

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 914

Introduced by Assembly Member Reyes

February 20, 2003

~~An act relating to public safety communications.~~ *An act to amend Sections 53100, 53103, 53104, 53105, 53106, 53108.1, 53108.5, 53109, 53112, 53113, 53114, 53114.2, 53115, 53115.2, 53115.3, 53116, and 53117 of, to add Section 53102.5 to, to repeal Sections 53108, 53109.5, 53114.1, 53119, and 53120 of, and to repeal and add Section 53107 of, the Government Code, and to amend Sections 41001, 41007, 41009, 41010, 41011, 41012, 41013, 41015, 41016, 41017, 41018, 41020, 41021, 41025, 41027, 41030, 41031, 41136, 41137, 41137.1, 41138, 41140, 41141, 41142, and 41150 of the Revenue and Taxation Code, relating to public safety communications.*

LEGISLATIVE COUNSEL'S DIGEST

AB 914, as amended, Reyes. Public safety communications.

~~Existing~~

(1) ~~Existing~~ law establishes the Public Safety Communication Act of 2002.

The Warren 911 Emergency Assistance Act requires every local public agency to establish a telephone service that automatically connects a person dialing the digits 9-1-1 to an established public safety answering point through normal telephone service facilities. At the 9-1-1 public safety answering points serving an area where 5% or more of the population speak a specific primary language other than English, operators who speak each of these languages are required to be on duty



or available at all times for '9-1-1' emergency services. The Communications Division within the Department of General Services is required to coordinate the implementation of systems established pursuant to the act and assist local public agencies and local public safety agencies in obtaining financial help to establish emergency telephone service.

This bill would revise and rename the act as the Telecommunications Emergency Response System Act, and would, among other things, rename the Communications Division within the Department of General Services as the Telecommunications Division, require the division to provide funding to local public agencies and local public safety agencies to establish and maintain a system, and require all public safety answering points to have access to operators who speak other languages, in addition to English, at all times for telecommunications emergency services.

(2) The Emergency Telephone Users Surcharge Act requires any person supplying intrastate telephone communication services, as specified, in the state to collect a surcharge imposed on amounts paid by every person in the state for intrastate telephone communication service. It requires the Department of General Services to annually determine a surcharge rate that it estimates will produce sufficient revenue to fund the current fiscal year's 9-1-1 costs, but prohibits the surcharge rate in any year to be greater than $\frac{3}{4}$ of 1% nor less than $\frac{1}{2}$ of 1%. It establishes the State Emergency Telephone Number Account into which the payments made pursuant to the act are deposited. It requires, upon appropriation, funds in the account to pay, among other things, bills submitted to the department by service suppliers or communications equipment companies for the installation of, and ongoing expenses for, specified communications services.

This bill would revise and rename the act as the Emergency Telecommunications Surcharge Act, require the surcharge to be collected for intrastate telecommunications services, and require the Department of General Services to annually determine a surcharge rate that it estimates will produce sufficient revenue to fund the current fiscal year's telecommunications emergency response system costs, but would prohibit the surcharge rate in any year from being greater than 2% or less than 1%. It would revise what expenses may be paid from the Emergency Telephone Number Account, as specified.

~~This bill would declare the intent of the Legislature to enact legislation that would provide a funding mechanism for the purchase~~



and operation of public safety communication systems throughout the state.

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.—It is the intent of the Legislature to enact~~
2 SECTION 1. *Section 53100 of the Government Code is*
3 *amended to read:*
4 53100. (a) This article shall be known and may be cited as the
5 ~~Warren 911 Emergency—Assistance~~ *Telecommunications*
6 *Emergency Response System Act.*
7 (b) The Legislature hereby finds and declares that it is in the
8 public interest to ~~shorten~~ *expedite* the time required for a citizen
9 to request and receive emergency aid. ~~There currently exist~~
10 ~~thousands of different emergency phone numbers throughout the~~
11 ~~state, and present telephone exchange boundaries and central~~
12 ~~office service areas do not necessarily correspond to public safety~~
13 ~~and political boundaries. Provision of a single, primary three-digit~~
14 ~~emergency number through which emergency services can be~~
15 ~~quickly and efficiently obtained would provide a significant~~
16 ~~contribution to law enforcement and other public service efforts by~~
17 ~~making it less difficult to quickly notify public safety personnel.~~
18 ~~Such a simplified means of procuring emergency services will~~
19 ~~result in the saving of life, a reduction in the destruction of~~
20 ~~property, quicker apprehension of criminals, and ultimately the~~
21 ~~saving of money.— While the 9-1-1 system continues to be the~~
22 ~~primary method of reporting emergencies and requesting~~
23 ~~emergency aid, the reporting system needs updating to incorporate~~
24 ~~various forms of telecommunications technologies.~~ The
25 Legislature further finds and declares that the establishment of a
26 uniform, statewide ~~emergency number telecommunications~~
27 *emergency response system* is a matter of statewide concern and
28 interest to all inhabitants and citizens of this state. It is the purpose
29 of this act to establish the ~~number “911” telecommunications~~
30 *emergency response system* as the primary emergency ~~telephone~~
31 ~~number telecommunications system~~ for use in this state and to
32 encourage units of local government and combinations of ~~such~~
33 *these* units to develop and improve emergency communication



1 procedures and facilities in ~~such~~ a manner as to be able to quickly
2 respond to any person calling the telephone number “911”
3 “9-1-1” seeking police, fire, ~~medial~~ medical, rescue, and other
4 emergency services.

5 *SEC. 2. Section 53102.5 is added to the Government Code, to*
6 *read:*

7 53102.5. “Public safety answering point,” as used in this
8 article, means a telecommunications center capable of both of the
9 following:

10 (a) Receiving requests for emergency services by means of
11 multiple telecommunications sources including 9-1-1 circuits.

12 (b) Dispatching the necessary emergency services resources in
13 response to a request.

14 *SEC. 3. Section 53103 of the Government Code is amended to*
15 *read:*

16 53103. “Direct dispatch method,” as used in this article,
17 means a ~~telephone~~ telecommunications service providing for the
18 dispatch of an appropriate emergency service unit upon receipt of
19 a ~~telephone~~ telecommunications request for ~~such~~ these services
20 and a decision as to the proper action to be taken.

21 *SEC. 4. Section 53104 of the Government Code is amended to*
22 *read:*

23 53104. “Relay method,” as used in this article, means a
24 ~~telephone~~ telecommunications service whereby pertinent
25 information is noted by the recipient of a ~~telephone~~
26 telecommunications request for emergency services, and is
27 relayed to appropriate public safety agencies or other providers of
28 emergency services for dispatch of an emergency service unit.

29 *SEC. 5. Section 53105 of the Government Code is amended to*
30 *read:*

31 53105. “Transfer method,” as used in this article, means a
32 ~~telephone~~ telecommunications service ~~which~~ that receives
33 ~~telephone~~ telecommunications requests for emergency services
34 and directly transfers ~~such~~ these requests to an appropriate public
35 safety agency or other provider of emergency services.

36 *SEC. 6. Section 53106 of the Government Code is amended to*
37 *read:*

38 53106. “Referral method,” as used in this article, means a
39 ~~telephone~~ telecommunications service ~~which~~ that, upon the
40 receipt of a ~~telephone~~ telecommunications request for emergency



1 services, provides the requesting party with the telephone number
2 of the appropriate public safety agency or other provider of
3 emergency services. The use of the referral method shall only be
4 used for nonemergency situations.

5 *SEC. 7. Section 53107 of the Government Code is repealed.*

6 ~~53107. “Basic system,” as used in this article, means a
7 telephone service which automatically connects a person dialing
8 the digits “911” to an established public safety answering point
9 through normal telephone service facilities.~~

10 *SEC. 8. Section 53107 is added to the Government Code, to
11 read:*

12 53107. “Reporting system,” as used in this article, means a
13 telecommunications service that automatically connects a person
14 who uses another telecommunications service, including 9-1-1
15 circuits, to an established public safety answering point through
16 telecommunications service facilities and is capable of
17 automatically identifying the caller’s number, automatically
18 locating the caller, holding the incoming call, reconnecting on the
19 same telephone line, clearing a telephone line, or automatically
20 call routing, or any combination of these capabilities.

21 *SEC. 9. Section 53108 of the Government Code is repealed.*

22 ~~53108. “Sophisticated system,” as used in this article, means
23 a basic system with the additional capability of automatic
24 identification of the caller’s number, holding the incoming call,
25 reconnection on the same telephone line, clearing a telephone line,
26 or automatic call routing or combinations of such capabilities.~~

27 *SEC. 10. Section 53108.1 of the Government Code is
28 amended to read:*

29 53108.1. “Incremental ~~costs~~”, *costs*,” as used in this article,
30 ~~mean~~ means any costs necessary for the establishment and
31 maintenance of a system required by this article and recommended
32 approved for reimbursement by the advisory committee 9-1-1
33 Committee established by Section ~~53115.1~~ 53115.2 other than
34 costs for (1) a basic any of the following if they are reasonable,
35 necessary, and unique for the planning and efficient
36 implementation of a local agency’s telecommunications
37 emergency response system:

38 (a) A reporting system, (2) a basic system with telephone
39 central office identification, or (3) a system employing automatic
40 call routing, which are reasonable, necessary and unique for the



1 ~~planning and efficient implementation of a local agency's 911~~
 2 ~~system~~

3 (b) A geographically referenced statewide base mapping
 4 system.

5 (c) A regionalized client server database system.

6 SEC. 11. Section 53108.5 of the Government Code is amended
 7 to read:

8 53108.5. ~~“Communications~~ “Telecommunications
 9 Division,” as used in this article, means the ~~Communications~~
 10 Telecommunications Division of the Department of General
 11 Services.

12 SEC. 12. Section 53109 of the Government Code is amended
 13 to read:

14 53109. Every local public agency within its respective
 15 jurisdiction shall establish and have in operation by ~~December 31,~~
 16 ~~1985,~~ a ~~basic~~ reporting system as provided in this article, and
 17 connectivity to the telecommunications emergency response
 18 system, or be part of ~~such a~~ this system. All reporting systems shall
 19 have prior approval of the 9-1-1 Committee.

20 The establishment of ~~such~~ the reporting systems shall be
 21 centralized to the extent feasible. Nothing in this article shall be
 22 construed to prohibit or discourage in any way the formation of
 23 multijurisdictional or regional systems, and any system
 24 established pursuant to this article may include the territory of
 25 more than one public agency or may include a segment of the
 26 territory of a public agency.

27 SEC. 13. Section 53109.5 of the Government Code is
 28 repealed.

29 ~~53109.5. The Legislature finds and declares that~~
 30 ~~environmental considerations in the Tahoe region have halted or~~
 31 ~~delayed the development of facilities necessary for the~~
 32 ~~establishment of a local emergency telephone system in that area.~~

33 Accordingly, local public agencies in the Tahoe region, as
 34 defined in subdivision (a) of Article II of Section 66801 of the
 35 Government Code, shall comply with Section 53109 by December
 36 31, 1986, rather than by December 31, 1985.

37 SEC. 14. Section 53112 of the Government Code is amended
 38 to read:

39 53112. All systems shall be designed to meet the specific
 40 requirements of each community and public agency served by the



1 system. Every *reporting* system, ~~whether basic or sophisticated,~~
2 shall be designed to have the capability of utilizing at least three
3 of the methods ~~specified~~ *described* in Sections 53103 to 53106,
4 inclusive, in response to emergency calls. The Legislature finds
5 and declares that the most critical aspect of the design of any
6 system is the procedure established for handling a ~~telephone~~
7 *telecommunications* request for emergency services.

8 In addition, to maximize efficiency and utilization of the
9 system, all pay telephones within each system shall, ~~by December~~
10 ~~31, 1985,~~ enable a caller to dial “~~911~~” “9-1-1” for emergency
11 services, and to reach an operator by dialing “0”; without the
12 necessity of inserting a coin. ~~At those “911”~~ All public safety
13 answering points ~~servicing an area where 5 percent or more of the~~
14 ~~population, in accordance with the latest United States census~~
15 ~~information, speak a specific primary language other than English,~~
16 *shall have access to operators who speak each such other language*
17 *languages*, in addition to English, ~~shall be on duty or available~~
18 through interagency telephone conference procedures at all times
19 for “~~911~~” *telecommunications* emergency services.

20 In addition, all systems shall require installation of a
21 telecommunications device capable of servicing the needs of the
22 deaf or severely hearing impaired at ~~the “911”~~ all public safety
23 answering ~~point or~~ points. The device shall be compatible with
24 devices furnished by telephone corporations pursuant to Section
25 2831 of the Public Utilities Code.

26 *SEC. 15. Section 53113 of the Government Code is amended*
27 *to read:*

28 53113. The Legislature finds that, because of overlapping
29 jurisdiction of public agencies, public safety agencies, and
30 ~~telephone telecommunications~~ service areas, a general overview
31 or plan should be developed prior to the establishment of any
32 system. In order to insure that proper preparation and
33 implementation of ~~such~~ *these* systems is accomplished by all
34 public agencies ~~by December 31, 1985,~~ the ~~Communications~~
35 *Telecommunications* Division, with the advice and assistance of
36 the Attorney General, shall secure compliance by public agencies
37 as provided in this article.

38 *SEC. 16. Section 53114 of the Government Code is amended*
39 *to read:*



1 53114. The ~~Communications~~ *Telecommunications* Division,
2 with the advice and assistance of the Attorney General, shall
3 coordinate the implementation of systems established pursuant to
4 ~~the provisions of~~ this article. The ~~Communications~~
5 *Telecommunications* Division, with the advice and assistance of
6 the Attorney General, shall ~~assist~~ *provide funding to* local public
7 agencies and local public safety agencies ~~in obtaining financial~~
8 ~~help~~ to establish ~~emergency telephone service~~ *and maintain a*
9 *telecommunications emergency response system*, and shall aid
10 ~~such these~~ agencies in the formulation of concepts, methods, and
11 procedures ~~which that~~ will improve the operation of systems
12 required by this article and ~~which that~~ will increase cooperation
13 between public safety agencies.

14 *SEC. 17. Section 53114.1 of the Government Code is*
15 *repealed.*

16 ~~53114.1. To accomplish the responsibilities specified in this~~
17 ~~article, the Communications Division is directed to consult at~~
18 ~~regular intervals with the State Fire Marshal, the State Department~~
19 ~~of Health Services, the Governor's Office of Traffic Safety, the~~
20 ~~Office of Emergency Services, the California Council on Criminal~~
21 ~~Justice, a local representative from a city, a local representative~~
22 ~~from a county, the public utilities in this state providing telephone~~
23 ~~service, the Associated Public Safety Communications Officers,~~
24 ~~the Emergency Medical Services Authority, the Department of the~~
25 ~~California Highway Patrol, and the Department of Forestry and~~
26 ~~Fire Protection. These agencies shall provide all necessary~~
27 ~~assistance and consultation to the Communications Division to~~
28 ~~enable it to perform its duties specified in this article.~~

29 *SEC. 18. Section 53114.2 of the Government Code is amended*
30 *to read:*

31 53114.2. Technical and operational standards for the
32 ~~development of the public agency systems~~ *telecommunications*
33 *emergency response system* shall be established and reviewed by
34 the ~~Communications Division~~ *9-1-1 Committee* on or before
35 December 31, 1973, ~~after consultation with all agencies specified~~
36 ~~in Section 53114.1. On or before December 31, 1976, and each~~
37 ~~even-numbered year thereafter, after consultation with all~~
38 ~~agencies specified in Section 53114.1, the Communications~~
39 ~~Division~~ *2004. The National Emergency Number Association*
40 *(NENA) Standards For Recommended Formats and Protocols For*



1 *Data Exchange (02-010) and NENA Recommended Standards For*
2 *Local Exchange Carriers, ALI Service Providers, and 911 Service*
3 *Jurisdictions (02-011) shall be adopted by reference and required*
4 *for all agencies, vendors, and telecommunications service*
5 *providers having any connectivity to the telecommunications*
6 *emergency response system. The 9-1-1 Committee shall review and*
7 *update technical and operational standards for public agency*
8 *systems on a continuous basis.*

9 *SEC. 19. Section 53115 of the Government Code is amended*
10 *to read:*

11 53115. (a) ~~On or before January 31, 1975, all~~ *Each public*
12 ~~agencies~~ *agency shall submit tentative plans for the establishment*
13 *of a system required by this article to the public utility or utilities*
14 *providing public ~~telephone~~ telecommunications service within the*
15 *respective jurisdiction of each public agency. A copy of each ~~such~~*
16 *plan shall be filed with the ~~Communications~~ Telecommunications*
17 *Division.*

18 (b) ~~On or before October 1, 1978, all~~ *Each public agencies*
19 *agency shall submit final plans to the ~~Communications~~*
20 *Telecommunications Division for approval. The final plan shall*
21 *identify all planning, implementation, installation, and operating*
22 *costs the local agency feels necessary to implement the system*
23 *required by this article. ~~On or before July 1, 1981, all public~~ Public*
24 *agencies shall place a firm order as approved by the*
25 ~~Communications Division~~ *9-1-1 Committee to the utility or*
26 *utilities providing ~~telephone~~ telecommunications service to the*
27 *public agency, and shall make arrangements with ~~such~~ these*
28 *utilities for the implementation of the planned ~~emergency~~*
29 ~~telephone system no later than December 31, 1985~~
30 *telecommunications emergency response system. ~~If the Legislature~~*
31 ~~fails to take action as specified in Section 41030 of the Revenue~~
32 ~~and Taxation Code prior to January 1, 1981, then the dates~~
33 ~~specified for ordering and implementation of a system shall be~~
34 ~~respectively postponed by the number of years elapsing between~~
35 ~~1981 and the year in which the Legislature acts.~~

36 (c) ~~If any public agency has implemented or is a part of a system~~
37 ~~required by this article on a deadline specified in subdivision (a)~~
38 ~~or (b), such public agency shall submit in lieu of the tentative or~~
39 ~~final plan a report describing the system and stating its operational~~
40 ~~date.~~



1 ~~(d)~~
 2 (c) Plans filed pursuant to subdivisions (a) and (b) shall
 3 conform to minimum standards established pursuant to Section
 4 53114.2.

5 ~~(e)~~
 6 (d) The ~~Communications~~ Telecommunications Division shall
 7 monitor all ~~emergency telephone systems~~ telecommunications
 8 emergency response systems to ensure they comply with minimal
 9 operational and technical standards as established by the ~~division~~
 10 9-1-1 Committee. If any system does not comply, the
 11 ~~Communications~~ Telecommunications Division shall notify in
 12 writing the public agency or agencies operating the system of its
 13 deficiencies. The public agency shall bring the system into
 14 compliance with the operational and technical standards within 60
 15 days of notice by the division. Failure to comply within ~~such~~ this
 16 time shall subject the public agency to action by the Attorney
 17 General pursuant to Section 53116. *No funds shall be provided to*
 18 *any agency, vendor, or service provider that is noncompliant.*

19 SEC. 20. Section 53115.2 of the Government Code is amended
 20 to read:

21 53115.2. The ~~advisory committee~~ 9-1-1 Committee shall
 22 consist of one representative from the California Chapter of the
 23 National Emergency Numbering Association, one representative
 24 from the California State Sheriff's Association, one representative
 25 from the California Police Chief's Association, and one
 26 representative from the California Fire Chief's Association. The
 27 9-1-1 Committee, in addition to the other duties specified in this
 28 article, shall have the following duties:

29 (a) The committee shall evaluate requests from local agencies
 30 for state assistance for incremental costs and recommend to the
 31 Chief of the ~~Communications~~ Telecommunications Division of the
 32 Department of General Services when appropriation for
 33 reimbursement to a local agency for ~~such~~ the incremental costs
 34 should be made. The committee shall only review final plans
 35 which have been referred for consideration for incremental
 36 funding by the ~~Communications~~ Telecommunications Division at
 37 the request of a local agency. The committee shall make a
 38 recommendation to the Communications Division regarding state
 39 appropriations for payment or reimbursement for incremental
 40 costs.



1 (b) The committee shall, upon request of a local public agency,
2 conduct a hearing on any conflict between a local public agency
3 and the ~~Communications~~ *Telecommunications* Division regarding
4 a final plan which has not been approved by the ~~Communications~~
5 *Telecommunications* Division pursuant to Section 53115. The
6 committee shall meet within 30 days following such request, and
7 shall make a recommendation to resolve the conflict to the
8 ~~Communications~~ *Telecommunications* Division within 90 days
9 following the initial hearing by the committee pursuant to such
10 request.

11 (c) The committee may also act in a general advisory capacity
12 to the ~~Communications~~ *Telecommunications* Division relative to
13 the implementation of any ~~“911”~~ “9-1-1” system.

14 *SEC. 21. Section 53115.3 of the Government Code is amended*
15 *to read:*

16 53115.3. When proposed implementation of the ~~911 system~~ *a*
17 *telecommunications emergency response system* by a single public
18 agency within its jurisdiction may adversely affect the
19 implementation of the system by a neighboring public agency or
20 agencies, ~~such the~~ neighboring public agency may request that the
21 ~~Communications Division~~ *9-1-1 Committee* evaluate the impact of
22 implementation by the proposing public agency and evaluate and
23 weigh that impact in its decision to approve or disapprove the
24 proposing public agency’s final plan pursuant to Section 53115. In
25 order to effectuate this process, each city shall file a notice of filing
26 of its final plan with each adjacent city and with the county in
27 which the proposing public agency is located at the same time ~~such~~
28 ~~the~~ final plan is filed with the ~~Communications~~
29 *Telecommunications* Division and each county shall file a notice
30 of filing of its final plan with each city within the county and each
31 adjacent county at the time such final plan is filed with the
32 ~~Communications~~ *Telecommunications* Division. Any public
33 agency wishing to request review pursuant to this section shall file
34 its request with the ~~division~~ *administrative board* within 30 days
35 of filing of the final plan for which review is sought.

36 *SEC. 22. Section 53116 of the Government Code is amended*
37 *to read:*

38 53116. The Attorney General may, ~~in~~ *on* behalf of the
39 ~~Communications~~ *Telecommunications* Division or on his *or her*
40 own initiative, commence judicial proceedings to enforce



1 compliance by any public agency or public utility providing
2 ~~telephone~~ *telecommunications* service with the provisions of this
3 article.

4 *SEC. 23. Section 53117 of the Government Code is amended*
5 *to read:*

6 53117. (a) ~~On or before February 16, 1975, the~~
7 ~~Communications Division—The 9-1-1 Committee~~ shall report
8 *annually* to the Legislature the progress in the implementation of
9 systems required by this article. ~~Such~~ *These* reports shall contain
10 its recommendations for additional legislation *and funding*.

11 (b) ~~In December of 1973 and in December of 1974 the~~
12 ~~Communications Division, with the advice and assistance of the~~
13 ~~Attorney General, shall submit recommendations to the~~
14 ~~Department of Finance and to the Governor specifying amounts~~
15 ~~necessary to further implement the organization of telephone~~
16 ~~systems specified in this article during the succeeding fiscal year.~~
17 ~~The report specified in this subdivision shall contain, in addition,~~
18 ~~an estimate of the fiscal impact to local public agencies which will~~
19 ~~be caused by implementation of the provisions of this article.~~

20 *SEC. 24. Section 53119 of the Government Code is repealed.*

21 53119. ~~Any telephone corporation serving rural telephone~~
22 ~~areas which cannot currently provide enhanced “911” emergency~~
23 ~~telephone service capable of selective routing, automatic number~~
24 ~~identification, or automatic location identification shall present to~~
25 ~~the communications division a comprehensive plan detailing a~~
26 ~~schedule by which those facilities will be converted to be~~
27 ~~compatible with the enhanced emergency telephone system.~~

28 *SEC. 25. Section 53120 of the Government Code is repealed.*

29 53120. ~~The communications division shall not delay~~
30 ~~implementation of the enhanced “911” emergency telephone~~
31 ~~system in those portions of cities or counties, or both, served by a~~
32 ~~local telephone corporation that has equipment compatible with~~
33 ~~the enhanced “911” emergency telephone system.~~

34 *SEC. 26. Section 41001 of the Revenue and Taxation Code is*
35 *amended to read:*

36 41001. This part is known and may be cited as the
37 “~~Emergency Telephone Users Telecommunications Surcharge~~
38 ~~Act~~” *Act.*”

39 *SEC. 27. Section 41007 of the Revenue and Taxation Code is*
40 *amended to read:*



1 41007. (a) "Service supplier" shall mean any person
2 supplying intrastate ~~telephone—communication~~
3 *telecommunications* services pursuant to California intrastate
4 tariffs to any service user in this state.

5 (b) On and after January 1, 1988, "service supplier" also
6 includes any person supplying intrastate ~~telephone~~
7 ~~communications~~ *telecommunications* services for whom the
8 Public Utilities Commission, by rule or order, modifies or
9 eliminates the requirement for that person to prepare and file
10 California intrastate tariffs.

11 *SEC. 28. Section 41009 of the Revenue and Taxation Code is*
12 *amended to read:*

13 41009. "Service user" means any person using intrastate
14 ~~telephone—communication~~ *telecommunications* services in this
15 state who is required to pay a surcharge ~~under the provisions of~~
16 *pursuant to* this part.

17 *SEC. 29. Section 41010 of the Revenue and Taxation Code is*
18 *amended to read:*

19 41010. "Intrastate ~~telephone—communication~~
20 *telecommunications* services" means all local or toll ~~telephone~~
21 *telecommunications* services where the point or points of origin
22 and the point or points of destination of the service are all located
23 in this state.

24 *SEC. 30. Section 41011 of the Revenue and Taxation Code is*
25 *amended to read:*

26 41011. "Charges for services" means all charges billed by a
27 service supplier to a service user for intrastate ~~telephone~~
28 ~~communications~~ *telecommunications* services and shall mean
29 local ~~telephone~~ *telecommunications* service and include monthly
30 service flat-rate charges for usage, message unit charges and shall
31 mean toll charges, and include ~~intra-state-wide-area-telephone~~
32 *intra-statewide-area telecommunications* service charges.
33 "Charges for services" shall not include any tax imposed by the
34 United States or by any charter city, charges for service paid by
35 inserting coins in a public coin-operated telephone, and shall not
36 apply to amounts billed to nonsubscribers for coin shortages.
37 Where a coin-operated telephone service is furnished for a
38 guarantee or other periodic amount, ~~such~~ *this* amount is subject to
39 the surcharge imposed by this part.



1 “Charges for services” shall not include charges for intrastate
2 toll calls where bills for ~~such~~ *these* calls originate out of California.

3 “Charges for services” shall not include charges for any
4 nonrecurring, installation, service connection or one-time charge
5 for service or directory advertising, and shall not include private
6 ~~communication~~ *telecommunications* service charges, charges for
7 other than ~~communications~~ *telecommunications* service, or any
8 charge made by a hotel or motel for service rendered in placing
9 calls for its guests regardless of how ~~such~~ *the* hotel or motel charge
10 is denominated or characterized by an applicable tariff of the
11 Public Utilities Commission of this state.

12 “Charges for services” shall not include charges for basic
13 exchange line service for lifeline services.

14 *SEC. 31. Section 41012 of the Revenue and Taxation Code is*
15 *amended to read:*

16 41012. “Public telephone” means any coin-operated
17 telephone provided by the serving ~~telephone~~ *telecommunications*
18 company accessible to the public.

19 *SEC. 32. Section 41013 of the Revenue and Taxation Code is*
20 *amended to read:*

21 41013. “Surcharge” means a ~~tax~~ *fee* levied by this state.

22 *SEC. 33. Section 41015 of the Revenue and Taxation Code is*
23 *amended to read:*

24 41015. “Local ~~telephone~~ *telecommunications* service” shall
25 mean both of the following:

26 (a) The access to a local ~~telephone~~ *telecommunications* system,
27 and the privilege of telephonic quality communication with
28 substantially all persons having ~~telephone or radiotelephone~~
29 *telecommunications* stations constituting a part of the local
30 ~~telephone~~ *telecommunications* system.

31 (b) Any facility or service provided in connection with a
32 service described in subdivision (a).

33 The term “local ~~telephone~~ *telecommunications* service” does
34 not include any service ~~which~~ *that* is a “toll telephone service” or
35 a “private ~~communication~~ *telecommunications* service.”

36 *SEC. 34. Section 41016 of the Revenue and Taxation Code is*
37 *amended to read:*

38 41016. “Toll telephone service” shall mean *a combination of*
39 *the following:*



1 (a) A telephonic quality communication for which (1) there is
2 a toll charge which varies in amount with the distance and elapsed
3 transmission time of each individual communication and (2) the
4 charge is paid within the United States, ~~and States.~~

5 (b) A service ~~which that~~ entitles the subscriber, upon payment
6 of a periodic charge (determined as a flat amount or upon the basis
7 of total elapsed transmission time), to the privilege of an unlimited
8 number of telephonic communications to or from all or a
9 substantial portion of the persons having ~~telephone or~~
10 ~~radiotelephone~~ *telecommunications* stations in a specified area
11 ~~which that~~ is outside the local ~~telephone~~ *telecommunications*
12 system area in which the station provided with this service is
13 located.

14 *SEC. 35. Section 41017 of the Revenue and Taxation Code is*
15 *amended to read:*

16 41017. "Private ~~communication~~ *telecommunications*
17 service" shall mean *all of the following:*

18 (a) The ~~communication~~ *telecommunication* service furnished
19 to a subscriber ~~which that~~ entitles the ~~subscriber~~ — *subscriber to*
20 *do all of the following:*

21 (1) To exclusive or priority use of any ~~communication~~
22 *telecommunications* channel or groups of ~~channels, or channels.~~

23 (2) To the use of an intercommunication system for the
24 subscriber's stations, regardless of whether ~~such the~~ channel,
25 groups of channels, or intercommunication system may be
26 connected through switching with a service described in Sections
27 41015 and ~~41016, 41016.~~

28 (b) Switching capacity, extension lines and stations, or other
29 associated services ~~which that~~ are provided in connection with,
30 and are necessary or unique to the use of channels or systems
31 described in subdivision ~~(a), and (a).~~

32 (c) The channel mileage ~~which that~~ connects a ~~telephone~~
33 *telecommunications* station located outside a local ~~telephone~~
34 *telecommunications* system area with a central office in ~~such the~~
35 local ~~telephone~~ *telecommunications* system, except that ~~such this~~
36 term shall not include any ~~communication~~ *telecommunications*
37 service unless a separate charge is made for ~~such this~~ service.

38 *SEC. 36. Section 41018 of the Revenue and Taxation Code is*
39 *amended to read:*



1 41018. ~~“Communications”~~ “Telecommunications equipment
2 company” shall mean a manufacturer or vendor that sells or leases
3 ~~communications~~ telecommunications equipment.

4 SEC. 37. Section 41020 of the Revenue and Taxation Code is
5 amended to read:

6 41020. (a) A surcharge is hereby imposed on amounts paid
7 by every person in the state for intrastate ~~telephone~~
8 ~~communication~~ telecommunications service in this state
9 commencing on July 1, 1977.

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

14 (c) The surcharge shall be paid by the service user as hereinafter
15 provided.

16 (d) In accordance with the Mobile Telecommunications
17 Sourcing Act (P.L. 106-252), which is incorporated herein by
18 reference, the surcharge imposed under this section does not apply
19 to any charges for mobile telecommunications services billed to a
20 customer where those services are provided, or deemed provided,
21 to a customer whose place of primary use is outside this state.
22 Mobile telecommunications services shall be deemed provided by
23 a customer’s home service provider to the customer if those
24 services are provided in a taxing jurisdiction to the customer, and
25 the charges for those services are billed by or for the customer’s
26 home service provider.

27 (e) For purposes of this section *all of the following definitions*
28 *shall apply:*

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

38 (2) “Customer” means (A) the person or entity that contracts
39 with the home service provider for mobile telecommunications
40 services, or (B) if the end user of mobile telecommunications



1 services is not the contracting party, the end user of the mobile
2 telecommunications service. This paragraph applies only for the
3 purpose of determining the place of primary use. The term
4 “customer” does not include (A) a reseller of mobile
5 telecommunications service, or (B) a serving carrier under an
6 arrangement to serve the customer outside the home service
7 provider’s licensed service area.

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

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

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

17 (6) “Place of primary use” means the street address
18 representative of where the customer’s use of the mobile
19 telecommunications service primarily occurs, that must be:

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

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

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

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

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

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



1 SEC. 38. Section 41021 of the Revenue and Taxation Code is
2 amended to read:

3 41021. Every service supplier shall collect the surcharge from
4 each service user at the time it collects its billings from the service
5 user, provided, the duty to collect the surcharge from a service user
6 shall commence with the beginning of the first regular billing
7 period applicable to that person which starts on or after the
8 operative date of the surcharge imposed by this part. If the stations
9 or lines of more than one service supplier are utilized in furnishing
10 the ~~telephone communications~~ *telecommunications* services to the
11 service user, the service supplier that bills the customer shall
12 collect the surcharge from the customer.

13 Only one payment under this part shall be required with respect
14 to the surcharge on any service, notwithstanding that the lines or
15 stations of one or more service suppliers are used in furnishing
16 ~~such~~ *this* service.

17 SEC. 39. Section 41025 of the Revenue and Taxation Code is
18 amended to read:

19 41025. If a bill is rendered to persons using intrastate
20 ~~telephone~~ *telecommunications* services the amount on which the
21 surcharge with respect to ~~such~~ *these telecommunications* services
22 shall be based shall be the sum of all charges for ~~such~~ *the* services
23 included in the bill; except that if the person who renders the bill
24 groups individual items for purposes of rendering the bill and
25 computing the surcharge then the amount on which the surcharge
26 with respect to each ~~such~~ group shall be based, shall be the sum of
27 all items within that group, and the surcharge on the remaining
28 items not included in any such group, shall be based on the charge
29 for each item separately.

30 SEC. 40. Section 41027 of the Revenue and Taxation Code is
31 amended to read:

32 41027. Nothing in this part shall be construed as imposing a
33 surcharge upon amounts paid by any person when imposition of
34 ~~such~~ *the* surcharge would be in violation of the Constitution of the
35 United States, the United States Code, or the laws of the State of
36 California, nor upon toll charges used in the collection and
37 dissemination of news for the public press or on charges for wide
38 area ~~telephone~~ *telecommunications* service used by common
39 carriers in the conduct of their business.



1 SEC. 41. Section 41030 of the Revenue and Taxation Code is
2 amended to read:

3 41030. The Department of General Services shall determine
4 annually, on or before September 1, a surcharge rate that it
5 estimates will produce sufficient revenue to fund the current fiscal
6 year's ~~911~~ *telecommunications emergency response system* costs.
7 The surcharge rate shall be determined by dividing the costs
8 (including incremental costs) the Department of General Services
9 estimates for the current fiscal year of ~~911~~ *plans*
10 *telecommunications emergency response system plans* approved
11 pursuant to Section 53115 of the Government Code, less the
12 available balance in the State Emergency Telephone Number
13 Account in the General Fund, by its estimate of the charges for
14 intrastate telephone communications services to which the
15 surcharge will apply for the period of November 1 of the current
16 calendar year to October 31 of the next succeeding calendar year,
17 but in no event shall ~~such~~ *the* surcharge rate in any year be greater
18 than ~~three-quarters of 1 percent nor less than one-half of 1 percent~~
19 *2 percent nor less than 1 percent*.

20 SEC. 42. Section 41031 of the Revenue and Taxation Code is
21 amended to read:

22 41031. The Department of General Services shall make its
23 determination of ~~such~~ *the* surcharge rate each year no later than
24 September 1 and shall notify the board of the new rate, which shall
25 be fixed by the board to be effective with respect to charges made
26 for intrastate ~~telephone communication~~ *telecommunications*
27 services on or after November 1 of each year.

28 SEC. 43. Section 41136 of the Revenue and Taxation Code is
29 amended to read:

30 41136. Funds in the State Emergency Telephone Number
31 Account shall, when appropriated by the Legislature, be spent
32 solely for the following purposes:

- 33 (a) To pay refunds authorized by this part.
- 34 (b) To pay the State Board of Equalization for the cost of the
35 administration of this part.
- 36 (c) To pay the Department of General Services for its costs in
37 administration of the ~~"911" emergency telephone number system~~
38 *telecommunications emergency response system*.
- 39 (d) To pay bills submitted to the Department of General
40 Services by service suppliers or ~~communications~~



1 *telecommunications* equipment companies for the installation of,
 2 and ongoing expenses for, the following ~~—communications~~
 3 *telecommunications* services supplied to local agencies in
 4 connection with the “911” ~~emergency phone number system:~~
 5 *telecommunications emergency response system:*

- 6 (1) A ~~basic reporting~~ system.
- 7 (2) ~~A basic system with telephone central office identification.~~
- 8 (3) ~~A system employing automatic call routing.~~
- 9 (4) ~~Approved incremental costs.~~
- 10 (3) A *geographically referenced statewide base mapping*
 11 *system.*
- 12 (4) A *regionalized master street address guide.*
- 13 (5) An *automatic location identification database client server*
 14 *system.*

15 (e) To pay claims of local agencies for approved incremental
 16 costs, not previously compensated for by another governmental
 17 agency.

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

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

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

35 *SEC. 44. Section 41137 of the Revenue and Taxation Code is*
 36 *amended to read:*

37 41137. The Department of General Services shall pay, from
 38 funds appropriated from the State Emergency Telephone Number
 39 Account by the Legislature, as provided in Section 41138, bills
 40 submitted by service suppliers or ~~communications~~

1 *telecommunications* equipment companies for the installation and
2 ongoing costs of the following ~~communication~~
3 *telecommunications* services provided to local agencies by service
4 suppliers in connection with the “911” ~~emergency telephone~~
5 ~~number system~~; *telecommunications emergency response system*:

- 6 (a) A ~~basic reporting~~ system.
- 7 (b) A ~~basic system with telephone central office identification~~.
- 8 (c) ~~A system employing automatic call routing~~.
- 9 (d) Approved incremental costs that have been concurred in by
10 the ~~Communications Division~~ *administrative board*.
- 11 (e) A *geographically referenced statewide base mapping*
12 *system*.
- 13 (f) A *regionalized master street address guide*.
- 14 (g) An *automatic location identification database client server*
15 *system*.

16 SEC. 45. Section 41137.1 of the Revenue and Taxation Code
17 is amended to read:

18 41137.1. The Department of General Services shall pay, from
19 funds appropriated from the State Emergency Telephone Number
20 Account by the Legislature, as provided in Section 41138, claims
21 submitted by local agencies for approved incremental costs and for
22 the cost of preparation of final plans submitted to the
23 ~~Communications Telecommunications~~ Division for approval ~~on or~~
24 ~~before October 1, 1978~~, as provided in Section 53115 of the
25 Government Code.

26 SEC. 46. Section 41138 of the Revenue and Taxation Code is
27 amended to read:

28 41138. (a) It is the intent of the Legislature that the
29 reimbursement rates for “911” ~~emergency telephone number~~
30 *customer premise* equipment shall not exceed specified amounts
31 negotiated with each interested supplier and approved by the
32 ~~department~~ *administrative board*. The department shall negotiate
33 supplier pricing to ensure cost effectiveness and the best value for
34 the “911” ~~emergency telephone number system~~
35 *telecommunications emergency response system*. The department
36 shall pay those bills as provided in Section 41137 only under the
37 following conditions:

- 38 (1) The department shall have received the local agency’s
39 “911” ~~emergency telephone number system~~ *telecommunications*
40 *emergency response system plan* by July 1 of the prior fiscal year



1 and ~~approved the plan by October 1 of the prior fiscal year~~
 2 ~~received administrative board approval.~~

3 (2) The Legislature has appropriated in the Budget Bill an
 4 amount sufficient to pay those bills.

5 (3) The department has reviewed and approved each line item
 6 of a request for funding to ensure the necessity of the proposed
 7 equipment or services and the eligibility for reimbursement *prior*
 8 *to seeking administrative board approval.*

9 (4) The amounts to be paid do not exceed the pricing submitted
 10 by the supplier and approved by the ~~department~~ *administrative*
 11 *board*. Extraordinary circumstances may warrant spending in
 12 excess of the established rate, but shall be preapproved by the
 13 ~~department~~ *administrative board*. In determining the
 14 reimbursement rate, the ~~department~~ *administrative board* shall
 15 utilize the approved pricing submitted by the supplier providing
 16 the equipment or service.

17 (b) Nothing in this section shall be construed to limit an
 18 agency’s ability to select a supplier or procure telecommunications
 19 equipment as long as the supplier’s pricing is preapproved by the
 20 ~~department~~ *administrative board*. Agencies shall be encouraged
 21 to procure equipment on a competitive basis. Any amount in
 22 excess of the pricing approved by the ~~department~~ *administrative*
 23 *board* shall not be reimbursed.

24 *SEC. 47. Section 41140 of the Revenue and Taxation Code is*
 25 *amended to read:*

26 41140. The Department of General Service shall reimburse
 27 local agencies, from funds appropriated from the Emergency
 28 Telephone Number Account by the Legislature, for amounts not
 29 previously compensated for by another governmental agency,
 30 which have been paid by such agencies for approved incremental
 31 costs or to service suppliers or ~~communication~~
 32 *telecommunications* equipment companies for the following
 33 ~~communications~~ *telecommunications* services supplied in
 34 connection with the ~~“911” emergency phone number~~
 35 *telecommunications emergency response system*, provided ~~such~~
 36 *the* local agency plans had been approved by the ~~department~~
 37 *administrative board*:

- 38 (1) A ~~basic~~ *reporting* system.
- 39 (2) A ~~basic system with telephone central office identification.~~
- 40 (3) A ~~system employing automatic call routing.~~



- 1 ~~(4)~~ Approved incremental costs.
- 2 (3) A geographically referenced statewide base mapping
- 3 system.
- 4 (4) A regionalized master street address guide.
- 5 (5) An automatic location identification, database client server
- 6 system.

7 SEC. 48. Section 41141 of the Revenue and Taxation Code is
8 amended to read:

9 41141. Claims for reimbursement shall be submitted by local
10 agencies to the ~~Communications~~ Telecommunications Division in
11 the Department of General Services, which shall *present all claims*
12 *to the administrative board. The administrative board shall*
13 *determine payment eligibility and shall reduce the claim for*
14 *charges—~~which~~ that exceed the approved incremental costs,*
15 *approved contract amounts, or the established tariff rates for ~~such~~*
16 *these costs. No claim shall be paid until funds are appropriated by*
17 *the Legislature.*

18 SEC. 49. Section 41142 of the Revenue and Taxation Code is
19 amended to read:

20 41142. Notwithstanding any other provision of this article, if
21 the Legislature fails to appropriate an amount sufficient to pay bills
22 submitted to the Department of General Services by service
23 suppliers or ~~communications~~ telecommunications equipment
24 companies for the installation and ongoing ~~communications~~
25 *telecommunications* services supplied to local agencies in
26 connection with the ~~“911” emergency phone number system, and~~
27 ~~to pay claims of local agencies which, prior to the effective date~~
28 ~~of this part, paid amounts to service suppliers or communications~~
29 ~~equipment companies for the installation and ongoing expenses in~~
30 ~~connection with the “911” emergency phone number system~~
31 *telecommunications emergency response system, the obligation of*
32 *service suppliers and local agencies to provide “911”*
33 *telecommunications emergency telephone service shall terminate*
34 ~~and—~~such~~ this service shall not again be required until the~~
35 *Legislature has appropriated an amount sufficient to pay such bills*
36 *or claims. Nothing in this part shall preclude local agencies from*
37 *purchasing or acquiring any ~~communication~~ telecommunications*
38 *equipment from companies other than the telephone service*
39 *suppliers.*



1 SEC. 50. Section 41150 of the Revenue and Taxation Code is
2 amended to read:
3 41150. The Legislature hereby declares and finds that to
4 enable public agencies to implement “911” *telecommunications*
5 emergency ~~phone~~ systems required by the provisions of Chapter
6 1005 of the 1972 Regular Session (Article 6 (commencing with
7 Section 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of
8 the Government Code) it is necessary that a surcharge be imposed
9 upon amounts paid by every person in the state for intrastate
10 ~~telephone communication~~ *telecommunications* services in this
11 state. ~~This bill will provide funding for basic 911, basic 911~~
12 ~~(including telephone central office identification) 911 with~~
13 ~~selective routing or a combination of the above. These services~~
14 ~~will include incoming 911 lines/trunks, 911 answering positions~~
15 ~~including common control equipment, transfer lines and transfer~~
16 ~~positions. In addition, this part will provide funding for~~
17 ~~incremental costs.~~
18 ~~legislation that provides a funding mechanism for the purchase and~~
19 ~~operation of public safety communications systems throughout the~~
20 ~~state.~~

