WEST VIRGINIA CODE CHAPTER 15 ARTICLE 14

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§15-14-1. Short title.

This article is known as and may be cited as the “Statewide Interoperable Radio Network Act”.

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§15-14-2. Definitions.

(a) “Director” means the Director of West Virginia Division of Homeland Security and Emergency Management.

(b) “Statewide Interoperable Radio Network” or “SIRN” means the interoperable communications network established for the purpose of implementing and maintaining an interoperable communications network for first responders to help assure the safety of all citizens in the event of disaster or emergency.

(c) “Statewide Interoperability Coordinator” or “SWIC” means the individual appointed by the Director to oversee the state’s interoperable communications efforts in planning and coordinating the SIRN.

(d) “Statewide Interoperability Executive Committee” or “Executive Committee” means the governing body of the SIRN.

(e) “WVDHSEM” means the West Virginia Division of Homeland Security and Emergency Management.

(f) “Regional Interoperability Committee” means the committee or committees that assist the SWIC and the Executive Committee with governing and monitoring the implementation and operation of the SIRN and establishing goals for the betterment of the SIRN.

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§15-14-3. Purpose and objectives.

(a) One of the most important and profound duties of the State of West Virginia is to provide for the safety and security of her citizens. The state must constantly be prepared to immediately respond to any homeland security threat or event and all disasters, natural or man-made. With any Homeland Security threat or event, and all disasters, natural or man-made, the state must be able to instantly and effectively communicate in order to collaborate with various entities which are geographically dispersed.

(b) The purpose of this article is to ensure the most effective communication in the provision of emergency services, to assure an immediate and coordinated response to disasters and emergencies, and to ensure the maintenance and operation of the equipment comprising the SIRN.

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§15-14-4. Appointment of the Statewide Interoperability Coordinator.

(a) On or before July 1, 2017, the director shall appoint the Statewide Interoperability Coordinator from a recommendation of the Statewide Interoperability Executive Committee (SIEC), who shall be employed by and report to the director. The coordinator shall have at a minimum five years' experience in overseeing and managing major communications systems and supervising employees.

(b) The coordinator shall oversee the state's interoperable communications efforts in planning and coordinating a statewide interoperable radio network that serves the state's first responders and other users of the network.

(c) The coordinator shall provide recommendations to the director to determine statewide priorities related to interoperable communications and shall work with all agencies to ensure the greatest input to the plans.

(d) The coordinator shall ensure all interoperable communications funds and functions of this state are coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies, of other states and localities and of private agencies of every type, so that the most effective preparation and use may be made of the nation's and this state's communications resources and facilities for dealing with any disaster or emergency that may occur.

(e) The coordinator will provide the Statewide Interoperable Radio Network approved compatibility equipment list to any state spending unit or state agency, including purchases on behalf of state agencies, county and local first responder agencies for purchases of two-way radio, microwave or satellite equipment and related services, or purchases that utilize state or federal funds distributed to local entities by the State of West Virginia. The purchase of any equipment not on the approved compatibility list must receive prior approval from the coordinator.

(f) The coordinator is the point of contact for any public or private entity or individual seeking information about the Radio Network;

(g) Prior to any state agency proceeding with a major communications project, an agency shall submit to the coordinator a project proposal, outlining the need for the project, the proposed technology solution, if known, and an explanation of how the project will support the agency's objective and the state's strategic interoperable communications plan.

(h) The coordinator shall perform any other duties as may be prescribed by the director.

(i) If a vacancy exists in this position, the director shall appoint someone to act in this capacity until the Executive Committee makes its recommendations and the director appoints a replacement.

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§15-14-5. The Statewide Interoperability Executive Committee.

(a) The Statewide Interoperability Executive Committee shall consist of the following members or their designee:

(1) The Director of the WVDHSEM;

(2) The Superintendent of the West Virginia State Police;

(3) The President of the West Virginia Emergency Management Council;

(4) The Adjutant General of the West Virginia National Guard;

(5) The West Virginia Chief Technology Officer;

(6) The President of the West Virginia Enhanced 911 Council;

(7) The President of the West Virginia Sheriffs' Association;

(8) The West Virginia State Fire Marshal;

(9) The President of the West Virginia County Commissioners' Association;

(10) The President of the West Virginia Municipal League;

(11) The Secretary of the Department of Transportation;

(12) The Director of the Office of Emergency Medical Services;

(13) One representative from each of the agencies which own one of the SIRN's zoned master site switches not otherwise represented;

(14) The chairman of each of the Regional Interoperability Committees;

(15) A representative of the West Virginia Chapter of the Association of Public Safety Communications Officials;

(16) The Director of the West Virginia Parkways Authority; and

(17) The Statewide Interoperability Coordinator who shall serve in a nonvoting Ex officio capacity.

(b) The director shall serve as the chairman of the Executive Committee.

(c) Members of the Executive Committee shall serve without compensation. However, each member of the Executive Committee may receive reimbursement from the Statewide Interoperable Radio Network Account, for actual expenses, including travel expenses, in

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accordance with state travel guidelines.

(d) The Executive Committee may appoint, as nonvoting members, individuals with technical expertise that may assist with its mission.

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§15-14-6. Duties of the Statewide Interoperability Executive Committee.

The Executive Committee shall:

(1) Monitor the implementation and operation of the SIRN;

(2) Establish goals and guidance for the betterment of the SIRN;

(3) Review and approve all requests for use of the SIRN and its equipment, by a public or private entity;

(4) Develop, update, and implement policies, procedures, and guidelines related to the SIRN;

(5) Identify new technologies and develop technologies and standards for the SIRN;

(6) Enhance the coordination of all available resources for public safety communications interoperability;

(7) Investigate all matters relating to integrity, foresight in funding and operations and planning for the SIRN;

(8) Revoke, suspend, or modify any entity's use of the SIRN and equipment connected to the SIRN: Provided, That nothing in this section shall be construed to invalidate the Vertical Real Estate Management and Availability Act as provided in §31G-5-3 of this code;

(9) Provide guidance and services to support the proper cleansing of all decommissioned radio previously connected to SIRN; and

(10) Require all state agencies to submit two-way telecommunications equipment, not handled by the Office of Technology, to the Division of Emergency Management for cleansing, redistribution, reuse, or for the sale of the two-way telecommunications equipment.

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§15-14-7. Maintenance and Operations of the Statewide Interoperable Network; personnel; assets; agreements.

(a) The director may employ such technical, clerical, legal counsel, stenographic and other personnel, fix their compensation and make expenditures within the appropriation to the agency or from other funds made available for the purpose of providing interoperable communications services to carry out the purpose of this article.

(b) All equipment, structures, property, and personnel along with their equipment and vehicles, owned, managed, directed, controlled, and governed by the Department of Health associated with the statewide interoperable radio and/or microwave network and medical command radio system, are transferred to, incorporated in and administered as a part of the WVDHSEM: *Provided*, That medical command radio system communication equipment, not including the microwave and SIRN equipment, and personnel located in the medical coordination center at Flatwoods, West Virginia shall continue to be managed, directed, controlled, and governed by the Department of Health and are not included in the transfer authorized by this subsection.

(c) The director may acquire in the name of the state by purchase, lease or gift, real property and rights or easements necessary or convenient to construct thereon the necessary building or buildings for housing Radio Network employees, equipment or infrastructure.

(d) The director or his or her designee may enter into cooperative agreements, land and tower leases, memorandums of understanding/agreement, training contracts or service contracts with political subdivisions of the state, other states, federal agencies, and with public or private agencies for use by the radio network.

(e) The WVDHSEM is exempt from the requirements and associated fees of any local ordinances of any political subdivision of the state relating to the construction of towers or other infrastructure for use by the Radio Network to enhance interoperable communications.

(f) The WVDHSEM shall support a unified approach to interoperable communications across state, county, and municipal government, to include:

(1) Providing ongoing assistance and support to the state’s Medical Command System; and

(2) Providing ongoing assistance and support to state agencies in the development of interoperable and emergency communications plans or projects.

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§15-14-8. The Regional Interoperability Committees; composition; duties.

(a) The Regional Interoperability Committees shall operate in each of the defined state homeland security regions.

(b) Each Regional Interoperability Committee consists of no more than one representative from each identified discipline within each region, and includes, is not limited to, the following agencies, as well as those deemed necessary by the SWIC, Regional Interoperability Committee, or Executive Committee to ensure public safety:

(1) Municipal, county or regional hospitals;

(2) Municipal, county or state law enforcement;

(3) Municipal, county or private transit;

(4) Civil Air Patrol;

(5) County Enhanced 911;

(6) Emergency medical services;

(7) Federal law enforcement;

(8) Federal government (non-law enforcement);

(9) Municipal or county fire service;

(10) Municipal or county health department;

(11) Higher education public safety;

(12) Municipal or county Homeland Security/Emergency Management;

(13) Private industry-critical infrastructure and key resources;

(14) Regional response team;

(15) Radio Amateur Civil Emergency Services (RACES) or Amateur Radio Emergency Service (ARES);

(16) American Red Cross;

(17) Non-first responder state agencies;

(18) Volunteer search and rescue organizations;

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(19) County Commissioners' Association of West Virginia; and

(20) West Virginia Municipal League.

(c) The Regional Interoperability Committees shall:

(1) Assist the SWIC and the Executive Committee with governing and monitoring the implementation and operation of the SIRN and establishing goals for the betterment of the SIRN; and

(2) Serve as the mechanism for providing local level input to the Executive Committee for governance, identifying and developing technologies and standards, and coordination of resources.

(d) Regional Interoperability Committee members shall serve without compensation.

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§15-14-9. Creation of the Statewide Interoperable Radio Network account; purpose; funding; disbursements.

(a) There is hereby created in the State Treasury a special revenue account to be known as the Statewide Interoperable Radio Network Account to be administered by the director. The special revenue account shall consist of appropriations made by the Legislature; income derived from the lease of property, towers or tower space owned, operated or controlled by the WVDHSEM or any other state agency managed as part of the SIRN; moneys received by the Department of Health or WVDHSEM as proceeds of any claims for damages to structures, equipment or property of any kind, including moneys in the Insurance Property Loss Claims Fund administered by the Department of Health; income from the investment of moneys held in the special revenue account; grant money and all other sums available for deposit to the special revenue account from any source, public or private; and moneys received from the sale of recycled two-way telecommunications equipment pursuant to §15-14-6(10) of this code.

(b) Expenditures from the Statewide Interoperable Radio Network Account shall be for the purposes set forth in this article and used exclusively, to pay costs, fees and expenses incurred, or to be incurred for the following purposes: (1) The maintenance, upkeep, and repair of the SIRN; (2) operations of the Executive Committee; (3) payment of salaries for the SWIC and any personnel required to operate and maintain the SIRN; (4) the design, implementation, and management of the SIRN; (5) all other related SIRN activities approved by the Executive Committee; and (6) all costs incurred in the administration of the Statewide Interoperable Radio Network Account. Expenditures from the fund are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of §12-3-1 *et seq*. of this code and upon fulfillment of the provisions of §11B-2-1 *et seq*. of this code: *Provided*, That for the fiscal year ending June 30, 2018, expenditures are authorized from collections rather than pursuant to appropriation by the Legislature.

(c) Disbursements from the Statewide Interoperable Radio Network Account shall be authorized by the director or his or her designee. Moneys in the Statewide Interoperable Radio Network Account are not available for the payment of any personal injury claims, workers' compensation claims or other types of disability claims.

(d) Quarterly, the director shall prepare an accounting of all moneys disbursed from and any deposits made to the Statewide Interoperable Radio Network Account. This accounting shall include the reason for the withdraw, the recipients of any withdraw, and the source of any deposit.

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§15-14-10. Rule-making.

To implement the provisions of this article, the director may promulgate emergency rules pursuant to section fifteen, article three, chapter twenty-nine-a of this code and may propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code.

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