

Assembly Bill No. 2041

CHAPTER 855

An act to amend Sections 8592.1, 8592.2, and 8592.3 of the Government Code, relating to public safety.

[Approved by Governor September 30, 2006. Filed with
Secretary of State September 30, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2041, Nava. Public safety: communications.

Under existing law, the Public Safety Radio Strategic Planning Committee, comprised of 13 specified state entities, has primary responsibility in state government to develop and implement a statewide integrated public safety communication system for state government agencies that facilitates interoperability and other shared uses of public safety spectrum with local and federal agencies.

This bill would add the Military Department, State Department of Health Services, and Department of Finance to, and remove the Department of the Youth Authority from, the committee and would require that a representative of the Office of Emergency Services serve as chairperson. It would require that interoperability be developed to include first response agencies, as defined, as the committee deems appropriate. It also would require the committee to meet at least twice a year, with one being a joint meeting with the California Statewide Interoperability Executive Committee.

This bill would incorporate additional changes in Section 8592.1 of the Government Code proposed by AB 2116, that would become operative only if AB 2116 and this bill are both chaptered and become operative on or before January 1, 2007, and this bill is chaptered last.

The people of the State of California do enact as follows:

SECTION 1. Section 8592.1 of the Government Code is amended to read:

8592.1. For purposes of this article, the following terms have the following meanings:

(a) "Public safety spectrum" means the spectrum allocated by the Federal Communications Commission for operation of interoperable and general use radio communication systems for public safety purposes within the state.

(b) "Committee" means the Public Safety Radio Strategic Planning Committee, which was established in December 1994 in recognition of the

need to improve existing public radio systems and to develop interoperability among public safety departments, and between state public safety departments and local or federal entities, and which consists of representatives of the following state entities:

- (1) The Office of Emergency Services, who shall serve as chairperson.
- (2) The California Highway Patrol.
- (3) The Department of Transportation.
- (4) The Department of Corrections and Rehabilitation.
- (5) The Department of Parks and Recreation.
- (6) The Department of Fish and Game.
- (7) The Department of Forestry and Fire Protection.
- (8) The Department of Justice.
- (9) The Department of Water Resources.
- (10) The State Department of Health Services.
- (11) The Emergency Medical Services Authority.
- (12) The Department of General Services.
- (13) The Office of Homeland Security.
- (14) The Military Department.
- (15) Department of Finance.

(c) “First response agencies” means public agencies that, in the early stages of an incident, are responsible for, among other things, the protection and preservation of life, property, evidence, and the environment, including, but not limited to, state fire agencies, state and local emergency medical services agencies, local sheriffs’ departments, municipal police departments, county and city fire departments, and police and fire protection districts.

SEC. 1.5. Section 8592.1 of the Government Code is amended to read:

8592.1. For purposes of this article, the following terms have the following meanings:

(a) “Backward compatibility” means that the equipment is able to function with older, existing equipment.

(b) “Committee” means the Public Safety Radio Strategic Planning Committee, which was established in December 1994 in recognition of the need to improve existing public radio systems and to develop interoperability among public safety departments, and between state public safety departments and local or federal entities and which consists of representatives of the following state entities:

- (1) The Office of Emergency Services, who shall serve as chairperson.
- (2) The California Highway Patrol.
- (3) The Department of Transportation.
- (4) The Department of Corrections and Rehabilitation.
- (5) The Department of Parks and Recreation.
- (6) The Department of Fish and Game.
- (7) The Department of Forestry and Fire Protection.
- (8) The Department of Justice.
- (9) The Department of Water Resources.
- (10) The State Department of Health Services.

- (11) The Emergency Medical Services Authority.
- (12) The Department of General Services.
- (13) The Office of Homeland Security.
- (14) The Military Department.
- (15) Department of Finance.

(c) “First response agencies” means public agencies that, in the early stages of an incident, are responsible for, among other things, the protection and preservation of life, property, evidence, and the environment, including, but not limited to, state fire agencies, state and local emergency medical services agencies, local sheriffs’ departments, municipal police departments, county and city fire departments, and police and fire protection districts.

(d) “Nonproprietary equipment or systems” means equipment or systems that are able to function with another manufacturer’s equipment or system regardless of type or design.

(e) “Open architecture” means a system that can accommodate equipment from various vendors because it is not a proprietary system.

(f) “Public safety radio subscriber” means the ultimate end user. Subscribers include individuals or organizations, including, for example, local police departments, fire departments, and other operators of a public safety radio system. Typical subscriber equipment includes end instruments, including mobile radios, hand-held radios, mobile repeaters, fixed repeaters, transmitters, or receivers that are interconnected to utilize assigned public safety communications frequencies.

(g) “Public safety spectrum” means the spectrum allocated by the Federal Communications Commission for operation of interoperable and general use radio communication systems for public safety purposes within the state.

SEC. 2. Section 8592.2 of the Government Code is amended to read:

8592.2. (a) The committee shall have primary responsibility in state government for both of the following:

(1) Developing and implementing a statewide integrated public safety communication system that facilitates interoperability among state public safety departments listed in subdivision (b) of Section 8592.1 and other first response agencies, as the committee deems appropriate.

(2) Coordinating other shared uses of the public safety spectrum consistent with decisions and regulations of the Federal Communications Commission.

(b) In order to facilitate effective use of the public safety spectrum, the committee shall consult with any regional planning committee or other federal, state, or local entity with responsibility for developing, operating, or monitoring interoperability of the public safety spectrum.

(c) The committee shall meet at least twice a year, of which one meeting shall be a joint meeting with the California Statewide Interoperability Executive Committee to enhance coordination and cooperation at all organizational levels and a cohesive approach to communications interoperability.

SEC. 3. Section 8592.3 of the Government Code is amended to read:

8592.3. (a) The committee shall consult with the following organizations and entities:

- (1) California State Peace Officers Association.
- (2) California Police Chiefs Association.
- (3) California State Sheriffs' Association.
- (4) California Professional Firefighters.
- (5) California Fire Chiefs Association.
- (6) California State Association of Counties.
- (7) League of California Cities.
- (8) California State Firefighters Association.
- (9) California Coalition of Law Enforcement Associations.
- (10) California Correctional Peace Officers Association.
- (11) CDF Firefighters.
- (12) California Union of Safety Employees.

(b) Each organization or entity listed in subdivision (a) may designate a representative to work with the committee to develop agreements for interoperability or other shared use of the public safety spectrum between the state public safety departments listed in subdivision (b) of Section 8592.1 and local or federal agencies that operate a communication system on the public safety spectrum and that have capacity and technical ability for interoperability or other shared use.

(c) The committee shall develop a model memorandum of understanding that sets forth general terms for interoperability or other shared uses among jurisdictions, which may be modified as necessary for a particular agreement entered into pursuant to subdivision (b).

(d) A local agency may not be required to adopt the model memorandum of understanding developed pursuant to subdivision (c).

SEC. 4. Section 1.5 of this bill incorporates amendments to Section 8592.1 of the Government Code proposed by both this bill and AB 2116. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2007, (2) each bill amends Section 8592.1 of the Government Code, and (3) this bill is enacted after AB 2116, in which case Section 1 of this bill shall not become operative.