SA SB 286

FILED JAN 27 2005

By: Bofter

H.B. No. 634

A BILL TO BE ENTITLED

AN ACT

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

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

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

Sec. 551.005. OPEN MEETINGS TRAINING. (a) Each elected or appointed public official who is a member of a governmental body shall complete a training course regarding the responsibilities of the governmental body and its members under this chapter not later than the 30th day after the date the member:

(1) qualifies for office as a member of the governmental body, if the member is required to take an oath of office to become a member of the governmental body; or

(2) otherwise assumes responsibilities as a member of the governmental body, if the member is not required to take an oath of office to become a member of the governmental body.

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

(c) The attorney general shall ensure that the training is made available. The office of the attorney general may provide the training and may also approve other entities to provide the training. The training must include instruction in:

(1) the general background of the legal requirements

for open meetings;

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

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

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

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

(d) The office of the attorney general or other entity providing the training shall certify a member's completion of the training. A governmental body shall maintain and make available for public inspection a record of the certification of its members' completion of the training.

(e) 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.

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

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

(1) a member of a multimember governmental body;

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

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

(b) Each public official shall complete a training course regarding the responsibilities of the governmental body with which the official serves and its officers and employees under this chapter not later than the 30th day after the date the public official:

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

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

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

(d) A public official may 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. 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. The designated public information coordinator shall:

(1) complete the training course regarding the responsibilities of the governmental body with which the coordinator serves and its officers and employees under this chapter not later than the 30th day after the date the coordinator assumes the person's duties as coordinator; and

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

(e) The attorney general shall ensure that the training is made available. The office of the attorney general may provide the training and may also approve other entities to provide the training. The training must include instruction in:

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

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

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

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

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

(f) The office of the attorney general or other entity providing the training shall certify a public official's or, if applicable, a public information coordinator's completion of the training. A governmental body shall maintain and make available for public inspection a record of the certification of its public officials' or, if applicable, the public information coordinator's

completion of the training.

(g) 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.

SECTION 3. (a) Each elected or appointed public official who is a member of a governmental body subject to Chapter 551, Government Code, immediately before January 1, 2006, must complete a training course required by Section 551.005, Government Code, as added by this Act, before January 1, 2007, and must complete subsequent training in accordance with that law.

(b) Each person who is an elected or appointed public official, as described by Section 552.012, Government Code, as added by this Act, immediately before January 1, 2006, or, if applicable, a person who is the public information coordinator of a governmental body subject to Chapter 552, Government Code, immediately before January 1, 2006, must complete a training course required by Section 552.012, Government Code, as added by this Act, before January 1, 2007, and must complete subsequent training in accordance with that law.

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