

MEMORANDUM

TO: Representative Phyllis Kahn
FROM: Tom Hanson
DATE: March 27, 2013
RE: Ampers Legacy Request

As you requested, here is our Legacy request in the form of legislative language.

Appropriation Language: This language is similar to the language used in the Legacy Finance Bill passed for the 2010-2011 Biennium. The italics represent the only change from the 2009 Appropriation language. Please note that the Legacy Finance Bill in 2011 did not contain appropriation language for Ampers due to the competitive bidding language.

(e) Association of Minnesota Public Educational Radio Stations. \$2,230,000 the first year and \$2,230,000 the second year are appropriated for a grant to the Association of Minnesota Public Educational Radio Stations and its member stations for production and acquisition grants. *The Association of Minnesota Public Educational Radio Stations as well as its member stations are eligible to receive production and acquisition grant funding.*

Policy Language: Here is a technical policy language change that would make Ampers (the association itself in addition to its member stations) eligible to receive legacy funds. Ampers have received funds the last two biennia but the Department of Administration recently decided that the appropriation and statutory language do not allow Ampers to receive these funds. Ampers produces programming that is heard on all of its member stations.

83.27 Sec. 7. [129D.19] ASSOCIATION OF MINNESOTA PUBLIC EDUCATIONAL
83.28 RADIO STATIONS CULTURAL AND HERITAGE PRODUCTION AND
83.29 ACQUISITION GRANTS.
83.30 Subdivision 1. Applicability. This section applies only to [the Association of](#)

[Minnesota Public Educational Radio Stations and the](#) noncommercial radio

83.31 stations that are members of the Association of Minnesota Public Educational Radio

83.32 Stations.

83.33 Subd. 2. **Use of grant funds.** Money appropriated from the Minnesota arts and

83.34 cultural heritage fund may be designated to make grants to [the Association of Minnesota Public Educational Radio Stations and its member stations](#), noncommercial radio stations,

84.1 as defined in section 129D.14, subdivision 2. Grants received under this section must be

84.2 used to create, produce, acquire, or distribute programs that educate, enhance, or promote

84.3 local, regional, or statewide items of artistic, cultural, or historic significance. Grant funds

84.4 may be used to cover any expenses associated with the creation, production, acquisition,

84.5 or distribution of noncommercial radio programs through broadcast.

84.6 Subd. 3. **Administration.** Money appropriated under this section must be used by

84.7 the commissioner of administration to make grants based upon the recommendations of

84.8 the Association of Minnesota Public Educational Radio Stations.

84.9 Subd. 4. **Conditions.** (a) A noncommercial radio station receiving funds

84.10 appropriated under this section must:

84.11 (1) make programs produced with these funds available for broadcast to all other

84.12 noncommercial radio stations eligible to receive grants under this section;

84.13 (2) offer free public performance rights for public educational institutions;

84.14 (3) archive programs produced with these funds and make the programs available

84.15 for future use through encore broadcast or other distribution, including online; and

84.16 (4) ensure that underwriting credit is given to the Minnesota arts and cultural

84.17 heritage fund.

84.18 (b) Programs produced in partnership with other mission-centered nonprofit

84.19 organizations may be used by the partnering organization for their own educational or

84.20 promotional purposes.

84.21 Subd. 5. **Reporting.** A noncommercial radio station receiving funds appropriated

84.22 under this section must report annually by January 15 to the commissioner and the chairs

84.23 and ranking minority members of the senate and house of representatives committees and

84.24 divisions having jurisdiction over arts and cultural heritage policy and finance regarding

84.25 how the previous year's grant funds were expended. This report must contain specific

84.26 information for each program produced and broadcast, including the cost of production,

84.27 the number of stations broadcasting the program, estimated number of listeners, and

84.28 other related measures. If the programs produced include educational material, the

84.29 noncommercial radio station must report on these efforts.