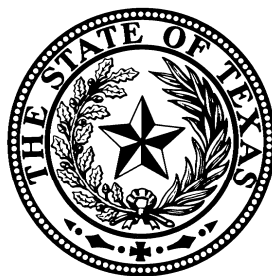


TEXAS ETHICS COMMISSION

CHAPTER 306, GOVERNMENT CODE

LEGISLATIVE INFORMATION



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CHAPTER 306, GOVERNMENT CODE
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CHAPTER 306. LEGISLATIVE INFORMATION

§ 306.001. Definition

In this chapter, "communication" includes conversation, correspondence, and electronic communication.

§ 306.002. Application

This chapter applies to records and communications collected and maintained by members of the legislature and the lieutenant governor on June 12, 1985, as well as to records made and communications received by those officials on or after that date.

§ 306.003. Confidential Records

- (a) Records of a member of the legislature or the lieutenant governor that are composed exclusively of memoranda of communications with residents of this state and of personal information concerning the person communicating with the member or lieutenant governor are confidential. However, the member or the lieutenant governor may disclose all or a part of a record to which this subsection applies, and that disclosure does not violate the law of this state.
- (b) The method used to store or maintain a record covered by Subsection (a) does not affect the confidentiality of the record.

§ 306.004. Public Disclosure Prohibited

- (a) To ensure the right of the citizens of this state to petition state government, as guaranteed by Article I, Section 27, of the Texas Constitution, by protecting the confidentiality of communications of citizens with a member of the legislature or the lieutenant governor, the public disclosure of all or part of a written or otherwise recorded communication from a citizen of this state received by a member or the lieutenant governor in his official capacity is prohibited unless:
 - (1) the citizen expressly or by clear implication authorizes the disclosure;
 - (2) the communication is of a type that is expressly authorized by statute to be disclosed; or
 - (3) the official determines that the disclosure does not constitute an unwarranted invasion of personal privacy of the communicator or another person.
- (b) This section does not apply to a communication to a member of the legislature or the lieutenant governor from a public official or public employee acting in an official capacity.
- (c) A member or the lieutenant governor may elect to disclose all or part of a communication to which this section applies, and that disclosure does not violate the law of this state.

§ 306.005. Use of Legislatively Produced Audio or Visual Materials in Political Advertising Prohibited

- (a) A person may not use audio or video materials produced by or under the direction of the legislature or of a house, committee, or agency of the legislature in political advertising.
- (b) After a formal hearing held as provided by Subchapter E, Chapter 571, the Texas Ethics Commission may impose a civil penalty against a person who violates this section. The amount of the penalty may not exceed \$5,000 for each violation.
- (c) Subsection (a) does not prohibit describing or quoting the verbal content of the audio or video materials in political advertising.
- (d) In this section, "political advertising" has the meaning assigned by Section 251.001, Election Code.

§ 306.006. Commercial Use of Legislatively Produced Audio or Visual Materials

- (a) A person may not use audio or video 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 video materials or under whose direction the audio or video materials were produced gives its permission for the person's commercial use and:
 - (1) the person uses the audio or video 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 to paid subscribers an unedited feed of the audio or visual materials.
- (b) A person who violates Subsection (a) commits an offense. An offense under this subsection is a Class C misdemeanor.
- (c) The legislative entity that produced the audio or video materials or under whose direction the audio or video materials were produced shall give its permission to a person to use the materials for a commercial purpose described by Subsection (a)(1) if the person or the person's representative submits to the legislative entity a signed, written request for the use that:
 - (1) states the purpose for which the audio or video materials will be used and the stated purpose is allowed under Subsection (a)(1); and
 - (2) contains an agreement by the person that the audio or visual materials will not be used for a commercial purpose other than the stated purpose.

- (d) The legislative entity is not required to give its permission to any person to use the materials for a purpose described by Subsection (a)(2) and may limit the number of persons to whom it gives its permission to use the materials for a purpose described in Subsection (a)(2).
- (e) Subsection (a) and an agreement under Subsection (c)(2) do not prohibit compiling, describing, quoting from, analyzing, or researching the verbal content of the audio or visual materials for a commercial purpose.
- (f) In addition to the criminal penalty that may be imposed under Subsection (b), the attorney general shall enforce this section at the request of the legislative entity by bringing a civil action to enjoin a violation of Subsection (a) or of an agreement under Subsection (c)(2).
- (g) In this section, "commercial purpose" means a purpose that is intended to result in a profit or other tangible benefit.

§ 306.007. Minutes and Reports Electronically Available to Legislature

A state officer or board, commission, or other agency in the executive branch of state government, and an agency in the judicial branch of state government other than a court, shall make reports required by law and minutes of meetings of the agency's governing body available to members of the legislature and to agencies in the legislative branch of state government in an electronic format determined by the Texas Legislative Council.