

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

AMENDED IN ASSEMBLY MARCH 22, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 2116

**Introduced by Assembly Members Cohn, Jerome Horton, and
Negrete McLeod**

February 17, 2006

An act to amend Sections 8592.1, 8592.4, and 8592.5 of the Government Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2116, as amended, Cohn. Emergency services: disaster assistance: equipment.

Existing law requires the Public Safety Radio Strategic Planning Committee to make recommendations for state agency purchase of communications equipment that will enable interoperability and other shared uses of the public safety spectrum with local and federal agencies.

This bill would specify that the recommended equipment be public safety radio subscriber equipment that also conforms to governmental standards for interoperability and, as technology evolves, that the equipment or systems be nonproprietary and have open architecture and backward compatibility. The bill would authorize the committee to recommend this equipment to any other federal, state, regional, or local entity with responsibility for developing, operating, or monitoring interoperability of the public safety spectrum.

The bill would define “nonproprietary equipment or systems,” “open architecture,” “backward compatibility,” and other related terms, for these purposes.

The bill would require a local first response agency that purchases public safety radio communication equipment with state funds or federal funds administered by the state, to ensure that the equipment purchased complies with certain specifications.

This bill would incorporate additional changes to Section 8592.1 of the Government Code proposed by AB 2041, to be operative if this bill and AB 2041 are enacted and become effective January 1, 2007, and this bill is enacted last.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The need to enhance the ability of public safety agencies
4 from neighboring cities, adjacent counties, and across the state to
5 communicate with one another during emergencies has become
6 more evident and essential since the terrorist attacks on
7 September 11, 2001. The events of September 11, as well as
8 recent federally declared natural disasters, clearly demonstrated
9 the need for law enforcement, firefighters, emergency medical
10 services personnel, and related public and private agencies that
11 have public safety responsibilities to be able to effectively
12 communicate in times of need so resources can be properly
13 utilized and lives can be saved.

14 (b) Currently in this state, the ability of public safety agencies
15 to communicate with each other is largely impossible because of
16 all the different communications systems and frequencies being
17 utilized by the various public safety agencies. This problem has
18 been examined by the California Statewide Interoperability
19 Executive Committee, the Public Safety Radio Strategic Planning
20 Committee, and the Legislature.

21 (c) As we move to develop regional communications systems,
22 the governance of the systems will be the key to success. There
23 are some basic elements that must be included for any regional

1 system to work effectively. These elements include the
2 following:

3 (1) Regional systems should be established taking into
4 consideration topography, contiguous urban areas, and
5 operational efficiency with respect to response agreements with
6 local public safety agencies and, at minimum, should serve a
7 county and be capable of interlinking with other systems
8 simultaneously in real time.

9 (2) Regional systems must be compliant with current and
10 applicable standards.

11 (3) Regional systems should be developed based on a shared
12 governance model, the use of joint powers agreements is one
13 workable model. The governance board responsibilities would
14 include, but not be limited to, establishing advisory committees
15 to develop recommendations on system operational issues,
16 technical upgrades, and system financial planning.

17 (4) Regional systems should be developed using costing
18 models that include subscriber fees that cover system operational
19 costs, personnel needed to manage the network, technical
20 upgrades or enhancements, and system replacement costs.

21 (5) Regional systems should be sized to include sufficient
22 frequency capacity to serve all public interests including state,
23 county, local government, and special districts.

24 (6) Regional systems must be developed in conjunction with
25 ongoing regional and statewide planning efforts to ensure
26 coordination of adequate frequency and protocols that will
27 facilitate the linking of systems-to-systems as a means of
28 achieving a statewide interoperable communications network.

29 SEC. 2. Section 8592.1 of the Government Code is amended
30 to read:

31 8592.1. For purposes of this article, the following terms have
32 the following meanings:

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

35 (b) “Committee” means the Public Safety Radio Strategic
36 Planning Committee, which was established in December 1994
37 in recognition of the need to improve existing public radio
38 systems and to develop interoperability among public safety
39 departments, and between state public safety departments and

1 local or federal entities and which consists of representatives of
2 the following state entities:

- 3 (1) The California Highway Patrol.
- 4 (2) The Department of Transportation.
- 5 (3) The Department of Corrections and Rehabilitation.
- 6 (4) The Department of Parks and Recreation.
- 7 (5) The Department of Fish and Game.
- 8 (6) The Department of Forestry and Fire Protection.
- 9 (7) The Department of Justice.
- 10 (8) The Department of Water Resources.
- 11 (9) The Office of Emergency Services.
- 12 (10) The Emergency Medical Services Authority.
- 13 (11) The Department of the Youth Authority.
- 14 (12) The Department of General Services.
- 15 (13) The Office of Homeland Security.

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

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

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

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

34 *SEC. 2.5. Section 8592.1 of the Government Code is amended*
35 *to read:*

36 8592.1. For purposes of this article, the following terms have
37 the following meanings:

38 (a) ~~“Public safety spectrum” means the spectrum allocated by~~
39 ~~the Federal Communications Commission for operation of~~
40 ~~interoperable and general use radio communication systems for~~

1 ~~public safety purposes within the state~~ “*Backward compatibility*”
2 *means that the equipment is able to function with older, existing*
3 *equipment.*

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

11 (1) *The Office of Emergency Services, who shall serve as*
12 *chairperson.*

13 (2) The California Highway Patrol.

14 ~~(2)~~

15 (3) The Department of Transportation.

16 ~~(3)~~

17 (4) The Department of Corrections *and Rehabilitation.*

18 ~~(4)~~

19 (5) The Department of Parks and Recreation.

20 ~~(5)~~

21 (6) The Department of Fish and Game.

22 ~~(6)~~

23 (7) The Department of Forestry and Fire Protection.

24 ~~(7)~~

25 (8) The Department of Justice.

26 ~~(8)~~

27 (9) The Department of Water Resources.

28 ~~(9) The Office of Emergency Services.~~

29 (10) *The State Department of Health Services.*

30 (11) The Emergency Medical Services Authority.

31 ~~(11) The Department of the Youth Authority.~~

32 (12) The Department of General Services.

33 (13) The Office of Homeland Security.

34 (14) *The Military Department.*

35 (15) *Department of Finance.*

36 (c) “*First response agencies*” means public agencies that, in
37 *the early stages of an incident, are responsible for, among other*
38 *things, the protection and preservation of life, property,*
39 *evidence, and the environment, including, but not limited to, state*
40 *fire agencies, state and local emergency medical services*

1 agencies, local sheriffs' departments, municipal police
2 departments, county and city fire departments, and police and
3 fire protection districts.

4 (d) "Nonproprietary equipment or systems" means equipment
5 or systems that are able to function with another manufacturer's
6 equipment or system regardless of type or design.

7 (e) "Open architecture" means a system that can
8 accommodate equipment from various vendors because it is not a
9 proprietary system.

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

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

22 SEC. 3. Section 8592.4 of the Government Code is amended
23 to read:

24 8592.4. (a) The committee shall determine which state public
25 safety departments listed in subdivision (b) of Section 8592.1
26 need new or upgraded communication equipment and shall
27 establish a program for equipment purchase. In establishing this
28 program, the committee shall recommend the purchase of public
29 safety radio subscriber equipment that will enable state agencies
30 to commence conforming to industry and governmental standards
31 for interoperability as set forth in Section 8592.5. As technology
32 continues to evolve, the committee shall recommend the
33 purchase of nonproprietary equipment or systems that have open
34 architecture and backward compatibility, and that are in
35 compliance with paragraphs (1) and (2) of subdivision (a) of
36 Section 8592.5.

37 (b) The committee may recommend to any other federal, state,
38 regional, or local entity with responsibility for developing,
39 operating, or monitoring interoperability of the public safety
40 spectrum, the purchase of public safety radio subscriber

1 equipment that will enable first response agencies to commence
2 conforming to industry and governmental standards for
3 interoperability as set forth in paragraphs (1) and (2) of
4 subdivision (a) of Section 8592.5. As technology continues to
5 evolve, the committee may recommend the purchase of
6 nonproprietary equipment or systems that have open architecture
7 and backward compatibility, and that are in compliance with
8 paragraphs (1) and (2) of subdivision (a) of Section 8592.5.

9 (c) This section does not mandate that a state or local
10 governmental agency affected by this section is required to
11 compromise its immediate mission or ability to function and
12 carry out its existing responsibilities.

13 SEC. 4. Section 8592.5 of the Government Code is amended
14 to read:

15 8592.5. (a) Except as provided in subdivision (c), a state
16 department that purchases public safety radio communication
17 equipment shall ensure that the equipment purchased complies
18 with applicable provisions of the following:

19 (1) The common system standards for digital public safety
20 radio communications commonly referred to as the “Project 25
21 Standard,” as that standard may be amended, revised, or added to
22 in the future jointly by the Associated Public–Safety
23 Communications Officials, Inc., National Association of State
24 Telecommunications Directors and agencies of the federal
25 government, commonly referred to as “APCO/NASTD/FED.”

26 (2) The operational and functional requirements delineated in
27 the Statement of Requirements for Public Safety Wireless
28 Communications and Interoperability developed by the
29 SAFECOM Program under the United States Department of
30 Homeland Security.

31 (b) Except as provided in subdivision (c), a local first response
32 agency that purchases public safety radio communication
33 equipment, in whole or in part, with state funds or federal funds
34 administered by the state, shall ensure that the equipment
35 purchased complies with paragraphs (1) and (2) of subdivision
36 (a).

37 (c) Subdivision (a) or (b) shall not apply to either of the
38 following:

39 (1) Purchases of equipment to operate with existing state or
40 local communications systems where the latest applicable

1 standard will not be compatible, as verified by the
2 Telecommunications Division of the Department of General
3 Services.

4 (2) Purchases of equipment for existing statewide low-band
5 public safety communications systems.

6 (d) This section may not be construed to require an affected
7 state or local governmental agency to compromise its immediate
8 mission or ability to function and carry out its existing
9 responsibilities.

10 *SEC. 5. Section 2.5 of this bill incorporates amendments to*
11 *Section 8592.1 of the Government Code proposed by both this*
12 *bill and A.B. 2041. It shall only become operative if (1) both bills*
13 *are enacted and become effective on or before January 1, 2007,*
14 *(2) each bill amends Section 8592.1 of the Government Code,*
15 *and (3) this bill is enacted after A.B. 2041, in which case Section*
16 *2 of this bill shall not become operative.*