

By: Wentworth

S.B. No. 286

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) The attorney general shall ensure that the training is  
21 made available. The office of the attorney general may provide the  
22 training and may also approve any acceptable course of training  
23 offered by a governmental body or other entity. The attorney  
24 general shall ensure that at least one course of training approved

1 or provided by the attorney general is available on videotape or a  
2 functionally similar and widely available medium at no cost. The  
3 training must include instruction in:

4 (1) the general background of the legal requirements  
5 for open meetings;

6 (2) the applicability of this chapter to governmental  
7 bodies;

8 (3) procedures and requirements regarding quorums,  
9 notice, and recordkeeping under this chapter;

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

12 (5) penalties and other consequences for failure to  
13 comply with this chapter.

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

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

25 (e) The training required by this section may be used to  
26 satisfy any corresponding training requirements concerning this  
27 chapter or open meetings required by law for the members of a

1 governmental body. The attorney general shall attempt to  
2 coordinate the training required by this section with training  
3 required by other law to the extent practicable.

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

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

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

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

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

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

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

23 (b) Each public official shall complete a course of training  
24 of not less than one and not more than two hours regarding the  
25 responsibilities of the governmental body with which the official  
26 serves and its officers and employees under this chapter not later  
27 than the 90th day after the date the public official:

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

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

7           (c) A public official may designate a public information  
8 coordinator to satisfy the training requirements of this section  
9 for the public official if the public information coordinator is  
10 primarily responsible for administering the responsibilities of  
11 the public official or governmental body under this chapter.  
12 Designation of a public information coordinator under this  
13 subsection does not relieve a public official from the duty to  
14 comply with any other requirement of this chapter that applies to  
15 the public official. The designated public information coordinator  
16 shall complete the training course regarding the responsibilities  
17 of the governmental body with which the coordinator serves and of  
18 its officers and employees under this chapter not later than the  
19 90th day after the date the coordinator assumes the person's duties  
20 as coordinator.

21           (d) The attorney general shall ensure that the training is  
22 made available. The office of the attorney general may provide the  
23 training and may also approve any acceptable course of training  
24 offered by a governmental body or other entity. The attorney  
25 general shall ensure that at least one course of training approved  
26 or provided by the attorney general is available on videotape or a  
27 functionally similar and widely available medium at no cost. The

1 training must include instruction in:

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

4 (2) the applicability of this chapter to governmental  
5 bodies;

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

8 (4) the role of the attorney general under this  
9 chapter; and

10 (5) penalties and other consequences for failure to  
11 comply with this chapter.

12 (e) The office of the attorney general or other entity  
13 providing the training shall provide a certificate of course  
14 completion to persons who complete the training required by this  
15 section. A governmental body shall maintain and make available for  
16 public inspection the record of its public officials' or, if  
17 applicable, the public information coordinator's completion of the  
18 training.

19 (f) Completing the required training as a public official of  
20 the governmental body satisfies the requirements of this section  
21 with regard to the public official's service on a committee or  
22 subcommittee of the governmental body and the public official's ex  
23 officio service on any other governmental body.

24 (g) The training required by this section may be used to  
25 satisfy any corresponding training requirements concerning this  
26 chapter or open records required by law for a public official or  
27 public information coordinator. The attorney general shall attempt

1 to coordinate the training required by this section with training  
2 required by other law to the extent practicable.

3 (h) A certificate of course completion is admissible as  
4 evidence in a criminal prosecution under this chapter. However,  
5 evidence that a defendant completed a course of training offered  
6 under this section is not prima facie evidence that the defendant  
7 knowingly violated this chapter.

8 SECTION 3. (a) Each elected or appointed public official  
9 who is a member of a governmental body subject to Chapter 551,  
10 Government Code, and who has taken the oath of office or otherwise  
11 assumed the person's responsibilities before January 1, 2006, must  
12 complete a course of training required by Section 551.005,  
13 Government Code, as added by this Act, before January 1, 2007.

14 (b) Each person who is an elected or appointed public  
15 official, as described by Section 552.012, Government Code, as  
16 added by this Act, and who has taken the oath of office or otherwise  
17 assumed the person's responsibilities before January 1, 2006, or,  
18 if applicable, a person who is the public information coordinator  
19 of a governmental body subject to Chapter 552, Government Code, who  
20 assumed the person's responsibilities before January 1, 2006, must  
21 complete a course of training required by Section 552.012,  
22 Government Code, as added by this Act, before January 1, 2007.

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