

AMENDED IN SENATE JUNE 1, 2009
AMENDED IN SENATE MAY 5, 2009
AMENDED IN SENATE APRIL 22, 2009
AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 712

Introduced by Senators Padilla and Benoit

February 27, 2009

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. "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, or any public or nonprofit agency that provides information to a “211” system 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.

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. (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 manner
7 that prevents overloading “911” systems with nonemergency calls.
- 8 (3) Over the past five years, California has experienced four
9 major wildfire natural disasters where the population either
10 ~~benefitted from or could have benefitted~~ *benefited from or could*
11 *have benefited* from a “211” system that provided information
12 regarding evacuation, shelters, and other services.
- 13 (4) In 2008, “211” call centers in California handled over 1.8
14 million calls to assist people in finding the help they needed.
- 15 (5) At a time of great economic crisis, with “211” call centers
16 experiencing a 40-percent increase in calls for help, “211” is more
17 important than ever to providing Californians access to the
18 information and services they need.
- 19 (6) California families are struggling in this economic recession.
20 With the unemployment rate increasing to 10.5 percent throughout
21 the state, many workers who have lost their jobs are also losing
22 their homes and their health care. All too often, families and
23 individuals don’t know where to turn for help. “211” is an easy to
24 remember number that provides access to telephone and
25 Internet-based means to connect people to the help they need now,
26 and allows the caller to speak to a live person about his or her
27 needs.
- 28 (7) Many Californians, including senior citizens, people with
29 disabilities, and low-income families, have restricted mobility.

1 Where available, Californians can call “211” to obtain information
2 on transportation services or other social services in order to help
3 them maintain their independence.

4 (8) Mental illness affects many families in California, and “211”
5 call centers in California help those families connect with local
6 resources.

7 (9) Many of the counties that do not have a “211” system lack
8 the resources to plan and implement a “211” system on their own.
9 These counties need the assistance of the state and federal
10 governments to help their residents access health and human
11 service programs and ~~disaster-response~~ *disaster response*
12 information.

13 (10) During emergencies and disasters, the “911” system is
14 sometimes overrun with nonemergency calls. A “211” system can
15 help to divert nonemergency calls away from the “911” system,
16 as evidenced by the “211” system in southern California that
17 handled over 130,000 calls in the five-day period following the
18 wildfires of October 2007.

19 (11) In authorizing the use of the “211” dialing code, the Federal
20 Communications Commission found that “[i]ndividuals facing
21 serious threats to life, health, and mental well-being have urgent
22 and critical needs that are not addressed by dialing 9-1-1 for
23 emergency assistance or 3-1-1 for nonemergency police
24 assistance.”

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

34 (13) The 2-1-1 California Partnership (2-1-1 California), a
35 partnership of the California Alliance of Information and Referral
36 Services (CAIRS) and the United Ways of California, currently
37 coordinates statewide planning and research activities and provides
38 leadership for “211” systems in California. 2-1-1 California has
39 worked with key state agencies to establish and improve “211”
40 systems in California, including the Public Utilities Commission,

1 the California Emergency Management Agency, the State 911
2 Advisory Board, the California Health and Human Services
3 Agency, California Volunteers, the Department of Transportation,
4 the Department of Food and Agriculture, and the Department of
5 Veterans Affairs.

6 (14) Currently, there are 21 California counties with established
7 “211” systems, serving 86 percent of California’s population. All
8 “211” call centers in California look to 2-1-1 California for
9 direction, guidance, and leadership.

10 (15) 2-1-1 California is governed under the leadership of CAIRS
11 and the United Ways of California, which are the main entities in
12 the state that provide funding, training, standards, and technical
13 support to the “211” call centers and oversee operations and
14 planning for expanding “211” coverage statewide.

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

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

20 (2) Provide the state with a more efficient and cost beneficial
21 way to provide information to members of the general public,
22 while saving public agencies the costs of operating various help
23 lines and redirecting misdirected service request calls from
24 members of the general public.

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

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

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

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

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

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

Article 6.7. Community Health and Social Services Disaster Response Telephone System

53128. (a) An information and referral service provider that uses the abbreviated dialing code ~~“211,”~~ “211” shall operate the system in a manner that is consistent with the applicable orders of the Federal Communications Commission and the Public Utilities Commission.

(b) Except as specified in subdivision (c), an information and referral service provider that has been authorized by the Public Utilities Commission to use the “211” abbreviated telephone dialing code 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 authorized information and referral service provider or its employees, directors, officers, ~~or~~ agents, *or any public or nonprofit agency that supplies information to “211,”* in connection with any of the following:

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

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

(3) Providing “211” services.

(4) *Supplying information on public or nonprofit services, resources, or disaster response information.*

(c) Subdivision (b) is not applicable to injuries or losses resulting from the willful or wanton misconduct of the information and referral service provider or its employees, directors, officers, ~~or~~ agents; *agents, or any public or nonprofit agency that supplies information to “211.”*

(d) The Public Utilities Commission shall be responsible for evaluating requests for, and authorizing the use of, the “211” abbreviated telephone dialing code. The Public Utilities Commission may assist information and referral service providers, local exchange carriers, and local public agencies to improve operation of, and access to, a “211” telephone dialing system and

1 to increase cooperation among information and referral service
2 providers, local exchange carriers, and public agencies.

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

8 53128.1. As used in this article, the following terms have the
9 following meanings:

10 (a) “Agency” means the California Health and Human Services
11 Agency.

12 (b) “Information and referral service provider” means an
13 information and referral service provider currently authorized by
14 the Public Utilities Commission to use the “211” abbreviated
15 telephone dialing code.

16 53128.2. (a) In order to assist in the implementation of a “211”
17 abbreviated telephone dialing system throughout the state, the
18 agency shall be the lead entity, and shall be responsible for all of
19 the following:

20 (1) Performing planning, administrative, fiscal, and reporting
21 functions required under any state and federal “211” funding
22 program.

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

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

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

29 (5) Acting as liaison between state agencies and information
30 and referral service providers, local exchange carriers, and local
31 public agencies for the purposes of coordinating communication,
32 training, and development of public-private partnerships and
33 updating statewide service information.

34 (6) *Requiring all “211” call centers to comply with the*
35 *Standards for Professional Information and Referral, of the*
36 *national Alliance of Information and Referral Systems, in place*
37 *as of January 16, 2009. These standards shall be adopted by the*
38 *lead entity as the operational quality standards and updated as*
39 *the lead entity deems appropriate.*

1 ***(b) Notwithstanding subdivision (a), the responsibilities of the***
2 ***lead entity, pursuant to this article, shall be contingent upon the***
3 ***availability of federal funds, and the lead entity is not required to***
4 ***carry out this section until those federal funds are available.***

5 ~~(b)~~

6 ***(c) The agency may delegate the functions of the lead entity to***
7 ***another entity if the decisions and actions of the delegated entity***
8 ***are reviewed and approved by the agency. In selecting an entity***
9 ***to be delegated the functions of the lead entity, or in reviewing the***
10 ***performance of an entity that has been delegated functions of the***
11 ***lead entity, the agency shall consider the extent to which that entity***
12 ***conforms to all of the following:***

13 ***(1) Consists of representatives from different geographic areas***
14 ***of the state.***

15 ***(2) Demonstrates experience in providing leadership, education,***
16 ***and support to the information and referral service industry in the***
17 ***state.***

18 ***(3) Demonstrates experience in statewide “211” planning and***
19 ***implementation efforts in the state.***

20 ***(4) Demonstrates established relationships with information***
21 ***and referral service providers throughout the state.***

22 ***(5) Demonstrates the means to maintain established relationships***
23 ***with information and referral service providers throughout the***
24 ***state.***

25 ***(6) Demonstrates established relationships with national***
26 ***information and referral service interests and with information and***
27 ***referral service interests in other states.***

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

31 ***(8) Demonstrates substantial expertise with the operational***
32 ***requirements of information and referral service providers in the***
33 ***state, including, but not limited to, database resources, software***
34 ***requirements, and referral practices.***

35 ***(9) Has the endorsement of “211” information and referral***
36 ***service providers to act as the lead entity and to represent the***
37 ***system in statewide matters.***

38 ~~(e)~~

39 ***(d) The lead entity shall allocate federal and state funds made***
40 ***available for the development, implementation, and administration***

1 of the “211” telephone dialing system. In allocating those funds,
2 the lead entity shall be responsible for accomplishing all of the
3 following:

4 (1) Maximize the federal funds available to information and
5 referral providers using the “211” abbreviated dialing code to
6 provide comprehensive information and referral services
7 throughout the state.

8 (2) Consider population, poverty rates, and geographic isolation.

9 (3) Consider information and referral service providers’
10 developmental requirements, in addition to their operational
11 requirements.

12 (4) Include a reasonable administration fee sufficient to support
13 the activities of the lead entity.

14 (5) Ensure that any fund matching requirement is met, *except*
15 *that General Fund moneys shall not be used for the federal match.*

16 53128.3. The activities of the lead entity may be funded in any
17 of the following manners:

18 (a) Through compliance with federal funding opportunities, to
19 the extent consistent with state law, including potential future
20 funding through the proposed Calling for 2-1-1 Act of 2009 (S.
21 211 and H.R. 211).

22 (b) Upon appropriation by the Legislature.

23 (c) By other public and private sources.