

## **Media Access to Chamber Floors and Hearing Rooms**

Prepared for the Montana Legislative Council  
By Susan Byorth Fox, Legislative Services Division  
May 2010

The Legislative Council expressed its desire to continue the practice of allowing access to media representatives as it values the press and its role in informing the public of legislative actions and seeks to provide more structure in how access is granted. Legislative rules currently allow representatives of the media to be present on the floor of the House and Senate and in committee rooms. The only limitations have been a requirement to be accredited for access to the floor and that committee presiding officers may designate an area in committee rooms for the media's equipment. Testimony was received regarding a limited number of concerns involving representatives of media and access to the House and Senate Chambers. There are no current concerns regarding media presence in committee hearing rooms.

This document provides information and a proposal for Legislative Council consideration and includes Legislative rules that may need to be amended and a proposed process. The proposal would provide a process for the House and Senate to approve who may be an accredited members of the media for purposes of the privilege of being in the House and Senate chambers during floor sessions. The process would also assist the Department of Administration who provides the identification badges.

### **Issues and Options**

In the past, access was granted to traditional members of the print and broadcast media. Currently the Department of Administration creates the badges for press, but would welcome any guidance or authorized signatures from legislative leaders to guide them. This would require the Legislative Council to designate an appropriate authority and to draft rules or guidelines for that authority. Based on the precaution not to discriminate (see attached legal memo) and with the advent of social media that has stretched the definition of journalist, it may not be advisable to make distinctions between traditional and nontraditional representatives, but to capture sufficient information about the media representative and to adopt rules to govern behavior. This would provide guidance for the sergeants-at-arms who provide security and provide notice up front of the expected behavior of someone who is allowed the privilege of attendance on a chamber floor. Some of the questions for the members to consider are:

- **Whom to accredit?** Traditional print and broadcast media, nontraditional media representatives, full-time, paid correspondents or allow free lance and interns? Do you want to credential individuals or organizations? Must they be independent of any government, industry, institution, association, lobbying or political organization that engages directly in lobbying or political activity?
- **Adopt standards, a form, or a process for accreditation?** Who does the Council want to charge with the responsibility of administering the process, the Chief Clerk of the House, the Secretary of the Senate, one of the Sergeant-at Arms, or the Legislative

- Information Officer (LIO)? What information is important to capture?
- **Amend Joint, House, or Senate Rules?**

### **Proposed Application for Accreditation for Access to the Floor.**

**Proposed Process:** A member of the news media (either as an individual or as chosen by a news organization) may apply for accreditation for access to the floor from the Legislative Information Officer (LIO). Once the information is complete, the member of the press submits the form to the LIO who will sign the form, go over the rules, provide the Media Guide, and refer the media representative to the General Services Division (GSD) of the Department of Administration. GSD will process the request and provide an identification badge. A suggestion is for the badge to be dated and issued for a two-year period. The LIO will compile and maintain a list and photographs of accredited members of the press for distribution to the Clerk, Secretary, Sergeants, and the LSD Facilities Manager. Once the media representative has a badge, the authority for enforcement of the policy and standards would be the responsibility of the Secretary, Chief Clerk, Sergeants, and leadership.

**Options:** Should the media representatives have to be independent of a government, industry, institution, association, lobbying or political organization that engages directly (or indirectly) in lobbying or political activity? For example, a newspaper may belong to the Montana Newspaper Association which lobbies. The reporter could be accredited for access to the floor, but the lobbyist could not. A distinction should be made regarding lobbying which is not permitted, and testifying on a bill. Testifying on a bill in front of a committee can be considered an individual's right to free speech, but different from lobbying a legislator on the chamber floor.

### **Proposed information to be obtained:**

- Name
- Employer/Organization and name of supervisor
- Name of Publication/media site and electronic address:
- Contact Information: address, email, office phone, cell phone
- Signature and agreement to abide by rules and standards of behavior
- Photograph (also copy to Legislative branch)

This information would assist the Sergeants and legislative staff in knowing who has access to the floor and would clearly set forth expectations for behavior. In addition, the information is helpful in the event of an emergency and to know who is working in the Capitol Building.

### **Proposed Standards:**

Access to the House and Senate Floor is a privilege that is governed by the Joint, House, and Senate Rules. The Presiding Officers may delegate authority to the (Chief Clerk, Secretary, Sergeants-at-arms) to determine the amount of media space, the placement of the media representatives, access to a chamber floor, and the expectations for decorum. Access may be limited to specified areas and when the limited space is occupied, access to the floor may be denied. The gallery is always open and some accommodations have been made. Photographers

may need some alternative arrangements and to coordinate their access with the sergeants. Decorum may be defined as behavior or activities on the chamber floor which demonstrate respect for the institution, the legislative process, and legislators' attention to the activities of the floor session. Inappropriate behavior will be cause for removal from the chamber floor and potential loss of privileges. Inappropriate behavior may include, but is not limited to, lobbying, interrupting a legislator or proceeding, loud use of communication devices, or inappropriate dress. Content of a media representative's coverage is not considered to be an issue of decorum.

## **Current Legislative Rules Governing Access of the Press and Proposed Changes**

### **JOINT RULE**

**10-50. Access of press and media representatives.** (1) Subject to the presiding officer's discretion on issues of decorum and order, an accredited press media representative may not be prohibited from photographing, televising, or recording a legislative meeting or hearing.

(2) The presiding officer shall authorize issuance of cards to media representatives to allow floor access, and media representatives holding the cards are subject to placement on the floor by the presiding officer. The presiding officer may administer this rule through the office of the Secretary of the Senate, Chief Clerk of the House, the respective Sergeant-at-Arms, or the Legislative Information Officer. This privilege may be revoked upon a violation of decorum and order agreed to by the media representative upon application for accreditation.

(3) Accredited media representatives may be subject to seating in designated areas. Overflow access will be in the gallery.

### **HOUSE RULES**

**H20-40. Admittance to the House floor.** (1) The following persons may be admitted to the House floor during a daily session: present and former legislators; legislative employees necessary for the conduct of the session; accredited news staff media representatives; and members' spouses and children. The Speaker may allow exceptions to this rule.

(2) Only a member may sit in a member's chair when the House is in session.

**H30-60. Public testimony.** (in part) (5) In any committee meeting, the use of cameras, television, radio, or any form of telecommunication equipment is allowed, but the chairman may designate the areas of the hearing room from which the equipment must be operated. Cell phone use is allowed only at the discretion of the chairman.

### **SENATE RULES**

**S10-50. Presiding officer and duties.** (in part) (4) The President has general control over the assignment of rooms for the Senate and shall preserve order and decorum. The President may order the galleries and lobbies cleared in case of disturbance or disorderly conduct.

~~(5) The President shall issue cards to the media to allow floor access, and reporters holding the cards are subject to placement on the floor by the President. The President may~~

~~administer this rule through the office of the Secretary of the Senate.~~

**S20-50. Floor privileges.** (in part) (1) When the Senate is in session no person is permitted in the chambers except:

- (a) legislators;
- (b) legislative officers and employees whose presence is necessary for the conduct of business of the session;
- (c) accredited ~~members of the news~~ representatives of the media; and
- (d) former legislators (not currently registered as lobbyists).

**S30-80. Public testimony.** (in part) (5) In any committee meeting, the use of cameras, television, radio, or any form of telecommunication equipment is allowed, but the chair may designate the areas of the hearing room from which the equipment must be operated. Cell phone use is at the discretion of the chair.