

HOUSE BILL No. 4445

March 14, 1989, Introduced by Rep. Jacobetti and referred to the Committee on Appropriations.

A bill to establish the Michigan public broadcasting development fund; to establish the public broadcasting council for Michigan; to provide for grants to public broadcasting television and radio stations; to prescribe certain conduct relative to public broadcasting television and radio stations that receive grants; to prescribe the powers and duties of certain state departments; and to provide for an appropriation.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Corporation for public broadcasting" means the corpora-
3 tion created under 47 U.S.C. 396.

4 (b) "Council" means the public broadcasting council for
5 Michigan created in section 7.

6 (c) "Fund" means the Michigan public broadcasting
7 development fund created in section 2.

1 (d) "Interconnection" means the use of microwave equipment,
2 boosters, translators, repeaters, communication space satellites,
3 or other apparatus or equipment for the transmission and distri-
4 bution of television or radio programs to public broadcasting
5 television or radio stations.

6 (e) "Nongovernment financial support" means the income
7 received by a public broadcasting television or radio station
8 from nonfederal and nonstate sources as reported to the corpora-
9 tion for public broadcasting. Nongovernment financial support
10 includes, but is not limited to, income received by a public
11 broadcasting television or radio station from foundations, busi-
12 ness and industry, memberships, special fund-raising projects, or
13 auctions.

14 (f) "MCPB" means the Michigan corporation for public
15 broadcasting.

16 (g) "Public broadcasting radio station" means a Michigan
17 owned public broadcasting radio station operating in Michigan and
18 qualified with the corporation for public broadcasting.

19 (h) "Public broadcasting television station" means a
20 Michigan owned public broadcasting television station operating
21 in Michigan and qualified with the corporation for public
22 broadcasting.

23 Sec. 2. The Michigan public broadcasting development fund
24 is established as a revolving fund in the state treasury for the
25 exclusive use of public broadcasting television and radio
26 stations. The fund shall be administered by the department of
27 management and budget and shall be used to enhance public

1 broadcasting capabilities that will provide, improve, and promote
2 economic, cultural, and educational benefits for the people of
3 this state.

4 Sec. 3. The legislature annually shall appropriate from the
5 general fund to the Michigan public broadcasting development fund
6 a sum sufficient to carry out the purposes of this act.

7 Sec. 4. (1) The fund shall be composed of 3 accounts
8 including 1 account for public broadcasting television stations,
9 1 account for public broadcasting radio stations, and 1 program
10 account. Of the money appropriated under section 3, 60% shall be
11 allocated to the account for public broadcasting television sta-
12 tions, 30% shall be allocated to the account for public broad-
13 casting radio stations, and 10% shall be allocated to the program
14 account.

15 (2) Sixty percent of the money in both the public broadcast-
16 ing television station account and the public broadcasting radio
17 station account shall be allocated for base operating grants.
18 Forty percent of the money in both the public broadcasting tele-
19 vision station account and the public broadcasting radio station
20 account shall be allocated for incentive grants.

21 Sec. 5. (1) Each public broadcasting television station
22 shall receive annually a base operating grant from the public
23 broadcasting television station account. The amount of each base
24 operating grant awarded under this subsection shall equal the
25 money available for base operating grants under section 4(2)
26 divided by the number of public broadcasting television
27 stations.

1 (2) Each public broadcasting radio station shall receive
2 annually a base operating grant from the public broadcasting
3 radio station account. The amount of each base operating grant
4 awarded under this subsection shall equal the money available for
5 base operating grants under section 4(2) divided by the number of
6 public broadcasting radio stations.

7 Sec. 6. (1) Incentive grants to improve the capabilities of
8 all public broadcasting television and radio stations shall be
9 awarded to qualified stations under subsections (2) and (3). An
10 incentive grant shall be used by the public broadcasting televi-
11 sion or radio station for innovative programming, capital outlay,
12 statewide interconnections, program productions, and general
13 operations.

14 (2) A public broadcasting television station shall receive
15 annually an incentive grant equal to the money available for
16 incentive grants under section 4(2) multiplied by the nongovern-
17 ment financial support received by the station in the previous
18 fiscal year divided by the total amount of nongovernment finan-
19 cial support received by all the public broadcasting television
20 stations in the previous fiscal year.

21 (3) A public broadcasting radio station shall receive annu-
22 ally an incentive grant equal to the money available for incen-
23 tive grants under section 4(2) multiplied by the nongovernment
24 financial support received by the station in the previous fiscal
25 year divided by the total amount of nongovernment financial sup-
26 port received by all the public broadcasting radio stations in
27 the previous fiscal year.

1 Sec. 7. (1) The public broadcasting council for Michigan is
2 created within the department of management and budget. The
3 council shall consist of 11 members appointed by the governor
4 with the advice and consent of the senate as follows:

5 (a) Three persons to be selected from a list of nominees
6 selected by the MCPB.

7 (b) Eight persons selected from the general public which
8 shall include persons who represent the cultural arts, education,
9 business, labor, and the field of communication technologies.

10 (2) Except as otherwise provided in this subsection, a
11 member of the council shall serve for a term of 3 years. Of the
12 members first appointed, 4 members shall have a term of 3 years,
13 4 members shall have a term of 2 years, and 3 members shall have
14 a term of 1 year.

15 (3) Vacancies in the council's membership shall be filled in
16 the same manner as the original appointment, for the unexpired
17 term.

18 (4) The governor shall designate annually a council member
19 to serve as chairperson of the council.

20 Sec. 8. (1) The council shall hold regularly scheduled
21 meetings and the business of the council shall be conducted at a
22 public meeting held in compliance with the open meetings act, Act
23 No. 267 of the Public Acts of 1976, being sections 15.261 to
24 15.275 of the Michigan Compiled Laws. Public notice of the time,
25 date, and place of the meeting shall be given in the manner
26 required by Act No. 267 of the Public Acts of 1976.

1 (2) A writing prepared, owned, used, in the possession of,
2 or retained by the council in the performance of an official
3 function shall be made available to the public in compliance with
4 the freedom of information act, Act No. 442 of the Public Acts of
5 1976, being sections 15.231 to 15.246 of the Michigan Compiled
6 Laws.

7 (3) A quorum of the council shall consist of 6 members.

8 (4) No member of the council shall be entitled to per diem
9 compensation but each member of the council shall be entitled to
10 actual and necessary travel expenses and other expenses incurred
11 in the performance of official duties under this act.

12 Sec. 9. The council shall:

13 (a) Hold meetings at least twice a year.

14 (b) Distribute program grants as provided in section 10.

15 (c) Report annually to the governor and the senate and house
16 appropriations committees. The report shall include the
17 following:

18 (i) The programs and program projects agreed upon by the
19 council and the MCPB under section 11.

20 (ii) The public broadcasting television and radio stations
21 that received a program grant, the amount of the grant, and the
22 program or program project for which a grant was received.

23 Sec. 10. The council shall distribute grants from the pro-
24 gram account fund to public broadcasting television and radio
25 stations for programs and program projects selected from the list
26 of programs and program projects agreed upon by the council and
27 the MCPB under section 11. Subject to the limitations provided

1 in section 12, the council shall not award a grant under this
2 section unless the program or program project meets both of the
3 following criteria:

4 (a) Is unique and innovative and fulfills a demonstrative,
5 identifiable need for the state.

6 (b) Would not be able to be presented or would not be able
7 to be presented in full without a program grant.

8 Sec. 11. The MCPB shall annually prepare a list of programs
9 and program projects for the council to review in determining
10 program grants under section 10. The council may accept or
11 reject all or any part of the list prepared by the MCPB. Program
12 grants shall not be distributed under section 10 until the coun-
13 cil and the MCPB agree on a list of programs and program projects
14 that are qualified and deserving of a program grant.

15 Sec. 12. Notwithstanding any other provision of this act, a
16 public broadcasting television or radio station shall not receive
17 in any year grants under this act which have a total dollar
18 amount greater than 1/2 of its actual operating cost for the pre-
19 vious fiscal year. Money in the fund not distributed to a public
20 broadcasting television or radio station because of this section
21 shall be distributed to the remaining qualified public broadcast-
22 ing television or radio stations under section 6(2) or (3).

23 Sec. 13. A public broadcasting television or radio station
24 licensee applying for a grant under this act shall certify to the
25 house and senate committees on appropriations both of the
26 following:

1 (a) That a grant provided under this act shall not supplant
2 or be used to reduce any other sources of funding for the
3 station.

4 (b) That a grant provided under this act will be used for
5 the benefit of the station and not for general institutional
6 overhead expenses of a parent organization.

7 Sec. 14. A public broadcasting television or radio station
8 receiving a grant under this act shall not provide preferential
9 treatment to any public official or figure based on his or her
10 support or opposition to public financing and shall carry out
11 station purposes, functions, and activities in such a manner as
12 to insure against interference with or control of the station's
13 program content or other activities.

14 Sec. 15. A public broadcasting television or radio station
15 receiving a grant under this act shall afford a reasonable oppor-
16 tunity for the discussion of conflicting views on issues of
17 public importance.