

By: Baxter, Rose, et al.

H.B. No. 634

Substitute the following for H.B. No. 634:

By: Swinford

C.S.H.B. No. 634

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring public officials to receive training in the
3 requirements of the open meetings and public information laws.

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

5 SECTION 1. Subchapter A, Chapter 551, Government Code, is
6 amended by adding Section 551.005 to read as follows:

7 Sec. 551.005. OPEN MEETINGS TRAINING. (a) Each elected or
8 appointed public official who is a member of a governmental body
9 subject to this chapter shall complete a course of training of not
10 less than one and not more than two hours regarding the
11 responsibilities of the governmental body and its members under
12 this chapter not later than the 90th day after the date the member:

13 (1) takes the oath of office, if the member is required
14 to take an oath of office to assume the person's duties as a member
15 of the governmental body; or

16 (2) otherwise assumes responsibilities as a member of
17 the governmental body, if the member is not required to take an oath
18 of office to assume the person's duties as a member of the
19 governmental body.

20 (b) After completing the initial training, the member must
21 complete at least one training course every two years.

22 (c) The attorney general shall ensure that the training is
23 made available. The office of the attorney general may provide the
24 training and may also approve any acceptable course of training

1 offered by a governmental body or other entity. The attorney
2 general shall ensure that at least one course of training approved
3 or provided by the attorney general is available on videotape or a
4 functionally similar and widely available medium at no cost. The
5 training must include instruction in:

6 (1) the general background of the legal requirements
7 for open meetings;

8 (2) the applicability of this chapter to governmental
9 bodies;

10 (3) procedures and requirements regarding quorums,
11 notice, and recordkeeping under this chapter;

12 (4) procedures and requirements for holding an open
13 meeting and for holding a closed meeting under this chapter; and

14 (5) penalties and other consequences for failure to
15 comply with this chapter.

16 (d) The office of the attorney general or other entity
17 providing the training shall provide a certificate of course
18 completion to persons who complete the training required by this
19 section. A governmental body shall maintain and make available for
20 public inspection the record of its members' completion of the
21 training.

22 (e) Completing the required training as a member of the
23 governmental body satisfies the requirements of this section with
24 regard to the member's service on a committee or subcommittee of the
25 governmental body and the member's ex officio service on any other
26 governmental body.

27 (f) The training required by this section may be used to

1 satisfy any corresponding training requirements concerning this
2 chapter or open meetings required by other law for the members of a
3 governmental body. The attorney general shall attempt to coordinate
4 the training required by this section with training required by
5 other law to the extent practicable.

6 (g) The failure of one or more members of a governmental
7 body to complete the training required by this section does not
8 affect the validity of an action taken by the governmental body.

9 (h) A certificate of course completion is admissible as
10 evidence in a criminal prosecution under this chapter. However,
11 evidence that a defendant completed a course of training offered
12 under this section is not prima facie evidence that the defendant
13 knowingly violated this chapter.

14 SECTION 2. Subchapter A, Chapter 552, Government Code, is
15 amended by adding Section 552.012 to read as follows:

16 Sec. 552.012. OPEN RECORDS TRAINING. (a) This section
17 applies to an elected or appointed public official who is:

18 (1) a member of a multimember governmental body;

19 (2) the governing officer of a governmental body that
20 is headed by a single officer rather than by a multimember governing
21 body; or

22 (3) the officer for public information of a
23 governmental body, without regard to whether the officer is elected
24 or appointed to a specific term.

25 (b) Each public official shall complete a course of training
26 of not less than one and not more than two hours regarding the
27 responsibilities of the governmental body with which the official

1 serves and its officers and employees under this chapter not later
2 than the 90th day after the date the public official:

3 (1) takes the oath of office, if the person is required
4 to take an oath of office to assume the person's duties as a public
5 official; or

6 (2) otherwise assumes the person's duties as a public
7 official, if the person is not required to take an oath of office to
8 assume the person's duties.

9 (c) After completing the initial training, the public
10 official must complete at least one training course every two
11 years.

12 (d) A public official may designate a public information
13 coordinator to satisfy the training requirements of this section
14 for the public official if the public information coordinator is
15 primarily responsible for administering the responsibilities of
16 the public official or governmental body under this chapter.
17 Designation of a public information coordinator under this
18 subsection does not relieve a public official from the duty to
19 comply with any other requirement of this chapter that applies to
20 the public official. The designated public information coordinator
21 shall:

22 (1) complete the training course regarding the
23 responsibilities of the governmental body with which the
24 coordinator serves and its officers and employees under this
25 chapter not later than the 90th day after the date the coordinator
26 assumes the person's duties as coordinator; and

27 (2) complete at least one training course every two

1 years.

2 (e) The attorney general shall ensure that the training is
3 made available. The office of the attorney general may provide the
4 training and may also approve any acceptable course of training
5 offered by a governmental body or other entity. The attorney
6 general shall ensure that at least one course of training approved
7 or provided by the attorney general is available on videotape or a
8 functionally similar and widely available medium at no cost. The
9 training must include instruction in:

10 (1) the general background of the legal requirements
11 for open records and public information;

12 (2) the applicability of this chapter to governmental
13 bodies;

14 (3) procedures and requirements regarding complying
15 with a request for information under this chapter;

16 (4) the role of the attorney general under this
17 chapter; and

18 (5) penalties and other consequences for failure to
19 comply with this chapter.

20 (f) The office of the attorney general or other entity
21 providing the training shall provide a certificate of course
22 completion to persons who complete the training required by this
23 section. A governmental body shall maintain and make available for
24 public inspection the record of its public officials' or, if
25 applicable, the public information coordinator's completion of the
26 training.

27 (g) Completing the required training as a public official of

1 the governmental body satisfies the requirements of this section
2 with regard to the public official's service on a committee or
3 subcommittee of the governmental body and the public official's ex
4 officio service on any other governmental body.

5 (h) The training required by this section may be used to
6 satisfy any corresponding training requirements concerning this
7 chapter or open records required by other law for a public official
8 or public information coordinator. The attorney general shall
9 attempt to coordinate the training required by this section with
10 training required by other law to the extent practicable.

11 (i) A certificate of course completion is admissible as
12 evidence in a criminal prosecution under this chapter. However,
13 evidence that a defendant completed a course of training offered
14 under this section is not prima facie evidence that the defendant
15 knowingly violated this chapter.

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

23 (b) Each person who is an elected or appointed public
24 official, as described by Section 552.012, Government Code, as
25 added by this Act, and who has taken the oath of office or otherwise
26 assumed the person's responsibilities before January 1, 2006, or,
27 if applicable, a person who is the public information coordinator

1 of a governmental body subject to Chapter 552, Government Code, who
2 assumed the person's responsibilities before January 1, 2006, must
3 complete a course of training required by Section 552.012,
4 Government Code, as added by this Act, before January 1, 2007, and
5 must complete subsequent training in accordance with that law.

6 SECTION 4. This Act takes effect January 1, 2006.