

BILL ANALYSIS

Senate Research Center
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S.B. 286
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Government Organization
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As Filed

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. Chapter 551 (Open Meetings) establishes the requirements for when meetings of governmental bodies must be open to the public, provides strict notice requirements that must be met before a public meeting can take place, and provides guidance on when certain governmental business may be conducted in closed session. Chapter 552 (Public Information) sets forth a general policy that all governmental records are open to public disclosure, subject only to certain limited exceptions. It also outlines the procedures for the processing of public requests for information, and for requesting review from the attorney general on a case-by-case basis to determine when governmental information may lawfully be withheld from disclosure.

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.

As proposed, 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 also includes provisions for the designation and training of public information coordinators.

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 to complete a training course regarding the responsibilities of the governmental body and its members under this chapter within a certain timeframe of qualifying for office or otherwise assuming responsibilities.

(b) Requires the member, after completing the initial training, to complete at least one training course every two years.

(c) 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 other entities to provide the training. Sets forth the topics for which the training must include instruction.

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

(e) 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.

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 training course 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 qualifying for office or otherwise assuming responsibilities.

(c) Requires the public official, after completing the initial training, to complete at least one training course every two years.

(d) 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 and to complete at least one training course every two years.

(e) 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 other entities to provide the training. Sets forth the topics for which the training must include instruction.

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

(g) 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.

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, immediately 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.

(b) Requires each 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 (Public Information), Government Code, immediately 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.