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As of: July 30, 2012 (2:40pm)

LCLC04

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act revising the laws regarding legislative broadcasting and television Montana; and amending sections 5-7-103, 5-11-1101, 5-11-1102, 5-11-1111, and 5-11-1112, MCA."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 5-7-103, MCA, is amended to read:

"5-7-103. Licenses -- fees -- eligibility -- waiver. (1)

Any adult of good moral character who is otherwise qualified under this chapter may be licensed as a lobbyist. The commissioner shall provide a license application form. The application form may be obtained from and must be filed in the office of the commissioner. Upon approval of the application and receipt of the license fee by the commissioner, a license must be issued that entitles the licensee to practice lobbying on behalf of one or more enumerated principals. The license fee is \$150 for each lobbyist except as provided in subsection (5) or unless the fee is waived for hardship reasons under this subsection. Each license expires on December 31 of each even-numbered year or may be terminated at the request of the lobbyist. A lobbyist who believes that payment of the license fee may constitute a hardship may apply to the commissioner for a waiver of the fee

required by this section. The commissioner may waive all or a portion of the license fee upon proof by the lobbyist that payment of the fee constitutes a hardship.

(2) (a) Except as provided in subsection (2)(b), an application may not be disapproved without affording the applicant a hearing. The hearing must be held and the decision entered within 10 business days of the date of the filing of the application, excluding the date on which the application is filed.

(b) An application may not be approved if a principal has failed to file reports required under 5-7-208.

(3) The fines collected under this chapter must be deposited in the state treasury.

(4) The commissioner shall deposit the license fee provided for in subsection (1) as follows:

(a) \$50 in the general fund; and

(b) \$100 in the state special revenue account provided for in 5-11-1112.

(5) A lobbyist who receives payments from one or more principals that total less than the amount specified under 5-7-112 in a calendar year is not required to pay the license fee or file an application form as provided for in subsection (1).

(6) The commissioner may adopt rules to implement the waiver provisions of subsections (1) and (5)."

{Internal References to 5-7-103:

5-7-112 x 5-7-301 x 5-11-1112 a }

Section 2. 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 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."

{ *Internal References to 5-11-1101:*
5-11-1111 }

Section 3. 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 television, and the streaming of ~~compressed~~ audio or video signals over the internet.

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

(3) "Gavel-to-gavel coverage" means that any ~~camera that is~~

~~used to capture and transmit broadcast of legislative or administrative proceedings is activated when the presiding officer of a floor session or committee calls the meeting to order and is deactivated on adjournment.~~

(4) "Operator" means a private, nonprofit organization exempt from taxation under section 501(c) of the Internal Revenue Code."

{Internal References to 5-11-1102: None.x}

Section 4. Section 5-11-1111, MCA, is amended to read:

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

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

(b) evaluate proposals and, on the basis of selection criteria established by the division, execute a contract for services with the most qualified operator; and

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

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

conduct:

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

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

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

(d) Programming must always be intended to increase public understanding of both the substantive issues and the processes by which the legislature and other bodies seek to resolve problems, address challenges, and seize opportunities for the public good.

(e) Programming must ~~reflect the importance of~~ include each branch of government to the extent possible.

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

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

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

(4) Operations and maintenance of the cameras, cabling, wiring, electronics, recording equipment, and associated computer information technology in the capitol and the ~~adjacent~~ broadcast production facility are the responsibility of the **operator** that the division selects, as provided in subsection (1)(b). However, the division and the department of administration shall cooperate with the operator to ensure broadcast system reliability.

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

{*Internal References to 5-11-1111: None.x*}

Section 5. Section 5-11-1112, MCA, is amended to read:

"5-11-1112. State government broadcasting account. (1) There is a state government broadcasting account in the state special revenue fund provided for in 17-2-102.

(2) There must be deposited in the account:

(a) **the portion of the lobbyist license fee provided for in 5-7-103 (4) (b) ;**

(b) any gift, donation, grant, legacy, bequest, or devise made for the purposes of this part;

(c) interest or other income earned on the money in the

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account.

(3) Money in the account is available to the division by appropriation and must be used for the development, operation, and maintenance of a state government broadcasting service as provided for in this part."

{ *Internal References to 5-11-1112:*
5-7-103a }

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