

AMENDED IN SENATE AUGUST 25, 2000

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, *41135*, and 41136 of, and to add ~~Section 41033~~ *Sections 41033, 41135.5, and 41136.5* to, the Revenue and Taxation Code, relating to public safety services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2837, as amended, Hertzberg. ~~Local public safety agencies:—nonemergency~~ *State 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 county, *as well as the City of Los Angeles and the City of San Jose*, to establish a nonemergency telephone 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 counties *and authorized cities* in the formulation of concepts, methods, and procedures that will improve the operation of systems authorized by this bill and 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 county, *authorized city*, 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 *who subscribes to intrastate telephone communication service* within ~~a county with an approved application for the jurisdiction of a county or authorized city that elects to implement a~~ “311” nonemergency telephone system to fund the 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 county *and authorized city* 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:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) The “911” emergency response system is inundated by calls from people calling to complain about 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. *State Nonemergency Telephone System*

53126. Every county *or authorized city* may establish a nonemergency *telephone* system as provided in this article. The digits “311” shall be the primary nonemergency telephone number within the system. Nonemergency “311” *telephone* systems shall be designed to meet the specific requirements of each county *or authorized city*. Every system shall be designed to allow the transfer of emergency calls to the “911” emergency telephone system. Each county *or authorized city* shall establish a memorandum of understanding with the public safety agencies within the county *or authorized city* to ensure consistent handling of “311” calls.

53126.5. For purposes of this article, ~~“Division the~~ *following definitions apply:*

(a) “Authorized city” *means a city authorized to establish a nonemergency telephone system pursuant to Section 53129.7.*

1 (b) “Division of Telecommunications” means the
2 Division of Telecommunications of the Department of
3 General Services.

4 (c) “Nonemergency telephone system” means a
5 system structured to provide access to only public safety
6 agencies such as police, fire, and emergency medical
7 service providers, or a system structured to provide
8 access to public safety agencies and to all other services
9 provided by a jurisdiction such as street maintenance and
10 animal control.

11 53127. The Division of Telecommunications shall aid
12 counties *and authorized cities* in the formulation of
13 concepts, methods, and procedures that will improve the
14 operation of systems authorized by this article and
15 increase cooperation among public agencies.

16 53127.5. Technical and operational standards for the
17 development of the county *or authorized city* systems
18 shall be established and reviewed by the Division of
19 Telecommunications on or before ~~July 1, 2001~~ January 1,
20 2002. On or before July 1, ~~2002~~ 2004, and each
21 even-numbered year thereafter, the Division of
22 Telecommunications shall review and update technical
23 and operational standards for public agency systems.

24 53128. (a) Any county seeking to establish a system
25 pursuant to this article shall first seek approval of the
26 county board of supervisors. Upon approval by the board,
27 the county shall submit a tentative plan for the
28 establishment of the system permitted by this article to
29 the public utility or utilities providing public telephone
30 service within the county. ~~A copy of this~~ *An authorized*
31 *city shall submit a tentative plan pursuant to this*
32 *subdivision, but need not seek approval of the county*
33 *board of supervisors. A copy of the* tentative plan shall be
34 filed with the Division of Telecommunications.

35 (b) The final plan shall be submitted within six months
36 after the tentative plan to the Division of
37 Telecommunications and shall identify all planning,
38 implementation, installation, and operating costs the
39 county *or authorized city* feels necessary to implement
40 the system authorized by this article.

1 (c) The Division of Telecommunications shall review
2 each plan filed pursuant to subdivisions (a) and (b) to
3 ensure that it conforms to minimum standards
4 established pursuant to Section 53127.5. If any plan does
5 not comply, the Division of Telecommunications shall
6 notify the county *or authorized city* of the plan's
7 deficiencies in writing. A plan determined by the
8 Division of Telecommunications to be in conformance
9 with the minimum standards established pursuant to
10 Section 53127.5 shall be approved by the division.

11 (d) The Division of Telecommunications shall monitor
12 all nonemergency "311" telephone systems to ensure that
13 they comply with minimal operational and technical
14 standards as established by the division. If any system does
15 not comply, the Division of Telecommunications shall
16 notify in writing the county *or authorized city* operating
17 the system of its deficiencies. The county *or authorized*
18 *city* shall bring the system into compliance with the
19 operational and technical standards within 90 days of
20 notice by the division. Failure to comply within this time
21 period shall subject the county *or authorized city* to
22 action by the Attorney General pursuant to Section 53129.

23 53128.5. When proposed implementation of the "311"
24 system by a county may adversely affect the
25 implementation of the system by a neighboring county *or*
26 *authorized city within that county, or when proposed*
27 *implementation by an authorized city may adversely*
28 *affect implementation by the county in which it is*
29 *located, the neighboring county, authorized city affected*
30 *by county implementation, or county affected by*
31 *authorized city implementation, may request that the*
32 Division of Telecommunications evaluate the impact of
33 implementation by the proposing county *or authorized*
34 *city* and evaluate and weigh that impact in its decision to
35 approve or disapprove the proposing county's *or*
36 *authorized city's* final plan pursuant to Section 53128. In
37 order to effectuate this process, each county, *or county*
38 *with an authorized city within its jurisdiction, if*
39 *applicable* shall file a notice of filing of its final plan with
40 each adjacent county *or authorized city, as applicable,*

1 *and each authorized city shall file a notice with the county*
2 *in which it is located.* Any county wishing to request
3 review pursuant to this section shall file its request with
4 the division within 30 days of filing of the final plan for
5 which review is sought.

6 53129. The Attorney General may, on behalf of the
7 Division of Telecommunications or on his or her own
8 initiative, commence judicial proceedings to enforce
9 compliance by any county *or authorized city* or public
10 utility providing telephone service with the provisions of
11 this article.

12 53129.5. *No later than February 1, 2001, the Division*
13 *of Telecommunications shall notify each county in the*
14 *state of the availability of the “311” nonemergency*
15 *telephone system.*

16 53129.7. *Notwithstanding any other provision of this*
17 *article, the City of Los Angeles and the City of San Jose*
18 *may each implement a nonemergency telephone system*
19 *pursuant to this article.*

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

22 41020. (a) A surcharge is hereby imposed on
23 amounts paid by every person in the state for intrastate
24 telephone communication service in this state
25 commencing on July 1, 1977.

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

30 (b) The surcharge shall be increased in order to fund
31 the *State Nonemergency Telephone System* established
32 by Article 6.6 (commencing with Section 53126) of
33 Chapter 1 of Part 1 of Division 6 of Title 5 of the
34 Government Code. The increase shall be imposed on
35 amounts paid by every person within the jurisdiction of
36 a county, *or city authorized pursuant to Section 53129.7*
37 *of the Government Code, whose application for a “311”*
38 *nonemergency telephone system is approved—pursuant to*
39 *filed pursuant to subdivision (a) of Section 53128 of the*
40 *Government Code.*

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

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

41030. (a) The Department of General Services shall determine annually, on or before September 1, a surcharge rate that it estimates will produce sufficient revenue to fund the current fiscal year's 911 costs. The surcharge rate shall be determined by dividing the costs, including incremental costs, that the Department of General Services estimates for the current fiscal year of 911 plans approved pursuant to Section 53115 of the Government Code, less the available balance in the State Emergency Telephone Number Account in the General Fund, by its estimate of the charges for intrastate telephone communications services to which the surcharge will apply for the period of November 1 of the current calendar year to October 31 of the next succeeding calendar year, but in no event shall the surcharge rate in any year be greater than three-quarters of 1 percent nor less than one-half of 1 percent.

(b) The Department of General Services shall 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 county, *or city authorized pursuant to Section 53129.7 of the Government Code*, whose application for a "311" nonemergency telephone system is approved pursuant to Section 53128 of the Government Code. The increases shall be determined by dividing the costs, including incremental costs, that the Department of General Services estimates for the current fiscal year ~~for each county's nonemergency telephone system, less the available balance in the State Emergency Telephone Number Account in the General Fund for that county's system, by its~~ *for "311" plans approved pursuant to Section 53128 of the Government Code, less the available balance in the State Nonemergency Telephone Number Account in the General Fund, by its* estimate of the charges for intrastate

1 telephone communications services within the ~~county~~
2 *counties or authorized cities* to which the surcharge will
3 apply for the period of November 1 of the current
4 calendar year to October 31 of the next succeeding
5 calendar year. The increase in the surcharge rate
6 pursuant to this subdivision shall not exceed
7 three-quarters of 1 percent and shall be applied
8 uniformly to ~~all counties that elect to implement a “311”~~
9 ~~nonemergency telephone system~~ *amounts paid by every*
10 *person who subscribes to intrastate telephone*
11 *communication service within the jurisdiction of those*
12 *counties and authorized cities that elect to implement a*
13 *“311” nonemergency telephone system consistent with*
14 *the standards established by the Division of*
15 *Telecommunications pursuant to Section 53127.5 of the*
16 *Government Code.* No increase in the surcharge rate
17 made pursuant to this subdivision shall be considered in
18 determining whether the surcharge rate described in
19 subdivision (a) is greater than three-quarters of 1
20 percent.

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

23 41031. The Department of General Services shall
24 make its determination of the surcharge rate and the
25 increases required by subdivision (b) of Section 41030
26 each year no later than September 1 and shall notify the
27 board of the new rate, which shall be fixed by the board
28 to be effective with respect to charges made for intrastate
29 telephone communication services on or after November
30 1 of each year.

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

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

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

3 41033. The funds generated by the surcharge rate
4 imposed by subdivision (a) of Section 41030 shall not be
5 used to fund “311” nonemergency telephone systems nor
6 shall the increases required by subdivision (b) of Section
7 41030 be used to fund the “911” emergency telephone
8 system.

9 SEC. 8. *Section 41135 of the Revenue and Taxation*
10 *Code is amended to read:*

11 41135. All amounts required to be paid to the state
12 under this part *relating to the State Emergency*
13 *Telephone System* shall be paid to the board in the form
14 of remittances payable to the State Board of Equalization
15 of the State of California. The board shall transmit the
16 payments to the State Treasurer to be deposited in the
17 State Treasury to the credit of the State Emergency
18 Telephone Number Account in the General Fund, which
19 is hereby created.

20 SEC. 9. *Section 41135.5 is added to the Revenue and*
21 *Taxation Code, to read:*

22 41135.5. All amounts required to be paid to the state
23 under this part *relating to the State Nonemergency*
24 *Telephone System* shall be paid to the board in the form
25 of remittances payable to the State Board of Equalization
26 of the State of California. The board shall transit the
27 payments to the State Treasurer to be deposited in the
28 State Treasury to the credit of the State Nonemergency
29 Telephone Number Account in the General Fund, which
30 is hereby created.

31 SEC. 10. Section 41136 of the Revenue and Taxation
32 Code is amended to read:

33 41136. Funds in the State Emergency Telephone
34 Number Account shall, when appropriated by the
35 Legislature, be spent solely for the following purposes
36 *relating to the State Emergency Telephone System:*

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

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

1 (c) To pay the Department of General Services for its
2 costs in administration of the “911” emergency telephone
3 number system.

4 (d) To pay bills submitted to the Department of
5 General Services by service suppliers or communications
6 equipment companies for the installation of, and ongoing
7 expenses for, the following communications services
8 supplied to local agencies in connection with the “911”
9 emergency phone number system:

10 (1) A basic system.

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

13 (3) A system employing automatic call routing.

14 (4) Approved incremental costs.

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

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

25 (1) A basic system.

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

28 (3) A system employing automatic call routing.

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

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

38 ~~(h) (1) To pay the Department of General Services~~
39 ~~for its costs in administration of “311” nonemergency~~
40 ~~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 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.~~

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

SEC. 11. Section 41136.5 is added to the Revenue and Taxation Code, to read:

41136.5. Funds in the State Nonemergency Telephone Number Account, when appropriated by the Legislature, shall be spent solely for the following purposes relating to the State Nonemergency Telephone System:

(a) To pay refunds authorized by this part.

(b) To pay the State Board of Equalization for the cost of administration of “311” nonemergency telephone number systems.

(c) To pay the Department of General Services for its costs to establish technical and operational standards for “311” nonemergency telephone number systems.

(d) To pay the Department of General Services for its costs of the administration of “311” nonemergency telephone number systems.

(e) 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 counties, and cities authorized pursuant to Section 53129.7 of the Government Code, in connection with the “311” nonemergency telephone number systems:

1 (1) A basic system, including the countywide “311”
2 nonemergency telephone number systems.

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

5 (3) A system employing automatic call routing.

6 (4) Approved incremental costs.

7 (f) To pay claims of counties and authorized cities for
8 approved incremental costs that have not been
9 previously compensated for by another governmental
10 agency.

11 (g) To pay bills submitted to the Department of
12 General Services by service suppliers for incremental
13 costs associated with collection of the increased surcharge
14 provided for in subdivision (b) of Section 41020 that are
15 not in conformance with the regular billing procedures
16 of a particular service supplier.

17 SEC. 12. Due to the unique circumstances of the City
18 of Los Angeles and the City of San Jose with respect to the
19 disproportionate burden on the ‘911’ emergency
20 telephone systems in those cities, the Legislature hereby
21 finds and declares that a general statute cannot be made
22 applicable within the meaning of Section 16 of Article IV
23 of the California Constitution. Therefore, the special
24 legislation contained in this act is necessarily applicable
25 only to the City of Los Angeles and the City of San Jose.