

ASSEMBLY BILL

No. 912

Introduced by Assembly Member Torres

February 26, 2009

An act to amend Sections 41030 and 41136 of the Revenue and Taxation Code, relating to emergency telephone systems, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 912, as introduced, Torres. Telecommunications: Emergency Telephone Users Surcharge Act.

(1) Existing provisions of the Warren-911-Emergency Assistance Act establishes the number "911" as the primary emergency telephone number of use in the state. The existing Emergency Telephone Users Surcharge Act generally imposes a surcharge on amounts paid by every person in the state for intrastate telephone service and is imposed at a percentage rate, not less than 0.5% nor more than 0.75% that is annually estimated to provide revenues sufficient to fund "911" emergency telephone system costs for the current fiscal year.

This bill would increase the percentage rate range to not less than 0.5% nor more than 1%.

(2) Existing law establishes the State Emergency Telephone Number Account in the General Fund, pursuant to which funds derived from a surcharge imposed on amounts paid by every person in the state for intrastate telephone communication service may be appropriated by the Legislature for specified purposes, including costs of administering, operating, and maintaining the state "911" emergency telephone number system.

This bill would provide that a minimum of 50% of the funds in the State Emergency Telephone Number Account shall be allocated for those specified purposes and costs. This bill would also provide that a maximum of 25% of the funds in the State Emergency Telephone Number Account may be allocated to the Office of Emergency Services to pay primary Public Safety Answering Points for costs associated with receiving and routing enhanced “911” calls, including personnel costs, as specified.

(3) This bill makes legislative findings and declarations regarding the Warren-911-Emergency Assistance Act and the increase in the volume of, and the increase in the costs associated with, “911” calls.

(4) This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

(5) This bill would take effect immediately as a tax levy.

Vote: $\frac{2}{3}$. 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 finds and declares all of the
2 following:

3 (a) The Warren-911-Emergency Assistance Act establishes the
4 number “911” as the primary number of use in this state.

5 (b) The Emergency Telephone Users Surcharge Act generally
6 imposes a surcharge on amounts paid by every person in the state
7 for intrastate telephone service and is imposed at a percentage rate
8 range, established in 1980, of between one-half of 1 percent and
9 three-quarters of 1 percent. This surcharge is annually estimated
10 to provide revenues to fund “911” emergency telephone system
11 costs for the current fiscal year. The rate range has remained
12 unchanged since 1980.

13 (c) In 2005, there were over five million “911” calls, over eight
14 million “911” calls in 2006, and an estimated 12 million “911”
15 calls in 2007. This increase represents an 119 percent increase in
16 “911” calls over those past two years alone. The Department of
17 the California Highway Patrol, a Public Safety Answering Point,
18 receives approximately 750,000 “911” calls monthly at its 24
19 answering points statewide.

(d) This rapid increase has made it difficult for Public Safety Answering Points, including the Department of the California Highway Patrol, to meet the 10-second answering guideline recommended by the National Emergency Number Association and accepted by the industry, potentially affecting the safety and well-being of “911” callers.

(e) “911” call volumes continue to grow and additional personnel with the appropriate training and skills, including language skills, is needed to meet the 10-second answering guideline.

(f) The current rate range, established in 1980, has not been adjusted to reflect the increase in costs in receiving and routing “911” calls associated with the increase in the volume of “911” calls in the state.

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

41030. The Department of General Services shall 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. The surcharge rate shall be determined by dividing the costs ~~(including, including incremental costs)~~ costs, 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 and VoIP service to which the surcharge will apply for the period of January 1 to December 31, ~~inclusive~~, of the next succeeding calendar year, but in no event shall ~~such~~ *the* surcharge rate in any year be greater than ~~three-quarters of~~ 1 percent nor less than one-half of 1 percent.

SEC. 3. 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:

(a) A minimum of 50 percent of the revenues of the fund as follows:

~~(a)~~

(1) To pay refunds authorized by this part.

~~(b)~~

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

3 ~~(e)~~

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

6 ~~(d)~~

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

12 ~~(1)~~

13 (A) A basic system.

14 ~~(2)~~

15 (B) A basic system with telephone central office identification.

16 ~~(3)~~

17 (C) A system employing automatic call routing.

18 ~~(4)~~

19 (D) Approved incremental costs.

20 ~~(e)~~

21 (5) To pay claims of local agencies for approved incremental
22 costs, not previously compensated for by another governmental
23 agency.

24 ~~(f)~~

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

31 ~~(1)~~

32 (A) A basic system.

33 ~~(2)~~

34 (B) A basic system with telephone central office identification.

35 ~~(3)~~

36 (C) A system employing automatic call routing.

37 ~~(4)~~

38 (D) 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 Section~~
4 ~~53125) of Chapter 1 of Part 1 of Division 2 of Title 5 of the~~
5 ~~Government Code.~~

6 *(b) (1) A maximum of 25 percent of the revenues of the fund to*
7 *the Office of Emergency Services to pay Primary Public Safety*
8 *Answering Points, which accept wireless enhanced “911” calls*
9 *from within their jurisdiction routed directly to their call centers,*
10 *for costs associated with receiving and routing enhanced “911”*
11 *calls, including personnel costs. The Office of Emergency Services,*
12 *in consultation with the State 911 Advisory Board, shall determine*
13 *the appropriate formula for costs associated with Primary Public*
14 *Safety Answering Points personnel.*

15 *(2) Funds allocated pursuant to this subdivision shall*
16 *supplement, and not supplant, existing funding for these services*

17 SEC. 4. This act provides for a tax levy within the meaning of
18 Article IV of the Constitution and shall go into immediate effect.