

AMENDED IN SENATE AUGUST 29, 2000

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 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. 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~~ *local public agency, as defined*, to establish a nonemergency telephone system 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~~ *local public agencies* 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~~ *local 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 who subscribes to intrastate telephone communication service within the jurisdiction of a ~~county or authorized city~~ *local public agency* 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~~ *local 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:

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 local public agency 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. designed to provide a system similar to a “911” selective routing system, whereby the location of the initial call is determined to provide a coordinated uniform delivery system to meet the specified requirements of each local jurisdiction. Every system~~

1 *shall be designed to allow the handling of emergency calls*
2 *by the “911” emergency telephone system.*

3 53126.5. For purposes of this article, the following
4 definitions apply:

5 ~~(a) “Authorized city” means a city authorized to~~
6 ~~establish a nonemergency telephone system pursuant to~~
7 ~~Section 53129.7.~~

8 ~~(b)–~~

9 (a) “Division of Telecommunications” means the
10 Division of Telecommunications of the Department of
11 General Services.

12 (b) “Local public agency” means a city, county, city
13 and county, and joint powers authority that provides a
14 public safety answering point (PSAP).

15 (c) “Nonemergency telephone system” means a
16 system structured to provide access to only public safety
17 agencies such as police, ~~fire, and emergency medical~~
18 ~~service providers and fire~~, or a system structured to
19 provide access to public safety agencies and to all other
20 services provided by a jurisdiction such as street
21 maintenance and animal control.

22 53127. The Division of Telecommunications shall aid
23 ~~counties and authorized cities~~ *local public agencies* in the
24 formulation of concepts, methods, and procedures that
25 will improve the operation of systems authorized by this
26 article and increase cooperation among public agencies.

27 53127.5. Technical and operational standards for the
28 development of the ~~county or authorized city systems~~
29 ~~shall be established~~ *coordinated “311” system shall be*
30 *established, with the input of local public agencies, and*
31 *reviewed by the Division of Telecommunications on or*
32 *before January 1, 2002. A local public agency may notify*
33 *the affected county or counties and the Division of*
34 *Telecommunications by January 1, 2005, of its intent to*
35 *establish a “311” nonemergency telephone system. In the*
36 *event that a local public agency does not notify the*
37 *affected county or counties and the Division of*
38 *Telecommunications by January 31, 2005, of its intent to*
39 *provide a “311” nonemergency telephone system, a*
40 *county may, using the local public agency’s existing*

1 *public safety answering point (PSAP), establish a ‘311’*
2 *nonemergency telephone system to serve those entities*
3 *for which there is no stated intent to provide a “311”*
4 *nonemergency telephone system. On or before July 1,*
5 *2004, and each even-numbered year thereafter, the*
6 *Division of Telecommunications shall review, with the*
7 *input of local public agencies, and update technical and*
8 *operational standards for public agency systems.*

9 ~~53128. (a) Any county seeking to establish a system~~
10 ~~pursuant to this article shall first seek approval of the~~
11 ~~county board of supervisors. Upon approval by the board,~~
12 ~~the county shall submit a tentative plan for the~~
13 ~~establishment of the system permitted by this article to~~
14 ~~the public utility or utilities providing public telephone~~
15 ~~service within the county. An authorized city shall submit~~
16 ~~a tentative plan pursuant to this subdivision, but need not~~
17 ~~seek approval of the county board of supervisors. A copy~~
18 ~~of the tentative plan shall be filed with the Division of~~
19 ~~Telecommunications.~~

20 ~~(b) The final plan shall be submitted within six months~~
21 ~~after the tentative plan~~

22 *53128. (a) The Division of Telecommunications shall*
23 *review each plan submitted by a local public agency to*
24 *ensure that it conforms to the minimum standards*
25 *established pursuant to Section 53127.5. If any plan does*
26 *not comply, the Division of Telecommunications shall,*
27 *within 90 days of receipt of a plan, notify the submitting*
28 *local public agency of the plan’s deficiencies in writing.*
29 *A plan determined by the Division of*
30 *Telecommunications to be in conformance with the*
31 *minimum standards established pursuant to Section*
32 *53127.5 shall be approved by the division.*

33 *(b) Each local public agency that receives a notice of*
34 *deficiency from the Division of Telecommunications*
35 *shall submit a final plan within six months following the*
36 *receipt of the identified deficiencies. The final plan shall*
37 *be submitted to the Division of Telecommunications and*
38 *shall identify all planning, implementation, installation,*
39 *and operating costs the county or authorized city local*

1 *public agency* feels necessary to implement the system
2 authorized by this article.

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

13 ~~(d)–~~

14 (c) The Division of Telecommunications shall monitor
15 all nonemergency “311” telephone systems to ensure that
16 they comply with minimal operational and technical
17 standards as established by the division. If any system does
18 not comply, the Division of Telecommunications shall
19 notify in writing the ~~county or authorized city~~ *local public*
20 *agency* operating the system of its deficiencies. The
21 ~~county or authorized city~~ *local public agency* shall bring
22 the system into compliance with the operational and
23 technical standards within 90 days of notice by the
24 division. Failure to comply within this time period shall
25 subject the ~~county or authorized city~~ *local public agency*
26 to action by the Attorney General pursuant to Section
27 53129.

28 ~~53128.5. When proposed implementation of the “311”~~
29 ~~system by a county may adversely affect the~~
30 ~~implementation of the system by a neighboring county or~~
31 ~~authorized city within that county, or when proposed~~
32 ~~implementation by an authorized city may adversely~~
33 ~~affect implementation by the county in which it is~~
34 ~~located, the neighboring county, authorized city affected~~
35 ~~by county implementation, or county affected by~~
36 ~~authorized city implementation, may request that the~~
37 ~~Division of Telecommunications evaluate the impact of~~
38 ~~implementation by the proposing county or authorized~~
39 ~~city and evaluate and weigh that impact in its decision to~~
40 ~~approve or disapprove the proposing county's or~~

~~1 authorized city's final plan pursuant to Section 53128. In
2 order to effectuate this process, each county, or county
3 with an authorized city within its jurisdiction, if
4 applicable shall file a notice of filing of its final plan with
5 each adjacent county or authorized city, as applicable,
6 and each authorized city shall file a notice with the county
7 in which it is located. Any county wishing to request
8 review pursuant to this section shall file its request with
9 the division within 30 days of filing of the final plan for
10 which review is sought.~~

11 53129. The Attorney General may, on behalf of the
12 Division of Telecommunications or on his or her own
13 initiative, commence judicial proceedings to enforce
14 compliance by any ~~county or authorized city~~ *local public*
15 *agency* or public utility providing telephone service with
16 the provisions of this article.

17 53129.5. No later than February 1, 2001, the Division
18 of Telecommunications shall notify each county in the
19 state of the availability of the "311" nonemergency
20 telephone system.

21 ~~53129.7. Notwithstanding any other provision of this
22 article, the City of Los Angeles and the City of San Jose
23 may each implement a nonemergency telephone system
24 pursuant to this article.~~

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

27 41020. (a) A surcharge is hereby imposed on
28 amounts paid by every person in the state for intrastate
29 telephone communication service in this state
30 commencing on July 1, 1977.

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

35 (b) The surcharge shall be increased in order to fund
36 the State Nonemergency Telephone System established
37 by Article 6.6 (commencing with Section 53126) of
38 Chapter 1 of Part 1 of Division 6 of Title 5 of the
39 Government Code. The increase shall be imposed on
40 amounts paid by every person within the jurisdiction of

1 ~~a county, or city authorized pursuant to Section 53129.7~~
2 ~~of the Government Code~~ *a participating local public*
3 *agency*, whose application for a “311” nonemergency
4 telephone system is filed pursuant to subdivision (a) of
5 Section 53128 of the Government Code.

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

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

10 41030. (a) The Department of General Services shall
11 determine annually, on or before September 1, a
12 surcharge rate that it estimates will produce sufficient
13 revenue to fund the current fiscal year’s 911 costs. The
14 surcharge rate shall be determined by dividing the costs,
15 including incremental costs, that the Department of
16 General Services estimates for the current fiscal year of
17 911 plans approved pursuant to Section 53115 of the
18 Government Code, less the available balance in the State
19 Emergency Telephone Number Account in the General
20 Fund, by its estimate of the charges for intrastate
21 telephone communications services to which the
22 surcharge will apply for the period of November 1 of the
23 current calendar year to October 31 of the next
24 succeeding calendar year, but in no event shall the
25 surcharge rate in any year be greater than three-quarters
26 of 1 percent nor less than one-half of 1 percent.

27 (b) The Department of General Services shall
28 determine annually, on or before September 1, each
29 increase needed in the surcharge rate that it estimates
30 will produce sufficient revenue to fund the current fiscal
31 year’s “311” costs for each ~~county, or city authorized~~
32 ~~pursuant to Section 53129.7 of the Government Code,~~
33 *local public agency* whose application for a “311”
34 nonemergency telephone system is approved pursuant to
35 Section 53128 of the Government Code. The increases
36 shall be determined by dividing the costs, including
37 incremental costs, that the Department of General
38 Services estimates for the current fiscal year for “311”
39 plans approved pursuant to Section 53128 of the
40 Government Code, less the available balance in the State

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

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

24 41031. The Department of General Services shall
 25 make its determination of the surcharge rate and the
 26 increases required by subdivision (b) of Section 41030
 27 each year no later than September 1 and shall notify the
 28 board of the new rate, which shall be fixed by the board
 29 to be effective with respect to charges made for intrastate
 30 telephone communication services on or after November
 31 1 of each year.

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

34 41032. Immediately upon notification by the
 35 Department of General Services and fixing the surcharge
 36 rate and the increases required by subdivision (b) of
 37 Section 41030, the board shall each year no later than
 38 September 15 publish in its minutes the new rate and the
 39 increases, and it shall notify by mail every service supplier
 40 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 SEC. 11. Section 41136.5 is added to the Revenue and
39 Taxation Code, to read:

1 41136.5. Funds in the State Nonemergency
2 Telephone Number Account, when appropriated by the
3 Legislature, shall be spent solely for the following
4 purposes relating to the State Nonemergency Telephone
5 System:

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

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

10 (c) To pay the Department of General Services for its
11 costs to establish technical and operational standards for
12 “311” nonemergency telephone number systems.

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

16 (e) 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 counties, and cities authorized pursuant to~~
21 ~~Section 53129.7 of the Government Code, in connection~~
22 *supplied to local public agencies, in connection* with the
23 “311” nonemergency telephone number systems:

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

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

28 (3) A system employing automatic call routing.

29 (4) Approved incremental costs.

30 (f) To pay claims of ~~counties and authorized cities~~ *local*
31 *public agencies* for approved incremental costs that have
32 not been previously compensated for by another
33 governmental agency.

34 (g) To pay bills submitted to the Department of
35 General Services by service suppliers for incremental
36 costs associated with collection of the increased surcharge
37 provided for in subdivision (b) of Section 41020 that are
38 not in conformance with the regular billing procedures
39 of a particular service supplier.

1 ~~SEC. 12. Due to the unique circumstances of the City~~
2 ~~of Los Angeles and the City of San Jose with respect to the~~
3 ~~disproportionate burden on the ‘911’ emergency~~
4 ~~telephone systems in those cities, the Legislature hereby~~
5 ~~finds and declares that a general statute cannot be made~~
6 ~~applicable within the meaning of Section 16 of Article IV~~
7 ~~of the California Constitution. Therefore, the special~~
8 ~~legislation contained in this act is necessarily applicable~~
9 ~~only to the City of Los Angeles and the City of San Jose.~~

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