

GOVERNMENT CODE  
TITLE 3. LEGISLATIVE BRANCH  
SUBTITLE A. LEGISLATURE  
CHAPTER 306. LEGISLATIVE INFORMATION

Sec. 306.001. DEFINITION. In this chapter, "communication" includes conversation, correspondence, and electronic communication.

Added by Acts 1987, 70th Leg., ch. 167, Sec. 2.05(a), eff. Sept. 1, 1987.

Sec. 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.

Added by Acts 1987, 70th Leg., ch. 167, Sec. 2.05(a), eff. Sept. 1, 1987.

Sec. 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.

(c) If a member of the legislature or the lieutenant governor discloses to the Department of Family and Protective Services or a governmental unit that is a "covered entity" under Section 181.001(b), Health and Safety Code, all or part of a record to which Subsection (a) applies or communicates to the department or governmental unit a description of the information contained in the record that identifies or would tend to identify the resident of this state who communicated with the member or lieutenant governor,

the record or the described information, as applicable, in the possession of the department or governmental unit is subject to and confidential under Subsection (a) and may be disclosed to any other person only to the extent that the member of the legislature or lieutenant governor elects to disclose the record or the described information.

(d) If the department or governmental unit that is a "covered entity" under Section 181.001(b), Health and Safety Code, receives a request for public information under Chapter 552, and information subject to the request is information described by Subsection (c), the department or governmental unit shall promptly notify, in writing or by electronic means, the member of the legislature or the lieutenant governor, as applicable, that the department or governmental entity received the request. The notification must specify the type of information that is requested and include a copy of the request.

Added by Acts 1987, 70th Leg., ch. 167, Sec. 2.05(a), eff. Sept. 1, 1987.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 633 (H.B. 367), Sec. 1, eff. June 14, 2013.

Sec. 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.

(d) If a member of the legislature or the lieutenant governor discloses to the Department of Family and Protective Services or a governmental unit that is a "covered entity" under Section 181.001(b), Health and Safety Code, a communication to which this section applies or communicates to the department or governmental unit a description of the information contained in the communication that identifies or would tend to identify the citizen of this state who communicated with the member or lieutenant governor, the communication or the described information, as applicable, in the possession of the department or governmental unit is subject to and confidential under this section and may be disclosed to another person only to the extent that the member of the legislature or lieutenant governor elects to disclose the communication or the described information.

(e) If the department or governmental unit that is a "covered entity" under Section 181.001(b), Health and Safety Code, receives a request for public information under Chapter 552, and information subject to the request is information described by Subsection (d), the department or governmental unit shall promptly notify, in writing or by electronic means, the member of the legislature or the lieutenant governor, as applicable, that the department or governmental entity received the request. The notification must specify the type of information that is requested and include a copy of the request.

Added by Acts 1987, 70th Leg., ch. 167, Sec. 2.05(a), eff. Sept. 1, 1987.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 633 (H.B. 367), Sec. 2, eff. June 14, 2013.

Sec. 306.0055. LEGISLATIVELY PRODUCED PHOTOGRAPHS. A house, committee, or agency of the legislature may charge for a photograph produced by or under the direction of the entity the fair market value of the photograph.

Added by Acts 2013, 83rd Leg., R.S., Ch. 47 (H.B. 2377), Sec. 2, eff. September 1, 2013.

Sec. 306.006. COMMERCIAL USE OF LEGISLATIVELY PRODUCED AUDIO OR VISUAL MATERIALS. (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; 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.

(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 visual materials or under whose direction the audio or visual 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 visual 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) Subsection (a)(2) does not apply to visual materials consisting of photographs or other still images. A legislative entity is not required to give its permission to any person to use materials for a purpose described by Subsection (a)(2) and may limit the number of persons to whom it gives its permission to use materials for a purpose described by 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:

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

(2) "Visual materials" means photographic, video, or other material containing a still or moving recorded image or images.

Added by Acts 1995, 74th Leg., ch. 877, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 47 (H.B. [2377](#)), Sec. 3, eff. September 1, 2013.

Acts 2019, 86th Leg., R.S., Ch. 209 (H.B. [3580](#)), Sec. 3, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 209 (H.B. [3580](#)), Sec. 4, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 721 (H.B. [368](#)), Sec. 2, eff. June 10, 2019.

Sec. 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.

Added by Acts 1999, 76th Leg., ch. 1499, Sec. 1.03, eff. Sept. 1, 1999.

Sec. 306.008. LEGISLATIVE PRIVILEGE. (a) To protect the public's interest in the proper performance of the deliberative and policymaking responsibilities of the legislature and to preserve the legislative branch's independence under the fundamental principle of separation of powers, as guaranteed by Article II and Section 21, Article III, Texas Constitution, a communication is confidential and subject to legislative privilege if the communication:

- (1) is given privately;
- (2) concerns a legislative activity or function; and
- (3) is among or between any of the following:
  - (A) a member of the house or senate;
  - (B) the lieutenant governor;
  - (C) an officer of the house or senate;
  - (D) a member of the governing body of a legislative agency; or
  - (E) a legislative employee.

(b) A communication described by Subsection (a) is subject to attorney-client privilege if:

- (1) one of the parties to the communication is a legislative attorney or a legislative employee working at the direction of a legislative attorney; and
- (2) the communication is made in connection with the legislative attorney's provision of legal advice or other legal services.

(c) A member of the house or senate, the lieutenant governor, or an officer of the house or senate may choose to disclose all or part of a communication to which Subsection (a) or (b) applies and to which the individual or a legislative employee acting on behalf of the individual was a party.

(d) This section does not affect the authority of a court to analyze and apply legislative or attorney-client privileges under the applicable rules of evidence governing a judicial proceeding.

(e) In this section:

(1) "Legislative agency" means a board, commission, committee, council, department, office, or any other agency in the legislative branch of state government. The term does not include the Texas Ethics Commission.

(2) "Legislative attorney" means an attorney employed or engaged by the house, the senate, a member of the house or senate, the lieutenant governor, an officer of the house or senate, a house or senate committee, a joint committee, or a legislative agency.

(3) "Legislative employee" means:

(A) an employee of, assistant to, or credentialed intern for any part of the legislative branch of state government, including the house, the senate, a member of the house or senate, the lieutenant governor, an officer of the house or senate, a house or senate committee, a joint committee, or a legislative agency; or

(B) a person performing services under a contract entered into with the house, the senate, a house or senate committee, or a legislative agency.

Added by Acts 2019, 86th Leg., R.S., Ch. 1250 (H.B. [4181](#)), Sec. 19, eff. June 14, 2019.

Sec. 306.009. CUSTODIAN OF CERTAIN LEGISLATIVE RECORDS.

(a) A member of the legislature, the lieutenant governor, an officer of the house or senate, or a legislative agency, office, or committee that stores records with or transfers records to the Legislative Reference Library or the Texas State Library and Archives Commission:

(1) possesses, maintains, or controls the records for purposes of litigation; and

(2) is the custodian of the records for purposes of Chapter [552](#).

(b) Subsection (a) does not apply to a member of the legislature or the lieutenant governor after the individual's

service as a member or lieutenant governor ends.

Added by Acts 2019, 86th Leg., R.S., Ch. 1250 (H.B. [4181](#)), Sec. 19,  
eff. June 14, 2019.