

## **BILL ANALYSIS**

Senate Research Center  
81R2241 CAS-D

S.B. 205  
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Agriculture & Rural Affairs  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

There is a growing awareness of the disconnection between children and the natural world and a growing desire to find policy solutions to the problem. Over the past 20 years, the time children spend outside has fallen by 50 percent, and the time the average child spends plugged into electronic media each day has grown to more than six hours. During the same time period, the rate of obesity among adolescents has more than tripled. Other public health implications of sedentary indoor lifestyles include the onset of "adult" conditions, such as Type 2 diabetes, in children. At the same time, there is an increasing body of research pointing to the developmental, health, and educational benefits of learning and playing in natural settings. Environmental education is a proven strategy that enhances a child's connection to the outdoors, improves academic performance, and heightens interest in science and math. Reconnecting children with nature is in fact a solution to many of the problems faced by children today. Children who play outdoors are more physically active, more aware of nutrition, and perform better in school.

As proposed, S.B. 205 creates the Texas Partnership for Children in Nature (partnership) to promote the well-being of Texas children by providing children with opportunities to spend more time outdoors and learn about the environment. S.B. 205 requires the partnership to develop and assist in the implementation of a state environmental literacy plan and provide recommendations to the governor and legislature prior to each legislative session.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Partnership for Children in Nature in SECTION 1 (Section 450.052, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle D, Title 4, Government Code, by adding Chapter 450, as follows:

#### CHAPTER 450. TEXAS PARTNERSHIP FOR CHILDREN IN NATURE

##### SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

Sec. 450.001. DEFINITION. Defines "partnership."

Sec. 450.002. SUNSET PROVISION. Provides that the Texas Partnership for Children in Nature (partnership) is subject to Chapter 325 (Texas Sunset Act). Provides that 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. Provides that the partnership is composed of seven members, including three public members appointed by the governor in consultation with the executive director of the Parks and Wildlife Department (TPWD) and the commissioner of education, one public member who represents parent-teacher organizations, and two public members each of whom represents a nonprofit organization dedicated to education concerning or protection of the environment, and four certain ex officio members.

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

(b) Requires appointments of public members to the partnership to be made without regard to race, color, disability, sex, religion, age, or national origin of an appointee, and so that various geographic areas of this state are represented in the partnership.

(c) Requires the governor, in consultation with the executive director of TPWD and the commissioner of education, to fill any vacancy in an appointed position in the partnership for the unexpired portion of the term.

Sec. 450.005. EX OFFICIO MEMBERS: ELIGIBILITY; DESIGNATION OF REPRESENTATIVE. (a) Provides that 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) Authorizes an ex officio member to designate a representative to serve in the partnership in the member's place. Requires a representative designated under this subsection to 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) Provides certain circumstances as a ground for removal of a public member from the partnership.

(b) Provides that 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.

(c) Requires a member to notify the presiding officer of the partnership of the potential ground if the member of the partnership has knowledge that a potential ground for removal exists. Requires the presiding officer to then notify the governor and the attorney general that a potential ground for removal exists.

Sec. 450.007. TERM OF PUBLIC MEMBER. (a) Provides that a public member of the partnership serves a term of two years.

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

(c) Prohibits a public member from serving more than two consecutive terms. Provides that 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) Provides that the executive director of TPWD or the executive director's representative serves as the presiding officer of the partnership.

(b) Authorizes the presiding officer of the partnership to 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) Provides that 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) Provides that an ex officio member's service in the partnership is an additional duty of the underlying position that qualifies the member for service in the partnership. Provides that the entitlement 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 is required to be made from money that is authorized to 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) Requires the partnership to meet at the call of the presiding officer.

(b) Authorizes an ex officio member of the partnership to vote on partnership business.

(c) Requires the partnership to 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. Requires TPWD to 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.

[Reserves Sections 450.012-450.050 for expansion.]

#### SUBCHAPTER B. POWERS AND DUTIES; FUNDING

Sec. 450.051. ADVISORY STATUS OF PARTNERSHIP. (a) Provides that in implementing its powers and duties under this chapter, the partnership functions only in an advisory capacity. Provides that membership in the partnership does not constitute a public office.

(b) Provides that Chapter 2110 (State Agency Advisory Committees) does not apply to the partnership.

Sec. 450.052. GENERAL POWERS AND DUTIES OF PARTNERSHIP. (a) Requires the partnership to 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. Requires the partnership to:

(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 certain opportunities;

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

(3) devise a method to measure baseline data concerning the amount of time children spend outdoors and 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) Requires the partnership, no later than December 1 of each even-numbered year, to 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) Requires the partnership to adopt rules as necessary for its own procedures.

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

SECTION 2. Requires that, as soon as practicable after the effective date of this Act, appointments of public members be made to the partnership as provided by Chapter 450, Government Code, as added by this Act. Provides that, notwithstanding Section 450.007, Government Code, as added by this Act, the terms of initial public members appointed to the partnership expire February 1, 2011.

SECTION 3. Effective date: September 1, 2009.