

AMENDED IN ASSEMBLY AUGUST 25, 2000

AMENDED IN ASSEMBLY JUNE 29, 2000

AMENDED IN SENATE MAY 2, 2000

SENATE BILL

No. 2012

Introduced by Senator Speier

(Principal coauthor: Assembly Member Longville)

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

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

February 25, 2000

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 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, and certifying that it has a plan to address the needs of significant linguistic minorities in its service area.

This bill would appropriate ~~\$25,000,000~~—\$5,000,000 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



1 captioning, and has cooperated in the establishment of
2 many communication programs, including, but not
3 limited to, both of the following:

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

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

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

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

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

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

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

34

35 Article 6. Emergency Broadcasting Grant Program

36

37 8840. For purposes of this article, “eligible radio
38 station” means a radio station that, at the time of applying
39 for a grant under this article, meets both of the following
40 requirements:



(a) It has met all of the following requirements for a period of two years unless another time is specified:

(1) It is licensed by the Federal Communications Commission as a noncommercial educational 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 significant locally originated programming in its community of license.

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

(6) It participates in statewide public broadcasting projects.

(7) 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.

(8) It does either of the following:

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

(B) Two months prior to applying for a grant, the station has a full-time staff of at least one professional paid not less than the California minimum wage, and is certified by the council as providing a needed service to its community of license.

(b) It enters into 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 accessible to the deaf, hearing-impaired, and non-English-speaking populations throughout its broadcast area, including rural and isolated populations.

1 8841. For purposes of this article, “eligible television
2 station” means a television station that, at the time of
3 applying for a grant under this article, unless another
4 time is specified, meets all of the following requirements:

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

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

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

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

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

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

21 (6) It participates in statewide public broadcasting
22 projects.

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

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

29 (b) It enters into 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 accessible to the deaf, hearing-impaired, and
35 non-English-speaking populations throughout its
36 broadcast area, including rural and isolated populations.

37 (c) At the time of disbursement of the funds, it
38 certifies in writing by the station manager or an officer of
39 the licensee that it has in its public file a plan to address

1 the needs of significant linguistic minorities in its service
2 area.

3 8842. For the purposes of this article, “nonfederal
4 financial support” means the total sum of revenues from
5 nonfederal sources derived by a licensee in a fiscal year
6 and reported in an audited financial statement thereof,
7 and does not include in-kind services, funds received for
8 the purpose of constructing or remodeling a building,
9 funds received from other public broadcasting stations or
10 networks for the production of programming or for other
11 services to those stations or networks, or funds provided
12 to stations under this chapter. Interest income generated
13 from any source may be included in “nonfederal financial
14 support.”

15 8843. For purposes of this article, “station” or “public
16 broadcasting station” means any eligible radio or
17 television station.

18 8844. (a) Recognizing the necessity of converting
19 California stations to the technologies of digital
20 broadcasting ~~and the continuing need for replacement of~~
21 ~~broadcasting equipment~~, the Legislature intends that
22 funds may be appropriated ~~as necessary~~ to the Office of
23 Emergency Services for the purchase of equipment by
24 eligible stations, the installation of that equipment, or
25 purchase of other materials related to that equipment,
26 pursuant to this article.

27 (b) The office shall solicit applications for grant funds
28 from eligible stations throughout the state, and shall
29 allocate funds appropriated pursuant to subdivision (a) as
30 follows:

31 (1) Seventy-five percent of any equipment purchase
32 funds appropriated pursuant to subdivision (a) shall be
33 placed in an equipment grant pool for eligible television
34 stations, and 25 percent shall be placed in an equipment
35 grant pool for eligible radio stations.

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

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

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

5 (2) If any funds remain in either grant pool because of
6 the limitations set forth in paragraph (1), the remaining
7 funds shall be returned to the same pool for distribution
8 to other stations that have raised the required matching
9 funds, in amounts proportionate to the nonfederal
10 financial support of those stations.

11 8846. It is the intent of the Legislature that any funds
12 provided to stations under this article shall supplement,
13 rather than supplant, funds provided from other sources.
14 To that end, institutions that have heretofore provided
15 funding to stations licensed to them shall certify, in
16 applying for grants, that they have not previously and will
17 not in the future use funds provided under this chapter
18 to supplant institutional support of their stations.

19 SEC. 3. The sum of ~~twenty-five million dollars~~
20 ~~(\$25,000,000)~~ *five million dollars (\$5,000,000)* is hereby
21 appropriated from the General Fund to the Office of
22 Emergency Services without regard to fiscal years for the
23 purposes of the grant program established pursuant to
24 Article 6 (commencing with Section 8840) of Chapter 10
25 of Division 1 of Title 2 of the Government Code, as added
26 by Section 2 of this act.

