

Assembly Bill No. 1477

Passed the Assembly September 12, 2001

Chief Clerk of the Assembly

Passed the Senate September 10, 2001

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2001, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

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, 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.

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

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

(a) The “911” emergency response system is inundated by calls from people calling to complain about nonemergency situations.

(b) Estimates of nonemergency calls to the “911” system range from 70 to 90 percent of the total number of calls.

(c) These calls delay the delivery of emergency services.

(d) The availability of a “311” nonemergency telephone number will reduce the number of these calls to the “911” system, thus improving emergency response times.

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

Article 6.6. State Nonemergency Telephone System

53126. Every local public agency may establish a nonemergency telephone system as provided in this article. The digits “311” shall be the primary nonemergency telephone number within the system. Nonemergency “311” telephone systems shall be designed to provide a system similar to a “911” selective routing system, whereby the location of the initial call is determined to provide a coordinated uniform delivery system to meet the specified requirements of each local jurisdiction. Every



system shall be designed to allow the handling of emergency calls by the “911” emergency telephone system.

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

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

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

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

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

53127.5. Technical and operational standards for the development of the coordinated “311” system shall be established, with the input of local public agencies, and reviewed by the Division of Telecommunications on or before January 1, 2003. Until January 1, 2006, a city or joint powers authority that provides a PSAP shall have the exclusive authority to propose a “311” system. A city or joint powers authority proposing a “311” system shall promptly notify the affected county or counties and the Division of Telecommunications of a proposal. If a city or joint powers authority that provides a PSAP does not propose a “311” system by January 1, 2006, a county may, using the local agency’s existing PSAP, establish a “311” nonemergency telephone system to serve those entities for which there is no stated intent to provide a “311” nonemergency telephone system.

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

53128. (a) The Division of Telecommunications shall review each plan submitted by a local public agency to ensure that it conforms to the minimum standards established pursuant to Section 53127.5. If any plan does not comply, the Division of Telecommunications shall, within 90 days of receipt of a plan,



notify the submitting local public agency of the plan's deficiencies in writing. A plan determined by the Division of Telecommunications to be in conformance with the minimum standards established pursuant to Section 53127.5 shall be approved by the division.

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

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

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

53129.5. No later than February 1, 2002, the Division of Telecommunications shall notify each local public agency in the state of the availability of the "311" nonemergency telephone system.

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

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

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



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

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

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

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

41020. (a) A surcharge is hereby imposed on amounts paid by every person in the state for intrastate telephone communication service in this state commencing on July 1, 1977. The surcharge imposed shall be at the rate of one-half of 1 percent of the charges made for the services to and including November 1, 1982, and thereafter at a rate fixed pursuant to Article 2 (commencing with Section 41030).

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

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

(d) In accordance with the Mobile Telecommunications Sourcing Act (P.L. 106-252), which is incorporated herein by reference, the surcharge imposed under this section does not apply to any charges for mobile telecommunications services billed to a customer where those services are provided, or deemed provided, to a customer whose place of primary use is outside this state. Mobile telecommunications services shall be deemed provided by



a customer's home service provider to the customer if those services are provided in a taxing jurisdiction to the customer, and the charges for those services are billed by or for the customer's home service provider.

(e) For purposes of this section:

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

(2) "Customer" means (A) the person or entity that contracts with the home service provider for mobile telecommunications services, or (B) if the end user of mobile telecommunications services is not the contracting party, the end user of the mobile telecommunications service. This paragraph applies only for the purpose of determining the place of primary use. The term "customer" does not include (A) a reseller of mobile telecommunications service, or (B) a serving carrier under an arrangement to serve the customer outside the home service provider's licensed service area.

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

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

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

(6) "Place of primary use" means the street address representative of where the customer's use of the mobile telecommunications service primarily occurs, that must be:

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

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



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

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

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

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

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

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

(b) The Department of General Services shall 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 whose application for a “311” nonemergency telephone system is approved pursuant to Section 53128 of the Government



Code. The increases shall be determined by dividing the costs, including incremental costs, that the Department of General Services estimates for the current fiscal year for “311” plans approved pursuant to Section 53128 of the Government Code, less the available balance in the State Nonemergency Telephone Number Account in the General Fund, by its estimate of the charges for intrastate telephone communications services within the local public agencies to which the surcharge will apply for the period of November 1 of the current calendar year to October 31 of the next succeeding calendar year. The increase in the surcharge rate pursuant to this subdivision shall not exceed one-quarter of 1 percent and shall be applied uniformly to amounts paid by every person who subscribes to intrastate telephone communication service within the jurisdiction of those local public agencies that elect to implement a “311” nonemergency telephone system consistent with the standards established by the Division of Telecommunications pursuant to Section 53127.5 of the Government Code. No increase in the surcharge rate made pursuant to this subdivision shall be considered in determining whether the surcharge rate described in subdivision (a) is greater than three-quarters of 1 percent.

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

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

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

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

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



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

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

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

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

41135.5. All amounts required to be paid to the state under this part relating to the State Nonemergency Telephone System shall be paid to the board in the form of remittances payable to the State Board of Equalization of the State of California. The board shall transmit the payments to the State Treasurer to be deposited in the State Treasury to the credit of the State Nonemergency Telephone Number Account in the General Fund, which is hereby created.

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

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

(a) To pay refunds authorized by this part.

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

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

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



- (1) A basic system.
- (2) A basic system with telephone central office identification.
- (3) A system employing automatic call routing.
- (4) Approved incremental costs.
- (e) To pay claims of local agencies for approved incremental costs, not previously compensated for by another governmental agency.

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

- (1) A basic system.
- (2) A basic system with telephone central office identification.
- (3) A system employing automatic call routing.
- (4) Approved incremental costs. Incremental costs shall not be allowed unless the costs are concurred in by the Division of Telecommunications of the Department of General Services.

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

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

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

- (a) To pay refunds authorized by this part.
- (b) To pay the State Board of Equalization for the cost of administration of “311” nonemergency telephone number systems.
- (c) To pay the Department of General Services for its costs to establish technical and operational standards for “311” nonemergency telephone number systems.
- (d) To pay the Department of General Services for its costs of the administration of “311” nonemergency telephone number systems.



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

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

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

(3) A system employing automatic call routing.

(4) Approved incremental costs.

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

(g) To pay bills submitted to the Department of General Services by service suppliers for incremental costs associated with collection of the increased surcharge provided for in subdivision (b) of Section 41020 that are not in conformance with the regular billing procedures of a particular service supplier.

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



Approved _____, 2001

Governor

