

AMENDED IN ASSEMBLY JUNE 2, 2003

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

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~~ *Sections 53107 and 53115.2* of, the Government Code, and to amend Sections 41001, 41007, 41009, 41010, 41011, 41012, 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 911 to an established public safety

answering point through normal telephone service facilities. At the 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 ~~“911”~~ “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.

The bill would eliminate statutory references to a 911 advisory committee and also establish the State 911 Advisory Board within state government.

(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 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:

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

3 53100. (a) This article shall be known and may be cited as the
4 Telecommunications Emergency Response System Act.

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

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

24 53102.5. "Public safety answering point," as used in this
25 article, means a telecommunications center capable of both of the
26 following:

27 (a) Receiving requests for emergency services by means of
28 multiple telecommunications sources including 911 circuits.

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

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

3 53103. “Direct dispatch method,” as used in this article,
4 means a telecommunications service providing for the dispatch of
5 an appropriate emergency service unit upon receipt of a
6 telecommunications request for these services and a decision as to
7 the proper action to be taken.

8 SEC. 4. Section 53104 of the Government Code is amended
9 to read:

10 53104. “Relay method,” as used in this article, means a
11 telecommunications service whereby pertinent information is
12 noted by the recipient of a telecommunications request for
13 emergency services, and is relayed to appropriate public safety
14 agencies or other providers of emergency services for dispatch of
15 an emergency service unit.

16 SEC. 5. Section 53105 of the Government Code is amended
17 to read:

18 53105. “Transfer method,” as used in this article, means a
19 telecommunications service that receives telecommunications
20 requests for emergency services and directly transfers these
21 requests to an appropriate public safety agency or other provider
22 of emergency services.

23 SEC. 6. Section 53106 of the Government Code is amended
24 to read:

25 53106. “Referral method,” as used in this article, means a
26 telecommunications service that, upon the receipt of a
27 telecommunications request for emergency services, provides the
28 requesting party with the telephone number of the appropriate
29 public safety agency or other provider of emergency services. The
30 use of the referral method shall only be used for nonemergency
31 situations.

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

33 SEC. 8. Section 53107 is added to the Government Code, to
34 read:

35 53107. “Reporting system,” as used in this article, means a
36 telecommunications service that automatically connects a person
37 who uses another telecommunications service, including 911
38 circuits, to an established public safety answering point through
39 telecommunications service facilities and is capable of
40 automatically identifying the caller’s number, automatically



1 locating the caller, holding the incoming call, reconnecting on the
2 same telephone line, clearing a telephone line, or automatically
3 call routing, or any combination of these capabilities.

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

5 SEC. 10. Section 53108.1 of the Government Code is
6 amended to read:

7 53108.1. "Incremental costs," as used in this article, means
8 any costs necessary for the establishment and maintenance of a
9 system required by this article and approved for reimbursement by
10 the 911 ~~Committee~~ *advisory board* established by Section 53115.2
11 other than costs for any of the following if they are reasonable,
12 necessary, and unique for the planning and efficient
13 implementation of a local agency's telecommunications
14 emergency response system:

15 (a) A reporting system.

16 (b) A geographically referenced statewide base mapping
17 system.

18 (c) A regionalized client server database system.

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

21 53108.5. "Telecommunications Division," as used in this
22 article, means the Telecommunications Division of the
23 Department of General Services.

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

26 53109. Every local public agency within its respective
27 jurisdiction shall establish and have in operation a reporting
28 system as provided in this article, and connectivity to the
29 telecommunications emergency response system, or be part of this
30 system. All reporting systems shall have prior approval of the
31 ~~9-1-1 Committee~~ *Telecommunications Division, upon the advice*
32 *of the State 911 Advisory Board.*

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

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

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

5 53112. All systems shall be designed to meet the specific
6 requirements of each community and public agency served by the
7 system. Every reporting system, shall be designed to have the
8 capability of utilizing at least three of the methods described in
9 Sections 53103 to 53106, inclusive, in response to emergency
10 calls. The Legislature finds and declares that the most critical
11 aspect of the design of any system is the procedure established for
12 handling a telecommunications request for emergency services.

13 In addition, to maximize efficiency and utilization of the
14 system, all pay telephones within each system shall, enable a caller
15 to dial “911” for emergency services, and to reach an operator by
16 dialing “0” without the necessity of inserting a coin. All public
17 safety answering points shall have access to operators who speak
18 other languages, in addition to English, on duty or available
19 through interagency telephone conference procedures at all times
20 for telecommunications emergency services.

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

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

29 53113. The Legislature finds that, because of overlapping
30 jurisdiction of public agencies, public safety agencies, and
31 telecommunications service areas, a general overview or plan
32 should be developed prior to the establishment of any system. In
33 order to insure that proper preparation and implementation of
34 these systems is accomplished by all public agencies, the
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 Telecommunications Division, with the advice
2 and assistance of the Attorney General, shall coordinate the
3 implementation of systems established pursuant to this article. The
4 Telecommunications Division, with the advice and assistance of
5 the Attorney General, shall provide funding to local public
6 agencies and local public safety agencies to establish and maintain
7 a telecommunications emergency response system, and shall aid
8 these agencies in the formulation of concepts, methods, and
9 procedures that will improve the operation of systems required by
10 this article and that will increase cooperation between public
11 safety agencies.

12 SEC. 17. Section 53114.1 of the Government Code is
13 repealed.

14 SEC. 18. Section 53114.2 of the Government Code is
15 amended to read:

16 53114.2. Technical and operational standards for the
17 telecommunications emergency response system shall be
18 established and reviewed by the ~~911—Committee~~
19 *Telecommunications Division, upon the advice of the State 911*
20 *Advisory Board*, on or before December 31, 2004. The National
21 Emergency Number Association (NENA) Standards For
22 Recommended Formats and Protocols For Data Exchange
23 (02-010) and NENA Recommended Standards For Local
24 Exchange Carriers, ALI Service Providers, and 911 Service
25 Jurisdictions (02-011) shall be adopted by reference and required
26 for all agencies, vendors, and telecommunications service
27 providers having any connectivity to the telecommunications
28 emergency response system. The ~~911—Committee~~
29 *Telecommunications Division, upon the advice of the State 911*
30 *Advisory Board*, shall review and update technical and operational
31 standards for public agency systems on a continuous basis.

32 SEC. 19. Section 53115 of the Government Code is amended
33 to read:

34 53115. (a) Each public agency shall submit tentative plans
35 for the establishment of a system required by this article to the
36 public utility or utilities providing public telecommunications
37 service within the respective jurisdiction of each public agency. A
38 copy of each plan shall be filed with the Telecommunications
39 Division.

1 (b) Each public agency shall submit final plans to the
2 Telecommunications Division for approval *upon the advice of the*
3 *State 911 Advisory Board*. The final plan shall identify all
4 planning, implementation, installation, and operating costs the
5 local agency feels necessary to implement the system required by
6 this article. Public agencies shall place a firm order as approved by
7 ~~the 911 Committee~~ *Telecommunications Division, upon the advice*
8 *of the State 911 Advisory Board*, to the utility or utilities providing
9 telecommunications service to the public agency, and shall make
10 arrangements with these utilities for the implementation of the
11 planned telecommunications emergency response system.

12 (c) Plans filed pursuant to subdivisions (a) and (b) shall
13 conform to minimum standards established pursuant to Section
14 53114.2.

15 (d) The Telecommunications Division shall monitor all
16 telecommunications emergency response systems to ensure they
17 comply with minimal operational and technical standards as
18 established by the ~~911 Committee~~ *Telecommunications Division,*
19 *upon the advice of the State 911 Advisory Board*,. If any system
20 does not comply, the Telecommunications Division shall notify in
21 writing the public agency or agencies operating the system of its
22 deficiencies. The public agency shall bring the system into
23 compliance with the operational and technical standards within 60
24 days of notice by the division. Failure to comply within this time
25 shall subject the public agency to action by the Attorney General
26 pursuant to Section 53116. No funds shall be provided to any
27 agency, vendor, or service provider that is noncompliant.

28 ~~SEC. 20. Section 53115.2 of the Government Code is~~
29 ~~amended to read:~~

30 ~~53115.2. The 911 Committee shall consist of one~~
31 ~~representative from the California Chapter of the National~~
32 ~~Emergency Numbering Association, one representative from the~~
33 ~~California State Sheriff's Association, one representative from the~~
34 ~~California Police Chief's Association, and one representative~~
35 ~~from the California Fire Chief's Association. The 911 Committee,~~
36 ~~in addition to the other duties specified in this article, shall have~~
37 ~~the following duties:~~

38 ~~(a) The committee shall evaluate requests from local agencies~~
39 ~~for state assistance for incremental costs and recommend to the~~
40 ~~Chief of the Telecommunications Division of the Department of~~

~~General Services when appropriation for reimbursement to a local agency for the incremental costs should be made. The committee shall only review final plans which have been referred for consideration for incremental funding by the Telecommunications Division at the request of a local agency. The committee shall make a recommendation to the Communications Division regarding state appropriations for payment or reimbursement for incremental costs.~~

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

~~(c) The committee may also act in a general advisory capacity to the Telecommunications Division relative to the implementation of any "911" system.~~

SEC. 20. Section 53115.2 of the Government Code is repealed.

~~53115.2. The advisory committee shall have the following duties:~~

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

~~(b) The committee shall, upon request of a local public agency, conduct a hearing on any conflict between a local public agency and the Communications Division regarding a final plan which has not been approved by the Communications Division pursuant to Section 53115. The committee shall meet within 30 days~~

~~following such request, and shall make a recommendation to resolve the conflict to the Communications Division within 90 days following the initial hearing by the committee pursuant to such request.~~

~~(c) The committee may also act in a general advisory capacity to the Communications Division relative to the implementation of any "911" system.~~

SEC. 20.3. Section 53115.2 is added to the Government Code, to read:

53115.2. (a) There is in state government the State 911 Advisory Board.

(b) The advisory board shall be comprised of the following members appointed by the Governor who shall serve at the pleasure of the Governor.

(1) The Chief of the California 911 Emergency Communications Office shall serve as the nonvoting chair of the advisory board.

(2) One representative from the Department of the California Highway Patrol.

(3) Two representatives on the recommendation of the California Police Chiefs Association.

(4) Two representatives on the recommendation of the California State Sheriffs Association.

(5) Two representatives on the recommendation of the California Fire Chiefs Association.

(6) Two representatives on the recommendation of the CalNENA Executive Board.

(c) Recommending authorities shall give consideration to the knowledge, training, and expertise of the appointee with respect to their experience within the California 911 system. Board members should have at least two years of experience as a Public Safety Answering Point (PSAP) manager or county coordinator, except where a specific person is designated as a member.

(d) Members of the advisory board shall serve at the pleasure of the Governor, but may not serve more than two consecutive two-year terms, except as follows:

(1) The presiding Chief of the California 911 Emergency Communications Office shall serve for the duration of his or her tenure.

1 (2) *Four of the members shall serve an initial term of three*
2 *years.*

3 (e) *Advisory board members shall not receive compensation for*
4 *their service on the board, but may be reimbursed for travel and*
5 *per diem for time spent in attending meetings of the board.*

6 (f) *The advisory board shall meet quarterly in public sessions*
7 *in accordance with the Bagley-Keene Open Meeting Act (Article*
8 *9 (commencing with Section 11120) of Chapter 2 of Part 1 of*
9 *Division 3 of Title 2). The Telecommunications Division shall*
10 *provide administrative support to the State 911 Advisory Board.*
11 *The State 911 Advisory Board, at its first meeting, shall adopt*
12 *bylaws and operating procedures consistent with this article and*
13 *establish committees as necessary.*

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

16 53115.3. When proposed implementation of a
17 telecommunications emergency response system by a single
18 public agency within its jurisdiction may adversely affect the
19 implementation of the system by a neighboring public agency or
20 agencies, the neighboring public agency may request that the ~~911~~
21 ~~Committee~~ Telecommunications Division, upon the advice of the
22 State 911 Advisory Board evaluate the impact of implementation
23 by the proposing public agency and evaluate and weigh that impact
24 in its decision to approve or disapprove the proposing public
25 agency's final plan pursuant to Section 53115. In order to
26 effectuate this process, each city shall file a notice of filing of its
27 final plan with each adjacent city and with the county in which the
28 proposing public agency is located at the same time the final plan
29 is filed with the Telecommunications Division and each county
30 shall file a notice of filing of its final plan with each city within the
31 county and each adjacent county at the time the final plan is filed
32 with the Telecommunications Division. Any public agency
33 wishing to request review pursuant to this section shall file its
34 request with the administrative board within 30 days of filing of
35 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, on behalf of the
39 Telecommunications Division or on his or her own initiative,
40 commence judicial proceedings to enforce compliance by any

1 public agency or public utility providing telecommunications
2 service with the provisions of this article.

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

5 53117. ~~The 9-1-1 Committee~~ *Telecommunications Division,*
6 *upon the advice of the State 911 Advisory Board,* shall report
7 annually to the Legislature the progress in the implementation of
8 systems required by this article. These reports shall contain its
9 recommendations for additional legislation and funding.

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

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

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

14 41001. This part is known and may be cited as the
15 “Emergency Telecommunications Surcharge Act.”

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

18 41007. (a) “Service supplier” shall mean any person
19 supplying intrastate telecommunications services pursuant to
20 California intrastate tariffs to any service user in this state.

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

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

28 41009. “Service user” means any person using intrastate
29 telecommunications services in this state who is required to pay a
30 surcharge pursuant to this part.

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

33 41010. “Intrastate telecommunications services” means all
34 local or toll telecommunications services where the point or points
35 of origin and the point or points of destination of the service are
36 all located in this state.

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

39 41011. “Charges for services” means all charges billed by a
40 service supplier to a service user for intrastate telecommunications

1 services and shall mean local telecommunications service and
2 include monthly service flat-rate charges for usage, message unit
3 charges and shall mean toll charges, and include
4 intrastatewidearea telecommunications service charges. “Charges
5 for services” shall not include any tax imposed by the United
6 States or by any charter city, charges for service paid by inserting
7 coins in a public coin-operated telephone, and shall not apply to
8 amounts billed to nonsubscribers for coin shortages. Where a
9 coin-operated telephone service is furnished for a guarantee or
10 other periodic amount, this amount is subject to the surcharge
11 imposed by this part.

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

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

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

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

27 41012. “Public telephone” means any coin-operated
28 telephone provided by the serving telecommunications company
29 accessible to the public.

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

32 41015. “Local telecommunications service” shall mean both
33 of the following:

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

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

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

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

6 41016. “Toll telephone service” shall mean a combination of
7 the following:

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

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

20 SEC. 34. Section 41017 of the Revenue and Taxation Code is
21 amended to read:

22 41017. “Private telecommunications service” shall mean all
23 of the following:

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

26 (1) To exclusive or priority use of any telecommunications
27 channel or groups of channels.

28 (2) To the use of an intercommunication system for the
29 subscriber’s stations, regardless of whether the channel, groups of
30 channels, or intercommunication system may be connected
31 through switching with a service described in Sections 41015 and
32 41016.

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

37 (c) The channel mileage that connects a telecommunications
38 station located outside a local telecommunications system area
39 with a central office in the local telecommunications system,



1 except that this term shall not include any telecommunications
2 service unless a separate charge is made for this service.

3 SEC. 35. Section 41018 of the Revenue and Taxation Code is
4 amended to read:

5 41018. “Telecommunications equipment company” shall
6 mean a manufacturer or vendor that sells or leases
7 telecommunications equipment.

8 SEC. 36. Section 41020 of the Revenue and Taxation Code is
9 amended to read:

10 41020. (a) A surcharge is hereby imposed on amounts paid
11 by every person in the state for intrastate telecommunications
12 service in this state commencing on July 1, 1977.

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

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

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

30 (e) For purposes of this section all of the following definitions
31 shall apply:

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

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

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

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

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

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

23 (A) The residential street address or the primary business street
24 address of the customer.

25 (B) Within the licensed service area of the home service
26 provider.

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

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

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

38 (9) “Taxing jurisdiction” means any of the several states, the
39 District of Columbia, or any territory or possession of the United
40 States, any municipality, city, county, township, parish,



1 transportation district, or assessment jurisdiction, or any other
2 political subdivision within the territorial limits of the United
3 States with the authority to impose a tax, charge, or fee.

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

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

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

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

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

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

34 41027. Nothing in this part shall be construed as imposing a
35 surcharge upon amounts paid by any person when imposition of
36 the surcharge would be in violation of the Constitution of the
37 United States, the United States Code, or the laws of the State of
38 California, nor upon toll charges used in the collection and
39 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. 40. Section 41030 of the Revenue and Taxation Code is
4 amended to read:

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

21 SEC. 41. Section 41031 of the Revenue and Taxation Code is
22 amended to read:

23 41031. The Department of General Services shall make its
24 determination of the surcharge rate each year no later than
25 September 1 and shall notify the board of the new rate, which shall
26 be fixed by the board to be effective with respect to charges made
27 for intrastate telecommunications services on or after November
28 1 of each year.

29 SEC. 42. Section 41136 of the Revenue and Taxation Code is
30 amended to read:

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

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

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

37 (c) To pay the Department of General Services for its costs in
38 administration of the telecommunications emergency response
39 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. 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. 44. Section 41137.1 of the Revenue and Taxation Code is amended to read:

41137.1. 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, claims submitted by local agencies for approved incremental costs and for

1 the cost of preparation of final plans submitted to the
2 Telecommunications Division for approval as provided in Section
3 53115 of the Government Code.

4 SEC. 45. Section 41138 of the Revenue and Taxation Code is
5 amended to read:

6 41138. (a) It is the intent of the Legislature that the
7 reimbursement rates for customer premise equipment shall not
8 exceed specified amounts negotiated with each interested supplier
9 and approved by the administrative board. The department shall
10 negotiate supplier pricing to ensure cost effectiveness and the best
11 value for the telecommunications emergency response system.
12 The department shall pay those bills as provided in Section 41137
13 only under the following conditions:

14 (1) The department shall have received the local agency's
15 telecommunications emergency response system plan and
16 received administrative board approval.

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

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

23 (4) The amounts to be paid do not exceed the pricing submitted
24 by the supplier and approved by the administrative board.
25 Extraordinary circumstances may warrant spending in excess of
26 the established rate, but shall be preapproved by the administrative
27 board. In determining the reimbursement rate, the administrative
28 board shall utilize the approved pricing submitted by the supplier
29 providing the equipment or service.

30 (b) Nothing in this section shall be construed to limit an
31 agency's ability to select a supplier or procure telecommunications
32 equipment as long as the supplier's pricing is preapproved by the
33 administrative board. Agencies shall be encouraged to procure
34 equipment on a competitive basis. Any amount in excess of the
35 pricing approved by the administrative board shall not be
36 reimbursed.

37 SEC. 46. Section 41140 of the Revenue and Taxation Code is
38 amended to read:

39 41140. The Department of General Service shall reimburse
40 local agencies, from funds appropriated from the Emergency



1 Telephone Number Account by the Legislature, for amounts not
2 previously compensated for by another governmental agency,
3 which have been paid by these agencies for approved incremental
4 costs or to service suppliers or telecommunications equipment
5 companies for the following telecommunications services
6 supplied in connection with the telecommunications emergency
7 response system, provided the local agency plans had been
8 approved by the administrative board:

9 (1) A reporting system.

10 (2) Approved incremental costs.

11 (3) A geographically referenced statewide base mapping
12 system.

13 (4) A regionalized master street address guide.

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

16 SEC. 47. Section 41141 of the Revenue and Taxation Code is
17 amended to read:

18 41141. Claims for reimbursement shall be submitted by local
19 agencies to the Telecommunications Division in the Department
20 of General Services, which shall present all claims to the
21 administrative board. The administrative board shall determine
22 payment eligibility and shall reduce the claim for charges that
23 exceed the approved incremental costs, approved contract
24 amounts, or the established tariff rates for these costs. No claim
25 shall be paid until funds are appropriated by the Legislature.

26 SEC. 48. Section 41142 of the Revenue and Taxation Code is
27 amended to read:

28 41142. Notwithstanding any other provision of this article, if
29 the Legislature fails to appropriate an amount sufficient to pay bills
30 submitted to the Department of General Services by service
31 suppliers or telecommunications equipment companies for the
32 installation and ongoing telecommunications services supplied to
33 local agencies in connection with the telecommunications
34 emergency response system, the obligation of service suppliers
35 and local agencies to provide telecommunications emergency
36 service shall terminate and this service shall not again be required
37 until the Legislature has appropriated an amount sufficient to pay
38 such bills or claims. Nothing in this part shall preclude local
39 agencies from purchasing or acquiring any telecommunications

1 equipment from companies other than the telephone service
2 suppliers.

3 SEC. 49. Section 41150 of the Revenue and Taxation Code is
4 amended to read:

5 41150. The Legislature hereby declares and finds that to
6 enable public agencies to implement telecommunications
7 emergency systems required by the provisions of Chapter 1005 of
8 the 1972 Regular Session (Article 6 (commencing with Section
9 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the
10 Government Code) it is necessary that a surcharge be imposed
11 upon amounts paid by every person in the state for intrastate
12 telecommunications services in this state.

