

By: Representative Franks

To: Appropriations

HOUSE BILL NO. 1416

1 AN ACT TO CREATE THE "NOTIFICATION OF PUBLIC FUNDS USED IN
2 THE MEDIA ACT"; TO PROVIDE THE PURPOSE FOR SUCH ACT; TO REQUIRE
3 THAT ALL NOTICES, ADVERTISEMENTS, OR ANNOUNCEMENTS DESIGNED TO
4 ACCOMPLISH DISTRIBUTION OF VITAL INFORMATION PAID FOR IN PART OR
5 WHOLE THROUGH PUBLIC FUNDS AND DISTRIBUTED THROUGH THE MEDIA
6 CONTAIN CERTAIN PHRASES; TO PROVIDE A FORMULA FOR ALLOTMENT OF
7 PUBLIC FUNDS TO VARIOUS MEDIA OUTLETS; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** This act shall be known as the "Notification of
10 Public Funds Used in the Media Act."

11 **SECTION 2.** (1) The Legislature of the State of Mississippi
12 acknowledges the role that the media in its various forms has
13 served and is serving in distributing to the citizens of
14 Mississippi vital information through advertising concerning
15 governmental services, rules, regulations, laws, and their
16 enforcement and application; and particularly acknowledges and
17 appreciates the role that Mississippi Public Broadcasting plays in
18 distributing vital information at all times and in particular
19 during crisis. It is the Legislature's intent to ensure that such
20 information reaches as many Mississippians as possible and it is
21 the Legislature's intent that the expenditure of public funds for
22 this purpose be accomplished in as efficient, effective and
23 equitable a manner as possible. The Legislature recognizes the
24 forms of media outlets currently being used to distribute such
25 vital information through advertising as being public
26 broadcasting, newspapers, television, radio, magazines, and
27 electronic media, hereafter referred to as "media."

28 THEREFORE, In order that the public be made aware of the
29 participation of the media in the distribution of such vital

30 information, the Legislature hereby establishes requirements for
31 the allotment of public funds for the purpose of distributing
32 vital information to as many Mississippians as possible.

33 **SECTION 3.** (1) All notices, advertisements, or
34 announcements designed to accomplish distribution of vital
35 information paid for in part or whole through public funds and
36 distributed through the media shall contain the phrase "This
37 advertisement is paid for by the taxpayers of Mississippi."

38 (2) (a) Print media outlets receiving taxpayer money as
39 described herein shall advertise during the month of August
40 annually the total amount of taxpayer money received by such media
41 outlet for the twelve (12) months preceding August.

42 (b) Broadcast and electronic media receiving taxpayer
43 money shall advertise to the public daily and during prime time in
44 the month of August annually the total amount of taxpayer money
45 received by such media outlet for the twelve (12) months preceding
46 August.

47 **SECTION 4.** All notices, advertisements, or announcements
48 designed to accomplish distribution of vital information paid for
49 wholly or in part through state taxpayer funds and distributed
50 through the media shall be placed according to a formula based
51 upon the following criteria:

52 (a) Outlets of the Mississippi Public Broadcasting
53 System shall receive twenty percent (20%) of all expenditures
54 allotted for any advertising campaign undertaken by any entity
55 funded in whole or in part by the taxpayers of Mississippi,
56 including, but not limited to, state agencies, boards and
57 commissions, counties, municipalities and all legally recognized
58 political subdivisions within the state. All distribution of
59 information undertaken by the Mississippi Broadcasting System
60 under these requirements shall conform to the accepted standards
61 of information distribution common to public media.

62 (b) Media outlets, other than outlets of the
63 Mississippi Public Broadcasting System, shall receive placement of
64 such notices through the following method of distribution and
65 based upon commonly accepted boundaries of distribution:

66 (i) Newspapers. Newspapers demonstrating
67 established market reach through verifiable and auditable
68 circulation numbers shall receive twenty-five percent (25%) of all
69 expenditures allotted for distribution of vital information as
70 described in this act, and such expenditures to the individual
71 newspapers shall be determined and prorated based upon the
72 verifiable and auditable share of total circulation within the
73 individual counties. This requirement does not replace the
74 requirements and systems currently in place regarding legal
75 notices in the newspapers.

76 (ii) Radio. Radio stations demonstrating
77 established market reach through verifiable and auditable market
78 share information as recorded through reputable and established
79 rating services shall receive twenty percent (20%) of all
80 expenditures allotted for such distribution of vital information
81 as described in this act, and such expenditures to the individual
82 stations shall be determined and prorated based upon the
83 verifiable and auditable share of total market reach within the
84 individual counties.

85 (iii) Television. Television stations and
86 television cable outlets demonstrating established market reach
87 through verifiable and auditable market share information as
88 recorded through reputable and established rating services shall
89 receive twenty percent (20%) of all expenditures allotted for
90 such distribution of vital information as described in this act,
91 and such expenditures to the individual stations shall be
92 determined and prorated based upon the verifiable and auditable
93 share of total market reach within the individual demonstrated
94 market reach area of the station or cable outlet.

95 (iv) Magazines. Magazines demonstrating
96 established market reach through verifiable and auditable
97 circulation numbers shall receive ten percent (10%) of all
98 expenditures allotted for such distribution of vital information,
99 and such expenditures to the individual magazines shall be
100 determined and prorated based upon the verifiable and auditable
101 circulation numbers within the counties. If no magazine exists
102 which meets the criteria stated above, the portion of those funds
103 so allotted shall be distributed among the other media outlets
104 equally.

105 (v) Electronic media. Electronic media
106 demonstrating established market reach through verifiable and
107 auditable circulation numbers shall receive five percent (5%) of
108 all expenditures allotted for such distribution of vital
109 information, and such expenditures to the individual electronic
110 media outlets shall be determined and prorated based upon the
111 verifiable and auditable circulation numbers within the counties.
112 If no electronic media exists which meets the criteria stated
113 above, the portion of those funds so allotted shall be distributed
114 equally among the other media outlets.

115 Provisions of this act do not apply to the placement of
116 advertisements in national media outlets to recruit economic
117 development or to promote tourism in the state.

118 **SECTION 5.** This act shall be in force from and after July 1,
119 2006.