

AMENDED IN ASSEMBLY MAY 13, 2003

AMENDED IN ASSEMBLY MAY 6, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 914**

**Introduced by Assembly Member Reyes**

February 20, 2003

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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.

(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~~ *911* to an established public safety answering point through normal telephone service facilities. At the ~~9-1-1~~ *911* 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”~~ “911” 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. It would revise what expenses may be paid from the Emergency Telephone Number Account, as specified.

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

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

SECTION 1. Section 53100 of the Government Code is amended to read:

53100. (a) This article shall be known and may be cited as the Telecommunications Emergency Response System Act.

(b) The Legislature hereby finds and declares that it is in the public interest to expedite the time required for a citizen to request and receive emergency aid. While the ~~9-1-1~~ 911 system continues to be the primary method of reporting emergencies and requesting emergency aid, the reporting system needs updating to incorporate various forms of telecommunications technologies. The Legislature further finds and declares that the establishment of a uniform, statewide telecommunications emergency response system is a matter of statewide concern and interest to all inhabitants and citizens of this state. It is the purpose of this act to establish the telecommunications emergency response system as the primary emergency telecommunications system for use in this state and to encourage units of local government and combinations of these units to develop and improve emergency communication procedures and facilities in a manner as to be able to quickly respond to any person calling the telephone ~~number "9-1-1"~~ numbers 911 seeking police, fire, medical, rescue, and other emergency services.

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

53102.5. "Public safety answering point," as used in this article, means a telecommunications center capable of both of the following:

(a) Receiving requests for emergency services by means of multiple telecommunications sources including ~~9-1-1~~ 911 circuits.

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

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

53103. "Direct dispatch method," as used in this article, means a telecommunications service providing for the dispatch of an appropriate emergency service unit upon receipt of a telecommunications request for these services and a decision as to the proper action to be taken.

1 SEC. 4. Section 53104 of the Government Code is amended  
2 to read:

3 53104. “Relay method,” as used in this article, means a  
4 telecommunications service whereby pertinent information is  
5 noted by the recipient of a telecommunications request for  
6 emergency services, and is relayed to appropriate public safety  
7 agencies or other providers of emergency services for dispatch of  
8 an emergency service unit.

9 SEC. 5. Section 53105 of the Government Code is amended  
10 to read:

11 53105. “Transfer method,” as used in this article, means a  
12 telecommunications service that receives telecommunications  
13 requests for emergency services and directly transfers these  
14 requests to an appropriate public safety agency or other provider  
15 of emergency services.

16 SEC. 6. Section 53106 of the Government Code is amended  
17 to read:

18 53106. “Referral method,” as used in this article, means a  
19 telecommunications service that, upon the receipt of a  
20 telecommunications request for emergency services, provides the  
21 requesting party with the telephone number of the appropriate  
22 public safety agency or other provider of emergency services. The  
23 use of the referral method shall only be used for nonemergency  
24 situations.

25 SEC. 7. Section 53107 of the Government Code is repealed.

26 SEC. 8. Section 53107 is added to the Government Code, to  
27 read:

28 53107. “Reporting system,” as used in this article, means a  
29 telecommunications service that automatically connects a person  
30 who uses another telecommunications service, including ~~9-1-1~~  
31 ~~911~~ circuits, to an established public safety answering point  
32 through telecommunications service facilities and is capable of  
33 automatically identifying the caller’s number, automatically  
34 locating the caller, holding the incoming call, reconnecting on the  
35 same telephone line, clearing a telephone line, or automatically  
36 call routing, or any combination of these capabilities.

37 SEC. 9. Section 53108 of the Government Code is repealed.

38 SEC. 10. Section 53108.1 of the Government Code is  
39 amended to read:

53108.1. “Incremental costs,” as used in this article, means any costs necessary for the establishment and maintenance of a system required by this article and approved for reimbursement by the ~~9-1-1~~ 911 Committee established by Section 53115.2 other than costs for any of the following if they are reasonable, necessary, and unique for the planning and efficient implementation of a local agency’s telecommunications emergency response system:

(a) A reporting system

(b) A geographically referenced statewide base mapping system.

(c) A regionalized client server database system.

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

53108.5. “Telecommunications Division,” as used in this article, means the Telecommunications Division of the Department of General Services.

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

53109. Every local public agency within its respective jurisdiction shall establish and have in operation a reporting system as provided in this article, and connectivity to the telecommunications emergency response system, or be part of this system. All reporting systems shall have prior approval of the 9-1-1 Committee.

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

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

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

53112. All systems shall be designed to meet the specific requirements of each community and public agency served by the system. Every reporting system, shall be designed to have the capability of utilizing at least three of the methods described in

1 Sections 53103 to 53106, inclusive, in response to emergency  
2 calls. The Legislature finds and declares that the most critical  
3 aspect of the design of any system is the procedure established for  
4 handling a telecommunications request for emergency services.

5 In addition, to maximize efficiency and utilization of the  
6 system, all pay telephones within each system shall, enable a caller  
7 to dial ~~“9-1-1”~~ “911” for emergency services, and to reach an  
8 operator by dialing “0” without the necessity of inserting a coin.  
9 All public safety answering points shall have access to operators  
10 who speak other languages, in addition to English, on duty or  
11 available through interagency telephone conference procedures at  
12 all times for telecommunications emergency services.

13 In addition, all systems shall require installation of a  
14 telecommunications device capable of servicing the needs of the  
15 deaf or severely hearing impaired at all public safety answering  
16 points. The device shall be compatible with devices furnished by  
17 telephone corporations pursuant to Section 2831 of the Public  
18 Utilities Code.

19 SEC. 15. Section 53113 of the Government Code is amended  
20 to read:

21 53113. The Legislature finds that, because of overlapping  
22 jurisdiction of public agencies, public safety agencies, and  
23 telecommunications service areas, a general overview or plan  
24 should be developed prior to the establishment of any system. In  
25 order to insure that proper preparation and implementation of  
26 these systems is accomplished by all public agencies, the  
27 Telecommunications Division, with the advice and assistance of  
28 the Attorney General, shall secure compliance by public agencies  
29 as provided in this article.

30 SEC. 16. Section 53114 of the Government Code is amended  
31 to read:

32 53114. The Telecommunications Division, with the advice  
33 and assistance of the Attorney General, shall coordinate the  
34 implementation of systems established pursuant to this article. The  
35 Telecommunications Division, with the advice and assistance of  
36 the Attorney General, shall provide funding to local public  
37 agencies and local public safety agencies to establish and maintain  
38 a telecommunications emergency response system, and shall aid  
39 these agencies in the formulation of concepts, methods, and  
40 procedures that will improve the operation of systems required by

1 this article and that will increase cooperation between public  
2 safety agencies.

3 SEC. 17. Section 53114.1 of the Government Code is  
4 repealed.

5 SEC. 18. Section 53114.2 of the Government Code is  
6 amended to read:

7 53114.2. Technical and operational standards for the  
8 telecommunications emergency response system shall be  
9 established and reviewed by the ~~9-1-1~~ 911 Committee on or before  
10 December 31, 2004. The National Emergency Number  
11 Association (NENA) Standards For Recommended Formats and  
12 Protocols For Data Exchange (02-010) and NENA Recommended  
13 Standards For Local Exchange Carriers, ALI Service Providers,  
14 and 911 Service Jurisdictions (02-011) shall be adopted by  
15 reference and required for all agencies, vendors, and  
16 telecommunications service providers having any connectivity to  
17 the telecommunications emergency response system. The ~~9-1-1~~  
18 911 Committee shall review and update technical and operational  
19 standards for public agency systems on a continuous basis.

20 SEC. 19. Section 53115 of the Government Code is amended  
21 to read:

22 53115. (a) Each public agency shall submit tentative plans  
23 for the establishment of a system required by this article to the  
24 public utility or utilities providing public telecommunications  
25 service within the respective jurisdiction of each public agency. A  
26 copy of each plan shall be filed with the Telecommunications  
27 Division.

28 (b) Each public agency shall submit final plans to the  
29 Telecommunications Division for approval. The final plan shall  
30 identify all planning, implementation, installation, and operating  
31 costs the local agency feels necessary to implement the system  
32 required by this article. Public agencies shall place a firm order as  
33 approved by the ~~9-1-1~~ 911 Committee to the utility or utilities  
34 providing telecommunications service to the public agency, and  
35 shall make arrangements with these utilities for the  
36 implementation of the planned telecommunications emergency  
37 response system.

38 (c) Plans filed pursuant to subdivisions (a) and (b) shall  
39 conform to minimum standards established pursuant to Section  
40 53114.2.

1 (d) The Telecommunications Division shall monitor all  
2 telecommunications emergency response systems to ensure they  
3 comply with minimal operational and technical standards as  
4 established by the ~~9-1-1~~ 911 Committee. If any system does not  
5 comply, the Telecommunications Division shall notify in writing  
6 the public agency or agencies operating the system of its  
7 deficiencies. The public agency shall bring the system into  
8 compliance with the operational and technical standards within 60  
9 days of notice by the division. Failure to comply within this time  
10 shall subject the public agency to action by the Attorney General  
11 pursuant to Section 53116. No funds shall be provided to any  
12 agency, vendor, or service provider that is noncompliant.

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

15 53115.2. The ~~9-1-1~~ 911 Committee shall consist of one  
16 representative from the California Chapter of the National  
17 Emergency Numbering Association, one representative from the  
18 California State Sheriff's Association, one representative from the  
19 California Police Chief's Association, and one representative  
20 from the California Fire Chief's Association. The ~~9-1-1~~ 911  
21 Committee, in addition to the other duties specified in this article,  
22 shall have the following duties:

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

34 (b) The committee shall, upon request of a local public agency,  
35 conduct a hearing on any conflict between a local public agency  
36 and the Telecommunications Division regarding a final plan which  
37 has not been approved by the Telecommunications Division  
38 pursuant to Section 53115. The committee shall meet within 30  
39 days following the request, and shall make a recommendation to  
40 resolve the conflict to the Telecommunications Division within 90



1 days following the initial hearing by the committee pursuant to the  
2 request.

3 (c) The committee may also act in a general advisory capacity  
4 to the Telecommunications Division relative to the  
5 implementation of any ~~“9-1-1”~~ “911” system.

6 SEC. 21. Section 53115.3 of the Government Code is  
7 amended to read:

8 53115.3. When proposed implementation of a  
9 telecommunications emergency response system by a single  
10 public agency within its jurisdiction may adversely affect the  
11 implementation of the system by a neighboring public agency or  
12 agencies, the neighboring public agency may request that the  
13 ~~9-1-1~~ 911 Committee evaluate the impact of implementation by  
14 the proposing public agency and evaluate and weigh that impact  
15 in its decision to approve or disapprove the proposing public  
16 agency’s final plan pursuant to Section 53115. In order to  
17 effectuate this process, each city shall file a notice of filing of its  
18 final plan with each adjacent city and with the county in which the  
19 proposing public agency is located at the same time the final plan  
20 is filed with the Telecommunications Division and each county  
21 shall file a notice of filing of its final plan with each city within the  
22 county and each adjacent county at the time the final plan is filed  
23 with the Telecommunications Division. Any public agency  
24 wishing to request review pursuant to this section shall file its  
25 request with the administrative board within 30 days of filing of  
26 the final plan for which review is sought.

27 SEC. 22. Section 53116 of the Government Code is amended  
28 to read:

29 53116. The Attorney General may, on behalf of the  
30 Telecommunications Division or on his or her own initiative,  
31 commence judicial proceedings to enforce compliance by any  
32 public agency or public utility providing telecommunications  
33 service with the provisions of this article.

34 SEC. 23. Section 53117 of the Government Code is amended  
35 to read:

36 53117. The 9-1-1 Committee shall report annually to the  
37 Legislature the progress in the implementation of systems required  
38 by this article. These reports shall contain its recommendations for  
39 additional legislation and funding.

40 SEC. 24. Section 53119 of the Government Code is repealed.

1 SEC. 25. Section 53120 of the Government Code is repealed.

2 SEC. 26. Section 41001 of the Revenue and Taxation Code is  
3 amended to read:

4 41001. This part is known and may be cited as the  
5 “Emergency Telecommunications Surcharge Act.”

6 SEC. 27. Section 41007 of the Revenue and Taxation Code is  
7 amended to read:

8 41007. (a) “Service supplier” shall mean any person  
9 supplying intrastate telecommunications services pursuant to  
10 California intrastate tariffs to any service user in this state.

11 (b) On and after January 1, 1988, “service supplier” also  
12 includes any person supplying intrastate telecommunications  
13 services for whom the Public Utilities Commission, by rule or  
14 order, modifies or eliminates the requirement for that person to  
15 prepare and file California intrastate tariffs.

16 SEC. 28. Section 41009 of the Revenue and Taxation Code is  
17 amended to read:

18 41009. “Service user” means any person using intrastate  
19 telecommunications services in this state who is required to pay a  
20 surcharge pursuant to this part.

21 SEC. 29. Section 41010 of the Revenue and Taxation Code is  
22 amended to read:

23 41010. “Intrastate telecommunications services” means all  
24 local or toll telecommunications services where the point or points  
25 of origin and the point or points of destination of the service are  
26 all located in this state.

27 SEC. 30. Section 41011 of the Revenue and Taxation Code is  
28 amended to read:

29 41011. “Charges for services” means all charges billed by a  
30 service supplier to a service user for intrastate telecommunications  
31 services and shall mean local telecommunications service and  
32 include monthly service flat-rate charges for usage, message unit  
33 charges and shall mean toll charges, and include  
34 intra-statewide-area telecommunications service charges.  
35 “Charges for services” shall not include any tax imposed by the  
36 United States or by any charter city, charges for service paid by  
37 inserting coins in a public coin-operated telephone, and shall not  
38 apply to amounts billed to nonsubscribers for coin shortages.  
39 Where a coin-operated telephone service is furnished for a

guarantee or other periodic amount, this amount is subject to the surcharge imposed by this part.

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

“Charges for services” shall not include charges for any nonrecurring, installation, service connection or one-time charge for service or directory advertising, and shall not include private telecommunications service charges, charges for other than telecommunications service, or any charge made by a hotel or motel for service rendered in placing calls for its guests regardless of how the hotel or motel charge is denominated or characterized by an applicable tariff of the Public Utilities Commission of this state.

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

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

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

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

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

~~SEC. 33.—~~

SEC. 32. Section 41015 of the Revenue and Taxation Code is amended to read:

41015. “Local telecommunications service” shall mean both of the following:

(a) The access to a local telecommunications system, and the privilege of telephonic quality communication with substantially all persons having telecommunications stations constituting a part of the local telecommunications system.

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

The term “local telecommunications service” does not include any service that is a “toll telephone service” or a “private telecommunications service.”

~~SEC. 34.—~~

SEC. 33. Section 41016 of the Revenue and Taxation Code is amended to read:

1 41016. “Toll telephone service” shall mean a combination of  
2 the following:

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

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

15 ~~SEC. 35.—~~

16 *SEC. 34.* Section 41017 of the Revenue and Taxation Code is  
17 amended to read:

18 41017. “Private telecommunications service” shall mean all  
19 of the following:

20 (a) The telecommunication service furnished to a subscriber  
21 that entitles the subscriber to do all of the following:

22 (1) To exclusive or priority use of any telecommunications  
23 channel or groups of channels.

24 (2) To the use of an intercommunication system for the  
25 subscriber’s stations, regardless of whether the channel, groups of  
26 channels, or intercommunication system may be connected  
27 through switching with a service described in Sections 41015 and  
28 41016.

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

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

38 ~~SEC. 36.—~~

39 *SEC. 35.* Section 41018 of the Revenue and Taxation Code is  
40 amended to read:

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

4 ~~SEC. 37.~~

5 *SEC. 36.* Section 41020 of the Revenue and Taxation Code is  
6 amended to read:

7 41020. (a) A surcharge is hereby imposed on amounts paid  
8 by every person in the state for intrastate telecommunications  
9 service in this state 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 telecommunications services to  
12 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.

~~SEC. 38.~~—

*SEC. 37.* Section 41021 of the Revenue and Taxation Code is amended to read:

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

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

~~SEC. 39.~~—

*SEC. 38.* Section 41025 of the Revenue and Taxation Code is amended to read:

41025. If a bill is rendered to persons using intrastate telecommunications services the amount on which the surcharge with respect to these telecommunications services shall be based shall be the sum of all charges for the services included in the bill; except that if the person who renders the bill groups individual items for purposes of rendering the bill and computing the surcharge then the amount on which the surcharge with respect to each group shall be based, shall be the sum of all items within that group, and the surcharge on the remaining items not included in that group, shall be based on the charge for each item separately.

~~SEC. 40.~~—

*SEC. 39.* Section 41027 of the Revenue and Taxation Code is amended to read:

41027. Nothing in this part shall be construed as imposing a surcharge upon amounts paid by any person when imposition of the surcharge would be in violation of the Constitution of the United States, the United States Code, or the laws of the State of California, nor upon toll charges used in the collection and dissemination of news for the public press or on charges for wide

1 area telecommunications service used by common carriers in the  
2 conduct of their business.

3 ~~SEC. 41.—~~

4 *SEC. 40.* Section 41030 of the Revenue and Taxation Code is  
5 amended to read:

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

22 ~~SEC. 42.—~~

23 *SEC. 41.* Section 41031 of the Revenue and Taxation Code is  
24 amended to read:

25 41031. The Department of General Services shall make its  
26 determination of the surcharge rate each year no later than  
27 September 1 and shall notify the board of the new rate, which shall  
28 be fixed by the board to be effective with respect to charges made  
29 for intrastate telecommunications services on or after November  
30 1 of each year.

31 ~~SEC. 43.—~~

32 *SEC. 42.* Section 41136 of the Revenue and Taxation Code is  
33 amended to read:

34 41136. Funds in the State Emergency Telephone Number  
35 Account shall, when appropriated by the Legislature, be spent  
36 solely for the following purposes:

37 (a) To pay refunds authorized by this part.

38 (b) To pay the State Board of Equalization for the cost of the  
39 administration of this part.



(c) To pay the Department of General Services for its costs in administration of the telecommunications emergency response system.

(d) To pay bills submitted to the Department of General Services by service suppliers or telecommunications equipment companies for the installation of, and ongoing expenses for, the following telecommunications services supplied to local agencies in connection with the telecommunications emergency response system:

(1) A reporting system.

(2) Approved incremental costs.

(3) A geographically referenced statewide base mapping system.

(4) A regionalized master street address guide.

(5) An automatic location identification database client server system.

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

~~SEC. 44.—~~

*SEC. 43.* Section 41137 of the Revenue and Taxation Code is amended to read:

41137. The Department of General Services shall pay, from funds appropriated from the State Emergency Telephone Number Account by the Legislature, as provided in Section 41138, bills submitted by service suppliers or telecommunications equipment companies for the installation and ongoing costs of the following telecommunications services provided to local agencies by service suppliers in connection with the telecommunications emergency response system:

(a) A reporting system.

(b) Approved incremental costs that have been concurred in by the administrative board.

(c) A geographically referenced statewide base mapping system.

(d) A regionalized master street address guide.

(e) An automatic location identification database client server system.

~~SEC. 45.—~~

1     *SEC. 44.* Section 41137.1 of the Revenue and Taxation Code  
2 is amended to read:

3     41137.1. The Department of General Services shall pay, from  
4 funds appropriated from the State Emergency Telephone Number  
5 Account by the Legislature, as provided in Section 41138, claims  
6 submitted by local agencies for approved incremental costs and for  
7 the cost of preparation of final plans submitted to the  
8 Telecommunications Division for approval as provided in Section  
9 53115 of the Government Code.

10   ~~*SEC. 46.*~~—

11   *SEC. 45.* Section 41138 of the Revenue and Taxation Code is  
12 amended to read:

13   41138. (a) It is the intent of the Legislature that the  
14 reimbursement rates for customer premise equipment shall not  
15 exceed specified amounts negotiated with each interested supplier  
16 and approved by the administrative board. The department shall  
17 negotiate supplier pricing to ensure cost effectiveness and the best  
18 value for the telecommunications emergency response system.  
19 The department shall pay those bills as provided in Section 41137  
20 only under the following conditions:

21   (1) The department shall have received the local agency's  
22 telecommunications emergency response system plan and  
23 received administrative board approval.

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

26   (3) The department has reviewed and approved each line item  
27 of a request for funding to ensure the necessity of the proposed  
28 equipment or services and the eligibility for reimbursement prior  
29 to seeking administrative board approval.

30   (4) The amounts to be paid do not exceed the pricing submitted  
31 by the supplier and approved by the administrative board.  
32 Extraordinary circumstances may warrant spending in excess of  
33 the established rate, but shall be preapproved by the administrative  
34 board. In determining the reimbursement rate, the administrative  
35 board shall utilize the approved pricing submitted by the supplier  
36 providing the equipment or service.

37   (b) Nothing in this section shall be construed to limit an  
38 agency's ability to select a supplier or procure telecommunications  
39 equipment as long as the supplier's pricing is preapproved by the  
40 administrative board. Agencies shall be encouraged to procure

1 equipment on a competitive basis. Any amount in excess of the  
2 pricing approved by the administrative board shall not be  
3 reimbursed.

4 ~~SEC. 47.~~

5 *SEC. 46.* Section 41140 of the Revenue and Taxation Code is  
6 amended to read:

7 41140. The Department of General Service shall reimburse  
8 local agencies, from funds appropriated from the Emergency  
9 Telephone Number Account by the Legislature, for amounts not  
10 previously compensated for by another governmental agency,  
11 which have been paid by these agencies for approved incremental  
12 costs or to service suppliers or telecommunications equipment  
13 companies for the following telecommunications services  
14 supplied in connection with the telecommunications emergency  
15 response system, provided the local agency plans had been  
16 approved by the administrative board:

17 (1) A reporting system.

18 (2) Approved incremental costs.

19 (3) A geographically referenced statewide base mapping  
20 system.

21 (4) A regionalized master street address guide.

22 (5) An automatic location identification, database client server  
23 system.

24 ~~SEC. 48.~~

25 *SEC. 47.* Section 41141 of the Revenue and Taxation Code is  
26 amended to read:

27 41141. Claims for reimbursement shall be submitted by local  
28 agencies to the Telecommunications Division in the Department  
29 of General Services, which shall present all claims to the  
30 administrative board. The administrative board shall determine  
31 payment eligibility and shall reduce the claim for charges that  
32 exceed the approved incremental costs, approved contract  
33 amounts, or the established tariff rates for these costs. No claim  
34 shall be paid until funds are appropriated by the Legislature.

35 ~~SEC. 49.~~

36 *SEC. 48.* Section 41142 of the Revenue and Taxation Code is  
37 amended to read:

38 41142. Notwithstanding any other provision of this article, if  
39 the Legislature fails to appropriate an amount sufficient to pay bills  
40 submitted to the Department of General Services by service

1 suppliers or telecommunications equipment companies for the  
2 installation and ongoing telecommunications services supplied to  
3 local agencies in connection with the telecommunications  
4 emergency response system, the obligation of service suppliers  
5 and local agencies to provide telecommunications emergency  
6 service shall terminate and this service shall not again be required  
7 until the Legislature has appropriated an amount sufficient to pay  
8 such bills or claims. Nothing in this part shall preclude local  
9 agencies from purchasing or acquiring any telecommunications  
10 equipment from companies other than the telephone service  
11 suppliers.

12 ~~SEC. 50.—~~

13 *SEC. 49.* Section 41150 of the Revenue and Taxation Code is  
14 amended to read:

15 41150. The Legislature hereby declares and finds that to  
16 enable public agencies to implement telecommunications  
17 emergency systems required by the provisions of Chapter 1005 of  
18 the 1972 Regular Session (Article 6 (commencing with Section  
19 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the  
20 Government Code) it is necessary that a surcharge be imposed  
21 upon amounts paid by every person in the state for intrastate  
22 telecommunications services in this state.

