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AMENDED IN ASSEMBLY MAY 4, 2004
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AMENDED IN ASSEMBLY APRIL 1, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2283

Introduced by Assembly Member Chu
(Principal coauthor: Assembly Member Ridley-Thomas)
(Coauthor: Assembly Member Wiggins)
(Coauthor: Senator Alpert)

February 19, 2004

An act to add Article 6.7 (commencing with ~~section~~ *Section* 53128) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, ~~and to add Section 2889.7 to the Public Utilities Code~~, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 2283, as amended, Chu. “211” telephone number system.
~~(1) Existing~~

Existing law requires local public safety agencies to maintain a “911” emergency telephone number and among other things, sets forth the duties of the Division of Telecommunications of the Department of General Services in providing management oversight of statewide telecommunications systems developments. Existing law authorizes every local public agency, as defined, to establish a nonemergency “311” telephone system and authorizes the Division of

Telecommunications to, among other things, aid local public agencies in the formulation of concepts, methods, and procedures that will improve the operation of “311” systems and to increase cooperation among public agencies.

Under existing law, the Federal Communications Commission has designated “211” to be the national abbreviated dialing code to be used to access nonemergency community information and referral providers to enable a caller to obtain information concerning social services not currently addressed by either the “911” or “311” system.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations. In Decision 03-02-029, the commission established guidelines and procedures whereby the commission can certify information and referral providers as eligible to purchase network telephone service that will enable them to receive calls from those persons who dial “211” and required all local exchange carriers to provide “211” call origination services at reasonable rates in those territories that will be serviced by “211” information and referral providers. Decision 03-02-029 does not address the situation of wireless carriers.

This bill would require information and referral providers that use the abbreviated dialing code “211,” to operate the system in a manner that is consistent with the applicable orders of the Federal Communications Commission and the commission, would provide immunity from liability in a civil action for injuries or loss to persons or property as a result of certain acts or omissions of an authorized “211” provider or its employees, directors, officers, or agents, would make the commission responsible for the selection of “211” providers, and would authorize the Division of Telecommunications, in consultation with the commission, to aid information and referral providers, local exchange carriers, and local public agencies to improve operation of, and access to, a “211” telephone dialing system and to increase cooperation among information and referral providers, local exchange carriers, and public agencies. The bill would authorize all state agencies and other official state organizations to provide reasonable assistance and cooperation in carrying out the purposes of the bill, including, but not limited to, promoting the use of “211” dialing for access to social services.

The bill would ~~authorize the commission to designate a~~ *designate the California Health and Human Services Agency as the* “211” lead entity with prescribed responsibilities ~~and characteristics, upon determining~~



~~that this will~~ to assist in implementation of a “211” telephone dialing system throughout the state. The bill would ~~require a lead entity to allocate federal funds made available for the development, implementation, and administration of a “211” dialing system to accomplish specified goals~~ *authorize the agency to delegate the functions of the lead entity to another entity, if the decisions and actions of the other entity are reviewed and approved by the agency. If the agency delegates the lead entity functions to another entity, the allocation of federal and state funds made available for the development, implementation, and administration of a ‘211’ dialing system would be required to be reviewed by the agency.*

~~The bill would require that if the commission designates a lead entity, the commission provide that if the agency delegates the functions of the lead entity to another entity, the agency would be required to establish a fund and require separate accounting for any federal or state funds made available to the lead entity, and require that the funds be spent consistent with federal and state law. The lead entity would be required to report certain information to the commission agency by December 31, 2005, and annually thereafter. The bill would prohibit a lead entity from expending more than 5% of any state funds for administrative expenses and would prohibit funding of a lead entity by additional ratepayer surcharges or the General Fund. The bill would authorize the commission to adopt a plan applicable to regulated telecommunications carriers for implementing a “211” dialing system throughout this state.~~

~~(2) Existing law makes any public utility, including a telephone corporation, and any corporation other than a public utility, that violates the Public Utilities Act, or who fails to comply with any part of any order, decision, rule, direction, demand, or requirement of the commission, guilty of a crime.~~

~~Because this bill would require a rule or decision of the commission to implement its requirements, a violation of these provisions would be a crime and the bill would thereby impose a state-mandated local program by creating a new crime.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason. The bill would require the lead entity to establish~~

a “211” advisory committee to advise the lead entity in its planning functions.

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

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

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

4
5 Article 6.7. Community Social Services Telephone System
6

7 53128. (a) Information and referral providers that use the
8 abbreviated dialing code “211,” shall operate the system in a
9 manner that is consistent with the applicable orders of the Federal
10 Communications Commission and the Public Utilities
11 Commission.

12 (b) Except as specified in subdivision (c), a provider of
13 information and referral services that has been authorized by the
14 Public Utilities Commission to use the “211” abbreviated dialing
15 code, and its employees, directors, officers, and agents are not
16 liable to any person in a civil action for injuries or loss to persons
17 or property, as a result of an act or omission of the authorized
18 “211” provider or its employees, directors, officers, or agents, in
19 connection with any of the following:

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

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

23 (3) Providing “211” services.

24 (c) Subdivision (b) is not applicable to injuries or loss resulting
25 from the willful or wanton misconduct of the “211” service
26 provider or its employees, directors, officers, or agents.

27 (d) The Public Utilities Commission shall be responsible for
28 the selection of “211” providers. The Division of
29 Telecommunications of the Department of General Services, in
30 consultation with the Public Utilities Commission, may aid
31 information and referral providers, local exchange carriers, and
32 local public agencies to improve operation of, and access to, a
33 “211” telephone dialing system and to increase cooperation



1 among information and referral providers, local exchange carriers,
2 and public agencies.

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

7 ~~SEC. 2.—Section 2889.7 is added to the Public Utilities Code,~~
8 ~~to read:~~

9 ~~2889.7.—(a) If the commission determines that a lead entity~~
10 ~~will assist in the implementation of a 211 telephone dialing system~~
11 ~~throughout the state, the commission may designate a “211” lead~~

12 ~~53128.1. As used in this article, “agency” means the~~
13 ~~California Health and Human Services Agency.~~

14 ~~53128.2. (a) The agency, in order to assist in the~~
15 ~~implementation of a “211” abbreviated dialing system throughout~~
16 ~~the state, shall be the “211” lead entity responsible for all of the~~
17 ~~following:~~

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

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

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

25 (4) Reporting activities and progress as requested by the
26 Legislature or the commission.

27 ~~(b) In designating a lead entity pursuant to subdivision (a), the~~
28 ~~commission may consider whether the “211” lead entity~~
29 ~~conforms, to the extent feasible, to the following:~~

30 ~~(b) The agency may delegate the functions of the lead entity to~~
31 ~~another entity, if the decisions and actions of the other entity are~~
32 ~~reviewed and approved by the agency. In delegating lead entity~~
33 ~~functions, the agency may consider whether the delegated “211”~~
34 ~~lead entity conforms, to the extent feasible, to all of the following:~~

35 (1) Consists of representatives from different geographic areas
36 of the state.

37 (2) Demonstrates experience in providing leadership,
38 education and support to the information and referral industry in
39 California.

1 (3) Demonstrates experience in statewide “211” planning and
2 implementation efforts in California.

3 (4) Demonstrates established relationships with information
4 and referral providers throughout California.

5 (5) Demonstrates the means to maintain established
6 relationships with information and referral providers throughout
7 the state.

8 (6) Demonstrates established relationships with national
9 information and referral interests and established relationships
10 with information and referral interests in other states.

11 (7) Demonstrates the ability to provide training, technical
12 assistance, and service evaluation in adherence with information
13 and referral industry standards.

14 (8) Demonstrates substantial expertise with the operational
15 requirements of information and referral providers in California,
16 including, but not limited to, database resources, software
17 requirements, and referral practices.

18 ~~(c) A “211” lead entity shall allocate federal~~ *If the agency*
19 *delegates the lead entity functions to another entity pursuant to*
20 *subdivision (b), the allocation of federal and state funds made*
21 *available for the development, implementation, and*
22 *administration of a “211” dialing system, shall be subject to*
23 *review and approval by the agency. A “211” lead entity shall*
24 *allocate federal and state funds made available for the*
25 *development, implementation, and administration of a “211”*
26 *dialing system, to accomplish each of the following:*

27 (1) Maximize the federal funds available to local information
28 and referral providers using, or seeking to use, the “211”
29 abbreviated dialing code to provide comprehensive information
30 and referral services in California.

31 (2) Consider population and poverty rates when allocating
32 funds.

33 (3) Consider developmental requirements, in addition to
34 operational requirements, when initially allocating funds that are
35 made available to local “211” providers.

36 (4) Include a reasonable administration fee sufficient to
37 support the activities of the “211” lead entity.

38 (5) Ensure that any fund matching requirement is met.

39 ~~(d) If the commission designates a lead entity pursuant to~~
40 ~~subdivision (a), the commission~~ *agency delegates lead entity*

functions to another entity pursuant to subdivision (b), the agency shall establish a fund and require separate accounting for any federal or state funds made available to the “211” lead entity and shall require that those funds be spent consistent with this section and the requirements of federal and state law. The ~~commission~~ agency shall require the “211” lead entity to prepare and submit to the ~~commission~~ agency, on or before December 31, 2005, and annually thereafter, a report on the fiscal status of the program established pursuant to this section. The report shall include all of the following:

(1) A statement of any funds made available to the “211” lead entity through federal or state funding sources.

(2) An accounting of all federal or state funding allocated or expended by the lead entity in the previous year.

(3) A summary of all requests for funding that were approved or denied by the lead entity with an explanation why the particular action was taken.

(e) The lead entity may not expend more than 5 percent of any state funds made available for the administrative expenses of the lead entity.

(f) A lead entity shall not be funded by additional ratepayer surcharges ~~or the General Fund.~~

~~(g) The commission may adopt a plan applicable to regulated telecommunications carriers for implementing a “211” dialing system throughout this state.~~

(g) *The lead entity shall establish a “211” advisory committee to advise the lead entity in its planning functions pursuant to subdivision (a).*

~~SEC. 3.—No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.~~