

SENATE AMENDMENTS

2nd Printing

By: Smithee

H.B. No. 3864

A BILL TO BE ENTITLED

AN ACT

relating to the acceptance of certain donated building projects by the Parks and Wildlife Department.

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

SECTION 1. Subchapter B, Chapter 11, Parks and Wildlife Code, is amended by adding Section 11.0285 to read as follows:

Sec. 11.0285. DONATED BUILDING PROJECTS. (a) The department may accept the donation of a turnkey building project on state land provided that the department:

(1) approves the plans and engineering in advance; and

(2) has supervision over the project.

(b) A project under this section is not subject to competitive bidding.

(c) The commission may adopt rules to implement this section.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

ADOPTED

Elit Shapleigh

FLOOR AMENDMENT NO. 1

MAY 25 2009 BY:

Letay Spaw
Secretary of the Senate

1 Amend H.B. 3864 (Senate committee printing) by adding the
2 following sections to the bill, numbered appropriately, and by
3 renumbering any subsequent sections of the bill accordingly.

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

6 CHAPTER 450. TEXAS PARTNERSHIP FOR CHILDREN IN NATURE

7 SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

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

10 Sec. 450.002. SUNSET PROVISION. The Texas Partnership for
11 Children in Nature is subject to Chapter 325 (Texas Sunset Act).
12 Unless continued in existence as provided by that chapter, the
13 partnership is abolished and this chapter expires September 1,
14 2021.

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

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

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

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

25 (2) four ex officio members as follows:

26 (A) the executive director of the Parks and
27 Wildlife Department;

28 (B) the commissioner of education;

29 (C) the commissioner of state health services;

1 and

2 (D) the commissioner of agriculture.

3 Sec. 450.004. PUBLIC MEMBERS: ELIGIBILITY; APPOINTMENT;

4 VACANCY. (a) A person appointed as a public member of the
5 partnership must be a resident of this state.

6 (b) Appointments of public members to the partnership
7 shall be made:

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

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

12 (c) The governor, in consultation with the executive
13 director of the Parks and Wildlife Department and the
14 commissioner of education, shall fill any vacancy in an
15 appointed position in the partnership for the unexpired portion
16 of the term.

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

22 (b) An ex officio member may designate a representative to
23 serve in the partnership in the member's place. A
24 representative designated under this subsection must be an
25 officer or employee of the state agency that employs the ex
26 officio member or of which the ex officio member is an officer.

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

30 (1) is ineligible for public membership under Section
31 450.004(a);

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

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

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

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

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

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

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

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

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

31 Sec. 450.009. COMPENSATION; EXPENSES. (a) A public

1 member of the partnership is not entitled to compensation but is
2 entitled to reimbursement for the travel expenses incurred by
3 the member while transacting partnership business, as provided
4 by the General Appropriations Act.

5 (b) An ex officio member's service in the partnership is
6 an additional duty of the underlying position that qualifies the
7 member for service in the partnership. The entitlement of an ex
8 officio member to compensation or to reimbursement for travel
9 expenses incurred while transacting partnership business is
10 governed by the law that applies to the member's service in that
11 underlying position, and any payment to the member for either
12 purpose must be made from money that may be used for the purpose
13 and is available to the state agency that the member serves in
14 that underlying position.

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

17 (b) An ex officio member of the partnership may vote on
18 partnership business.

19 (c) The partnership shall develop and implement policies
20 that provide the public with a reasonable opportunity to appear
21 before the partnership and speak on any issue under the
22 jurisdiction of the partnership.

23 Sec. 450.011. STAFF COORDINATION. The Parks and Wildlife
24 Department shall provide staff support to the partnership, in
25 coordination with the Texas Education Agency, the Department of
26 State Health Services, and the Texas Department of Agriculture.

27 [Sections 450.012-450.050 reserved for expansion]

28 SUBCHAPTER B. POWERS AND DUTIES; FUNDING

29 Sec. 450.051. ADVISORY STATUS OF PARTNERSHIP. (a) In
30 implementing its powers and duties under this chapter, the
31 partnership functions only in an advisory capacity. Membership

1 in the partnership does not constitute a public office.

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

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

4 (a) The partnership shall promote the well-being of this
5 state's children by providing children with opportunities to
6 spend more time outdoors and to learn about the environment
7 through experiential activities outdoors and formal and informal
8 education concerning the environment. To accomplish those
9 purposes, the partnership shall:

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

14 (A) development and implementation of strategies
15 to provide increased support for programs under which school
16 grounds are converted into natural habitats for play and outdoor
17 classrooms;

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

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

24 (D) establishment, in partnership with the
25 Department of Family and Protective Services, the advisory
26 council on juvenile services, and appropriate community
27 nonprofit organizations, of a statewide civic justice corps to
28 provide students at risk of dropping out of school with
29 opportunities to serve on conservation crews in state parks and
30 on other public land;

31 (E) establishment, in cooperation with school

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districts, local parks departments, and appropriate nonprofit organizations, of an outdoor classroom program on public land that provides service learning opportunities and voluntary programming aligned with the required curriculum under Section 28.002, Education Code;

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

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

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

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

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

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

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

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

(3) devise a method to measure:

(A) baseline data concerning the amount of time

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1 children spend outdoors; and

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

4 (4) identify opportunities for and barriers to
5 implementing environmental literacy programs in public schools
6 and on public land.

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

16 (c) The partnership shall adopt rules as necessary for its
17 own procedures.

18 Sec. 450.053. FUNDING. The partnership may accept gifts
19 and grants from a public or private source for the partnership
20 to use in performing the partnership's powers and duties under
21 this chapter.

22 SECTION 2. As soon as practicable after the effective date
23 of this Act, appointments of public members shall be made to the
24 Texas Partnership for Children in Nature as provided by Chapter
25 450, Government Code, as added by this Act. Notwithstanding
26 Section 450.007, Government Code, as added by this Act, the
27 terms of initial public members appointed to the Texas
28 Partnership for Children in Nature expire February 1, 2013.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3864 by Smithee (Relating to the acceptance of certain donated building projects by the Parks and Wildlife Department.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Parks and Wildlife Code relating to the acceptance of certain donated building projects by the Texas Parks and Wildlife Department (TPWD). The bill allows TPWD to accept the donation of a turnkey building project on state land provided that the architectural and engineering plans were approved in advance, and that TPWD has supervision over the project. Under bill provisions a donated turnkey building project would not be subject to competitive bidding. TPWD indicates it could absorb any costs associated with approving the architectural and engineering plans, as well as any costs associated with supervision over the project within its current resources. The bill would take immediate effect if the bill receives two-thirds the vote of all members. Otherwise, the bill would take effect September 1, 2009.

The bill would amend the Government Code by adding Chapter 450 relating to the Texas Partnership for Children in Nature (TPCN). The TPCN would be mandated to promote children's well-being by providing outdoor opportunities and environmental education. Ex officio members of the TPCN would include the executive director of the Texas Parks and Wildlife Department (TPWD), and the commissioners of Education (TEA), Agriculture (TDA), and State Health Services (DSHS). TPWD would take the lead in providing staff support to the TPCN, in coordination with the other agencies listed. The bill would require the TPCN to submit a report to the Governor and the Legislature December 1 of each even numbered year on recommendations concerning the fulfillment of their mandate.

The bill would provide that the TPCN may accept gifts and grants from a public or private sources. According to TEA, the bill may result in the agency incurring additional travel expenses each fiscal year, which are estimated to be \$2,950 assuming the commissioner of education chooses a designee to serve on the TPCN and assuming quarterly meetings with an overnight stay and a maximum of two days of meals and car rental. According to TPWD, the bill may result in the department incurring additional staff costs to coordinate and initiate TPCN activities, which are estimated to be \$39,559 each fiscal year in 2010 and 2011 and \$15,475 in fiscal year 2012 and \$75 in fiscal year 2013 and each year thereafter. Based on the LBB's analysis of TEA, TPWD, TDA and DSHS's duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources. The bill would take effect September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. TEA indicates that school districts may be required to implement educational projects and programs, and local administrative costs could vary widely depending on what choices are made by the partnership, and that any fiscal implications for the operations of local school districts would likely continue. However, TEA indicates that the partnership would select education projects that would not cause a large administrative burden for local school districts.

Source Agencies: 802 Parks and Wildlife Department

LBB Staff: JOB, SD, TB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 18, 2009

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3864 by Smithee (Relating to the acceptance of certain donated building projects by the Parks and Wildlife Department.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Parks and Wildlife Code relating to the acceptance of certain donated building projects by the Texas Parks and Wildlife Department (TPWD). The bill allows TPWD to accept the donation of a turnkey building project on state land provided that the architectural and engineering plans were approved in advance, and that TPWD has supervision over the project. Under bill provisions a donated turnkey building project would not be subject to competitive bidding. TPWD indicates it could absorb any costs associated with approving the architectural and engineering plans, as well as any costs associated with supervision over the project within its current resources. The bill would take immediate effect if the bill receives two-thirds the vote of all members. Otherwise, the bill would take effect September 1, 2009.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 802 Parks and Wildlife Department

LBB Staff: JOB, SD, TB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 20, 2009

TO: Honorable Mark Homer, Chair, House Committee on Culture, Recreation & Tourism

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3864 by Smithee (Relating to the acceptance of certain donated building projects by the Parks and Wildlife Department.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Parks and Wildlife Code relating to the acceptance of certain donated building projects by the Texas Parks and Wildlife Department (TPWD). The bill allows TPWD to accept the donation of a turnkey building project on state land provided that the architectural and engineering plans were approved in advance, and that TPWD has supervision over the project. Under bill provisions a donated turnkey building project would not be subject to competitive bidding. TPWD indicates it could absorb any costs associated with approving the architectural and engineering plans, as well as any costs associated with supervision over the project within its current resources. The bill would take immediate effect if the bill receives two-thirds the vote of all members. Otherwise, the bill would take effect September 1, 2009.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 802 Parks and Wildlife Department

LBB Staff: JOB, SD, TB