

AMENDED IN ASSEMBLY AUGUST 22, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE APRIL 29, 2014

SENATE BILL

No. 1211

Introduced by Senator Padilla

February 20, 2014

An act to add Section 53121 to the Government Code, and to amend Section 41030 of the Revenue and Taxation Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1211, as amended, Padilla. Emergency services: Next Generation 911.

Existing law requires the Office of Emergency Services to determine annually, on or before October 1, a surcharge rate that it estimates will produce sufficient revenue to fund the current fiscal year's 911 costs, as specified.

This bill would require the office to develop a plan and timeline of target dates for testing, implementing, and operating a Next Generation 911 emergency communication system, including text to 911 service, throughout California. The bill would require the office, in determining the surcharge rate, to additionally include costs it expects to incur, consistent with the plan and timeline, to plan, test, implement, and operate Next Generation 911 technology and services, including text to 911 service. The bill would require the office, at least one month before determining the surcharge rate, to prepare a summary of the calculation of the proposed surcharge and make it available to the Legislature and the 911 Advisory Board, and on the office's Internet

Web site. *This bill would incorporate additional changes in Section 41030 of the Revenue and Taxation Code, proposed by AB 1717, to be operative only if AB 1717 and this bill are both chaptered and become effective on or before January 1, 2015, and this bill is chaptered 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. Section 53121 is added to the Government Code,
2 to read:

3 53121. (a) The Office of Emergency Services shall develop a
4 plan and timeline of target dates for the testing, implementation,
5 and operation of a Next Generation 911 emergency communication
6 system, including text to 911 service, throughout California.

7 (b) In order to maximize efficiency and contain costs, the Next
8 Generation 911 emergency communication system shall
9 incorporate, where consistent with public safety and technologically
10 feasible, shared infrastructure and elements of other public safety
11 and emergency communications networks, including, but not
12 limited to, all of the following:

13 (1) Public safety communications identified in the annual plan
14 required by subdivision (b) of Section 15277.

15 (2) Local and regional public safety broadband networks
16 authorized by the federal American Recovery and Reinvestment
17 Act of 2009 (Public Law 111-5).

18 (3) Public safety broadband networks authorized by the federal
19 Middle Class Tax Relief and Job Creation Act of 2012 (Public
20 Law 112-96).

21 (4) Public safety radio and communications facilities used for
22 the purpose of public warnings pursuant to Section 15254.

23 SEC. 2. Section 41030 of the Revenue and Taxation Code is
24 amended to read:

25 41030. (a) The Office of Emergency Services shall determine
26 annually, on or before October 1, a surcharge rate that it estimates
27 will produce sufficient revenue to fund the current fiscal year's
28 911 costs. The surcharge rate shall be determined by dividing the
29 costs (including incremental costs) the Office of Emergency
30 Services estimates for the current fiscal year of 911 costs approved
31 pursuant to Article 6 (commencing with Section 53100) of Chapter

1 1 of Part 1 of Division 2 of Title 5 of the Government Code, less
2 the available balance in the State Emergency Telephone Number
3 Account in the General Fund, by its estimate of the charges for
4 intrastate telephone communications services and VoIP service to
5 which the surcharge will apply for the period of January 1 to
6 December 31, inclusive, of the next succeeding calendar year, but
7 in no event shall ~~such~~ *the* surcharge rate in any year be greater
8 than three-quarters of 1 percent nor less than one-half of 1 percent.

9 (b) When determining the surcharge rate, the office shall include
10 the costs it expects to incur to plan, test, implement, and operate
11 Next Generation 911 technology and services, including text to
12 911 service, consistent with the plan and timeline required by
13 Section 53121 of the Government Code.

14 (c) At least one month before determining the surcharge rate
15 pursuant to subdivision (a), the office shall prepare a summary of
16 the calculation of the proposed surcharge and make it available to
17 the Legislature and the 911 Advisory Board, and on the office's
18 Internet Web site.

19 *SEC. 2.5. Section 41030 of the Revenue and Taxation Code is*
20 *amended to read:*

21 41030. (a) The Office of Emergency Services shall determine
22 annually, on or before October 1, *to be effective on January 1 of*
23 *the following year*, a surcharge rate *pursuant to subdivision (b)*
24 *that it estimates will produce sufficient revenue to fund the current*
25 *fiscal year's 911 costs.* ~~The~~

26 (b) (1) *The* surcharge rate shall be determined by dividing the
27 costs (including incremental costs) the Office of Emergency
28 Services estimates for the current fiscal year of 911 ~~plans~~ *costs*
29 *approved pursuant to* ~~Section 53115 Article 6 (commencing with~~
30 *Section 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of*
31 *the Government Code, less the available balance in the State*
32 *Emergency Telephone Number Account in the General Fund, by*
33 *its estimate of the charges for intrastate telephone communications*
34 *services and VoIP service to which the surcharge will apply for*
35 *the period of January* ~~1, 2015,~~ *to December 31, inclusive, of the*
36 *next succeeding calendar year, but in no event shall* ~~such~~ *the*
37 *surcharge rate in any year be greater than three-quarters of 1*
38 *percent nor less than one-half of 1 percent.*

39 (2) *Commencing with the calculation made October 1, 2015,*
40 *to be effective January 1, 2016, the surcharge shall be determined*

1 *by dividing the costs (including incremental costs) the Office of*
2 *Emergency Services estimates for the current fiscal year of 911*
3 *costs approved pursuant to Article 6 (commencing with Section*
4 *53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the*
5 *Government Code, less the available balance in the State*
6 *Emergency Telephone Number Account in the General Fund, by*
7 *its estimate of the charges for intrastate telephone communications*
8 *services, the intrastate portion of prepaid mobile telephony*
9 *services, and VoIP service to which the surcharge will apply for*
10 *the period of January 1 to December 31, inclusive, of the next*
11 *succeeding calendar year, but in no event shall the surcharge rate*
12 *in any year be greater than three-quarters of 1 percent or less than*
13 *one-half of 1 percent. In making its computation of the charges*
14 *that are applicable to the intrastate portion of prepaid mobile*
15 *telephony services, the Office of Emergency Services shall use the*
16 *computation method developed by the Public Utilities Commission*
17 *and reported to the Office of Emergency Services pursuant to*
18 *subdivisions (a) and (b) of Section 319 of the Public Utilities Code.*

19 *(c) When determining the surcharge rates pursuant to this*
20 *section, the office shall include the costs it expects to incur to plan,*
21 *test, implement, and operate Next Generation 911 technology and*
22 *services, including text to 911 service, consistent with the plan*
23 *and timeline required by Section 53121 of the Government Code.*

24 *(d) The office shall notify the board of the surcharge rate*
25 *determined pursuant to this section and the surcharge rate*
26 *applicable to prepaid mobile telephony services by October 15 of*
27 *each year.*

28 *(e) At least 30 days prior to determining the surcharge pursuant*
29 *to subdivision (a), the Office of Emergency Services shall prepare*
30 *a summary of the calculation of the proposed surcharge and make*
31 *it available to the public, the Legislature, the 911 Advisory Board,*
32 *and on its Internet Web site. The summary shall contain all of the*
33 *following:*

34 *(1) The prior year revenues to fund 911 costs, including, but*
35 *not limited to, revenues from prepaid service.*

36 *(2) Projected expenses and revenues from all sources, including,*
37 *but not limited to, prepaid service to fund 911 costs.*

38 *(3) The rationale for adjustment to the surcharge determined*
39 *pursuant to subdivision (b), including, but not limited to, all*

1 *impacts from the surcharge collected pursuant to Part 21*
2 *(commencing with Section 42001).*

3 *(f) This section shall remain in effect only until January 1, 2020,*
4 *and as of that date is repealed, unless a later enacted statute, that*
5 *is enacted before January 1, 2020, deletes or extends that date.*

6 *SEC. 2.7. Section 41030 is added to the Revenue and Taxation*
7 *Code, to read:*

8 *41030. (a) The Office of Emergency Services shall determine*
9 *annually, on or before October 1, a surcharge rate that it estimates*
10 *will produce sufficient revenue to fund the current fiscal year's*
11 *911 costs. The surcharge rate shall be determined by dividing the*
12 *costs (including incremental costs) the Office of Emergency*
13 *Services estimates for the current fiscal year of 911 costs approved*
14 *pursuant to Article 6 (commencing with Section 53100) of Chapter*
15 *1 of Part 1 of Division 2 of Title 5 of the Government Code, less*
16 *the available balance in the State Emergency Telephone Number*
17 *Account in the General Fund, by its estimate of the charges for*
18 *intrastate telephone communications services and VoIP service*
19 *to which the surcharge will apply for the period of January 1 to*
20 *December 31, inclusive, of the next succeeding calendar year, but*
21 *in no event shall the surcharge rate in any year be greater than*
22 *three-quarters of 1 percent nor less than one-half of 1 percent.*

23 *(b) When determining the surcharge rate, the office shall include*
24 *the costs it expects to incur to plan, test, implement, and operate*
25 *Next Generation 911 technology and services, including text to*
26 *911 service, consistent with the plan and timeline required by*
27 *Section 53121 of the Government Code.*

28 *(c) At least one month before determining the surcharge rate*
29 *pursuant to subdivision (a), the office shall prepare a summary of*
30 *the calculation of the proposed surcharge and make it available*
31 *to the Legislature and the 911 Advisory Board, and on the office's*
32 *Internet Web site.*

33 *(d) This section shall become operative on January 1, 2020.*

34 *SEC. 3. (a) Section 2.5 of this bill incorporates amendments*
35 *to Section 41030 of the Revenue and Taxation Code proposed by*
36 *both this bill and Assembly Bill 1717. It shall only become*
37 *operative if (1) both bills are enacted and become effective on or*
38 *before January 1, 2015, (2) each bill amends Section 41030 of the*
39 *Revenue and Taxation Code, and (3) this bill is enacted after*
40 *Assembly Bill 1717, in which case Section 41030 of the Revenue*

1 *and Taxation Code, as amended by Section 2 of this bill shall not*
2 *become operative.*

3 *(b) Section 2.5 of this bill would amend Section 41030 of the*
4 *Revenue and Taxation Code to make all of the amendments to that*
5 *section proposed by Section 2 of this bill and Section 7 of Assembly*
6 *Bill 1717, including the repeal of that section on January 1, 2020.*
7 *Section 2.7 of this bill would, as of that repeal date, add Section*
8 *41030 to the Revenue and Taxation Code to read as that section*
9 *is amended by Section 2 of this bill. Section 2.7 shall only become*
10 *operative if (1) both bills are enacted and become effective on or*
11 *before January 1, 2015, (2) each bill amends Section 41030 of the*
12 *Revenue and Taxation Code, and (3) this bill is enacted after*
13 *Assembly Bill 1717.*

O