

Legislative Analysis



MEDIA RIGHTS IN PUBLICLY-FINANCED SPORTS FACILITIES

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House Bill 6465 (Substitute H-1)

Sponsor: Rep. Leon Drolet

Committee: Government Operations

First Analysis (12-07-06)

BRIEF SUMMARY: In general, the bill is designed to protect the right of members of the media to take photos or film video from the sidelines during sporting events in publicly-financed sports facilities.

FISCAL IMPACT: The bill would have no cost to the state but could result in costs to counties if there are additional lawsuits resulting from the bill.

THE APPARENT PROBLEM:

The National Football League reportedly banned local television stations from filming on the sidelines during football games in early 2006. Similar restrictions may also be in effect at other sporting events held in publicly-financed stadiums. Some people believe that if the stadiums in which the games are played were built with public money, members of the media should be able to report from the sidelines during the games.

THE CONTENT OF THE BILL:

In general, the bill is designed to protect the right of members of the media to take photos or film video from the sidelines at sporting events in publicly-financed sports facilities.

The bill would amend the law governing sports stadiums and conference facilities, Public Act 180 of 1991 (MCL 207.757a), to add a new provision pertaining to entities owning, operating, or leasing a sports stadium for which 20 percent or more of the construction costs of the stadium were derived from state or local taxes. Such an entity would be barred from prohibiting members of the press from reasonable access to the sidelines of the playing area to obtain photographic or video coverage of a sporting event open to the public. On the other hand, the owner, leaseholder, or operator of the facility would still be able to enforce reasonable rules to preserve health, safety, and orderly use of the facility.

The bill would create a cause of action for members of the press who are wrongly denied access to the sidelines to sue for injunctions, actual damages, costs, and attorney fees.

BACKGROUND INFORMATION:

At a meeting in early 2006, the National Football League reportedly adopted a new policy called the "Broadcast Cooperation Resolution" that prohibits local television affiliates from filming from the sidelines during any NFL game, preventing them from capturing game action images to show on news and highlight shows. They would, instead, have to rely solely on footage provided by network feeds or from the NFL. Similar bans may also exist for other

sporting events such as National Hockey League games and the NCAA basketball Final Four games.

House Bills 6466, 6465 (concerning the right of patrons attending sporting events in publicly-financed sports facilities to carry or display signs) and 6467 (concerning Sunday morning alcohol sales) have been referred to by their sponsor as a "Fan Bill of Rights" package.

ARGUMENTS:

For:

If a stadium in which a sporting event takes place was built with public money, television journalists should *not* be restricted from taking photographs or filming during the games.

Television journalists contend that the NFL restrictions forcing them to rely on network or official NFL footage for game coverage makes it hard for them to cover and report games from a local perspective. Local journalists may wish to film different players or focus on different aspects of games than do national journalists or NFL cameramen. The new NFL policy, and similar policies regarding other sporting events, limits their ability to do so. Although the new NFL policy brought this issue to public attention, overly restrictive policies exist in other sports as well. The bill would guarantee access in all facilities that were built in significant part with public funds.

Major sporting events are legitimate news events that warrant objective coverage by local media. If sporting events occur in a publicly-funded facility, local media should have the opportunity to cover the events and not rely on other sources for all of their content. Freedom of speech and freedom of the press are among the most basic of American liberties. This bill would protect the rights of the media and fans at facilities paid for by tax dollars.

Against:

Reportedly, the NFL policy was designed to prevent local television stations from posting game footage on their websites and to remove some of the congestion on the sidelines. Local television stations are still able to show game highlights obtained from network feeds or the NFL.

POSITIONS:

American Civil Liberties Union of Michigan is in support of the bill. (12-05-06)

Michigan Association of Broadcasters is in support of the bill. (12-05-06)

WLNS-TV, Lansing, Michigan, is in support of the bill. (12-07-06)

WXYZ-TV, Detroit, Michigan, is in support of the bill. (12-07-06)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.