

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 30, 2009

Date

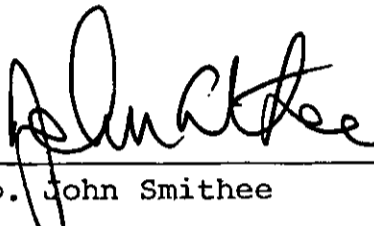
Honorable David Dewhurst  
President of the Senate

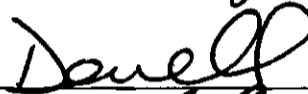
Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:


We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 3864 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

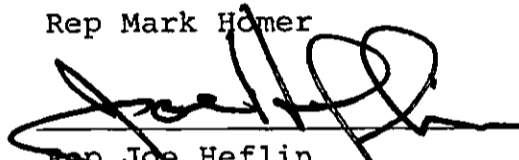
  
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KEL SELIGER

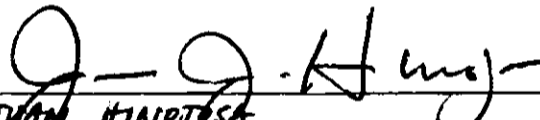
  
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Rep. John Smithee


  
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ROBERT DEVELL

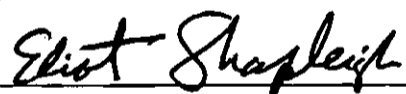
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Rep Mark Homer

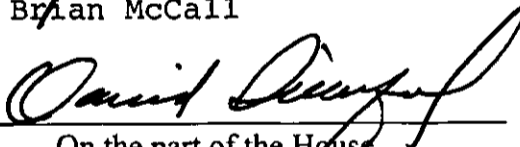
  
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KEVIN ELTIFE

  
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Rep Joe Heflin

  
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JUAN HINOJOSA

  
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Rep Brian McCall

  
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ELIOT On the part of the Senate  
SHAPLEIGH

  
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On the part of the House  
Rep David Swinford

### Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

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.

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

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(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.

No equivalent provision.

SECTION 1. Same as House version.

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SECTION \_\_. 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.

Same as House version.

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The partnership is composed of seven members as follows:

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

(2) four ex officio members as follows:

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

(B) the commissioner of education;

(C) the commissioner of state health services; and

(D) the commissioner of agriculture.

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

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

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

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

(c) The governor, in consultation with the executive director of the Parks and Wildlife Department and the commissioner of education, shall fill any vacancy in an

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appointed position in the partnership for the unexpired portion of the term.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) An ex officio member's service in the partnership is

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an additional duty of the underlying position that qualifies the member for service in the partnership. The entitlement of an ex officio member to compensation or to reimbursement for travel expenses incurred while transacting partnership business is governed by the law that applies to the member's service in that underlying position, and any payment to the member for either purpose must be made from money that may be used for the purpose and is available to the state agency that the member serves in that underlying position.

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

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

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

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

[Sections 450.012-450.050 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES; FUNDING

Sec. 450.051. ADVISORY STATUS OF PARTNERSHIP. (a) In implementing its powers and

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duties under this chapter, the partnership functions only in an advisory capacity. Membership in the partnership does not constitute a public office.

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

Sec. 450.052. GENERAL POWERS AND DUTIES OF PARTNERSHIP.

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

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

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

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

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

(D) establishment, in partnership with the Department of Family and Protective Services, the advisory council on juvenile services, and appropriate community nonprofit



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organizations, of a statewide civic justice corps to provide students at risk of dropping out of school with opportunities to serve on conservation crews in state parks and on other public land;

(E) establishment, in cooperation with school 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

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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 children spend outdoors; and  
(B) any increased time children spend outdoors as a result of the partnership's efforts; and  
(4) identify opportunities for and barriers to implementing environmental literacy programs in public schools and on public land.  
(b) Not later than December 1 of each even-numbered year, the partnership shall submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over primary and secondary education, natural resources, land and resource management, or environmental regulation regarding the partnership's recommendations concerning the partnership's duties under Subsection (a).  
(c) The partnership shall adopt rules as necessary for its own procedures.  
Sec. 450.053. FUNDING. The partnership may accept gifts and grants from a public or private source for the partnership to use in performing the partnership's powers

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and duties under this chapter.

No equivalent provision.

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

Same as House version.

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.

SECTION 2. Same as House version.

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**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 30, 2009**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate  
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.), **Conference Committee Report**

**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.

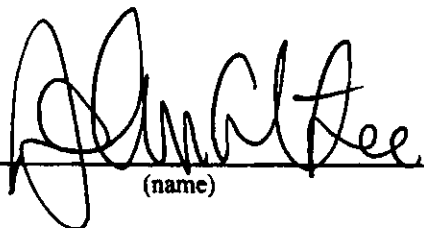
**Source Agencies:** 802 Parks and Wildlife Department

**LBB Staff:** JOB, SD, TB

## Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 3864 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

  
\_\_\_\_\_  
(name)

5/30/09  
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(date)