

AMENDED IN SENATE AUGUST 8, 2000

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

---

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~~ county 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 Division of Telecommunications of the Department of General Services to, among other things, aid ~~public agencies~~ *counties* in the formulation of concepts, methods, and procedures ~~which that~~ will improve the operation of systems authorized by this bill and ~~which that~~ will increase cooperation among public agencies. It would authorize the Attorney General, on behalf of the Division of Telecommunications or on his or her own initiative, to commence judicial proceedings to enforce compliance by any ~~public agency~~ *county* 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~~ *a county* 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~~ *county* 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 is
- 4 inundated by calls from people calling to complain about
- 5 nonemergency situations.

(b) Estimates of nonemergency calls to the “911” system range from 70 to 90 percent of the total number 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~~ county may 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~~ county. Every system shall be designed to allow the transfer of emergency calls to the “911” emergency telephone system. *Each county shall establish a memorandum of understanding with the public safety agencies within the county to ensure consistent handling of “311” calls.*

~~53126.5. (a) In order to ensure that public agencies accomplish proper preparation and implementation of nonemergency “311” systems, the 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 in any event no later than July 1, 2001.~~

~~(b)–~~  
53126.5. For purposes of this article, “Division of Telecommunications” means the Division of

1 Telecommunications of the Department of General  
2 Services.

3 53127. The Division of Telecommunications shall aid  
4 ~~public agencies~~ *counties* in the formulation of concepts,  
5 methods, and procedures ~~which~~ *that* will improve the  
6 operation of systems authorized by this article and ~~which~~  
7 ~~will~~ increase cooperation among public agencies.

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

16 53128. (a) Any ~~public agency~~ *county* seeking to  
17 establish a system pursuant to this article shall *first seek*  
18 *approval of the county board of supervisors. Upon*  
19 *approval by the board, the county shall* submit a tentative  
20 plan for the establishment of the system permitted by this  
21 article to the public utility or utilities providing public  
22 telephone service within the ~~respective jurisdiction of the~~  
23 ~~public agency~~ *county*. A copy of this tentative plan shall  
24 be filed with the Division of Telecommunications.

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

31 (c) The Division of Telecommunications shall review  
32 each plan filed pursuant to subdivisions (a) and (b) to  
33 ensure that it conforms to minimum standards  
34 established pursuant to Section 53127.5. If any plan does  
35 not comply, the Division of Telecommunications shall  
36 notify the ~~public agency~~ *county* of the plan's deficiencies  
37 in writing. A plan determined by the Division of  
38 Telecommunications to be in conformance with the  
39 minimum standards established pursuant to Section  
40 53127.5 shall be approved by the division.

(d) The Division of Telecommunications shall monitor all nonemergency “311” telephone systems to ensure that they comply with minimal operational and technical standards as established by the division. If any system does not comply, the Division of Telecommunications shall notify in writing the ~~public agency or agencies~~ county operating the system of its deficiencies. The ~~public agency~~ county shall bring the system into compliance with the operational and technical standards within ~~60~~ 90 days of notice by the division. Failure to comply within this time period shall subject the ~~public agency~~ county to action by the Attorney General pursuant to Section 53129.

53128.5. When proposed implementation of the “311” system by a ~~single public agency within its jurisdiction~~ county may adversely affect the implementation of the system by a neighboring ~~public agency or agencies, the neighboring public agency~~ county, the neighboring county may request that the Division of Telecommunications evaluate the impact of implementation by the proposing ~~public agency~~ county and evaluate and weigh that impact in its decision to approve or disapprove the proposing ~~public agency’s~~ county’s final plan pursuant to Section 53128. In order to effectuate this process, each ~~city shall file a notice of filing of its final plan with each adjacent city and with the county in which the proposing public agency is located at the same time that the final plan is filed with the Division of Telecommunications and each county shall file a notice of filing of its final plan with each city within the county and each adjacent county at the time the final plan is filed with the Division of Telecommunications. Any public agency wishing to~~ county shall file a notice of filing of its final plan with each adjacent county. Any county wishing to request review pursuant to this section shall file its request with the division within 30 days of filing of the final plan for which review is sought.

53129. The Attorney General may, on behalf of the Division of Telecommunications or on his or her own initiative, commence judicial proceedings to enforce compliance by any ~~public agency or public agency~~ county

1 or public utility providing telephone service with the  
2 provisions of this article.

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

5 41020. (a) A surcharge is hereby imposed on  
6 amounts paid by every person in the state for intrastate  
7 telephone communication service in this state  
8 commencing on July 1, 1977.

9 The surcharge imposed shall be at the rate of one-half  
10 of 1 percent of the charges made for the services to and  
11 including November 1, 1982, at a rate fixed pursuant to  
12 Article 2 (commencing with Section 41030) thereafter.

13 (b) The surcharge shall be increased in order to fund  
14 the ~~Statewide~~ Nonemergency Telephone System  
15 established by Article 6.6 (commencing with Section  
16 53126) of Chapter 1 of Part 1 of Division 6 of Title 5 of the  
17 Government Code. The increase shall be imposed on  
18 amounts paid by every person within the jurisdiction of  
19 a ~~public agency~~ county whose application for a “311”  
20 nonemergency telephone system is approved pursuant to  
21 Section 53128 of the Government Code.

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

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

26 41030. (a) The Department of General Services shall  
27 determine annually, on or before September 1, a  
28 surcharge rate that it estimates will produce sufficient  
29 revenue to fund the current fiscal year’s 911 costs. The  
30 surcharge rate shall be determined by dividing the costs,  
31 including—~~incremental costs~~, *incremental costs*, *that* the  
32 Department of General Services estimates for the  
33 current fiscal year of 911 plans approved pursuant to  
34 Section 53115 of the Government Code, less the available  
35 balance in the State Emergency Telephone Number  
36 Account in the General Fund, by its estimate of the  
37 charges for intrastate telephone communications  
38 services to which the surcharge will apply for the period  
39 of November 1 of the current calendar year to October  
40 31 of the next succeeding calendar year, but in no event

1 shall the surcharge rate in any year be greater than  
2 three-quarters of 1 percent nor less than one-half of 1  
3 percent.

4 (b) The Department of General Services shall  
5 determine annually, on or before September 1, each  
6 increase needed in the surcharge rate that it estimates  
7 will produce sufficient revenue to fund the current fiscal  
8 year's "311" costs for each ~~public-agency~~ county whose  
9 application for a "311" nonemergency telephone system  
10 is approved pursuant to Section 53128 of the Government  
11 Code. The increases shall be determined by dividing the  
12 costs, including incremental costs, *that* the Department  
13 of General Services estimates for the current fiscal year  
14 for each ~~public-agency's~~ county's nonemergency  
15 telephone system, less the available balance in the State  
16 Emergency Telephone Number Account in the General  
17 Fund for that ~~public-agency's~~ county's system, by its  
18 estimate of the charges for intrastate telephone  
19 communications services within the ~~jurisdiction of the~~  
20 ~~public-agency~~ county to which the surcharge will apply  
21 for the period of November 1 of the current calendar year  
22 to October 31 of the next succeeding calendar year. *The*  
23 *increase in the surcharge rate pursuant to this subdivision*  
24 *shall not exceed three-quarters of 1 percent and shall be*  
25 *applied uniformly to all counties that elect to implement*  
26 *a "311" nonemergency telephone system.* No increase in  
27 the surcharge rate made pursuant to this subdivision shall  
28 be considered in determining whether the surcharge rate  
29 described in subdivision (a) is greater than  
30 three-quarters of 1 percent.

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

33 41031. The Department of General Services shall  
34 make its determination of the surcharge rate and the  
35 increases required by subdivision (b) of Section 41030  
36 each year no later than September 1 and shall notify the  
37 board of the new rate, which shall be fixed by the board  
38 to be effective with respect to charges made for intrastate  
39 telephone communication services on or after November  
40 1 of each year.

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

3 41032. Immediately upon notification by the  
4 Department of General Services and fixing the surcharge  
5 rate and the increases required by subdivision (b) of  
6 Section 41030, the board shall each year no later than  
7 September 15 publish in its minutes the new rate and the  
8 increases, and it shall notify by mail every service supplier  
9 registered with it of the new rate.

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

12 41033. The funds generated by the surcharge rate  
13 imposed by subdivision (a) of Section 41030 shall not be  
14 used to fund “311” nonemergency telephone systems nor  
15 shall the increases required by subdivision (b) of Section  
16 41030 be used to fund the “911” emergency telephone  
17 system.

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

20 41136. Funds in the State Emergency Telephone  
21 Number Account shall, when appropriated by the  
22 Legislature, be spent solely for the following purposes:

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

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

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

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

35 (1) A basic system.

36 (2) A basic system with telephone central office  
37 identification.

38 (3) A system employing automatic call routing.

39 (4) Approved incremental costs.



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

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

(1) A basic system.

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

(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~~ *counties* in connection with 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.

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

O

