

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.