

AMENDED IN SENATE MAY 2, 2000

**SENATE BILL**

**No. 2012**

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**Introduced by Senator Speier**

(Principal coauthor: Assembly Member Longville)

(Coauthors: ~~Senators Burton, Costa, Johnston~~ *Alarcon, Alpert, Burton, Costa, Johnston, Murray, Schiff, and Vasconcellos*)

(Coauthors: Assembly Members ~~Bock, Cox, Mazzoni~~ *Calderon, Cardenas, Cedillo, Cox, Mazzoni, Robert Pacheco, and Strom-Martin*)

February 25, 2000

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An act to add Article 6 (commencing with Section 8840) to Chapter 10 of Division 1 of Title 2 of the Government Code, relating to public broadcasting, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 2012, as amended, Speier. California Public Broadcasting Act of 1975: emergency broadcasting grants.

The California Public Broadcasting Act of 1975 provides for, among other things, the distribution of funds and the making of grants to public broadcasting stations by the California Broadcasting Commission for specified purposes.

This bill would additionally require the Office of Emergency Services to solicit applications for grant funds appropriated by the Legislature for the purposes of the bill and *to* allocate the funds for the purchase and installation of equipment to eligible public broadcasting stations that meet specified criteria, including ~~making an~~ *entering into a*

*permanent* agreement with the office to dedicate, as necessary, a broadcast channel for the provision of emergency information, and the broadcasting of that information.

This bill would appropriate \$25,000,000 from the General Fund to the office for the purposes of the bill.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

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

3 (a) The federally mandated conversion to digital  
4 broadcasting provides significant opportunities to the  
5 state for the dissemination of critical information to its  
6 citizens.

7 (b) The development and implementation of new  
8 technologies in broadcasting, including high definition  
9 television (HDTV), by California's public broadcasting  
10 systems, will provide at least one channel for preemptive  
11 use for the broadcasting of emergency management and  
12 public safety information. The public broadcasting  
13 networks provide the opportunity for the State of  
14 California, through the Governor's Office of Emergency  
15 Services, to provide emergency information to the deaf,  
16 the hearing impaired, non-English-speaking persons, and  
17 all Californians for both statewide and regional disasters.  
18 The technology may even be capable of addressing  
19 messages to specific ZIP Codes within a public  
20 broadcasting service area.

21 (c) The Office of Emergency Services has been  
22 directed by the Legislature to provide timely and current  
23 emergency information to the deaf, hearing-impaired,  
24 and non-English-speaking public, and to this end is  
25 committed to making information available to  
26 broadcasters that can be converted efficiently to  
27 captioning, and has cooperated in the establishment of  
28 many communication programs, including, but not  
29 limited to, both of the following:



(1) The Emergency Alert System (EAS) and the broadcast of EAS alerts by the communication broadcasters in California.

(2) The Emergency Digital Information System (EDIS), which uses computer technology to gather, deliver, and display emergency information from official agencies to the media and thence to the public.

(d) The Legislature recognizes that the use of both EAS and EDIS by broadcasters is only voluntary.

(e) The Legislature has directed the Office of Emergency Services to encourage local public safety and emergency management agencies to provide emergency information for the deaf, hearing-impaired, and non-English-speaking populations in California.

(f) With enabling funding, public broadcasting stations, through the use of EAS, EDIS, and information from the Office of Emergency Services and other sources, may produce and broadcast this information to enhance the public safety of all Californians.

(g) The use of public funds for enhancing the conversion of public broadcasting systems in California to digital broadcasting constitutes a public purpose resulting in a public benefit. Therefore, it is the intent of the Legislature that the use of funds for this purpose pursuant to this act shall not be construed to be gifts of public funds in violation of Section 6 of Article XVI of the California Constitution.

SEC. 2. Article 6 (commencing with Section 8840) is added to Chapter 10 of Division 1 of Title 2 of the Government Code, to read:

Article 6. Emergency Broadcasting Grant Program

8840. For purposes of this article, “eligible radio station” means a radio station that, at the time of applying for a grant under this article, meets both of the following requirements:

(a) It has met all of the following requirements for a period of two years:

1 (1) It is licensed by the Federal Communications  
2 Commission as a noncommercial educational station, or  
3 is operating under program test authority pending the  
4 grant of a license.

5 (2) It has its community of license and principal  
6 administrative offices in this state and is not owned,  
7 controlled, managed, or primarily financed by any  
8 corporation or entity outside of this state.

9 (3) It provides a program service that meets the  
10 requirements for a Community Service Grant from the  
11 Corporation for Public Broadcasting.

12 (4) It provides significant locally originated  
13 programming in its community of license.

14 (5) It broadcasts not less than 18 hours per day, 365  
15 days per year.

16 (6) It participates in statewide public broadcasting  
17 projects.

18 (7) It has provided, prior to its application for a grant  
19 under this article, an audited financial statement for the  
20 years on which the grant is based.

21 (8) It does either of the following:

22 (A) Meets the criteria for receipt of a Community  
23 Service Grant from the Corporation for Public  
24 Broadcasting that were in effect on June 30, 1995.

25 (B) Has a full-time staff of at least two professionals  
26 paid not less than the California minimum wage, and is  
27 certified by the council as providing a needed service to  
28 its community of license.

29 (b) It enters into ~~an~~ *a permanent* agreement with the  
30 Office of Emergency Services to dedicate, as necessary,  
31 a broadcast channel for the provision of emergency  
32 information, to produce and broadcast that information,  
33 and to ensure that it is presented in a format that makes  
34 it ~~available~~ *accessible* to the deaf, hearing-impaired, and  
35 non-English-speaking populations throughout its  
36 broadcast area, including rural and isolated populations.

37 8841. For purposes of this article, “eligible television  
38 station” means a television station that, at the time of  
39 applying for a grant under this article, meets both of the  
40 following requirements:

(a) It has met all of the following requirements for a period of two years:

(1) It is licensed by the Federal Communications Commission as a noncommercial educational television station, or is operating under program test authority pending the grant of a license.

(2) It has its community of license and principal administrative offices in this state, and is not owned, controlled, managed, or primarily financed by any corporation or entity outside of this state.

(3) It provides a program service that meets the requirements for a Community Service Grant from the Corporation for Public Broadcasting.

(4) It provides substantial and significant locally originated programming in its community of license.

(5) It broadcasts not less than 2,500 hours per year.

(6) It participates in statewide public broadcasting projects.

(7) It meets the criteria for receipt of a Community Service Grant or base grant from the Corporation for Public Broadcasting that were in effect on June 30, 1994.

(8) It has provided, prior to its application for a grant under this article, an audited financial statement for the years on which the grant is based.

(b) It enters into ~~an~~ *a permanent* agreement with the Office of Emergency Services to dedicate, as necessary, a broadcast channel for the provision of emergency information, to produce and broadcast that information, and to ensure that it is presented in a format that makes it ~~available~~ *accessible* to the deaf, hearing-impaired, and non-English-speaking populations throughout its broadcast area, including rural and isolated populations.

8842. For the purposes of this ~~section~~ *article*, “nonfederal financial support” means the total sum of revenues from nonfederal sources derived by a licensee in a fiscal year and reported in an audited financial statement thereof, and does not include in-kind services, funds received for the purpose of constructing or remodeling a building, funds received from other public broadcasting stations or networks for the production of

1 programming or for other services to those stations or  
2 networks, or funds provided to stations under this  
3 chapter. Interest income generated from any source may  
4 be included in “nonfederal financial support.”

5 8843. For purposes of this article, “station” or “public  
6 broadcasting station” means any eligible radio or  
7 television station.

8 8844. (a) Recognizing the necessity of converting  
9 California stations to the technologies of digital  
10 broadcasting and the continuing need for replacement of  
11 broadcasting equipment, the Legislature intends that  
12 funds may be appropriated as necessary to the Office of  
13 Emergency Services for the purchase of equipment by  
14 eligible stations, the installation of that equipment, or  
15 purchase of other materials related to that equipment,  
16 pursuant to this article.

17 (b) The office shall solicit applications for grant funds  
18 from eligible stations throughout the state, and shall  
19 allocate funds appropriated pursuant to subdivision (a) as  
20 follows:

21 (1) Seventy-five percent of any equipment purchase  
22 funds appropriated pursuant to subdivision (a) shall be  
23 placed in an equipment grant pool for eligible television  
24 stations, and 25 percent shall be placed in an equipment  
25 grant pool for eligible radio stations.

26 (2) Fifty percent of the funds in each grant pool shall  
27 be divided equally among the stations in that grant pool.

28 (3) The remaining 50 percent of the funds in each  
29 grant pool shall be divided among stations in that grant  
30 pool in proportion to their nonfederal financial support.

31 (c) (1) Funds provided under this section shall be  
32 granted on a matching basis, with each station required  
33 to raise from other sources an amount equal to the funds  
34 provided to it under this section.

35 (2) If any funds remain in either grant pool because of  
36 the limitations set forth in paragraph (1), the remaining  
37 funds shall be returned to the same pool for distribution  
38 to other stations that have raised the required matching  
39 funds, in amounts proportionate to the nonfederal  
40 financial support of those stations.

1 8846. It is the intent of the Legislature that any funds  
2 provided to stations under this article shall supplement,  
3 rather than supplant, funds provided from other sources.  
4 To that end, institutions that have heretofore provided  
5 funding to stations licensed to them shall certify, in  
6 applying for grants, that they have not previously and will  
7 not in the future use funds provided under this chapter  
8 to supplant institutional support of their stations.

9 SEC. 3. The sum of twenty-five million dollars  
10 (\$25,000,000) is hereby appropriated from the General  
11 Fund to the Office of Emergency Services without regard  
12 to fiscal years for the purposes of the grant program  
13 established pursuant to Article 6 (commencing with  
14 Section 8840) of Chapter 10 of Division 1 of Title 2 of the  
15 Government Code, as added by Section 2 of this act.

