The committee amended the bill to add the President of the Board of Public Utilities to the council's membership.

SENATE, No. 2481

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 8, 2003

Sponsored by:

Senator JOSEPH A. PALAIA

District 11 (Monmouth)

Senator JOHN A. GIRGENTI

District 35 (Bergen and Passaic)

Co-Sponsored by:

Senator Bucco

SYNOPSIS

Establishes State Public Safety Interoperable Communications Coordinating Council.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/9/2003)

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- 8 representative;
- 9 e. The Commissioner of Environmental Protection, ex officio, or
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- 12 a designated representative;
- 13 g. The Commissioner of Community Affairs, ex officio, or a
- 14 designated representative;
- 15 h. The Adjutant General of the Department of Military and
- 16 Veterans' Affairs, ex officio, or a designated representative; and
- 17 i. Seven members to be appointed by the Attorney General,
- 18 including a representative of the Office of Information Technology,
- 19 a representative of the New Jersey Transit Corporation, a
- 20 representative of the New Jersey State Fire Chiefs' Association or the
- 21 New Jersey Career Fire Chiefs Association, a representative of the
- 22 New Jersey State Association of Chiefs of Police, a representative of
- 23 the Sheriffs' Association of New Jersey, a representative of the
- 24 Division of Fire Safety in the Department of Community Affairs, and
- 25 a representative of the emergency medical services community.
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- 27 5. The Attorney General or his designee shall act as chairperson of
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7 entitled to call to its assistance and avail itself of the services of the
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10 agency as it may require. State, county and municipal agencies shall
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17 STATEMENT

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25 General or his designee would act as chairperson of the council, and
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27 same manner as the original appointment.

28 The purpose of the council would be to develop a Statewide
29 Wireless Public Safety Interoperable Communications Strategic Plan
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33 Planning Committees to which the State is assigned by the Federal
34 Communications Commission.

35 The council would submit its strategic plan to the Governor and the
36 Legislature one year after the appointment of all of the original
37 members. The council would also be required to submit
38 recommendations and proposals, as appropriate, to the Regional
39 Planning Committees to which the State is assigned by the Federal
40 Communications Commission.

41 Additionally, the bill would require the council to engage a full-time
42 professional spectrum manager, who would be responsible for
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SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2481

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 2003

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 2481.

As amended and released by the committee, this bill establishes a 16-member State Public Safety Interoperable Communications Coordinating Council in the Department of Law and Public Safety. The council members would include State officials and representatives with interests covering law enforcement and corrections, firefighting, emergency medical services, emergency management, transportation, and the environment. The Attorney General or his designee would act as chairperson of the council, and any vacancy in the membership of the council would be filled in the same manner as the original appointment.

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