

SENATE BILL NO. 40

INTRODUCED BY J. SESSO

BY REQUEST OF THE LEGISLATIVE COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO THE LEGISLATIVE BROADCASTING SERVICES; AMENDING SECTIONS 5-11-1101, 5-11-1102, AND 5-11-1111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 5-11-1101, MCA, is amended to read:

"5-11-1101. Legislative findings and purpose. The legislature finds and declares that:

(1) the purpose of a state-funded public affairs broadcasting program is to provide Montana citizens with increased access to unbiased information about state government deliberations and public policy events through unedited television coverage and other communications technologies; and

(2) ~~the most efficient and effective~~ preferred means of establishing and maintaining a state-funded public affairs broadcasting program is to assign the enabling responsibilities to the legislative council and ~~require~~ the division to contract with a qualified operator through a competitive bidding process. If a qualified operator is not found, the division may become the operator and operate within the existing appropriation UNTIL A QUALIFIED OPERATOR IS HIRED UNDER A SUBSEQUENT REQUEST FOR PROPOSALS. THE DIVISION MAY NOT BE THE SOLE OPERATOR ON A PERMANENT BASIS BUT SHALL SEEK TO MAINTAIN A PARTNERSHIP WITH AN OUTSIDE OPERATOR. THE DIVISION SHALL ISSUE A REQUEST FOR PROPOSALS BEFORE THE END OF ANY BIENNIUM DURING WHICH THE DIVISION SERVES AS A TEMPORARY OPERATOR. ANY SCORING AND REVIEW TEAM FOR THE REQUESTED PROPOSALS MUST INCLUDE A MEMBER OF THE MAJORITY PARTY AND A MEMBER OF THE MINORITY PARTY WHO ARE MEMBERS OF THE LEGISLATIVE COUNCIL."

Section 2. Section 5-11-1102, MCA, is amended to read:

"5-11-1102. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Broadcasting" means any application of communication technologies to deliver live or delayed programming to a viewing audience, including but not limited to over-the-air television broadcasts, cable



1 television, and the streaming of audio or video signals over the internet.

2 (2) "Division" means the legislative services division provided for in 5-11-111.

3 (3) "Gavel-to-gavel coverage" means that any broadcast of legislative or administrative proceedings is
4 activated when the presiding officer of a floor session or a committee meeting calls the body to order and is
5 deactivated on adjournment.

6 (4) "Operator" means:

7 (a) a private, nonprofit organization exempt from taxation under section 501(c) of the Internal Revenue
8 Code; or

9 (b) a public or private Montana institution of higher education that has a program related to video
10 production or broadcast or a related field."

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12 **Section 3.** Section 5-11-1111, MCA, is amended to read:

13 **"5-11-1111. State government broadcasting -- structure and governance.** (1) There is a state
14 government broadcasting service administered by the division. The division shall:

15 (a) develop and issue a request for proposals for the production of gavel-to-gavel coverage of legislative
16 and administrative proceedings as well as other public affairs programming that is approved by the legislative
17 council;

18 (b) evaluate proposals and, on the basis of selection criteria established by the division and if an
19 acceptable proposal is received, execute a contract for services with the most qualified operator; and

20 (c) ~~cooperate~~ coordinate with executive branch and judicial branch officials to facilitate broadcast
21 coverage of state government activities and events that are pertinent to the purpose set forth in 5-11-1101.

22 (2) The legislative council shall assist the division in exercising oversight of the contract with the operator
23 to ensure that broadcasts conform with the following principles of good conduct:

24 (a) Programming must be fair, accurate, and balanced without regard to partisanship or ideology.

25 (b) Programming must be scheduled in a manner that acknowledges the importance of timeliness in the
26 delivery of information.

27 (c) Issue coverage and the scheduling of broadcasts must reflect a thoughtful balance of subject areas,
28 geographic sensitivities, and attention to the various committees and other deliberative bodies engaged in the
29 legislative process.

30 (d) Programming must always be intended to increase public understanding of both the substantive

1 issues and the processes by which the legislature and other bodies seek to resolve problems, address
2 challenges, and seize opportunities for the public good.

3 (e) Programming must include each branch of government to the extent possible.

4 (f) Production values must be of the highest attainable quality to accurately convey the genuine pace
5 and tenor of governmental activity.

6 (g) Camera angles, shot selection, graphic subtitling, and other aspects of broadcast style and
7 audiovisual content are subject to guidance and monitoring by the division to ensure impartiality and respect for
8 the decorum of the legislature and other governmental institutions.

9 (3) The division is responsible for ensuring that the audio and video components of the broadcasting
10 service are maintained in good working order.

11 (4) Operations and maintenance of the cameras, cabling, wiring, electronics, recording equipment, and
12 associated information technology in the capitol and the broadcast production facility are the responsibility of the
13 ~~operator or contractor that the division selects, as provided in subsection (1)(b), under the direction of the division.~~
14 The operator, ~~the contractor~~ other contractors, if any, the division, and the department of administration shall
15 cooperate with each other to ensure broadcast system reliability.

16 (5) The division shall develop and implement a plan to provide the maximum attainable transmission or
17 distribution of broadcasts. The division may enter into agreements with one or more Montana public television
18 organizations, telecommunications firms, nonprofit organizations, or state telecommunications networks for
19 transmission or distribution of broadcasts."

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21 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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