

AMENDED IN SENATE APRIL 22, 2009

AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 712

**Introduced by Senators ~~Padilla, Benoit, Calderon, Corbett, Cox, Kehoe, Lowenthal, Simitian, Strickland, Wiggins, and Wright~~
*Padilla and Benoit***

February 27, 2009

~~An act to amend Section 44273 of the Health and Safety Code, to amend Sections 25301, 25302, 25620.1, 25620.2, 25620.6, 25620.7, and 25620.15 of the Public Resources Code, and to amend Sections 381, 384, 392.1, 399, 454.5, 890, and 895 of the Public Utilities Code, relating to public utilities. An act to add Article 6.7 (commencing with Section 53128) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, relating to telecommunications.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 712, as amended, Padilla. ~~Public Utilities Commission; Division of Ratepayer Advocates.~~ "211" telephone number system.

Existing law requires a public safety agency, as defined, to maintain a "911" emergency telephone number, as specified, and sets forth the duties of the Division of Telecommunications of the Department of General Services, including the provision of management oversight of statewide telecommunications developments. Existing law authorizes a local public agency, as defined, to establish a nonemergency "311" telephone system, and authorizes the Division of Telecommunications to, among other things, aid local public agencies in the formulation of concepts, methods, and procedures that will improve the operation of the "311" systems and to increase cooperation among public agencies.

This bill would require an information and referral service provider, as defined, to operate a “211” system in a manner that is consistent with the applicable orders of the Federal Communications Commission and the Public Utilities Commission. The bill would provide that an information and referral services provider and its employees, directors, officers, and agents are not liable to any person in a civil action for injuries or losses to persons or property, as a result of an act or omission of the provider or its employees, directors, officers, or agents, in connection with certain specified activities, unless the act or omission constitutes willful or wanton misconduct.

~~Under existing law, the Public Utilities Commission has regulatory authority over public utilities and can establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. Existing law establishes a division within the Public Utilities Commission, known as the Division of Ratepayer Advocates, formerly called the Office of Ratepayer Advocates, to represent the interests of public utility customers and subscribers, with the goal of obtaining the lowest possible rate for service consistent with reliable and safe service levels.~~

~~This bill would conform certain statutory references to the former Office of Ratepayer Advocates to the division’s current name.~~

~~Existing law requires the State Energy Resources Conservation and Development Commission to develop, implement, and administer a program, titled the Public Interest Energy Research, Development, and Demonstration Program, to include a full range of research, development, and demonstration activities that are not adequately provided for by competitive and regulated energy markets. Certain statutes, however, refer to the program as the Public Interest Research, Development, and Demonstration Program and the fund established for implementation and administration of the program is the Public Interest Research, Development, and Demonstration Fund.~~

~~This bill would change statutory references to the program to refer to it as the Public Interest Energy Research, Development, and Demonstration Program and would change the name of the fund established for implementation and administration of the program to the Public Interest Energy Research, Development, and Demonstration Fund.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

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

1 *SECTION 1. (a) The Legislature hereby finds and declares*
2 *all of the following:*

3 *(1) Californians need easy-to-find, easy-to-access information*
4 *for their social services needs as provided by “211” call centers.*

5 *(2) Californians experience major disasters every year and need*
6 *up-to-date, accurate information during those disasters in a*
7 *manner that prevents overloading “911” systems with*
8 *nonemergency calls.*

9 *(3) Over the past five years, California has experienced four*
10 *major wildfire natural disasters where the population either*
11 *benefitted from or could have benefitted from a “211” system that*
12 *provided information regarding evacuation, shelters, and other*
13 *services.*

14 *(4) In 2008, “211” call centers in California handled over 1.8*
15 *million calls to assist people in finding the help they needed.*

16 *(5) At a time of great economic crisis, with “211” call centers*
17 *experiencing a 40 percent increase in calls for help, “211” is more*
18 *important than ever to providing Californians access to the*
19 *information and services they need.*

20 *(6) California families are struggling in this economic recession.*
21 *With the unemployment rate increasing to 10.5 percent throughout*
22 *the state, many workers who have lost their jobs are also losing*
23 *their homes and their health care. All too often, families and*
24 *individuals don’t know where to turn for help. “211” is an*
25 *easy-to-remember number that provides access to telephone and*
26 *Internet-based means to connect people to the help they need now,*
27 *and allows the caller to speak to a live person about his or her*
28 *needs.*

29 *(7) Many Californians, including senior citizens, people with*
30 *disabilities, and low-income families, have restricted mobility.*
31 *Where available, Californians can call “211” to obtain information*
32 *on transportation services or other social services in order to help*
33 *them maintain their independence.*

34 *(8) Mental illness affects many families in California, and “211”*
35 *call centers in California help those families connect with local*
36 *resources.*

37 *(9) Many of the counties that do not have a “211” system lack*
38 *the resources to plan and implement a “211” system on their own.*

1 *These counties need the assistance of the state and federal*
2 *governments to help their residents access health and human*
3 *service programs and disaster-response information.*

4 *(10) During emergencies and disasters, the “911” system is*
5 *sometimes overrun with nonemergency calls. A “211” system can*
6 *help to divert nonemergency calls away from the “911” system,*
7 *as evidenced by the “211” system in southern California that*
8 *handled over 130,000 calls in the five-day period following the*
9 *wildfires of October 2007.*

10 *(11) In authorizing the use of the “211” dialing code, the*
11 *Federal Communications Commission found that “[i]ndividuals*
12 *facing serious threats to life, health, and mental well-being have*
13 *urgent and critical needs that are not addressed by dialing 9-1-1*
14 *for emergency assistance or 3-1-1 for non-emergency police*
15 *assistance.”*

16 *(12) Californians need help navigating the sea of telephone*
17 *help lines available to assist them, many of which rely on*
18 *automated menu systems, only provide recorded information, or*
19 *lack the capability to provide multilingual service or evening and*
20 *weekend service. Research shows it sometimes takes a caller as*
21 *many as eight separate calls to be connected with the appropriate*
22 *resource. The “211” system allows those in need to make one free*
23 *call to access the information and resources they need, in 140*
24 *different languages, 24 hours a day.*

25 *(13) The 2-1-1 California Partnership (2-1-1 California), a*
26 *partnership of the California Alliance of Information and Referral*
27 *Services (CAIRS) and the United Ways of California, currently*
28 *coordinates statewide planning and research activities and*
29 *provides leadership for “211” systems in California. 2-1-1*
30 *California has worked with key state agencies to establish and*
31 *improve “211” systems in California, including the Public Utilities*
32 *Commission, the California Emergency Management Agency, the*
33 *State 911 Advisory Board, the California Health and Human*
34 *Services Agency, California Volunteers, the Department of*
35 *Transportation, the Department of Food and Agriculture, and the*
36 *Department of Veterans Affairs.*

37 *(14) Currently, there are 21 California counties with established*
38 *“211” systems, serving 86 percent of California’s population. All*
39 *“211” call centers in California look to 2-1-1 California for*
40 *direction, guidance, and leadership.*

1 (15) 2-1-1 California is governed under the leadership of CAIRS
2 and the United Ways of California, which are the main entities in
3 the state that provide funding, training, standards, and technical
4 support to the “211” call centers and oversee operations and
5 planning for expanding “211” coverage statewide.

6 (b) It is the intent of the Legislature to do all of the following:

7 (1) Provide all Californians with an easy-to-remember, toll-free
8 telephone number that can help them access the information,
9 services, and benefits they need from public and nonprofit social
10 services providers and emergency services providers.

11 (2) Provide the state with a more efficient and cost beneficial
12 way to provide information to members of the general public, while
13 saving public agencies the costs of operating various help lines
14 and redirecting misdirected service request calls from members
15 of the general public.

16 (3) Ensure oversight of “211” systems.

17 (4) Ensure coordination of “211” systems, policies, and
18 standards with state and local government agencies.

19 (5) Ensure that “211” systems are developed in coordination
20 with the Department of Veterans Affairs to increase access to
21 information and resources for veterans who have sacrificed for
22 our nation and for those new veterans who protected us from
23 foreign terrorists and are now returning from current conflicts.

24 (6) Ensure that “211” systems maintain a close working
25 relationship with California’s lead homeland security agency, the
26 California Emergency Management Agency.

27 (7) Comply with federal funding opportunities, to the extent
28 consistent with federal law, including potential future funding
29 through the proposed Calling for 2-1-1 Act of 2009 (S. 211 and
30 H.R. 211).

31 SEC. 2. Article 6.7 (commencing with Section 53128) is added
32 to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government
33 Code, to read:

34
35 Article 6.7. Community Health and Social Services Disaster
36 Response Telephone System
37

38 53128. (a) An information and referral service provider that
39 uses the abbreviated dialing code “211,” shall operate the system
40 in a manner that is consistent with the applicable orders of the

1 *Federal Communications Commission and the Public Utilities*
2 *Commission.*

3 *(b) Except as specified in subdivision (c), an information and*
4 *referral service provider that has been authorized by the Public*
5 *Utilities Commission to use the “211” abbreviated telephone*
6 *dialing code and its employees, directors, officers, and agents are*
7 *not liable to any person in a civil action for injuries or losses to*
8 *persons or property, as a result of an act or omission of the*
9 *authorized information and referral service provider or its*
10 *employees, directors, officers, or agents, in connection with any*
11 *of the following:*

12 *(1) Developing, adopting, implementing, maintaining, or*
13 *operating a “211” system.*

14 *(2) Making “211” available for use by the public.*

15 *(3) Providing “211” services.*

16 *(c) Subdivision (b) is not applicable to injuries or losses*
17 *resulting from the willful or wanton misconduct of the information*
18 *and referral service provider or its employees, directors, officers,*
19 *or agents.*

20 *(d) The Public Utilities Commission shall be responsible for*
21 *evaluating requests for, and authorizing the use of, the “211”*
22 *abbreviated telephone dialing code. The Public Utilities*
23 *Commission may assist information and referral service providers,*
24 *local exchange carriers, and local public agencies to improve*
25 *operation of, and access to, a “211” telephone dialing system and*
26 *to increase cooperation among information and referral service*
27 *providers, local exchange carriers, and public agencies.*

28 *(e) All state agencies and other official state organizations may*
29 *provide reasonable assistance and cooperation in carrying out*
30 *the purposes of this article, including, but not limited to, promoting*
31 *the use of “211” telephone dialing for access to health and social*
32 *services and for disaster response information.*

33 *53128.1. As used in this article, the following terms have the*
34 *following meanings:*

35 *(a) “Agency” means the California Health and Human Services*
36 *Agency.*

37 *(b) “Information and referral service provider” means an*
38 *information and referral service provider currently authorized by*
39 *the Public Utilities Commission to use the “211” abbreviated*
40 *telephone dialing code.*

1 53128.2. (a) In order to assist in the implementation of a
2 “211” abbreviated telephone dialing system throughout the state,
3 the agency shall be the lead entity, and shall be responsible for
4 all of the following:

5 (1) Performing planning, administrative, fiscal, and reporting
6 functions required under any state and federal “211” funding
7 program.

8 (2) Developing a plan for implementation of “211” services
9 throughout the state.

10 (3) Allocating “211” funds to entities in accordance with
11 applicable law.

12 (4) Reporting activities and progress as requested by the
13 Legislature or the Public Utilities Commission.

14 (5) Acting as liaison between state agencies and information
15 and referral service providers, local exchange carriers, and local
16 public agencies for the purposes of coordinating communication,
17 training, and development of public-private partnerships and
18 updating statewide service information.

19 (b) The agency may delegate the functions of the lead entity to
20 another entity if the decisions and actions of the delegated entity
21 are reviewed and approved by the agency. In selecting an entity
22 to be delegated the functions of the lead entity, or in reviewing the
23 performance of an entity that has been delegated functions of the
24 lead entity, the agency shall consider the extent to which that entity
25 conforms to all of the following:

26 (1) Consists of representatives from different geographic areas
27 of the state.

28 (2) Demonstrates experience in providing leadership, education,
29 and support to the information and referral service industry in the
30 state.

31 (3) Demonstrates experience in statewide “211” planning and
32 implementation efforts in the state.

33 (4) Demonstrates established relationships with information
34 and referral service providers throughout the state.

35 (5) Demonstrates the means to maintain established
36 relationships with information and referral service providers
37 throughout the state.

38 (6) Demonstrates established relationships with national
39 information and referral service interests and with information
40 and referral service interests in other states.

1 (7) *Demonstrates the ability to provide training, technical*
2 *assistance, and service evaluation in adherence with information*
3 *and referral service industry standards.*

4 (8) *Demonstrates substantial expertise with the operational*
5 *requirements of information and referral service providers in the*
6 *state, including, but not limited to, database resources, software*
7 *requirements, and referral practices.*

8 (9) *Has the endorsement of information and referral service*
9 *providers to act as the lead entity and to represent the system in*
10 *statewide matters.*

11 (c) *The lead entity shall allocate federal and state funds made*
12 *available for the development, implementation, and administration*
13 *of the “211” telephone dialing system. In allocating those funds,*
14 *the lead entity shall be responsible for accomplishing all of the*
15 *following:*

16 (1) *Maximize the federal funds available to information and*
17 *referral providers using the “211” abbreviated dialing code to*
18 *provide comprehensive information and referral services within*
19 *the state.*

20 (2) *Consider population, poverty rates, and geographic*
21 *isolation.*

22 (3) *Consider information and referral service providers’*
23 *developmental requirements, in addition to their operational*
24 *requirements.*

25 (4) *Include a reasonable administration fee sufficient to support*
26 *the activities of the lead entity.*

27 (5) *Ensure that any fund-matching requirement is met.*

28 53128.3. *The activities of the lead entity may be funded in any*
29 *of the following manners:*

30 (a) *Through compliance with federal funding opportunities, to*
31 *the extent consistent with state law, including potential future*
32 *funding through the proposed Calling for 2-1-1 Act of 2009 (S.*
33 *211 and H.R. 211).*

34 (b) *Upon appropriation by the Legislature.*

35 (c) *By other public and private sources.*

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**All matter omitted in this version of the bill
appears in the bill as amended in Senate,
April 2, 2009 (JR11)**

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