

1-1 By: Wentworth S.B. No. 286  
1-2 (In the Senate - Filed January 27, 2005; February 7, 2005,  
1-3 read first time and referred to Committee on Government  
1-4 Organization; April 7, 2005, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 1;  
1-6 April 7, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 286 By: Eltife

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to requiring public officials to receive training in the  
1-11 requirements of the open meetings and public information laws.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 551, Government Code, is  
1-14 amended by adding Section 551.005 to read as follows:

1-15 Sec. 551.005. OPEN MEETINGS TRAINING. (a) Each elected or  
1-16 appointed public official who is a member of a governmental body  
1-17 subject to this chapter shall complete a course of training of not  
1-18 less than one and not more than two hours regarding the  
1-19 responsibilities of the governmental body and its members under  
1-20 this chapter not later than the 90th day after the date the member:

1-21 (1) takes the oath of office, if the member is required  
1-22 to take an oath of office to assume the person's duties as a member  
1-23 of the governmental body; or

1-24 (2) otherwise assumes responsibilities as a member of  
1-25 the governmental body, if the member is not required to take an oath  
1-26 of office to assume the person's duties as a member of the  
1-27 governmental body.

1-28 (b) After completing the initial training, the member must  
1-29 complete at least one training course every two years.

1-30 (c) The attorney general shall ensure that the training is  
1-31 made available. The office of the attorney general may provide the  
1-32 training and may also approve any acceptable course of training  
1-33 offered by a governmental body or other entity. The attorney  
1-34 general shall ensure that at least one course of training approved  
1-35 or provided by the attorney general is available on videotape or a  
1-36 functionally similar and widely available medium at no cost. The  
1-37 training must include instruction in:

1-38 (1) the general background of the legal requirements  
1-39 for open meetings;

1-40 (2) the applicability of this chapter to governmental  
1-41 bodies;

1-42 (3) procedures and requirements regarding quorums,  
1-43 notice, and recordkeeping under this chapter;

1-44 (4) procedures and requirements for holding an open  
1-45 meeting and for holding a closed meeting under this chapter; and

1-46 (5) penalties and other consequences for failure to  
1-47 comply with this chapter.

1-48 (d) The office of the attorney general or other entity  
1-49 providing the training shall provide a certificate of course  
1-50 completion to persons who complete the training required by this  
1-51 section. A governmental body shall maintain and make available for  
1-52 public inspection the record of its members' completion of the  
1-53 training.

1-54 (e) Completing the required training as a member of the  
1-55 governmental body satisfies the requirements of this section with  
1-56 regard to the member's service on a committee or subcommittee of the  
1-57 governmental body and the member's ex officio service on any other  
1-58 governmental body.

1-59 (f) The training required by this section may be used to  
1-60 satisfy any corresponding training requirements concerning this  
1-61 chapter or open meetings required by law for the members of a  
1-62 governmental body. The attorney general shall attempt to  
1-63 coordinate the training required by this section with training

2-1 required by other law to the extent practicable.

2-2 (g) The failure of one or more members of a governmental  
2-3 body to complete the training required by this section does not  
2-4 affect the validity of an action taken by the governmental body.

2-5 (h) A certificate of course completion is admissible as  
2-6 evidence in a criminal prosecution under this chapter. However,  
2-7 evidence that a defendant completed a course of training offered  
2-8 under this section is not prima facie evidence that the defendant  
2-9 knowingly violated this chapter.

2-10 SECTION 2. Subchapter A, Chapter 552, Government Code, is  
2-11 amended by adding Section 552.012 to read as follows:

2-12 Sec. 552.012. OPEN RECORDS TRAINING. (a) This section  
2-13 applies to an elected or appointed public official who is:

2-14 (1) a member of a multimember governmental body;  
2-15 (2) the governing officer of a governmental body that  
2-16 is headed by a single officer rather than by a multimember governing  
2-17 body; or

2-18 (3) the officer for public information of a  
2-19 governmental body, without regard to whether the officer is elected  
2-20 or appointed to a specific term.

2-21 (b) Each public official shall complete a course of training  
2-22 of not less than one and not more than two hours regarding the  
2-23 responsibilities of the governmental body with which the official  
2-24 serves and its officers and employees under this chapter not later  
2-25 than the 90th day after the date the public official:

2-26 (1) takes the oath of office, if the person is required  
2-27 to take an oath of office to assume the person's duties as a public  
2-28 official; or

2-29 (2) otherwise assumes the person's duties as a public  
2-30 official, if the person is not required to take an oath of office to  
2-31 assume the person's duties.

2-32 (c) After completing the initial training, the public  
2-33 official must complete at least one training course every two  
2-34 years.

2-35 (d) A public official may designate a public information  
2-36 coordinator to satisfy the training requirements of this section  
2-37 for the public official if the public information coordinator is  
2-38 primarily responsible for administering the responsibilities of  
2-39 the public official or governmental body under this chapter.  
2-40 Designation of a public information coordinator under this  
2-41 subsection does not relieve a public official from the duty to  
2-42 comply with any other requirement of this chapter that applies to  
2-43 the public official. The designated public information coordinator  
2-44 shall:

2-45 (1) complete the training course regarding the  
2-46 responsibilities of the governmental body with which the  
2-47 coordinator serves and its officers and employees under this  
2-48 chapter not later than the 90th day after the date the coordinator  
2-49 assumes the person's duties as coordinator; and

2-50 (2) complete at least one training course every two  
2-51 years.

2-52 (e) The attorney general shall ensure that the training is  
2-53 made available. The office of the attorney general may provide the  
2-54 training and may also approve any acceptable course of training  
2-55 offered by a governmental body or other entity. The attorney  
2-56 general shall ensure that at least one course of training approved  
2-57 or provided by the attorney general is available on videotape or a  
2-58 functionally similar and widely available medium at no cost. The  
2-59 training must include instruction in:

2-60 (1) the general background of the legal requirements  
2-61 for open records and public information;

2-62 (2) the applicability of this chapter to governmental  
2-63 bodies;

2-64 (3) procedures and requirements regarding complying  
2-65 with a request for information under this chapter;

2-66 (4) the role of the attorney general under this  
2-67 chapter; and

2-68 (5) penalties and other consequences for failure to  
2-69 comply with this chapter.

3-1 (f) The office of the attorney general or other entity  
3-2 providing the training shall provide a certificate of course  
3-3 completion to persons who complete the training required by this  
3-4 section. A governmental body shall maintain and make available for  
3-5 public inspection the record of its public officials' or, if  
3-6 applicable, the public information coordinator's completion of the  
3-7 training.

3-8 (g) Completing the required training as a public official of  
3-9 the governmental body satisfies the requirements of this section  
3-10 with regard to the public official's service on a committee or  
3-11 subcommittee of the governmental body and the public official's ex  
3-12 officio service on any other governmental body.

3-13 (h) The training required by this section may be used to  
3-14 satisfy any corresponding training requirements concerning this  
3-15 chapter or open records required by law for a public official or  
3-16 public information coordinator. The attorney general shall attempt  
3-17 to coordinate the training required by this section with training  
3-18 required by other law to the extent practicable.

3-19 (i) A certificate of course completion is admissible as  
3-20 evidence in a criminal prosecution under this chapter. However,  
3-21 evidence that a defendant completed a course of training offered  
3-22 under this section is not prima facie evidence that the defendant  
3-23 knowingly violated this chapter.

3-24 SECTION 3. (a) Each elected or appointed public official  
3-25 who is a member of a governmental body subject to Chapter 551,  
3-26 Government Code, and who has taken the oath of office or otherwise  
3-27 assumed the person's responsibilities before January 1, 2006, must  
3-28 complete a course of training required by Section 551.005,  
3-29 Government Code, as added by this Act, before January 1, 2007, and  
3-30 must complete subsequent training in accordance with that law.

3-31 (b) Each person who is an elected or appointed public  
3-32 official, as described by Section 552.012, Government Code, as  
3-33 added by this Act, and who has taken the oath of office or otherwise  
3-34 assumed the person's responsibilities before January 1, 2006, or,  
3-35 if applicable, a person who is the public information coordinator  
3-36 of a governmental body subject to Chapter 552, Government Code, who  
3-37 assumed the person's responsibilities before January 1, 2006, must  
3-38 complete a course of training required by Section 552.012,  
3-39 Government Code, as added by this Act, before January 1, 2007, and  
3-40 must complete subsequent training in accordance with that law.

3-41 SECTION 4. This Act takes effect January 1, 2006.

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