

AMENDED IN SENATE SEPTEMBER 7, 2001

AMENDED IN SENATE JULY 17, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1477

Introduced by Assembly Member Hertzberg

February 23, 2001

An act to add Article 6.6 (commencing with Section 53126) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, and to amend Sections 41020, 41030, 41031, 41032, 41135, and 41136 of, and to add Sections 41033, 41135.5, and 41136.5 to, the Revenue and Taxation Code, relating to public safety services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1477, as amended, Hertzberg. State nonemergency telephone number system.

Existing law requires local public safety agencies to maintain, in addition to a "911" emergency telephone number, a separate number for nonemergency calls. Existing law also sets forth the duties of the Division of Telecommunications of the Department of General Services in providing management oversight of statewide telecommunications systems developments, among other things.

This bill would authorize every local public agency, as defined, to establish a nonemergency telephone system and would designate the digits "311" as the primary nonemergency telephone number within the system. It would require the Division of Telecommunications of the Department of General Services to, among other things, aid local public agencies in the formulation of concepts, methods, and procedures that



will improve the operation of systems authorized by this bill and that will increase cooperation among public agencies. It would authorize the Attorney General, on behalf of the Division of Telecommunications or on his or her own initiative, to commence judicial proceedings to enforce compliance by any local public agency or public utility providing telephone service with the provisions of this bill.

Existing law imposes a surcharge on amounts paid by every person in the state for intrastate telephone communication service in this state to fund the “911” emergency telephone number system.

This bill would increase this surcharge imposed on amounts paid by every person who subscribes to intrastate telephone communication service within the jurisdiction of a local public agency that elects to implement a “311” nonemergency telephone system to fund the Nonemergency Telephone System established pursuant to this bill. It would require the Department of General Services to determine annually, on or before September 1, each increase needed in the surcharge rate that it estimates will produce sufficient revenue to fund the current fiscal year’s “311” costs for each local public agency with an approved application for a “311” nonemergency telephone system.

This bill would incorporate additional changes to Section 41020 of the Revenue and Taxation Code proposed by SB 896, to be operative if SB 896 and this bill are both enacted and become effective on or before January 1, 2002, 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 hereby finds and declares all of
- 2 the following:
- 3 (a) The “911” emergency response system is inundated by
- 4 calls from people calling to complain about nonemergency
- 5 situations.
- 6 (b) Estimates of nonemergency calls to the “911” system range
- 7 from 70 to 90 percent of the total number of calls.
- 8 (c) These calls delay the delivery of emergency services.
- 9 (d) The availability of a “311” nonemergency telephone
- 10 number will reduce the number of these calls to the “911” system,
- 11 thus improving emergency response times.



1 SEC. 2. Article 6.6 (commencing with Section 53126) is
2 added to Chapter 1 of Part 1 of Division 2 of Title 5 of the
3 Government Code, to read:

4
5 Article 6.6. State Nonemergency Telephone System
6

7 53126. Every local public agency may establish a
8 nonemergency telephone system as provided in this article. The
9 digits “311” shall be the primary nonemergency telephone
10 number within the system. Nonemergency “311” telephone
11 systems shall be designed to provide a system similar to a “911”
12 selective routing system, whereby the location of the initial call is
13 determined to provide a coordinated uniform delivery system to
14 meet the specified requirements of each local jurisdiction. Every
15 system shall be designed to allow the handling of emergency calls
16 by the “911” emergency telephone system.

17 53126.5. For purposes of this article, the following
18 definitions apply:

19 (a) “Division of Telecommunications” means the Division of
20 Telecommunications of the Department of General Services.

21 (b) “Local public agency” means a city, county, city and
22 county, and joint powers authority that provides a public safety
23 answering point (PSAP).

24 (c) “Nonemergency telephone system” means a system
25 structured to provide access to only public safety agencies such as
26 police and fire, or a system structured to provide access to public
27 safety agencies and to all other services provided by a ~~jurisdiction~~
28 *local public agency* such as street maintenance and animal control.

29 53127. The Division of Telecommunications shall aid local
30 public agencies in the formulation of concepts, methods, and
31 procedures that will improve the operation of systems authorized
32 by this article and increase cooperation among public agencies.

33 53127.5. Technical and operational standards for the
34 development of the coordinated “311” system shall be
35 established, with the input of local public agencies, and reviewed
36 by the Division of Telecommunications on or before January 1,
37 2003. Until January 1, 2006, a city or joint powers authority that
38 provides a PSAP shall have the exclusive authority to propose a
39 “311” system. A city or joint powers authority proposing a “311”
40 system shall promptly notify the affected county or counties and



1 the Division of Telecommunications of a proposal. If a city or joint
2 powers authority that provides a PSAP does not propose a “311”
3 system by January 1, 2006, a county may, using the local agency’s
4 existing PSAP, establish a “311” nonemergency telephone system
5 to serve those entities for which there is no stated intent to provide
6 a “311” nonemergency telephone system. ~~On or before July 1,~~
7 ~~2005, and each even-numbered year thereafter, the Division of~~
8 ~~Telecommunications shall review, with the input of~~ system.

9 (c) *The Division of Telecommunications shall periodically*
10 *review, with the input of* local public agencies, and update technical
11 and operational standards for public agency systems.

12 53128. (a) The Division of Telecommunications shall review
13 each plan submitted by a local public agency to ensure that it
14 conforms to the minimum standards established pursuant to
15 Section 53127.5. If any plan does not comply, the Division of
16 Telecommunications shall, within 90 days of receipt of a plan,
17 notify the submitting local public agency of the plan’s deficiencies
18 in writing. A plan determined by the Division of
19 Telecommunications to be in conformance with the minimum
20 standards established pursuant to Section 53127.5 shall be
21 approved by the division.

22 (b) Each local public agency that receives a notice of deficiency
23 from the Division of Telecommunications shall submit a final plan
24 within six months following the receipt of the identified
25 deficiencies. The final plan shall be submitted to the Division of
26 Telecommunications and shall identify all planning,
27 implementation, installation, and operating costs the local public
28 agency feels necessary to implement the system authorized by this
29 article.

30 (c) The Division of Telecommunications shall monitor all
31 nonemergency “311” telephone systems to ensure that they
32 comply with minimal operational and technical standards as
33 established by the division. If any system does not comply, the
34 Division of Telecommunications shall notify in writing the local
35 public agency operating the system of its deficiencies. The local
36 public agency shall bring the system into compliance with the
37 operational and technical standards within 90 days of notice by the
38 division. Failure to comply within this time period shall subject the
39 local public agency to action by the Attorney General pursuant to
40 Section 53129.



1 53129. The Attorney General may, on behalf of the Division
2 of Telecommunications or on his or her own initiative, commence
3 judicial proceedings to enforce compliance by any local public
4 agency or public utility providing telephone service with the
5 provisions of this article.

6 53129.5. No later than February 1, 2002, the Division of
7 Telecommunications shall notify each ~~county~~ *local public agency*
8 in the state of the availability of the “311” nonemergency
9 telephone system.

10 53129.7. *Commercial Mobile Radio Service (CMRS)*
11 *providers are exempt from this article until January 1, 2006.*

12 SEC. 3. Section 41020 of the Revenue and Taxation Code is
13 amended to read:

14 41020. (a) A surcharge is hereby imposed on amounts paid
15 by every person in the state for intrastate telephone
16 communication service in this state commencing on July 1, 1977.

17 The surcharge imposed shall be at the rate of one-half of 1
18 percent of the charges made for the services to and including
19 November 1, 1982, *and* at a rate fixed pursuant to Article 2
20 (commencing with Section 41030) thereafter.

21 (b) The surcharge shall be increased in order to fund the State
22 Nonemergency Telephone System established by Article 6.6
23 (commencing with Section 53126) of Chapter 1 of Part 1 of
24 Division 6 of Title 5 of the Government Code. The increase shall
25 be imposed on amounts paid by every person within the
26 jurisdiction of a participating local public agency, whose
27 ~~application for a “311” nonemergency telephone system is filed~~
28 *plan for a “311” nonemergency telephone system is submitted*
29 pursuant to subdivision (a) of Section ~~53128~~ *53127.5* of the
30 Government Code.

31 (c) The surcharge shall be paid by the service user as ~~hereinafter~~
32 *hereafter* provided.

33 SEC. 3.5. *Section 41020 of the Revenue and Taxation Code is*
34 *amended to read:*

35 41020. (a) A surcharge is hereby imposed on amounts paid
36 by every person in the state for intrastate telephone
37 communication service in this state commencing on July 1, 1977.
38 The surcharge imposed shall be at the rate of one-half of 1 percent
39 of the charges made for ~~such~~ *the* services to and including
40 November 1, 1982, *and thereafter* at ~~such~~ a rate as ~~shall be~~ fixed



1 pursuant to Article 2 of the chapter thereafter (commencing with
2 Section 41030).

3 The

4 (b) The surcharge shall be increased in order to fund the State
5 Nonemergency Telephone System established by Article 6.6
6 (commencing with Section 53126) of Chapter 1 of Part 1 of
7 Division 6 of Title 5 of the Government Code. The increase shall
8 be imposed on amounts paid by every person within the
9 jurisdiction of a participating local public agency, whose plan for
10 a “311” nonemergency telephone system is submitted pursuant to
11 subdivision (a) of Section 53127.5 of the Government Code.

12 (c) The surcharge shall be paid by the service user as hereinafter
13 hereafter provided.

14 (d) In accordance with the Mobile Telecommunications
15 Sourcing Act (P.L. 106-252), which is incorporated herein by
16 reference, the surcharge imposed under this section does not apply
17 to any charges for mobile telecommunications services billed to a
18 customer where those services are provided, or deemed provided,
19 to a customer whose place of primary use is outside this state.
20 Mobile telecommunications services shall be deemed provided by
21 a customer’s home service provider to the customer if those
22 services are provided in a taxing jurisdiction to the customer, and
23 the charges for those services are billed by or for the customer’s
24 home service provider.

25 (e) For purposes of this section:

26 (1) “Charges for mobile telecommunications services” means
27 any charge for, or associated with, the provision of commercial
28 mobile radio service, as defined in Section 20.3 of Title 47 of the
29 Code of Federal Regulations, as in effect on June 1, 1999, or any
30 charge for, or associated with, a service provided as an adjunct to
31 a commercial mobile radio service, that is billed to the customer
32 by or for the customer’s home service provider, regardless of
33 whether individual transmissions originate or terminate within the
34 licensed service area of the home service provider.

35 (2) “Customer” means (A) the person or entity that contracts
36 with the home service provider for mobile telecommunications
37 services, or (B) if the end user of mobile telecommunications
38 services is not the contracting party, the end user of the mobile
39 telecommunications service. This paragraph applies only for the
40 purpose of determining the place of primary use. The term



1 “customer” does not include (A) a reseller of mobile
2 telecommunications service, or (B) a serving carrier under an
3 arrangement to serve the customer outside the home service
4 provider’s licensed service area.

5 (3) “Home service provider” means the facilities-based
6 carrier or reseller with which the customer contracts for the
7 provision of mobile telecommunications services.

8 (4) “Licensed service area” means the geographic area in
9 which the home service provider is authorized by law or contract
10 to provide commercial mobile radio service to the customer.

11 (5) “Mobile telecommunications service” means commercial
12 mobile radio service, as defined in Section 20.3 of Title 47 of the
13 Code of Federal Regulations, as in effect on June 1, 1999.

14 (6) “Place of primary use” means the street address
15 representative of where the customer’s use of the mobile
16 telecommunications service primarily occurs, that must be:

17 (A) The residential street address or the primary business street
18 address of the customer.

19 (B) Within the licensed service area of the home service
20 provider.

21 (7) (A) “Reseller” means a provider who purchases
22 telecommunications services from another telecommunications
23 service provider and then resells the services, or uses the services
24 as a component part of, or integrates the purchased services into,
25 a mobile telecommunications service.

26 (B) “Reseller” does not include a serving carrier with which
27 a home service provider arranges for the services to its customers
28 outside the home service provider’s licensed service area.

29 (8) “Serving carrier” means a facilities-based carrier
30 providing mobile telecommunications service to a customer
31 outside a home service provider’s or reseller’s licensed area.

32 (9) “Taxing jurisdiction” means any of the several states, the
33 District of Columbia, or any territory or possession of the United
34 States, any municipality, city, county, township, parish,
35 transportation district, or assessment jurisdiction, or any other
36 political subdivision within the territorial limits of the United
37 States with the authority to impose a tax, charge, or fee.

38 SEC. 4. Section 41030 of the Revenue and Taxation Code is
39 amended to read:



1 41030. (a) The Department of General Services shall
2 determine annually, on or before September 1, a surcharge rate that
3 it estimates will produce sufficient revenue to fund the current
4 fiscal year's "911" costs. The surcharge rate shall be determined
5 by dividing the costs, including incremental costs, that the
6 Department of General Services estimates for the current fiscal
7 year of "911" plans approved pursuant to Section 53115 of the
8 Government Code, less the available balance in the State
9 Emergency Telephone Number Account in the General Fund, by
10 its estimate of the charges for intrastate telephone communications
11 services to which the surcharge will apply for the period of
12 November 1 of the current calendar year to October 31 of the next
13 succeeding calendar year, but in no event shall the surcharge rate
14 in any year be greater than three-quarters of 1 percent nor less than
15 one-half of 1 percent.

16 (b) The Department of General Services shall determine
17 annually, on or before September 1, each increase needed in the
18 surcharge rate that it estimates will produce sufficient revenue to
19 fund the current fiscal year's "311" costs for each local public
20 agency whose application for a "311" nonemergency telephone
21 system is approved pursuant to Section 53128 of the Government
22 Code. The increases shall be determined by dividing the costs,
23 including incremental costs, that the Department of General
24 Services estimates for the current fiscal year for "311" plans
25 approved pursuant to Section 53128 of the Government Code, less
26 the available balance in the State Nonemergency Telephone
27 Number Account in the General Fund, by its estimate of the
28 charges for intrastate telephone communications services within
29 the local public agencies to which the surcharge will apply for the
30 period of November 1 of the current calendar year to October 31
31 of the next succeeding calendar year. The increase in the surcharge
32 rate pursuant to this subdivision shall not exceed one-quarter of 1
33 percent and shall be applied uniformly to amounts paid by every
34 person who subscribes to intrastate telephone communication
35 service within the jurisdiction of those local public agencies that
36 elect to implement a "311" nonemergency telephone system
37 consistent with the standards established by the Division of
38 Telecommunications pursuant to Section 53127.5 of the
39 Government Code. No increase in the surcharge rate made
40 pursuant to this subdivision shall be considered in determining



1 whether the surcharge rate described in subdivision (a) is greater
2 than three-quarters of 1 percent.

3 SEC. 5. Section 41031 of the Revenue and Taxation Code is
4 amended to read:

5 41031. The Department of General Services shall make its
6 determination of the surcharge rate and the increases required by
7 subdivision (b) of Section 41030 each year no later than September
8 1 and shall notify the board of the new rate, which shall be fixed
9 by the board to be effective with respect to charges made for
10 intrastate telephone communication services on or after November
11 1 of each year.

12 SEC. 6. Section 41032 of the Revenue and Taxation Code is
13 amended to read:

14 41032. Immediately upon notification by the Department of
15 General Services and fixing the surcharge rate and the increases
16 required by subdivision (b) of Section 41030, the board shall each
17 year no later than September 15 publish in its minutes the new rate
18 and the increases, and it shall notify by mail every service supplier
19 registered with it of the new rate.

20 SEC. 7. Section 41033 is added to the Revenue and Taxation
21 Code, to read:

22 41033. The funds generated by the surcharge rate imposed by
23 subdivision (a) of Section 41030 shall not be used to fund “311”
24 nonemergency telephone systems nor shall the increases required
25 by subdivision (b) of Section 41030 be used to fund the “911”
26 emergency telephone system.

27 SEC. 8. Section 41135 of the Revenue and Taxation Code is
28 amended to read:

29 41135. All amounts required to be paid to the state under this
30 part relating to the State Emergency Telephone System shall be
31 paid to the board in the form of remittances payable to the State
32 Board of Equalization of the State of California. The board shall
33 transmit the payments to the State Treasurer to be deposited in the
34 State Treasury to the credit of the State Emergency Telephone
35 Number Account in the General Fund, which is hereby created.

36 SEC. 9. Section 41135.5 is added to the Revenue and Taxation
37 Code, to read:

38 41135.5. All amounts required to be paid to the state under
39 this part relating to the State Nonemergency Telephone System
40 shall be paid to the board in the form of remittances payable to the



1 State Board of Equalization of the State of California. The board
2 shall transit the payments to the State Treasurer to be deposited in
3 the State Treasury to the credit of the State Nonemergency
4 Telephone Number Account in the General Fund, which is hereby
5 created.

6 SEC. 10. Section 41136 of the Revenue and Taxation Code is
7 amended to read:

8 41136. Funds in the State Emergency Telephone Number
9 Account shall, when appropriated by the Legislature, be spent
10 solely for the following purposes relating to the State Emergency
11 Telephone System:

12 (a) To pay refunds authorized by this part.

13 (b) To pay the State Board of Equalization for the cost of the
14 administration of this part.

15 (c) To pay the Department of General Services for its costs in
16 administration of the “911” emergency telephone number system.

17 (d) To pay bills submitted to the Department of General
18 Services by service suppliers or communications equipment
19 companies for the installation of, and ongoing expenses for, the
20 following communications services supplied to local agencies in
21 connection with the “911” emergency phone number system:

22 (1) A basic system.

23 (2) A basic system with telephone central office identification.

24 (3) A system employing automatic call routing.

25 (4) Approved incremental costs.

26 (e) To pay claims of local agencies for approved incremental
27 costs, not previously compensated for by another governmental
28 agency.

29 (f) To pay claims of local agencies for incremental costs and
30 amounts, not previously compensated for by another
31 governmental agency, incurred prior to the effective date of this
32 part, for the installation and ongoing expenses for the following
33 communication services supplied in connection with the “911”
34 emergency phone number system:

35 (1) A basic system.

36 (2) A basic system with telephone central office identification.

37 (3) A system employing automatic call routing.

38 (4) Approved incremental costs. Incremental costs shall not be
39 allowed unless the costs are concurred in by the Division of
40 Telecommunications of the Department of General Services.



1 (g) To pay the Division of Telecommunications of the
2 Department of General Services for the costs associated with the
3 pilot program authorized by Article 6.5 (commencing with
4 Section 53125) of Chapter 1 of Part 1 of Division 2 of Title 5 of
5 the Government Code.

6 SEC. 11. Section 41136.5 is added to the Revenue and
7 Taxation Code, to read:

8 41136.5. Funds in the State Nonemergency Telephone
9 Number Account, when appropriated by the Legislature, shall be
10 spent solely for the following purposes relating to the State
11 Nonemergency Telephone System:

12 (a) To pay refunds authorized by this part.

13 (b) To pay the State Board of Equalization for the cost of
14 administration of “311” nonemergency telephone number
15 systems.

16 (c) To pay the Department of General Services for its costs to
17 establish technical and operational standards for “311”
18 nonemergency telephone number systems.

19 (d) To pay the Department of General Services for its costs of
20 the administration of “311” nonemergency telephone number
21 systems.

22 (e) To pay bills submitted to the Department of General
23 Services by service suppliers or communications equipment
24 companies for the installation of, and ongoing expenses for, the
25 following communications services supplied to local public
26 agencies, in connection with the “311” nonemergency telephone
27 number systems:

28 (1) A basic system, including the countywide “311”
29 nonemergency telephone number systems.

30 (2) A basic system with telephone central office identification.

31 (3) A system employing automatic call routing.

32 (4) Approved incremental costs.

33 (f) To pay claims of local public agencies for approved
34 incremental costs that have not been previously compensated for
35 by another governmental agency.

36 (g) To pay bills submitted to the Department of General
37 Services by service suppliers for incremental costs associated with
38 collection of the increased surcharge provided for in subdivision

39 (b) of Section 41020 that are not in conformance with the regular
40 billing procedures of a particular service supplier.



1 *SEC. 12. Section 3.5 of this bill incorporates amendments to*
2 *Section 41020 of the Revenue and Taxation Code proposed by both*
3 *this bill and SB 896. It shall only become operative if (1) both bills*
4 *are enacted and become effective on or before January 1, 2002, (2)*
5 *each bill amends Section 41020 of the Revenue and Taxation Code,*
6 *and (3) this bill is enacted after SB 896, in which case Section 3*
7 *of this bill shall not become operative.*

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