

## Senate Bill No. 2012

### CHAPTER 1087

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.

[Approved by Governor September 30, 2000. Filed  
with Secretary of State September 30, 2000.]

I am signing Senate Bill 2012. However, I am reducing the appropriation from \$5 million to \$2 million.

This bill authorizes grants to public television stations and radio broadcast stations to be administered by the Office of Emergency Services (OES), to purchase and install digital broadcasting equipment. I sustained \$5 million in the 2000 Budget Act for this purpose, and I understand there is a \$5 million federal appropriation for this purpose pending congressional action.

Therefore, I am reducing the appropriation contained in this bill to \$2 million in anticipation of approval of federal funds to facilitate the conversion to digital broadcasting.

GRAY DAVIS, Governor

#### LEGISLATIVE COUNSEL'S DIGEST

SB 2012, 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 \$5,000,000 from the General Fund to the office for the purposes of the bill.

Appropriation: yes.

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

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

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

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

(c) The Office of Emergency Services has been directed by the Legislature to provide timely and current emergency information to the deaf, hearing-impaired, and non-English-speaking public, and to this end is committed to making information available to broadcasters that can be converted efficiently to captioning, and has cooperated in the establishment of many communication programs, including, but not 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 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 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.

8841. For purposes of this article, “eligible television station” means a television station that, at the time of applying for a grant under this article, unless another time is specified, meets all of the 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 a permanent agreement with the Office of Emergency Services to dedicate, as necessary, a broadcast channel for the provision of emergency information, to 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.

(c) At the time of disbursement of the funds, it certifies in writing by the station manager or an officer of the licensee that it has in its public file a plan to address the needs of significant linguistic minorities in its service area.

8842. For the purposes of this 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 programming or for other services to those stations or networks, or funds provided to stations under this chapter. Interest income generated from any source may be included in “nonfederal financial support.”

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

8844. (a) Recognizing the necessity of converting California stations to the technologies of digital broadcasting, the Legislature intends that funds may be appropriated to the Office of Emergency Services for the purchase of equipment by eligible stations, the installation of that equipment, or purchase of other materials related to that equipment, pursuant to this article.

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

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

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

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

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

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

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

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

