

AMENDED IN SENATE AUGUST 18, 2003

AMENDED IN SENATE JULY 3, 2003

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, 53115.3, 53116, and 53117 of, to add Section 53102.5 to, to repeal Sections 53108, 53109.5, 53115.2, 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, 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” 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.

(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, *among other things*, 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 911 telecommunications emergency response system
16 as the primary emergency telecommunications system for use in
17 this state and to encourage units of local government and
18 combinations of these units to develop and improve emergency
19 communication procedures and facilities in a manner as to be able
20 to quickly respond to any person calling the telephone numbers
21 911 seeking police, fire, medical, rescue, and other emergency
22 services.

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

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

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

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

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

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

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

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

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

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

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

53107. “Reporting system,” as used in this article, means ~~a telecommunications service that automatically connects services encompassing both wireline and wireless telecommunications devices that automatically connect~~ a person who uses another

1 telecommunications service, including 911 circuits, to an
2 established public safety answering point through
3 telecommunications service facilities and ~~is~~ are capable of
4 automatically identifying the caller's number, automatically
5 locating the caller, holding the incoming call, reconnecting on the
6 same telephone line, clearing a telephone line, or ~~automatically~~
7 ~~call routing~~ *selectively routing calls*, or any combination of these
8 capabilities.

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

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

12 53108.1. "Incremental costs," as used in this article, means
13 any costs necessary for the establishment and maintenance of a
14 system required by this article other than costs for any of the
15 following:

16 (a) A reporting system.

17 (b) Any geographic information system used to locate a
18 wireless 911 caller on a street map.

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 Telecommunications Division.

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

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

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

3 53112. All systems shall be designed to meet the specific
4 requirements of each community and public agency served by the
5 system. Every reporting system, shall be designed to have the
6 capability of utilizing at least three of the methods described in
7 Sections 53103 to 53106, inclusive, in response to emergency
8 calls. The Legislature finds and declares that the most critical
9 aspect of the design of any system is the procedure established for
10 handling a telecommunications request for emergency services.

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

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

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

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

36 SEC. 16. Section 53114 of the Government Code is amended
37 to read:

38 53114. The Telecommunications Division, with the advice
39 and assistance of the Attorney General, shall coordinate the
40 implementation of systems established pursuant to this article. The



1 Telecommunications Division, with the advice and assistance of
2 the Attorney General, shall provide funding to local public
3 agencies and local public safety agencies to establish and maintain
4 a telecommunications emergency response system, and shall aid
5 these agencies in the formulation of concepts, methods, and
6 procedures that will improve the operation of systems required by
7 this article and that will increase cooperation between public
8 safety agencies.

9 SEC. 17. Section 53114.2 of the Government Code is
10 amended to read:

11 53114.2. (a) Technical and operational standards for the
12 development of the public agency systems shall be established and
13 reviewed by the Telecommunications Division on or before
14 December 31, 1973, after consultation with all agencies specified
15 in Section 53114.1. On or before December 31, 1976, and each
16 even-numbered year thereafter, after consultation with all
17 agencies specified in Section 53114.1, the Telecommunications
18 Division shall review and update technical and operational
19 standards for public agency systems.

20 (b) In reviewing and updating the standards, the
21 Telecommunications Division shall consider the National
22 Emergency Number Association Standards for Recommended
23 Formats and Protocols for Data Exchange (02-010) and
24 Recommended Standards for Local Exchange Carriers, ALI
25 Service Providers, and 911 Service Jurisdictions (02-011).

26 SEC. 19. Section 53115 of the Government Code is amended
27 to read:

28 53115. (a) Each public agency shall submit tentative plans
29 for the establishment of a system required by this article to the
30 public utility or utilities providing public telecommunications
31 service within the respective jurisdiction of each public agency. A
32 copy of each plan shall be filed with the Telecommunications
33 Division.

34 (b) Each public agency shall submit final plans to the
35 Telecommunications Division for approval. The final plan shall
36 identify all planning, implementation, installation, and operating
37 costs the local agency feels necessary to implement the system
38 required by this article. Public agencies shall place a firm order as
39 approved by the Telecommunications Division, to the utility or
40 utilities providing telecommunications service to the public

1 agency, and shall make arrangements with these utilities for the
2 implementation of the planned telecommunications emergency
3 response system.

4 (c) Plans filed pursuant to subdivisions (a) and (b) shall
5 conform to minimum standards established pursuant to Section
6 53114.2.

7 (d) The Telecommunications Division shall monitor all
8 telecommunications emergency response systems to ensure they
9 comply with minimal operational and technical standards as
10 established by the Telecommunications Division. If any system
11 does not comply, the 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 this time
16 shall subject the public agency to action by the Attorney General
17 pursuant to Section 53116. No funds shall be provided to any
18 agency, vendor, or service provider that is noncompliant.

19 (e) The Telecommunications Division may develop or procure
20 a geographic information system used to locate a wireless 911
21 caller on a street map and make this capability available to public
22 safety answering point administrators.

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

25 SEC. 21. Section 53115.3 of the Government Code is
26 amended to read:

27 53115.3. When proposed implementation of a
28 telecommunications emergency response system by a single
29 public agency within its jurisdiction may adversely affect the
30 implementation of the system by a neighboring public agency or
31 agencies, the neighboring public agency may request that the
32 Telecommunications Division evaluate the impact of
33 implementation by the proposing public agency and evaluate and
34 weigh that impact in its decision to approve or disapprove the
35 proposing public agency's final plan pursuant to Section 53115. In
36 order to effectuate this process, each city shall file a notice of filing
37 of its final plan with each adjacent city and with the county in
38 which the proposing public agency is located at the same time the
39 final plan is filed with the Telecommunications Division and each
40 county shall file a notice of filing of its final plan with each city



1 within the county and each adjacent county at the time the final
2 plan is filed with the Telecommunications Division. Any public
3 agency wishing to request review pursuant to this section shall file
4 its request with the administrative board within 30 days of filing
5 of the final plan for which review is sought.

6 SEC. 22. Section 53116 of the Government Code is amended
7 to read:

8 53116. The Attorney General may, on behalf of the
9 Telecommunications Division or on his or her own initiative,
10 commence judicial proceedings to enforce compliance by any
11 public agency or public utility providing telecommunications
12 service with the provisions of this article.

13 SEC. 23. Section 53117 of the Government Code is amended
14 to read:

15 53117. The Telecommunications Division shall report
16 annually to the Legislature the progress in the implementation of
17 systems required by this article. These reports shall contain its
18 recommendations for additional legislation and funding.

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

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

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

23 41001. This part is known and may be cited as the
24 “Emergency Telecommunications Surcharge Act.”

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

27 41007. (a) “Service supplier” shall mean any person
28 supplying intrastate telecommunications services pursuant to
29 California intrastate tariffs to any service user in this state.

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

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

37 41009. “Service user” means any person using intrastate
38 telecommunications services in this state who is required to pay a
39 surcharge pursuant to this part.

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

3 41010. "Intrastate telecommunications services" means all
4 local or toll telecommunications services where the point or points
5 of origin and the point or points of destination of the service are
6 all located in this state.

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

9 41011. "Charges for services" means all charges billed by a
10 service supplier to a service user for intrastate telecommunications
11 services and shall mean local telecommunications service and
12 include monthly service flat-rate charges for usage, message unit
13 charges and shall mean toll charges, and include intrastatewide
14 area telecommunications service charges. "Charges for services"
15 shall not include any tax imposed by the United States or by any
16 charter city, charges for service paid by inserting coins in a public
17 coin-operated telephone, and shall not apply to amounts billed to
18 nonsubscribers for coin shortages. Where a coin-operated
19 telephone service is furnished for a guarantee or other periodic
20 amount, this amount is subject to the surcharge imposed by this
21 part.

22 "Charges for services" shall not include charges for intrastate
23 toll calls where bills for these calls originate out of California.

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

33 "Charges for services" shall not include charges for basic
34 exchange line service for lifeline services.

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

37 41012. "Public telephone" means any coin-operated
38 telephone provided by the serving telecommunications company
39 accessible to the public.



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

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

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

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

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

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

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

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

(2) To the use of an intercommunication system for the subscriber’s stations, regardless of whether the channel, groups of channels, or intercommunication system may be connected

1 through switching with a service described in Sections 41015 and
2 41016.

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

7 (c) The channel mileage that connects a telecommunications
8 station located outside a local telecommunications system area
9 with a central office in the local telecommunications system,
10 except that this term shall not include any telecommunications
11 service unless a separate charge is made for this service.

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

14 41018. “Telecommunications equipment company” shall
15 mean a manufacturer or vendor that sells or leases
16 telecommunications equipment.

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

19 41020. (a) A surcharge is hereby imposed on amounts paid
20 by every person in the state for intrastate telecommunications
21 service in this state commencing on July 1, 1977.

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

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

28 (d) In accordance with the Mobile Telecommunications
29 Sourcing Act (P.L. 106-252), which is incorporated herein by
30 reference, the surcharge imposed under this section does not apply
31 to any charges for mobile telecommunications services billed to a
32 customer where those services are provided, or deemed provided,
33 to a customer whose place of primary use is outside this state.
34 Mobile telecommunications services shall be deemed provided by
35 a customer’s home service provider to the customer if those
36 services are provided in a taxing jurisdiction to the customer, and
37 the charges for those services are billed by or for the customer’s
38 home service provider.

39 (e) For purposes of this section all of the following definitions
40 shall apply:



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

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

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

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

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

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

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

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

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

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

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

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

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. 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.

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

3 41027. Nothing in this part shall be construed as imposing a
4 surcharge upon amounts paid by any person when imposition of
5 the surcharge would be in violation of the Constitution of the
6 United States, the United States Code, or the laws of the State of
7 California, nor upon toll charges used in the collection and
8 dissemination of news for the public press or on charges for wide
9 area telecommunications service used by common carriers in the
10 conduct of their business.

11 SEC. 40. Section 41030 of the Revenue and Taxation Code is
12 amended to read:

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

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

31 41031. The Department of General Services shall make its
32 determination of the surcharge rate each year no later than
33 September 1 and shall notify the board of the new rate, which shall
34 be fixed by the board to be effective with respect to charges made
35 for intrastate telecommunications services on or after November
36 1 of each year.

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

1 41136. Funds in the State Emergency Telephone Number
2 Account shall, when appropriated by the Legislature, be spent
3 solely for the following purposes:

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

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

7 (c) To pay the Department of General Services for its costs in
8 administration of the telecommunications emergency response
9 system, and for the cost of any geographic information system
10 used to locate a wireless 911 caller on a street map.

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

17 (1) A reporting system.

18 (2) Approved incremental costs.

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

21 41137. The Department of General Services shall pay, from
22 funds appropriated from the State Emergency Telephone Number
23 Account by the Legislature, as provided in Section 41138, bills
24 submitted by service suppliers or telecommunications equipment
25 companies for the installation and ongoing costs of the following
26 telecommunications services provided to local agencies by service
27 suppliers in connection with the telecommunications emergency
28 response system:

29 (a) A reporting system.

30 (b) Approved incremental costs.

31 SEC. 44. Section 41137.1 of the Revenue and Taxation Code
32 is amended to read:

33 41137.1. The Department of General Services shall pay, from
34 funds appropriated from the State Emergency Telephone Number
35 Account by the Legislature, as provided in Section 41138, claims
36 submitted by local agencies for approved incremental costs and for
37 the cost of preparation of final plans submitted to the
38 Telecommunications Division for approval as provided in Section
39 53115 of the Government Code.

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

3 41138. (a) It is the intent of the Legislature that the
4 reimbursement rates for customer premise equipment shall not
5 exceed specified amounts negotiated with each interested supplier.
6 The department shall negotiate supplier pricing to ensure cost
7 effectiveness and the best value for the telecommunications
8 emergency response system. The department shall pay those bills
9 as provided in Section 41137 only under the following conditions:

10 (1) The department shall have received the local agency's
11 telecommunications emergency response system plan.

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

14 (3) The department has reviewed and approved each line item
15 of a request for funding to ensure the necessity of the proposed
16 equipment or services and the eligibility for reimbursement.

17 (4) The amounts to be paid do not exceed the pricing submitted
18 by the supplier and approved by the department. Extraordinary
19 circumstances may warrant spending in excess of the established
20 rate, but any excess spending shall be first approved by the
21 department. In determining the reimbursement rate, the
22 administrative board shall utilize the approved pricing submitted
23 by the supplier providing the equipment or service.

24 (b) Nothing in this section shall be construed to limit an
25 agency's ability to select a supplier or procure telecommunications
26 equipment as long as the supplier's pricing is preapproved by the
27 department. Agencies shall be encouraged to procure equipment
28 on a competitive basis. Any amount in excess of the pricing
29 approved by the department shall not be reimbursed.

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

32 41140. The Department of General Service shall reimburse
33 local agencies, from funds appropriated from the Emergency
34 Telephone Number Account by the Legislature, for amounts not
35 previously compensated for by another governmental agency,
36 which have been paid by these agencies for approved incremental
37 costs or to service suppliers or telecommunications equipment
38 companies for the following telecommunications services
39 supplied in connection with the telecommunications emergency

1 response system, provided the local agency plans had been
2 approved by the department:

3 ~~(1)~~

4 (a) A reporting system.

5 ~~(2)~~

6 (b) Approved incremental costs.

7 SEC. 47. 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 Telecommunications Division in the Department
11 of General Services, which shall determine payment eligibility
12 and shall reduce the claim for charges which exceed the approved
13 incremental costs, approved contract amounts, or the established
14 tariff rates for such costs. No claim shall be paid until funds are
15 appropriated by the Legislature.

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

18 41142. Notwithstanding any other provision of this article, if
19 the Legislature fails to appropriate an amount sufficient to pay bills
20 submitted to the Department of General Services by service
21 suppliers or telecommunications equipment companies for the
22 installation and ongoing telecommunications services supplied to
23 local agencies in connection with the telecommunications
24 emergency response system, the obligation of service suppliers
25 and local agencies to provide telecommunications emergency
26 service shall terminate and this service shall not again be required
27 until the Legislature has appropriated an amount sufficient to pay
28 such bills or claims. Nothing in this part shall preclude local
29 agencies from purchasing or acquiring any telecommunications
30 equipment from companies other than the telephone service
31 suppliers.

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

34 41150. The Legislature hereby declares and finds that to
35 enable public agencies to implement telecommunications
36 emergency systems required by the provisions of Chapter 1005 of
37 the 1972 Regular Session (Article 6 (commencing with Section
38 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the
39 Government Code) it is necessary that a surcharge be imposed

- 1 upon amounts paid by every person in the state for intrastate
- 2 telecommunications services in this state.

O

