

By: Howard of Travis

H.B. No. 3271

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Partnership for Children in Nature.

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

SECTION 1. Subtitle D, Title 4, Government Code, is amended by adding Chapter 450 to read as follows:

CHAPTER 450. TEXAS PARTNERSHIP FOR CHILDREN IN NATURE

SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

Sec. 450.001. DEFINITION. In this chapter, "partnership" means the Texas Partnership for Children in Nature.

Sec. 450.002. SUNSET PROVISION. The Texas Partnership for Children in Nature is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the partnership is abolished and this chapter expires September 1, 2021.

Sec. 450.003. COMPOSITION OF PARTNERSHIP. The partnership is composed of seven members as follows:

(1) three public members as follows, appointed by the governor in consultation with the executive director of the Parks and Wildlife Department and the commissioner of education:

(A) one public member who represents parent-teacher organizations; and

(B) two public members each of whom represents a nonprofit organization dedicated to education concerning or protection of the environment; and

1 (2) four ex officio members as follows:

2 (A) the executive director of the Parks and
3 Wildlife Department;

4 (B) the commissioner of education;

5 (C) the commissioner of state health services;

6 and

7 (D) the commissioner of agriculture.

8 Sec. 450.004. PUBLIC MEMBERS: ELIGIBILITY; APPOINTMENT;
9 VACANCY. (a) A person appointed as a public member of the
10 partnership must be a resident of this state.

11 (b) Appointments of public members to the partnership shall
12 be made:

13 (1) without regard to the race, color, disability,
14 sex, religion, age, or national origin of an appointee; and

15 (2) so that various geographic areas of this state are
16 represented in the partnership.

17 (c) The governor, in consultation with the executive
18 director of the Parks and Wildlife Department and the commissioner
19 of education, shall fill any vacancy in an appointed position in the
20 partnership for the unexpired portion of the term.

21 Sec. 450.005. EX OFFICIO MEMBERS: ELIGIBILITY; DESIGNATION
22 OF REPRESENTATIVE. (a) An ex officio member of the partnership
23 vacates the person's position in the partnership if the person
24 ceases to hold the position that qualifies the person for service in
25 the partnership.

26 (b) An ex officio member may designate a representative to
27 serve in the partnership in the member's place. A representative

1 designated under this subsection must be an officer or employee of
2 the state agency that employs the ex officio member or of which the
3 ex officio member is an officer.

4 Sec. 450.006. REMOVAL OF PUBLIC MEMBER. (a) It is a ground
5 for removal of a public member from the partnership if the member:

6 (1) is ineligible for public membership under Section
7 450.004(a);

8 (2) cannot because of illness or disability discharge
9 the member's duties for a substantial part of the term for which the
10 member is appointed; or

11 (3) is absent from more than two consecutive
12 partnership meetings that the member is eligible to attend during a
13 calendar year unless the absence is excused by majority vote of the
14 members of the partnership.

15 (b) The validity of an action of the partnership is not
16 affected by the fact that the action is taken when a ground for
17 removal of a partnership member exists.

18 (c) If a member of the partnership has knowledge that a
19 potential ground for removal exists, the member shall notify the
20 presiding officer of the partnership of the potential ground. The
21 presiding officer shall then notify the governor and the attorney
22 general that a potential ground for removal exists.

23 Sec. 450.007. TERM OF PUBLIC MEMBER. (a) A public member
24 of the partnership serves a term of two years.

25 (b) A public member is eligible for reappointment to another
26 term or part of a term.

27 (c) A public member may not serve more than two consecutive

1 terms. For purposes of this prohibition, a member is considered to
2 have served a term only if the member has served more than half of
3 the term.

4 Sec. 450.008. OFFICERS; WORKING GROUPS. (a) The executive
5 director of the Parks and Wildlife Department or the executive
6 director's representative serves as the presiding officer of the
7 partnership.

8 (b) The presiding officer of the partnership may appoint one
9 or more working groups for any purpose consistent with the duties of
10 the partnership under this chapter.

11 Sec. 450.009. COMPENSATION; EXPENSES. (a) A public member
12 of the partnership is not entitled to compensation but is entitled
13 to reimbursement for the travel expenses incurred by the member
14 while transacting partnership business, as provided by the General
15 Appropriations Act.

16 (b) An ex officio member's service in the partnership is an
17 additional duty of the underlying position that qualifies the
18 member for service in the partnership. The entitlement of an ex
19 officio member to compensation or to reimbursement for travel
20 expenses incurred while transacting partnership business is
21 governed by the law that applies to the member's service in that
22 underlying position, and any payment to the member for either
23 purpose must be made from money that may be used for the purpose and
24 is available to the state agency that the member serves in that
25 underlying position.

26 Sec. 450.010. MEETINGS; VOTING; PUBLIC ACCESS. (a) The
27 partnership shall meet at the call of the presiding officer.

1 (b) An ex officio member of the partnership may vote on
2 partnership business.

3 (c) The partnership shall develop and implement policies
4 that provide the public with a reasonable opportunity to appear
5 before the partnership and speak on any issue under the
6 jurisdiction of the partnership.

7 Sec. 450.011. STAFF COORDINATION. The Parks and Wildlife
8 Department shall provide staff support to the partnership, in
9 coordination with the Texas Education Agency, the Department of
10 State Health Services, and the Texas Department of Agriculture.

11 [Sections 450.012-450.050 reserved for expansion]

12 SUBCHAPTER B. POWERS AND DUTIES; FUNDING

13 Sec. 450.051. ADVISORY STATUS OF PARTNERSHIP. (a) In
14 implementing its powers and duties under this chapter, the
15 partnership functions only in an advisory capacity. Membership in
16 the partnership does not constitute a public office.

17 (b) Chapter 2110 does not apply to the partnership.

18 Sec. 450.052. GENERAL POWERS AND DUTIES OF PARTNERSHIP.

19 (a) The partnership shall promote the well-being of this state's
20 children by providing children with opportunities to spend more
21 time outdoors and to learn about the environment through
22 experiential activities outdoors and formal and informal education
23 concerning the environment. To accomplish those purposes, the
24 partnership shall:

25 (1) develop and assist in the implementation of a plan
26 to provide children with structured and unstructured opportunities
27 for outdoor recreation, scientific study, and learning that

1 includes:

2 (A) development and implementation of strategies
3 to provide increased support for programs under which school
4 grounds are converted into natural habitats for play and outdoor
5 classrooms;

6 (B) establishment of trail systems that connect
7 communities, parks, and schools to encourage walking, biking, and
8 increased time outdoors by children and their families;

9 (C) establishment of nature play areas in
10 communities to offer outdoor experiences close to children's homes;

11 (D) establishment, in partnership with the
12 Department of Family and Protective Services, the advisory council
13 on juvenile services, and appropriate community nonprofit
14 organizations, of a statewide civic justice corps to provide
15 students at risk of dropping out of school with opportunities to
16 serve on conservation crews in state parks and on other public land;

17 (E) establishment, in cooperation with school
18 districts, local parks departments, and appropriate nonprofit
19 organizations, of an outdoor classroom program on public land that
20 provides service learning opportunities and voluntary programming
21 aligned with the required curriculum under Section 28.002,
22 Education Code;

23 (F) provision to children and their families of
24 increased access to naturalists who present interpretive
25 activities at state parks and on other public land to enhance
26 discovery and enjoyment of this state's natural resources; and

27 (G) provision to children who are members of

1 minority groups of increased access to state parks and other public
2 land, through partnership with appropriate organizations;

3 (2) develop and assist in the implementation of a
4 state environmental literacy plan that includes:

5 (A) a review of current environmental education
6 in public schools, including student environmental literacy
7 levels;

8 (B) identification of curriculum necessary to
9 develop environmentally literate students;

10 (C) identification of model outdoor field and
11 service learning experiences that can be integrated into the
12 required curriculum under Section 28.002, Education Code;

13 (D) professional development opportunities for
14 professional educators and for students who are in educator
15 preparation programs and development programs for other
16 environmental educators; and

17 (E) methods to annually measure and report, at
18 the state and local levels, progress of public school students
19 toward becoming environmentally literate;

20 (3) devise a method to measure:

21 (A) baseline data concerning the amount of time
22 children spend outdoors; and

23 (B) any increased time children spend outdoors as
24 a result of the partnership's efforts; and

25 (4) identify opportunities for and barriers to
26 implementing environmental literacy programs in public schools and
27 on public land.

1 (b) Not later than December 1 of each even-numbered year,
2 the partnership shall submit a report to the governor, the
3 lieutenant governor, the speaker of the house of representatives,
4 and the presiding officer of each legislative standing committee
5 with primary jurisdiction over primary and secondary education,
6 natural resources, land and resource management, or environmental
7 regulation regarding the partnership's recommendations concerning
8 the partnership's duties under Subsection (a).

9 (c) The partnership shall adopt rules as necessary for its
10 own procedures.

11 Sec. 450.053. FUNDING. The partnership may accept gifts
12 and grants from a public or private source for the partnership to
13 use in performing the partnership's powers and duties under this
14 chapter.

15 SECTION 2. As soon as practicable after the effective date
16 of this Act, appointments of public members shall be made to the
17 Texas Partnership for Children in Nature as provided by Chapter
18 450, Government Code, as added by this Act. Notwithstanding
19 Section 450.007, Government Code, as added by this Act, the terms of
20 initial public members appointed to the Texas Partnership for
21 Children in Nature expire February 1, 2011.

22 SECTION 3. This Act takes effect September 1, 2009.