

By: Shapleigh

S.B. No. 205

Substitute the following for S.B. No. 205:

By: Howard of Travis

C.S.S.B. No. 205

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 four 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. (a) The Parks and  
8 Wildlife Department shall provide staff support to the partnership,  
9 in coordination with the Texas Education Agency, the Department of  
10 State Health Services, and the Department of Agriculture.

11       (b) This section does not require the Parks and Wildlife  
12 Department to reallocate staff or funding to the detriment of other  
13 programs.

14       [Sections 450.012-450.050 reserved for expansion]

15               SUBCHAPTER B. POWERS AND DUTIES; FUNDING

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

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

21       Sec. 450.052. GENERAL POWERS AND DUTIES OF PARTNERSHIP.  
22 (a) The partnership shall promote the well-being of this state's  
23 children by providing children with opportunities to spend more  
24 time outdoors and to learn about the environment through  
25 experiential activities outdoors and formal and informal education  
26 concerning the environment. To accomplish those purposes, the  
27 partnership shall:

1           (1) develop and assist in the implementation of a plan  
2 to provide children with structured and unstructured opportunities  
3 for outdoor recreation, scientific study, and learning that  
4 includes:

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

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

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

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

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

26           (F) provision to children and their families of  
27 increased access to naturalists who present interpretive

1 activities at state parks and on other public land to enhance  
2 discovery and enjoyment of this state's natural resources; and

3 (G) provision to children who are members of  
4 minority groups of increased access to state parks and other public  
5 land, through partnership with appropriate organizations;

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

8 (A) a review of current environmental education  
9 in public schools, including student environmental literacy  
10 levels;

11 (B) identification of curriculum necessary to  
12 develop environmentally literate students;

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

16 (D) professional development opportunities for  
17 professional educators and for students who are in educator  
18 preparation programs and development programs for other  
19 environmental educators; and

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

23 (3) devise a method to measure:

24 (A) baseline data concerning the amount of time  
25 children spend outdoors; and

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

1           (4) identify opportunities for and barriers to  
2 implementing environmental literacy programs in public schools and  
3 on public land.

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

12           (c) The partnership shall adopt rules as necessary for its  
13 own procedures.

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

18           SECTION 2. As soon as practicable after the effective date  
19 of this Act, appointments of public members shall be made to the  
20 Texas Partnership for Children in Nature as provided by Chapter  
21 450, Government Code, as added by this Act. Notwithstanding  
22 Section 450.007, Government Code, as added by this Act, the terms of  
23 initial public members appointed to the Texas Partnership for  
24 Children in Nature expire February 1, 2013.

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