

BILL ANALYSIS

Senate Research Center

S.B. 286
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Government Organization
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Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Chapters 551 and 552, Government Code, establish open government requirements for meetings of governmental bodies and for disclosure of public information.

These laws apply to nearly all governmental officials and entities in Texas. Despite this broad impact, there is no uniform requirement or mechanism for public officials to receive formal training in how to comply with these laws. This is significant because a failure to comply with either the Open Meetings Act or Public Information Act may result in civil and, in some cases, criminal penalties.

S.B. 286 adds an educational requirement to the existing Open Meetings Act and Public Information Act for elected and appointed officials in Texas. It requires officials to take a course within a certain timeframe of taking the oath or assuming official duties, and requires a course to be taken every two years. This bill requires the attorney general to make at least one training course available on videotape or a comparable medium at no cost, and clarifies that an official who is a member of more than one governmental body satisfies the education requirement by taking one course of training. S.B. 286 provides that the certificate of completion of the course is admissible as evidence, but does not constitute prima facie evidence of a knowing violation of the law. The bill ensures that an action taken by an official who has not completed the training is not void or voidable.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 551, Government Code, by adding Section 551.005, as follows:

Sec. 551.005. OPEN MEETINGS TRAINING. (a) Requires each elected or appointed public official who is a member of a governmental body subject to this chapter to complete a course of training of not less than one and not more than two hours regarding the responsibilities of the governmental body and its members under this chapter within a certain timeframe of taking the oath of office or otherwise assuming responsibilities.

(b) Requires the attorney general to ensure that the training is made available. Authorizes the office of the attorney general to provide the training and to approve any acceptable course of training offered by a government body or other entity. Requires the attorney general to ensure that at least one course of training approved or provided by the attorney general is available on videotape or a functionally similar and widely available medium at no cost. Sets forth the topics in which the training must include instruction.

(c) Requires the office of the attorney general or other entity providing the training to provide a certificate of course completion to persons who complete the training required by this section. Requires a governmental body to maintain and make available for public inspection the record of its members' completion of the training.

(d) Provides that completing the required training as a member of the governmental body satisfies the requirements of this section with regard to the member's service on a committee or subcommittee of the governmental body and the member's ex officio service on any other governmental body.

(e) Authorizes the training required by this section to be used to satisfy any corresponding training requirements concerning this chapter or open meetings required by law for the members of a governmental body. Requires the attorney general to attempt to coordinate the training required by this section with training required by other law to the extent practicable.

(f) Provides that the failure of one or more members of a governmental body to complete the training required by this section does not affect the validity of an action taken by the governmental body.

(g) Provides that a certificate of course completion is admissible as evidence in a criminal prosecution under this chapter. Provides that evidence that a defendant completed a course of training under this section is not prima facie evidence that the defendant knowingly violated this chapter.

SECTION 2. Amends Subchapter A, Chapter 552, Government Code, by adding Section 552.012, as follows:

Sec. 552.012. OPEN RECORDS TRAINING. (a) Sets forth the elected or appointed public officials to whom this section applies.

(b) Requires each public official to complete a course of training of not less than one and not more than two hours regarding the responsibilities of the governmental body with which the official serves and its officers and employees under this chapter within a certain timeframe of taking the oath or office or otherwise assuming responsibilities.

(c) Authorizes a public official to designate a public information coordinator to satisfy the training requirements of this section for the public official if the public information coordinator is primarily responsible for administering the responsibilities of the public official or governmental body under this chapter. Provides that designation of a public information coordinator under this subsection does not relieve a public official from the duty to comply with any other requirement of this chapter that applies to the public official. Requires the designated public information coordinator to complete the training course under this chapter within a certain timeframe.

(d) Requires the attorney general to ensure that the training is made available. Authorizes the office of the attorney general to provide the training and to approve any acceptable course of training offered by a governmental body or other entity. Requires the attorney general to ensure that at least one course of training approved or provided by the attorney general is available on videotape or a functionally similar and widely available medium at no cost. Sets forth the topics in which the training must include instruction.

(e) Requires the office of the attorney general or other entity providing the training to provide a certificate of course completion to persons who complete the training required by this section. Requires a governmental body to maintain and make available for public inspection a record of its public officials' or a public information coordinator's completion of the training.

(f) Provides that completing the required training as a public official of the governmental body satisfies the requirements of this section with regard to the public official's service on a committee or subcommittee of the governmental body and the public official's ex officio service on any other governmental body.

(g) Authorizes the training required by this section to be used to satisfy any corresponding training requirements concerning this chapter or open meetings required by law for a public official or public information coordinator. Requires the attorney general to attempt to coordinate the training required by this section with training required by other law to the extent practicable.

(h) Provides that a certificate of course completion is admissible as evidence in a criminal prosecution under this chapter. Provides that evidence that a defendant completed a course of training under this section is not prima facie evidence that the defendant knowingly violated this chapter.

SECTION 3. (a) Requires each elected or appointed public official who is a member of a governmental body subject to Chapter 551 (Open Meetings), Government Code, and who has taken the oath of office or otherwise assumed the person's responsibilities before January 1, 2006, to complete a course of training required by Section 551.005, Government Code, as added by this Act, before January 1, 2007, and to complete subsequent training in accordance with that law.

(b) Requires each elected or appointed public official, as described by Section 552.012, Government Code, as added by this Act, who has taken the oath of office or otherwise assumed the person's responsibilities before January 1, 2006, or, if applicable, a person who is the public information coordinator of a governmental body subject to Chapter 552 (Public Information), Government Code, who has assumed the person's responsibilities before January 1, 2006, to complete a training course required by Section 551.005, Government Code, as added by this Act, before January 1, 2007, and to complete subsequent training in accordance with that law.

SECTION 4. Effective date: January 1, 2006.