

AMENDED IN SENATE JUNE 20, 2000

AMENDED IN ASSEMBLY MAY 18, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2837**

**Introduced by Assembly Member Hertzberg**

February 28, 2000

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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 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 *Telecommunications* 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 of *Telecommunications* 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.
- 6 (b) Estimates of nonemergency calls to the “911”
- 7 system range from 70 to 90 percent of the total number
- 8 of calls.



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

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

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

Article 6.6. Statewide Nonemergency Telephone System

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

~~53127.—~~

53126.5. (a) In order to ensure that public agencies accomplish proper preparation and implementation of nonemergency “311” systems, ~~the—Communications Division~~ *Division of Telecommunications* shall develop a general overview of the overlapping jurisdictions of public agencies and telephone service areas prior to the establishment of any system and ~~by~~ *in any event no later than July 1, 2001.*

(b) For purposes of this article, ~~“Communications Division” means the Communications Division of the~~ *“Division of Telecommunications” means the Division of Telecommunications of the Department of General Services.*

~~53129.—The Communications Division~~

53127. *The Division of Telecommunications* shall aid public agencies in the formulation of concepts, methods, and procedures which will improve the operation of

1 systems authorized by this article and which will increase  
2 cooperation among public agencies.

3 ~~53130.—~~

4 *53127.5.* Technical and operational standards for the  
5 development of the public agency systems shall be  
6 established and reviewed by the ~~Communications~~  
7 ~~Division~~ *Division of Telecommunications* on or before  
8 July 1, 2001. On or before July 1, ~~2001~~ 2002, and each  
9 even-numbered year thereafter, the ~~Communications~~  
10 ~~Division~~ *Division of Telecommunications* shall review  
11 and update technical and operational standards for public  
12 agency systems.

13 ~~53131.—~~

14 *53128.* (a) Any public agency seeking to establish a  
15 system pursuant to this article shall submit a tentative  
16 plan for the establishment of the system permitted by this  
17 article to the public utility or utilities providing public  
18 telephone service within the respective jurisdiction of  
19 ~~each~~ the public agency. A copy of this tentative plan shall  
20 be filed with the ~~Communications Division~~ *Division of*  
21 *Telecommunications*.

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

28 ~~(e) Plans filed pursuant to subdivisions (a) and (b)~~  
29 ~~shall conform to minimum standards established~~  
30 ~~pursuant to Section 53130.~~

31 ~~(d) The Communications Division~~

32 *(c) The Division of Telecommunications shall review*  
33 *each plan filed pursuant to subdivisions (a) and (b) to*  
34 *ensure that it conforms to minimum standards*  
35 *established pursuant to Section 53127.5. If any plan does*  
36 *not comply, the Division of Telecommunications shall*  
37 *notify the public agency of the plan's deficiencies in*  
38 *writing. A plan determined by the Division of*  
39 *Telecommunications to be in conformance with the*

1 *minimum standards established pursuant to Section*  
2 *53127.5 shall be approved by the division.*

3 (d) *The Division of Telecommunications shall monitor*  
4 *all nonemergency “311” telephone systems to ensure that*  
5 *they comply with minimal operational and technical*  
6 *standards as established by the division. If any system does*  
7 *not comply, the ~~Communications—Division~~ Division of*  
8 *Telecommunications shall notify in writing the public*  
9 *agency or agencies operating the system of its*  
10 *deficiencies. The public agency shall bring the system*  
11 *into compliance with the operational and technical*  
12 *standards within 60 days of notice by the division. Failure*  
13 *to comply within this time period shall subject the public*  
14 *agency to action by the Attorney General pursuant to*  
15 *Section ~~53133~~ 53129.*

16 ~~53132.—~~

17 *53128.5. When proposed implementation of the “311”*  
18 *system by a single public agency within its jurisdiction*  
19 *may adversely affect the implementation of the system by*  
20 *a neighboring public agency or agencies, the neighboring*  
21 *public agency may request that the ~~Communications~~*  
22 *~~Division~~ Division of Telecommunications evaluate the*  
23 *impact of implementation by the proposing public*  
24 *agency and evaluate and ~~weight~~ weigh that impact in its*  
25 *decision to approve or disapprove the proposing public*  
26 *agency’s final plan pursuant to Section ~~53134~~ 53128. In*  
27 *order to effectuate this process, each city shall file a notice*  
28 *of filing of its final plan with each adjacent city and with*  
29 *the county in which the proposing public agency is*  
30 *located at the same time that the final plan is filed with*  
31 *the ~~Communications—Division~~ Division of*  
32 *Telecommunications and each county shall file a notice*  
33 *of filing of its final plan with each city within the county*  
34 *and each adjacent county at the time the final plan is filed*  
35 *with the ~~Communications—Division~~ Division of*  
36 *Telecommunications. Any public agency wishing to*  
37 *request review pursuant to this section shall file its*  
38 *request with the division within 30 days of filing of the*  
39 *final plan for which review is sought.*

40 ~~53133.—~~

1 53129. The Attorney General may, on behalf of the  
2 ~~Communications~~ ~~Division~~ *Division* of  
3 *Telecommunications* or on his or her own initiative,  
4 commence judicial proceedings to enforce compliance  
5 by any public agency or public agency or public utility  
6 providing telephone service with the provisions of this  
7 article.

8 SEC. 3. Section 41020 of the Revenue and Taxation  
9 Code is amended to read:

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

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

19 (b) The surcharge shall be increased in order to fund  
20 the Statewide Nonemergency Telephone System  
21 established by Article 6.6 (commencing with Section  
22 53126) of Chapter 1 of Part 1 of Division 6 of Title 5 of the  
23 Government Code. The increase shall be imposed on  
24 amounts paid by every person within the jurisdiction of  
25 a public agency whose application for a “311”  
26 nonemergency telephone system is approved pursuant to  
27 Section ~~53131~~ 53128 of the Government Code.

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

30 SEC. 4. Section 41030 of the Revenue and Taxation  
31 Code is amended to read:

32 41030. (a) The Department of General Services shall  
33 determine annually, on or before September 1, a  
34 surcharge rate that it estimates will produce sufficient  
35 revenue to fund the current fiscal year’s 911 costs. The  
36 surcharge rate shall be determined by dividing the costs,  
37 including incremental costs, the Department of General  
38 Services estimates for the current fiscal year of 911 plans  
39 approved pursuant to Section 53115 of the Government  
40 Code, less the available balance in the State Emergency

1 Telephone Number Account in the General Fund, by its  
2 estimate of the charges for intrastate telephone  
3 communications services to which the surcharge will  
4 apply for the period of November 1 of the current  
5 calendar year to October 31 of the next succeeding  
6 calendar year, but in no event shall the surcharge rate in  
7 any year be greater than three-quarters of 1 percent nor  
8 less than one-half of 1 percent.

9 (b) The Department of General Services shall  
10 determine annually, on or before September 1, each  
11 increase needed in the surcharge rate that it estimates  
12 will produce sufficient revenue to fund the current fiscal  
13 year's "311" costs for each public agency whose  
14 application for a "311" nonemergency telephone system  
15 is approved pursuant to Section ~~53131~~ 53128 of the  
16 Government Code. The increases shall be determined by  
17 dividing the costs, including incremental costs, the  
18 Department of General Services estimates for the  
19 current fiscal year for each public agency's  
20 nonemergency telephone system, less the available  
21 balance in the State Emergency Telephone Number  
22 Account in the General Fund for that public agency's  
23 system, by its estimate of the charges for intrastate  
24 telephone communications services within the  
25 jurisdiction of the public agency to which the surcharge  
26 will apply for the period of November 1 of the current  
27 calendar year to October 31 of the next succeeding  
28 calendar year. No increase in the surcharge rate made  
29 pursuant to this subdivision shall be considered in  
30 determining whether the surcharge rate described in  
31 subdivision (a) is greater than three-quarters of 1  
32 percent.

33 SEC. 5. Section 41031 of the Revenue and Taxation  
34 Code is amended to read:

35 41031. The Department of General Services shall  
36 make its determination of the surcharge rate and the  
37 increases required by subdivision (b) of Section 41030  
38 each year no later than September 1 and shall notify the  
39 board of the new rate, which shall be fixed by the board  
40 to be effective with respect to charges made for intrastate

1 telephone communication services on or after November  
2 1 of each year.

3 SEC. 6. Section 41032 of the Revenue and Taxation  
4 Code is amended to read:

5 41032. Immediately upon notification by the  
6 Department of General Services and fixing the surcharge  
7 rate and the increases required by subdivision (b) of  
8 Section 41030, the board shall each year no later than  
9 September 15 publish in its minutes the new rate and the  
10 increases, and it shall notify by mail every service supplier  
11 registered with it of the new rate.

12 SEC. 7. Section 41033 is added to the Revenue and  
13 Taxation Code, to read:

14 41033. The funds generated by the surcharge rate  
15 imposed by subdivision (a) of Section 41030 shall not be  
16 used to fund “311” nonemergency telephone systems nor  
17 shall the increases required by subdivision (b) of Section  
18 41030 be used to fund the “911” emergency telephone  
19 system.

20 SEC. 8. Section 41136 of the Revenue and Taxation  
21 Code is amended to read:

22 41136. Funds in the State Emergency Telephone  
23 Number Account shall, when appropriated by the  
24 Legislature, be spent solely for the following purposes:

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

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

28 (c) To pay the Department of General Services for its  
29 costs in administration of the “911” emergency telephone  
30 number system.

31 (d) To pay bills submitted to the Department of  
32 General Services by service suppliers or communications  
33 equipment companies for the installation of, and ongoing  
34 expenses for, the following communications services  
35 supplied to local agencies in connection with the “911”  
36 emergency phone 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.



1 (4) Approved incremental costs.

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

5 (f) To pay claims of local agencies for incremental  
6 costs and amounts, not previously compensated for by  
7 another governmental agency, incurred prior to the  
8 effective date of this part, for the installation and ongoing  
9 expenses for the following communication services  
10 supplied in connection with the “911” emergency phone  
11 number system:

12 (1) A basic system.

13 (2) A basic system with telephone central office  
14 identification.

15 (3) A system employing automatic call routing.

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

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

25 (h) (1) To pay the Department of General Services  
26 for its costs in administration of “311” nonemergency  
27 telephone number systems.

28 (2) To pay bills submitted to the Department of  
29 General Services by service suppliers or communications  
30 equipment companies for the installation of, and ongoing  
31 expenses for, the following communications services  
32 supplied to local agencies in connection *with* the “311”  
33 nonemergency phone number systems:

34 (A) A basic system.

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

37 (C) A system employing automatic call routing.

38 (D) Approved incremental costs.

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

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