

ASSEMBLY BILL

No. 2172

Introduced by Assembly Member Levine

February 18, 2004

An act to amend Section 280 of the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 2172, as introduced, Levine. Telecommunications: Lease of state property for wireless facilities.

Existing law requires the Director of General Services, to compile and maintain an inventory of state-owned real property, excluding certain property, that may be available for lease to providers of wireless telecommunications services for location of wireless telecommunications facilities, and to provide a requesting party, upon payment of any applicable fee, with a copy of the inventory. Existing law authorizes the director to negotiate and enter into an agreement for the lease of certain department-managed and state-owned real property to any provider of wireless telecommunications services for location of its facilities, subject to specified conditions.

Existing law requires, notwithstanding any other provision of law, that any revenue collected from a lease entered into pursuant to these provisions to use property that was acquired with money in a fund other than the General Fund be deposited into the fund from which it was obtained. Existing law requires that moneys received and deposited in those funds be available upon appropriation by the Legislature notwithstanding any other provision of law.

Existing law establishes the California Teleconnect Fund Administrative Committee to advise the Public Utilities Commission

regarding the commission’s responsibilities for the development, implementation, and administration of a program to advance universal telephone service by providing discounted rates to qualifying schools, libraries, hospitals, health clinics, and community organizations. Existing law establishes the California Teleconnect Fund Administrative Committee Fund in the State Treasury and provides that moneys in the fund, collected by telephone corporations in utility rates authorized by the commission and deposited into the fund, may only be expended for the purposes authorized, upon appropriation in the annual Budget Act.

The bill would require that, notwithstanding the provisions relating to the California Teleconnect Fund Administration Committee Fund, if a wireless telecommunications facility is sited on land purchased with funds from a continuously appropriated special fund, all revenues generated from a lease of that property be deposited into that special fund.

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. Section 280 of the Public Utilities Code is
- 2 amended to read:
- 3 280. (a) The commission shall develop, implement, and
- 4 administer a program to advance universal service by providing
- 5 discounted rates to qualifying schools, libraries, hospitals, health
- 6 clinics, and community organizations, consistent with Chapter
- 7 278 of the Statutes of 1994.
- 8 (b) There is hereby created the California Teleconnect Fund
- 9 Administrative Committee, which is an advisory board to advise
- 10 the commission regarding the development, implementation, and
- 11 administration of a program to advance universal service by
- 12 providing discounted rates to qualifying schools, libraries,
- 13 hospitals, health clinics, and community organizations, consistent
- 14 with Chapter 278 of the Statutes of 1994, and to carry out the
- 15 program pursuant to the commission’s direction, control, and
- 16 approval.
- 17 (c) All revenues collected by telephone corporations in rates
- 18 authorized by the commission to fund the program specified in
- 19 subdivision (a) shall be submitted to the commission pursuant to



1 a schedule established by the commission. Commencing on
2 October 1, 2001, and continuing thereafter, the commission shall
3 transfer the moneys received, and all unexpended revenues
4 collected prior to October 1, 2001, to the Controller for deposit in
5 the California Teleconnect Fund Administrative Committee Fund.
6 All interest earned by moneys in the fund shall be deposited in the
7 fund.

8 (d) Moneys appropriated from the California Teleconnect
9 Fund Administrative Committee Fund to the commission shall be
10 utilized exclusively by the commission for the program specified
11 in subdivision (a), including all costs of the board and the
12 commission associated with the administration and oversight of
13 the program and the fund.

14 (e) Moneys loaned from the California Teleconnect Fund
15 Administrative Committee Fund in the Budget Act of 2003 are
16 subject to Section 16320 of the Government Code. If the
17 commission determines a need for moneys in the California
18 Teleconnect Fund Administrative Committee Fund, the
19 commission shall notify the Director of Finance of the need, as
20 specified in Section 16320 of the Government Code. The
21 commission may not increase the rates authorized by the
22 commission to fund the program specified in subdivision (b) while
23 moneys loaned from the California Teleconnect Fund
24 Administrative Committee Fund in the Budget Act of 2003 are
25 outstanding unless both of the following conditions are satisfied:

26 (1) The Director of Finance, after making a determination
27 pursuant to subdivision (b) of Section 16320 of the Government
28 Code, does not order repayment of all or a portion of any loan from
29 the California Teleconnect Fund Administrative Committee Fund
30 within 30 days of notification by the commission of the need for
31 the moneys.

32 (2) The commission notifies the Director of Finance and the
33 Chairperson of the Joint Legislative Budget Committee in writing
34 that it intends to increase the rates authorized by the commission
35 to fund the program specified in subdivision (a). The notification
36 required pursuant to this paragraph shall be made 30 days in
37 advance of the intended rate increase.

38 (f) *Notwithstanding subdivisions (a) to (e), inclusive, if a*
39 *wireless telecommunications facility or function is sited on land*
40 *purchased with funds from a continuously appropriated special*



1 *fund, all revenue generated from a lease entered into pursuant to*
2 *Section 14666.8 of the Government Code shall be deposited into*
3 *that special fund.*

4 (g) Subdivision (e) shall become inoperative upon full
5 repayment or discharge of all moneys loaned from the California
6 Teleconnect Fund Administrative Committee Fund in the Budget
7 Act of 2003.

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