

AMENDED IN ASSEMBLY MAY 18, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2837

Introduced by Assembly Member Hertzberg

February 28, 2000

An act to add Article 6.6 (commencing with Section 53126) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, *and to amend Sections 41020, 41030, 41031, 41032, and 41136 of, and to add Section 41033 to, the Revenue and Taxation Code*, relating to public safety services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2837, as amended, Hertzberg. Local public safety agencies: statewide nonemergency telephone number system.

Existing law requires local public safety agencies to maintain, in addition to a "911" emergency telephone number, a separate number for nonemergency calls. Existing law also sets forth the duties of the Division of Telecommunications of the Department of General Services in providing management oversight of statewide telecommunications systems developments, among other things.

~~This bill would require the division to establish a statewide "311" nonemergency telephone number system for local public safety agencies, designed to reduce the burden placed on the "911" emergency telephone number system by nonemergency calls.~~

This bill would authorize every local public agency to establish a nonemergency system within its respective jurisdiction and would designate the digits “311” as the primary nonemergency telephone number within the system. It would require the Communications Division of the Department of General Services to, among other things, aid public agencies in the formulation of concepts, methods, and procedures which will improve the operation of systems authorized by this bill and which will increase cooperation among public agencies. It would authorize the Attorney General, on behalf of the Communications Division or on his or her own initiative, to commence judicial proceedings to enforce compliance by any public agency or public utility providing telephone service with the provisions of this bill.

Existing law imposes a surcharge on amounts paid by every person in the state for intrastate telephone communication service in this state to fund the “911” emergency telephone number system.

This bill would increase this surcharge imposed on amounts paid by every person within the jurisdiction of a public agency with an approved application for “311” nonemergency telephone system to fund the Statewide Nonemergency Telephone System established pursuant to this bill. It would require the Department of General Services to determine annually, on or before September 1, each increase needed in the surcharge rate that it estimates will produce sufficient revenue to fund the current fiscal year’s “311” costs for each public agency with an approved application for a “311” nonemergency telephone system.

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. *The Legislature hereby finds and*
- 2 *declares all of the following:*
- 3 *(a) The “911” emergency response system inundated*
- 4 *by calls from people calling to complain about*
- 5 *nonemergency situations.*



1 *(b) Estimates of nonemergency calls to the “911”*
2 *system range from 70 to 90 percent of the total number*
3 *of calls.*

4 *(c) These calls delay the delivery of emergency*
5 *services.*

6 *(d) The availability of a “311” nonemergency*
7 *telephone number will reduce the number of these calls*
8 *to the “911” system, thus improving emergency response*
9 *times.*

10 SEC. 2. Article 6.6 (commencing with Section 53126)
11 is added to Chapter 1 of Part 1 of Division 2 of Title 5 of
12 the Government Code, to read:

13
14 Article 6.6. Statewide Nonemergency Telephone
15 System
16

17 ~~53126. The Division of Telecommunications of the~~
18 ~~Department of General Services shall establish a~~
19 ~~statewide “311” nonemergency telephone number~~
20 ~~system for local public safety agencies. The system shall~~
21 ~~be designed to reduce the burden placed on the “911”~~
22 ~~emergency telephone number system by nonemergency~~
23 ~~calls.~~

24 *53126. Every local public agency may within its*
25 *respective jurisdiction establish a nonemergency system*
26 *as provided in this article. The digits “311” shall be the*
27 *primary nonemergency telephone number within the*
28 *system. Nonemergency “311” systems shall be designed*
29 *to meet the specific requirements of each community and*
30 *public agency served by the system. Every system shall*
31 *be designed to allow the transfer of emergency calls to the*
32 *“911” emergency telephone system.*

33 *53127. (a) In order to ensure that public agencies*
34 *accomplish proper preparation and implementation of*
35 *nonemergency “311” systems, the Communications*
36 *Division shall develop a general overview of the*
37 *overlapping jurisdictions of public agencies and*
38 *telephone service areas prior to the establishment of any*
39 *system and by July 1, 2001.*

1 (b) For purposes of this article, "Communications
2 Division" means the Communications Division of the
3 Department of General Services.

4 53129. The Communications Division shall aid public
5 agencies in the formulation of concepts, methods, and
6 procedures which will improve the operation of systems
7 authorized by this article and which will increase
8 cooperation among public agencies.

9 53130. Technical and operational standards for the
10 development of the public agency systems shall be
11 established and reviewed by the Communications
12 Division on or before July 1, 2001. On or before July 1,
13 2001, and each even-numbered year thereafter, the
14 Communications Division shall review and update
15 technical and operational standards for public agency
16 systems.

17 53131. (a) Any public agency seeking to establish a
18 system pursuant to this article shall submit a tentative
19 plan for the establishment of the system permitted by this
20 article to the public utility or utilities providing public
21 telephone service within the respective jurisdiction of
22 each public agency. A copy of this tentative plan shall be
23 filed with the Communications Division.

24 (b) The final plan shall be submitted within six months
25 after the tentative plan to the Communications Division
26 and shall identify all planning, implementation,
27 installation, and operating costs the local agency feels
28 necessary to implement the system authorized by this
29 article.

30 (c) Plans filed pursuant to subdivisions (a) and (b)
31 shall conform to minimum standards established
32 pursuant to Section 53130.

33 (d) The Communications Division shall monitor all
34 nonemergency "311" telephone systems to ensure that
35 they comply with minimal operational and technical
36 standards as established by the division. If any system does
37 not comply, the Communications Division shall notify in
38 writing the public agency or agencies operating the
39 system of its deficiencies. The public agency shall bring
40 the system into compliance with the operational and

1 *technical standards within 60 days of notice by the*
2 *division. Failure to comply within this time period shall*
3 *subject the public agency to action by the Attorney*
4 *General pursuant to Section 53133.*

5 *53132. When proposed implementation of the “311”*
6 *system by a single public agency within its jurisdiction*
7 *may adversely affect the implementation of the system by*
8 *a neighboring public agency or agencies, the neighboring*
9 *public agency may request that the Communications*
10 *Division evaluate the impact of implementation by the*
11 *proposing public agency and evaluate and weight that*
12 *impact in its decision to approve or disapprove the*
13 *proposing public agency’s final plan pursuant to Section*
14 *53131. In order to effectuate this process, each city shall*
15 *file a notice of filing of its final plan with each adjacent*
16 *city and with the county in which the proposing public*
17 *agency is located at the same time that the final plan is*
18 *filed with the Communications Division and each county*
19 *shall file a notice of filing of its final plan with each city*
20 *within the county and each adjacent county at the time*
21 *the final plan is filed with the Communications Division.*
22 *Any public agency wishing to request review pursuant to*
23 *this section shall file its request with the division within*
24 *30 days of filing of the final plan for which review is*
25 *sought.*

26 *53133. The Attorney General may, on behalf of the*
27 *Communications Division or on his or her own initiative,*
28 *commence judicial proceedings to enforce compliance*
29 *by any public agency or public agency or public utility*
30 *providing telephone service with the provisions of this*
31 *article.*

32 *SEC. 3. Section 41020 of the Revenue and Taxation*
33 *Code is amended to read:*

34 *41020. (a) A surcharge is hereby imposed on*
35 *amounts paid by every person in the state for intrastate*
36 *telephone communication service in this state*
37 *commencing on July 1, 1977.*

38 *The surcharge imposed shall be at the rate of one-half*
39 *of 1 percent of the charges made for ~~such~~ the services to*

1 and including November 1, 1982, at ~~such~~ a rate as shall be
2 fixed pursuant to Article 2 of the chapter thereafter.

3 (b) *The surcharge shall be increased in order to fund*
4 *the Statewide Nonemergency Telephone System*
5 *established by Article 6.6 (commencing with Section*
6 *53126) of Chapter 1 of Part 1 of Division 6 of Title 5 of the*
7 *Government Code. The increase shall be imposed on*
8 *amounts paid by every person within the jurisdiction of*
9 *a public agency whose application for a “311”*
10 *nonemergency telephone system is approved pursuant to*
11 *Section 53131 of the Government Code.*

12 ~~The~~

13 (c) *The surcharge shall be paid by the service user as*
14 *hereinafter provided.*

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

17 41030. (a) *The Department of General Services shall*
18 *determine annually, on or before September 1, a*
19 *surcharge rate that it estimates will produce sufficient*
20 *revenue to fund the current fiscal year’s 911 costs. The*
21 *surcharge rate shall be determined by dividing the costs*
22 ~~*(including, including incremental—costs)—costs,*~~ *the*
23 *Department of General Services estimates for the*
24 *current fiscal year of 911 plans approved pursuant to*
25 *Section 53115 of the Government Code, less the available*
26 *balance in the State Emergency Telephone Number*
27 *Account in the General Fund, by its estimate of the*
28 *charges for intrastate telephone communications*
29 *services to which the surcharge will apply for the period*
30 *of November 1 of the current calendar year to October*
31 *31 of the next succeeding calendar year, but in no event*
32 *shall ~~such~~ the surcharge rate in any year be greater than*
33 *three-quarters of 1 percent nor less than one-half of 1*
34 *percent.*

35 (b) *The Department of General Services shall*
36 *determine annually, on or before September 1, each*
37 *increase needed in the surcharge rate that it estimates*
38 *will produce sufficient revenue to fund the current fiscal*
39 *year’s “311” costs for each public agency whose*
40 *application for a “311” nonemergency telephone system*

1 *is approved pursuant to Section 53131 of the Government*
2 *Code. The increases shall be determined by dividing the*
3 *costs, including incremental costs, the Department of*
4 *General Services estimates for the current fiscal year for*
5 *each public agency's nonemergency telephone system,*
6 *less the available balance in the State Emergency*
7 *Telephone Number Account in the General Fund for that*
8 *public agency's system, by its estimate of the charges for*
9 *intrastate telephone communications services within the*
10 *jurisdiction of the public agency to which the surcharge*
11 *will apply for the period of November 1 of the current*
12 *calendar year to October 31 of the next succeeding*
13 *calendar year. No increase in the surcharge rate made*
14 *pursuant to this subdivision shall be considered in*
15 *determining whether the surcharge rate described in*
16 *subdivision (a) is greater than three-quarters of 1*
17 *percent.*

18 *SEC. 5. Section 41031 of the Revenue and Taxation*
19 *Code is amended to read:*

20 *41031. The Department of General Services shall*
21 *make its determination of ~~such~~ the surcharge rate and the*
22 *increases required by subdivision (b) of Section 41030*
23 *each year no later than September 1 and shall notify the*
24 *board of the new rate, which shall be fixed by the board*
25 *to be effective with respect to charges made for intrastate*
26 *telephone communication services on or after November*
27 *1 of each year.*

28 *SEC. 6. Section 41032 of the Revenue and Taxation*
29 *Code is amended to read:*

30 *41032. Immediately upon notification by the*
31 *Department of General Services and fixing the surcharge*
32 *rate and the increases required by subdivision (b) of*
33 *Section 41030, the board shall each year no later than*
34 *September 15 publish in its minutes the new rate and the*
35 *increases, and it shall notify by mail every service supplier*
36 *registered with it of the new rate.*

37 *SEC. 7. Section 41033 is added to the Revenue and*
38 *Taxation Code, to read:*

39 *41033. The funds generated by the surcharge rate*
40 *imposed by subdivision (a) of Section 41030 shall not be*

1 *used to fund “311” nonemergency telephone systems nor*
2 *shall the increases required by subdivision (b) of Section*
3 *41030 be used to fund the “911” emergency telephone*
4 *system.*

5 *SEC. 8. Section 41136 of the Revenue and Taxation*
6 *Code is amended to read:*

7 41136. Funds in the State Emergency Telephone
8 Number Account shall, when appropriated by the
9 Legislature, be spent solely for the following purposes:

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

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

13 (c) To pay the Department of General Services for its
14 costs in administration of the “911” emergency telephone
15 number system.

16 (d) To pay bills submitted to the Department of
17 General Services by service suppliers or communications
18 equipment companies for the installation of, and ongoing
19 expenses for, the following communications services
20 supplied to local agencies in connection with the “911”
21 emergency phone number system:

22 (1) A basic system.

23 (2) A basic system with telephone central office
24 identification.

25 (3) A system employing automatic call routing.

26 (4) Approved incremental costs.

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

30 (f) To pay claims of local agencies for incremental
31 costs and amounts, not previously compensated for by
32 another governmental agency, incurred prior to the
33 effective date of this part, for the installation and ongoing
34 expenses for the following communication services
35 supplied in connection with the “911” emergency phone
36 number system:

37 (1) A basic system.

38 (2) A basic system with telephone central office
39 identification.

40 (3) A system employing automatic call routing.

(4) Approved incremental costs. Incremental costs shall not be allowed unless the costs are concurred in by the Division of Telecommunications of the Department of General Services.

(g) To pay the Division of Telecommunications of the Department of General Services for the costs associated with the pilot program authorized by Article 6.5 (commencing with Section 53125) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code.

(h) (1) To pay the Department of General Services for its costs in administration of "311" nonemergency telephone number systems.

(2) To pay bills submitted to the Department of General Services by service suppliers or communications equipment companies for the installation of, and ongoing expenses for, the following communications services supplied to local agencies in connection the "311" nonemergency phone number systems:

(A) A basic system.

(B) A basic system with telephone central office identification.

(C) A system employing automatic call routing.

(D) Approved incremental costs.

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