

Assembly Bill No. 2283

Passed the Assembly August 25, 2004

Chief Clerk of the Assembly

Passed the Senate August 24, 2004

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2004, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Article 6.7 (commencing with Section 53128) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 2283, Chu. “211” telephone number system.

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 dialing 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” telephone dialing 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 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” telephone dialing for access to social services.

The bill would designate the California Health and Human Services Agency as the “211” lead entity with prescribed responsibilities to assist in implementation of a “211” telephone dialing system throughout the state. The bill would 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 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 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. The bill would require the lead entity to establish a “211” advisory committee to advise the lead entity in its planning functions and in the



development of a grant-making process for allocating federal and state funds.

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

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

Article 6.7. Community Health and Social Services Telephone System

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

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

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

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

(3) Providing “211” services.

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

(d) The Public Utilities Commission shall be responsible for evaluating requests for and authorizing the use of the “211” abbreviated telephone dialing code in a specified area of the state. The Public Utilities Commission may work with 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.



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

53128.1. As used in this article, the following terms have the following meanings:

(a) “Agency” means the California Health and Human Services Agency.

(b) “Social services” includes health and human services that ensure the health and well-being of all Californians and services designed to provide relief or assistance after a natural or nonnatural disaster.

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

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

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

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

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

(b) The agency may 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. In delegating lead entity functions, the agency may consider whether the delegated “211” lead entity conforms, to the extent feasible, to all of the following:

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

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

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

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



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

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

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

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

(c) If the agency delegates the lead entity functions to another entity pursuant to subdivision (b), the allocation of federal and state funds made available for the development, implementation, and administration of a “211” telephone dialing system, shall be subject to review and approval by the agency. A “211” lead entity shall allocate federal and state funds made available for the development, implementation, and administration of a “211” telephone dialing system, to accomplish each of the following:

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

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

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

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

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

(d) If the 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 agency shall require the “211” lead entity to prepare and submit to the 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.

(g) The lead entity shall establish a “211” advisory committee to advise the lead entity in its planning functions, pursuant to subdivision (a), and to advise the lead entity in the development of a grant-making process for allocating federal and state funds, pursuant to subdivision (c). The advisory committee may consist of representatives from the following:

(1) A comprehensive information and referral provider.

(2) A specialized information and referral provider.

(3) A disability services provider.

(4) Organizations that provide funding to health and human service providers.

(5) Community-based organizations, including human service providers.

(6) The Governor’s Office on Service and Volunteerism.

(7) The California Health and Human Services Agency.

(8) Organizations representing mental health and health care professionals.

(h) Members of the “211” advisory committee shall serve without compensation.

SEC. 2. It is the intent of the Legislature that this act accomplish all of the following:

(a) Facilitate statewide availability of information and referral services for health and social services through the “211” abbreviated telephone dialing code, including those services necessary for emergency response to natural or other disasters.



(b) Put in place the necessary administrative infrastructure to assure leadership and responsibility for statewide planning and coordinating functions.

(c) Comply with federal funding opportunities, including Homeland Security funds that have been made available for the “211” system and potential future funding through the proposed “Calling for 2-1-1 Act of 2003” (S.1630 and H.R. 3111).

(d) Incorporate the “211” abbreviated telephone dialing system into the statewide homeland security infrastructure to provide the public access to critical information without overloading or tying up the “911” emergency telephone dialing system.

(e) Establish a lead entity for the state that recognizes and seeks to incorporate in its planning, coordination, and implementation of a “211” abbreviated telephone dialing system, the existing information and referral infrastructure, specifically including local efforts of designated “211” service providers and their sources of funding.

(f) Enable the state to utilize the existing statewide “211” abbreviated telephone dialing system and the existing information and referral infrastructure to provide access to state information or services as a more effective and efficient solution to the proliferation of separate hotlines and 800 dialing numbers.



Approved _____, 2004

Governor

