

By: Cain, Capriglione, Toth, Howard, Thierry,
et al.

H.B. No. 368

A BILL TO BE ENTITLED

AN ACT

relating to the use of legislatively produced audio or visual materials in political advertising.

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

SECTION 1. Section 306.005, Government Code, is repealed.

SECTION 2. Sections 306.006(a) and (g), Government Code, are amended to read as follows:

(a) A person may not use audio or visual materials produced by or under the direction of the legislature or of a house, committee, or agency of the legislature for a commercial purpose unless the legislative entity that produced the audio or visual materials or under whose direction the audio or visual materials were produced gives its permission for the person's commercial use and:

(1) the person uses the audio or visual materials only for educational or public affairs programming, including news programming~~[, that does not also constitute a use prohibited under Section 306.005]~~; or

(2) the person transmits an unedited feed of the audio or visual materials:

(A) to paid subscribers; or

(B) on an Internet website that is accessible to the public.

(g) In this section:

1 (1) "Commercial purpose" means a purpose that is
2 intended to result in a profit or other tangible benefit.

3 (2) "Visual materials" means photographic, video, or
4 other material containing a still or moving recorded image or
5 images [~~has the meaning assigned by Section 306.005~~].

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2019.