

1-1 By: Cain, et al. (Senate Sponsor - Hall) H.B. No. 368
1-2 (In the Senate - Received from the House April 23, 2019;
1-3 April 30, 2019, read first time and referred to Committee on State
1-4 Affairs; May 19, 2019, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 19, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9			X	
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the use of legislatively produced audio or visual
1-20 materials in political advertising.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 306.005, Government Code, is repealed.

1-23 SECTION 2. Sections 306.006(a) and (g), Government Code,
1-24 are amended to read as follows:

1-25 (a) A person may not use audio or visual materials produced
1-26 by or under the direction of the legislature or of a house,
1-27 committee, or agency of the legislature for a commercial purpose
1-28 unless the legislative entity that produced the audio or visual
1-29 materials or under whose direction the audio or visual materials
1-30 were produced gives its permission for the person's commercial use
1-31 and:

1-32 (1) the person uses the audio or visual materials only
1-33 for educational or public affairs programming, including news
1-34 programming, ~~that does not also constitute a use prohibited under~~
1-35 ~~Section 306.005~~; or

1-36 (2) the person transmits an unedited feed of the audio
1-37 or visual materials:

1-38 (A) to paid subscribers; or

1-39 (B) on an Internet website that is accessible to
1-40 the public.

1-41 (g) In this section:

1-42 (1) "Commercial purpose" means a purpose that is
1-43 intended to result in a profit or other tangible benefit.

1-44 (2) "Visual materials" means photographic, video, or
1-45 other material containing a still or moving recorded image or
1-46 images [has the meaning assigned by Section 306.005].

1-47 SECTION 3. This Act takes effect immediately if it receives
1-48 a vote of two-thirds of all the members elected to each house, as
1-49 provided by Section 39, Article III, Texas Constitution. If this
1-50 Act does not receive the vote necessary for immediate effect, this
1-51 Act takes effect September 1, 2019.

1-52 * * * * *