

1-1 By: Shapleigh S.B. No. 205
1-2 (In the Senate - Filed November 10, 2008; February 11, 2009,
1-3 read first time and referred to Committee on Agriculture and Rural
1-4 Affairs; April 1, 2009, reported favorably by the following vote:
1-5 Yeas 5, Nays 0; April 1, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the Texas Partnership for Children in Nature.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subtitle D, Title 4, Government Code, is amended
1-11 by adding Chapter 450 to read as follows:

1-12 CHAPTER 450. TEXAS PARTNERSHIP FOR CHILDREN IN NATURE

1-13 SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

1-14 Sec. 450.001. DEFINITION. In this chapter, "partnership"
1-15 means the Texas Partnership for Children in Nature.

1-16 Sec. 450.002. SUNSET PROVISION. The Texas Partnership for
1-17 Children in Nature is subject to Chapter 325 (Texas Sunset Act).
1-18 Unless continued in existence as provided by that chapter, the
1-19 partnership is abolished and this chapter expires September 1,
1-20 2021.

1-21 Sec. 450.003. COMPOSITION OF PARTNERSHIP. The partnership
1-22 is composed of seven members as follows:

1-23 (1) three public members as follows, appointed by the
1-24 governor in consultation with the executive director of the Parks
1-25 and Wildlife Department and the commissioner of education:

1-26 (A) one public member who represents
1-27 parent-teacher organizations; and

1-28 (B) two public members each of whom represents a
1-29 nonprofit organization dedicated to education concerning or
1-30 protection of the environment; and

1-31 (2) four ex officio members as follows:

1-32 (A) the executive director of the Parks and
1-33 Wildlife Department;

1-34 (B) the commissioner of education;

1-35 (C) the commissioner of state health services;

1-36 and

1-37 (D) the commissioner of agriculture.

1-38 Sec. 450.004. PUBLIC MEMBERS: ELIGIBILITY; APPOINTMENT;
1-39 VACANCY. (a) A person appointed as a public member of the
1-40 partnership must be a resident of this state.

1-41 (b) Appointments of public members to the partnership shall
1-42 be made:

1-43 (1) without regard to the race, color, disability,
1-44 sex, religion, age, or national origin of an appointee; and

1-45 (2) so that various geographic areas of this state are
1-46 represented in the partnership.

1-47 (c) The governor, in consultation with the executive
1-48 director of the Parks and Wildlife Department and the commissioner
1-49 of education, shall fill any vacancy in an appointed position in the
1-50 partnership for the unexpired portion of the term.

1-51 Sec. 450.005. EX OFFICIO MEMBERS: ELIGIBILITY; DESIGNATION
1-52 OF REPRESENTATIVE. (a) An ex officio member of the partnership
1-53 vacates the person's position in the partnership if the person
1-54 ceases to hold the position that qualifies the person for service in
1-55 the partnership.

1-56 (b) An ex officio member may designate a representative to
1-57 serve in the partnership in the member's place. A representative
1-58 designated under this subsection must be an officer or employee of
1-59 the state agency that employs the ex officio member or of which the
1-60 ex officio member is an officer.

1-61 Sec. 450.006. REMOVAL OF PUBLIC MEMBER. (a) It is a ground
1-62 for removal of a public member from the partnership if the member:

1-63 (1) is ineligible for public membership under Section
1-64 450.004(a);

2-1 (2) cannot because of illness or disability discharge
 2-2 the member's duties for a substantial part of the term for which the
 2-3 member is appointed; or

2-4 (3) is absent from more than two consecutive
 2-5 partnership meetings that the member is eligible to attend during a
 2-6 calendar year unless the absence is excused by majority vote of the
 2-7 members of the partnership.

2-8 (b) The validity of an action of the partnership is not
 2-9 affected by the fact that the action is taken when a ground for
 2-10 removal of a partnership member exists.

2-11 (c) If a member of the partnership has knowledge that a
 2-12 potential ground for removal exists, the member shall notify the
 2-13 presiding officer of the partnership of the potential ground. The
 2-14 presiding officer shall then notify the governor and the attorney
 2-15 general that a potential ground for removal exists.

2-16 Sec. 450.007. TERM OF PUBLIC MEMBER. (a) A public member
 2-17 of the partnership serves a term of two years.

2-18 (b) A public member is eligible for reappointment to another
 2-19 term or part of a term.

2-20 (c) A public member may not serve more than two consecutive
 2-21 terms. For purposes of this prohibition, a member is considered to
 2-22 have served a term only if the member has served more than half of
 2-23 the term.

2-24 Sec. 450.008. OFFICERS; WORKING GROUPS. (a) The executive
 2-25 director of the Parks and Wildlife Department or the executive
 2-26 director's representative serves as the presiding officer of the
 2-27 partnership.

2-28 (b) The presiding officer of the partnership may appoint one
 2-29 or more working groups for any purpose consistent with the duties of
 2-30 the partnership under this chapter.

2-31 Sec. 450.009. COMPENSATION; EXPENSES. (a) A public member
 2-32 of the partnership is not entitled to compensation but is entitled
 2-33 to reimbursement for the travel expenses incurred by the member
 2-34 while transacting partnership business, as provided by the General
 2-35 Appropriations Act.

2-36 (b) An ex officio member's service in the partnership is an
 2-37 additional duty of the underlying position that qualifies the
 2-38 member for service in the partnership. The entitlement of an ex
 2-39 officio member to compensation or to reimbursement for travel
 2-40 expenses incurred while transacting partnership business is
 2-41 governed by the law that applies to the member's service in that
 2-42 underlying position, and any payment to the member for either
 2-43 purpose must be made from money that may be used for the purpose and
 2-44 is available to the state agency that the member serves in that
 2-45 underlying position.

2-46 Sec. 450.010. MEETINGS; VOTING; PUBLIC ACCESS. (a) The
 2-47 partnership shall meet at the call of the presiding officer.

2-48 (b) An ex officio member of the partnership may vote on
 2-49 partnership business.

2-50 (c) The partnership shall develop and implement policies
 2-51 that provide the public with a reasonable opportunity to appear
 2-52 before the partnership and speak on any issue under the
 2-53 jurisdiction of the partnership.

2-54 Sec. 450.011. STAFF COORDINATION. The Parks and Wildlife
 2-55 Department shall provide staff support to the partnership, in
 2-56 coordination with the Texas Education Agency, the Department of
 2-57 State Health Services, and the Texas Department of Agriculture.

2-58 [Sections 450.012-450.050 reserved for expansion]

2-59 SUBCHAPTER B. POWERS AND DUTIES; FUNDING

2-60 Sec. 450.051. ADVISORY STATUS OF PARTNERSHIP. (a) In
 2-61 implementing its powers and duties under this chapter, the
 2-62 partnership functions only in an advisory capacity. Membership in
 2-63 the partnership does not constitute a public office.

2-64 (b) Chapter 2110 does not apply to the partnership.

2-65 Sec. 450.052. GENERAL POWERS AND DUTIES OF PARTNERSHIP.

2-66 (a) The partnership shall promote the well-being of this state's
 2-67 children by providing children with opportunities to spend more
 2-68 time outdoors and to learn about the environment through
 2-69 experiential activities outdoors and formal and informal education

3-1 concerning the environment. To accomplish those purposes, the
3-2 partnership shall:

3-3 (1) develop and assist in the implementation of a plan
3-4 to provide children with structured and unstructured opportunities
3-5 for outdoor recreation, scientific study, and learning that
3-6 includes:

3-7 (A) development and implementation of strategies
3-8 to provide increased support for programs under which school
3-9 grounds are converted into natural habitats for play and outdoor
3-10 classrooms;

3-11 (B) establishment of trail systems that connect
3-12 communities, parks, and schools to encourage walking, biking, and
3-13 increased time outdoors by children and their families;

3-14 (C) establishment of nature play areas in
3-15 communities to offer outdoor experiences close to children's homes;

3-16 (D) establishment, in partnership with the
3-17 Department of Family and Protective Services, the advisory council
3-18 on juvenile services, and appropriate community nonprofit
3-19 organizations, of a statewide civic justice corps to provide
3-20 students at risk of dropping out of school with opportunities to
3-21 serve on conservation crews in state parks and on other public land;

3-22 (E) establishment, in cooperation with school
3-23 districts, local parks departments, and appropriate nonprofit
3-24 organizations, of an outdoor classroom program on public land that
3-25 provides service learning opportunities and voluntary programming
3-26 aligned with the required curriculum under Section 28.002,
3-27 Education Code;

3-28 (F) provision to children and their families of
3-29 increased access to naturalists who present interpretive
3-30 activities at state parks and on other public land to enhance
3-31 discovery and enjoyment of this state's natural resources; and

3-32 (G) provision to children who are members of
3-33 minority groups of increased access to state parks and other public
3-34 land, through partnership with appropriate organizations;

3-35 (2) develop and assist in the implementation of a
3-36 state environmental literacy plan that includes:

3-37 (A) a review of current environmental education
3-38 in public schools, including student environmental literacy
3-39 levels;

3-40 (B) identification of curriculum necessary to
3-41 develop environmentally literate students;

3-42 (C) identification of model outdoor field and
3-43 service learning experiences that can be integrated into the
3-44 required curriculum under Section 28.002, Education Code;

3-45 (D) professional development opportunities for
3-46 professional educators and for students who are in educator
3-47 preparation programs and development programs for other
3-48 environmental educators; and

3-49 (E) methods to annually measure and report, at
3-50 the state and local levels, progress of public school students
3-51 toward becoming environmentally literate;

3-52 (3) devise a method to measure:

3-53 (A) baseline data concerning the amount of time
3-54 children spend outdoors; and

3-55 (B) any increased time children spend outdoors as
3-56 a result of the partnership's efforts; and

3-57 (4) identify opportunities for and barriers to
3-58 implementing environmental literacy programs in public schools and
3-59 on public land.

3-60 (b) Not later than December 1 of each even-numbered year,
3-61 the partnership shall submit a report to the governor, the
3-62 lieutenant governor, the speaker of the house of representatives,
3-63 and the presiding officer of each legislative standing committee
3-64 with primary jurisdiction over primary and secondary education,
3-65 natural resources, land and resource management, or environmental
3-66 regulation regarding the partnership's recommendations concerning
3-67 the partnership's duties under Subsection (a).

3-68 (c) The partnership shall adopt rules as necessary for its
3-69 own procedures.

4-1 Sec. 450.053. FUNDING. The partnership may accept gifts
4-2 and grants from a public or private source for the partnership to
4-3 use in performing the partnership's powers and duties under this
4-4 chapter.

4-5 SECTION 2. As soon as practicable after the effective date
4-6 of this Act, appointments of public members shall be made to the
4-7 Texas Partnership for Children in Nature as provided by Chapter
4-8 450, Government Code, as added by this Act. Notwithstanding
4-9 Section 450.007, Government Code, as added by this Act, the terms of
4-10 initial public members appointed to the Texas Partnership for
4-11 Children in Nature expire February 1, 2011.

4-12 SECTION 3. This Act takes effect September 1, 2009.

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