

AMENDED IN SENATE JUNE 28, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1738

Introduced by Committee on Governmental Organization (Torrico (Chair), De Leon, Evans, Levine, Mendoza, Portantino, Price, Richardson, and Soto) Assembly Member Coto

March 15, 2007

~~An act to amend Sections 8592.1 and 8592.4 of the Government Code, relating to public safety. An act to add Sections 12012.465, 12012.485, 12012.495, and 12012.515 to the Government Code, relating to gaming.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1738, as amended, ~~Committee on Governmental Organization Coto. Public safety: radio communications. Tribal gaming: memoranda of agreement.~~

Existing federal law, the Indian Gaming Regulatory Act, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude compacts, subject to ratification by the Legislature. Existing law expressly ratifies a number of tribal-state gaming compacts, and amendments of tribal-state gaming compacts, between the State of California and specified Indian tribes.

This bill would approve memoranda of agreement entered into between the State of California and the Agua Caliente Band of Cahuilla Indians, the Morongo Band of Mission Indians, the Pechanga Band of Luiseño Indians, and the Sycuan Band of the Kumeyaay Nation, executed on June 27, 2007.

~~(1) Existing law establishes in state government the Public Safety Radio Strategic Planning Committee, a multimember body with representatives of specified state agencies, with duties that include developing and implementing a statewide integrated public safety communication system that facilitates interoperability among state public safety departments and other first response agencies. The committee is required to meet at least twice a year, of which one meeting shall be a joint meeting with the California Statewide Interoperability Executive Committee.~~

~~This bill would define the California Statewide Interoperability Executive Committee as being the committee established under the direction of the Telecommunications Branch of the Office of Emergency Services with specified duties.~~

~~(2) 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. It requires the committee to recommend, as technology continues to evolve, the purchase of nonproprietary equipment or systems that have “open architecture” and “backward compatibility,” as defined.~~

~~This bill would instead require the committee to recommend the purchase of standards-based equipment or systems that are backward compatible.~~

~~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. Section 12012.465 is added to the Government
- 2 Code, to read:
- 3 12012.465. The memorandum of agreement entered into
- 4 between the State of California and the Agua Caliente Band of
- 5 Cahuilla Indians, executed on June 27, 2007, is hereby approved.
- 6 SEC. 2. Section 12012.485 is added to the Government Code,
- 7 to read:
- 8 12012.485. The memorandum of agreement entered into
- 9 between the State of California and the Morongo Band of Mission
- 10 Indians, executed on June 27, 2007, is hereby approved.
- 11 SEC. 3. Section 12012.495 is added to the Government Code,
- 12 to read:

1 12012.495. *The memorandum of agreement entered into*
2 *between the State of California and the Pechanga Band of Luiseño*
3 *Indians, executed on June 27, 2007, is hereby approved.*

4 SEC. 4. Section 12012.515 is added to the Government Code,
5 to read:

6 12012.515. *The memorandum of agreement entered into*
7 *between the State of California and the Sycuan Band of the*
8 *Kumeyaay Nation, executed on June 27, 2007, is hereby approved.*

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

11 8592.1. For purposes of this article, the following terms have
12 the following meanings:

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

15 (b) “California Statewide Interoperability Executive Committee”
16 means the committee established under the direction of the
17 Telecommunications Branch of the Office of Emergency Services
18 with duties that include establishing technical and operational
19 policies for all current State Mutual Aid Radio frequencies
20 administered by the office.

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

28 (1) The Office of Emergency Services, who shall serve as
29 chairperson.

30 (2) The California Highway Patrol.

31 (3) The Department of Transportation.

32 (4) The Department of Corrections and Rehabilitation.

33 (5) The Department of Parks and Recreation.

34 (6) The Department of Fish and Game.

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

36 (8) The Department of Justice.

37 (9) The Department of Water Resources.

38 (10) The State Department of Public Health.

39 (11) The Emergency Medical Services Authority.

40 (12) The Department of General Services.

1 ~~(13) The Office of Homeland Security.~~

2 ~~(14) The Military Department.~~

3 ~~(15) Department of Finance.~~

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

11 ~~(e) “Standards-based equipment or systems” means equipment~~
12 ~~or systems built to comply with voluntary, consensus-based~~
13 ~~industry standards, and that are able to interoperate with another~~
14 ~~manufacturer’s standards-based equipment or system.~~

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

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

27 ~~SEC. 2. Section 8592.4 of the Government Code is amended~~
28 ~~to read:~~

29 ~~8592.4. (a) The committee shall determine which state public~~
30 ~~safety departments listed in subdivision (b) of Section 8592.1 need~~
31 ~~new or upgraded communication equipment or interoperability~~
32 ~~systems and shall establish a program for equipment or system~~
33 ~~purchase. In establishing this program, the committee shall~~
34 ~~recommend the purchase of public safety radio subscriber~~
35 ~~equipment or interoperability systems that will enable state~~
36 ~~agencies to commence conforming to industry and governmental~~
37 ~~standards for interoperability as set forth in Section 8592.5. As~~
38 ~~technology continues to evolve, the committee shall recommend~~
39 ~~the purchase of standards-based equipment or systems that are~~

1 backward compatible, and that are in compliance with paragraphs
2 (1) and (2) of subdivision (a) of Section 8592.5.

3 ~~(b) The committee may recommend to any other federal, state,~~
4 ~~regional, or local entity with responsibility for developing,~~
5 ~~operating, or monitoring interoperability of the public safety~~
6 ~~spectrum, the purchase of public safety radio subscriber equipment~~
7 ~~or interoperability systems that will enable first response agencies~~
8 ~~to commence conforming to industry and governmentally~~
9 ~~recognized standards for interoperability as set forth in paragraphs~~
10 ~~(1) and (2) of subdivision (a) of Section 8592.5. As technology~~
11 ~~continues to evolve, the committee may recommend the purchase~~
12 ~~of standards-based equipment or systems that are backward~~
13 ~~compatible, and that are in compliance with paragraphs (1) and~~
14 ~~(2) of subdivision (a) of Section 8592.5.~~

15 ~~(c) This section does not mandate that a state or local~~
16 ~~governmental agency affected by this section is required to~~
17 ~~compromise its immediate mission or ability to function and carry~~
18 ~~out its existing responsibilities.~~