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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 356**      Session of  
2007

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INTRODUCED BY M. WHITE, MUSTO, BOSCOLA, STOUT, TOMLINSON,  
BRUBAKER, FONTANA, KITCHEN, ERICKSON, WONDERLING, KASUNIC,  
GREENLEAF, COSTA, RHOADES, O'PAKE, GORDNER, FERLO, BROWNE AND  
MADIGAN, MARCH 5, 2007

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 5, 2007

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AN ACT

1 Amending the act of June 22, 1993 (P.L.105, No.24), entitled "An  
2 act providing for environmental education programs; providing  
3 for further duties of the Department of Education and the  
4 Department of Environmental Resources; creating the  
5 Environmental Education Fund; and providing for the  
6 disposition of a portion of certain fines and penalties,"  
7 providing for the establishment of the Pennsylvania Center  
8 for Environmental Education and the Pennsylvania Center for  
9 Environmental Education Board; and making editorial changes.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. The title and sections 2 and 3 of the act of June  
13 22, 1993 (P.L.105, No.24), known as the Environmental Education  
14 Act, are amended to read:

15 AN ACT

16 Providing for environmental education programs; providing for  
17 the establishment of the Pennsylvania Center for  
18 Environmental Education and the Pennsylvania Center for  
19 Environmental Education Board and for further duties of the  
20 Department of Education, the Department of Conservation and

1 Natural Resources and the Department of Environmental  
2 [Resources] Protection; creating the Environmental Education  
3 Fund; and providing for the disposition of a portion of  
4 certain fines and penalties.

5 Section 2. Declaration of policy.

6 The General Assembly finds and declares as follows:

7 (1) Section 27 of Article I of the Constitution of  
8 Pennsylvania states that: "The people have a right to clean  
9 air, pure water, and to the preservation of the natural,  
10 scenic, historic and esthetic values of the environment.  
11 Pennsylvania's public natural resources are the common  
12 property of all the people, including generations yet to  
13 come. As trustee of these resources, the Commonwealth shall  
14 conserve and maintain them for the benefit of all the  
15 people."

16 (2) [The State Board of Education has recognized the  
17 study of the environment as an essential component of basic  
18 education for graduating students. The regulations of the  
19 board which pertain to curriculum identify the knowledge and  
20 understanding of the environment as one of the goals of a  
21 quality education.] The State Board of Education has adopted  
22 environment and ecology curriculum standards identifying the  
23 concepts and understanding that students in kindergarten  
24 through grade 12 must attain at each level.

25 (3) The Department of Education has primary  
26 responsibility for formal environmental education within this  
27 Commonwealth's schools. A quality education should provide  
28 each student with knowledge of natural and human resources,  
29 an understanding of geographic environments, knowledge of the  
30 interrelationships and interdependence of natural and human

1 systems, the development of environmental problem solving and  
2 management skills and knowledge of and appropriate uses of  
3 energy.

4 (4) The Department of Environmental [Resources has a  
5 responsibility to help the public understand the  
6 environmental laws as well as the roles of individuals,  
7 groups, institutions, industry and government in finding  
8 solutions to this Commonwealth's environmental problems and  
9 the prevention of new problems.] Protection and the

10 Department of Conservation and Natural Resources have  
11 responsibility for adult and nonformal environmental  
12 education and a support role in basic and higher education.

13 The Department of Environmental Protection shall provide  
14 environmental education support to adults, businesses, local  
15 officials and farmers, emphasizing environmental stewardship  
16 related to environmental laws, pollution reduction and  
17 prevention, sustainable energy issues and environmental  
18 problem solving.

19 [(5) The third week of October is recognized each year  
20 as "Pennsylvania Environmental Education Week" as a means to  
21 promote environmental education.

22 (6) The 20th Anniversary celebration of "Earth Day"  
23 heralded the 1990's as the "Decade of the Environment." In  
24 order to meet the challenges of this decade, citizens of this  
25 Commonwealth will need the knowledge and skills to make  
26 informed decisions as consumers and voters to help protect  
27 the environment and prevent pollution.

28 (7) It is the policy of this Commonwealth that  
29 environmental education is critically important to encourage  
30 a citizenry which has the ability to help promote a healthy

1 environment and an understanding of the functioning of the  
2 natural world and the necessity for environmental protection  
3 and sound resource management.]

4 (5) The annual celebration of Earth Day is an  
5 opportunity for every citizen in this Commonwealth to reflect  
6 on our accomplishments in protecting the environment and on  
7 the challenges we face in creating an environmentally aware  
8 citizenry and sustainable communities.

9 (6) Environmental education is critical to promoting a  
10 healthy environment and citizenry, sustainable communities  
11 and to the growth of Pennsylvania's economy.

12 (7) A Pennsylvania Center for Environmental Education is  
13 an essential component to help to identify the resources and  
14 products needed to comply with the environment and ecology  
15 standards, to assess the environmental knowledge and  
16 understanding of the public, to avoid duplication in the  
17 creation and delivery of environmental education programs to  
18 create an informed citizenry and sustainable communities.

19 Section 3. Legislative purpose.

20 It is the purpose of this act to:

21 (1) authorize and require the Department of Education,  
22 the Department of Conservation and Natural Resources and the  
23 Department of Environmental [Resources] Protection to develop  
24 and implement environmental education programs for the  
25 citizens of this Commonwealth[;] and to provide leadership,  
26 services, funding and accountability for environmental  
27 education;

28 (2) encourage the environmental education efforts of  
29 other agencies where appropriate, including, but not limited  
30 to, those of the county conservation districts, the

1 Pennsylvania Fish and Boat Commission, the Game Commission,  
2 [the Pennsylvania Energy Office,] the Department of  
3 Agriculture, the Department of [Commerce, the Department of  
4 Community Affairs,] Community and Economic Development, the  
5 Department of General Services and the Department of  
6 Transportation; [and]

7 (3) create and establish the Advisory Council on  
8 Environmental Education within the Department of  
9 Education[.]; and

10 (4) establish the Pennsylvania Center for Environmental  
11 Education to support the environmental education efforts of  
12 State agencies, county conservation districts, formal and  
13 nonformal educators and nonprofit organizations.

14 Section 2. The act is amended by adding a section to read:

15 Section 3.1. Pennsylvania Center for Environmental Education.

16 (a) Establishment.--There is hereby established the  
17 Pennsylvania Center for Environmental Education within the State  
18 System of Higher Education which will help to identify the needs  
19 for environmental education, promote research and development of  
20 programs for nonformal educators and involve stakeholders.

21 (b) Duties.--The Pennsylvania Center for Environmental  
22 Education shall have the following duties:

23 (1) To promote the formation of partnerships with formal  
24 and nonformal educators, schools, agencies, public officials,  
25 county conservation districts, business, industry, nonprofit  
26 citizen and environmental education organizations the purpose  
27 of which is:

28 (i) To assist with the dissemination of existing  
29 environmental education materials, program and training  
30 opportunities to agencies, organizations, educators and

1 the public.

2 (ii) To provide preservice and nonformal educator  
3 programs related to environmental education and support  
4 efforts to disseminate materials to meet those needs.

5 (iii) To assist in evaluating the effectiveness of  
6 nonformal environmental education programs.

7 (iv) To help to facilitate the active implementation  
8 of the environment and ecology standards adopted by the  
9 State Board of Education.

10 (v) To promote both Statewide and regional solutions  
11 to environmental education needs to maximize the  
12 effective use of existing resources.

13 (vi) To work with State agencies in the development  
14 of new educational tools where environmental education  
15 needs are identified.

16 (2) To inventory, disseminate and generate environmental  
17 education-related research, including an environmental  
18 readiness assessment of public knowledge, attitudes and  
19 behaviors related to environmental concerns and concepts  
20 every five years to help determine educational needs.

21 (3) To establish an Internet-based resources network to  
22 make environmental information available and to provide  
23 training and education opportunities for educators and  
24 Pennsylvania's citizenry.

25 (4) To actively seek public and private sources of  
26 funding to help support activities by the Pennsylvania Center  
27 for Environmental Education and its project partners.

28 (c) Organization.--

29 (1) The Pennsylvania Center for Environmental Education  
30 is established within the State System of Higher Education.

1           (2) The State System of Higher Education may, in  
2 consultation with the Pennsylvania Center for Environmental  
3 Education Board, hire such employees and contract with other  
4 entities as it determines to undertake its responsibilities  
5 to the extent available funds allow. All staff hiring,  
6 firing, staff and program evaluations and fiscal  
7 accountability will follow State System of Higher Education  
8 procedures and practices.

9           (d) Pennsylvania Center for Environmental Education Board  
10 established.--

11           (1) To oversee and assess the operations of the  
12 Pennsylvania Center for Environmental Education in performing  
13 its duties, a Pennsylvania Center for Environmental Education  
14 Board is hereby established. The board shall consist of the  
15 following nine representatives:

16           (i) The secretary or his designee from each of the  
17 following: the Department of Environmental Protection,  
18 the Department of Conservation and Natural Resources and  
19 the Department of Education.

20           (ii) Six representatives appointed by the Chancellor  
21 of the State System of Higher Education. These  
22 representatives shall be chosen from among the business,  
23 agricultural, environmental, conservation, basic and  
24 higher education communities or from among any community  
25 which the appointing authority deems will further the  
26 purposes of environmental education in this Commonwealth.  
27 Representatives selected shall serve terms of four years.  
28 Of the representatives first appointed by the appointing  
29 authority, three shall serve for terms of two years and  
30 three shall serve for terms of four years.

1 Representatives, upon expiration of their term, shall  
2 continue to serve until a successor is appointed.  
3 Vacancies shall be filled for the remainder of an  
4 unexpired term in the same manner as original  
5 appointments.

6 (2) The board shall meet at least semiannually to  
7 establish priorities, adopt an annual work plan and annual  
8 budget, and review and approve activities of the center, and  
9 shall elect a chairperson.

10 (3) Expenses of the board and the operation of the  
11 Pennsylvania Center for Environmental Education shall be paid  
12 by the State System of Higher Education from funds  
13 appropriated by the General Assembly for the Pennsylvania  
14 Center for Environmental Education.

15 Section 3. Sections 4, 5, 6, 7 and 8 of the act are amended  
16 to read:

17 Section 4. Powers and duties of Department of Education.

18 The Department of Education shall have the following powers  
19 and duties:

20 (1) To conduct a periodic evaluation of school-based  
21 environmental education in this Commonwealth.

22 (2) To provide assistance, support and resource  
23 information to educators, students and public and private  
24 education agencies and organizations on environmental  
25 education programs.

26 (3) To identify, recognize and establish awards for  
27 exemplary environmental education curricula developed in  
28 Commonwealth schools.

29 (4) To identify the need for the development of new  
30 curriculum, preservice and continuing teacher professional

1 development and education programs related to environmental  
2 education and to support efforts to develop programs and  
3 materials to meet those needs in collaboration with other  
4 agencies, environmental organizations or associations.

5 Section 5. Powers and duties of Department of Environmental  
6 [Resources] Protection.

7 The Department of Environmental [Resources] Protection shall  
8 have the following powers and duties:

9 [(1) To conduct a periodic evaluation of the status of  
10 environmental education taking place in the nonformal sector  
11 (outside of the classroom) in this Commonwealth.

12 (2) To maintain an inventory of environmental education  
13 materials, programs and resources available in Commonwealth  
14 agencies.

15 (3) To use the department's environmental education  
16 centers as outreach facilities to bring youth and adult  
17 education programs into communities and schools, focusing on  
18 environmental issues of importance to the Commonwealth.

19 (4) To provide such grants as the Secretary of  
20 Environmental Resources after consultation with the Secretary  
21 of Education shall, in his discretion, approve to the  
22 following: public and private schools for youth environmental  
23 education, conservation and education organizations and  
24 institutions for the purposes of providing environmental  
25 education training to teachers, county conservation districts  
26 and Bureau of State Parks Environmental Education Program.]

27 (1) To provide such grants as the Secretary of  
28 Environmental Protection, after consultation with the  
29 Secretary of Education, shall, in the Secretary of  
30 Environmental Protection's discretion, approve to the

1 following: public and private schools, conservation and  
2 education organizations and institutions, businesses and  
3 nonprofit organizations and associations, county conservation  
4 districts and the Department of Conservation and Natural  
5 Resources for the purposes of providing environmental  
6 education.

7 [(5)] (2) To prepare a guidance document, in  
8 consultation with the Secretary of Education, for  
9 administering the grants. [The department shall make the  
10 document available for public review and comment by  
11 publication in the Pennsylvania Bulletin.]

12 Section 6. Environmental Education Report.

13 The Secretary of Education and the Secretary of Environmental  
14 [Resources] Protection, with input from the Advisory Council on  
15 Environmental Education and the Pennsylvania Center for  
16 Environmental Education Board, shall prepare a [periodic]  
17 biennial report to the Governor and the General Assembly  
18 outlining environmental education programs and achievements,  
19 highlighting new initiatives and recommending future program  
20 needs.

21 Section 7. The Advisory Council on Environmental Education.

22 (a) Duties.--There is hereby created an Advisory Council on  
23 Environmental Education within the Department of Education. The  
24 advisory council shall:

25 (1) Make recommendations to the Secretary of Education,  
26 the Secretary of Conservation and Natural Resources and the  
27 Secretary of Environmental [Resources] Protection with  
28 respect to the use of any funds used to support environmental  
29 education activities.

30 (2) Advise and assist the Secretary of Education, the

1 Secretary of Conservation and Natural Resources and the  
2 Secretary of Environmental [Resources] Protection in carrying  
3 out environmental education activities.

4 (3) Advise and assist the Secretary of Education, the  
5 Secretary of Conservation and Natural Resources and the  
6 Secretary of Environmental [Resources] Protection in  
7 conducting a continual evaluation of the trends and needs in  
8 environmental education.

9 (4) Make recommendations to the Secretary of Education,   
10 the Secretary of Conservation and Natural Resources [and the  
11 Secretary of Environmental Resources], the Secretary of  
12 Environmental Protection and the Pennsylvania Center for  
13 Environmental Education Board to help foster environmental  
14 education programs.

15 (5) Make recommendations to the Secretary of  
16 Conservation and Natural Resources and the Secretary of  
17 Environmental [Resources] Protection on the distribution of  
18 available grant moneys.

19 (b) Composition.--Council membership shall consist of [13]  
20 16 members as follows:

21 (1) the Secretary of Education or his designee;

22 (2) the Secretary of Environmental [Resources]  
23 Protection or his designee;

24 (2.1) the Secretary of Conservation and Natural  
25 Resources or his designee;

26 (3) the Secretary of Agriculture or his designee; and

27 (4) [ten] 12 members appointed as follows:

28 (i) Three members representing Statewide or regional  
29 environmental organizations appointed by the Secretary of  
30 Environmental [Resources] Protection.

1 (ii) Two members representing Statewide or regional  
2 business, industry or landowners' organizations appointed  
3 by the Secretary of [Commerce] Community and Economic  
4 Development.

5 (iii) Three members representing basic education  
6 appointed by the Secretary of Education, one of which is  
7 a vocational agricultural teacher appointed by the  
8 Secretary of Education.

9 (iv) One member representing higher education  
10 appointed by the Chancellor of the State System of Higher  
11 Education.

12 (v) One member representing a Statewide or regional  
13 general agricultural organization appointed by the  
14 Secretary of Agriculture.

15 (vi) Two members representing conservation and  
16 natural resource interests appointed by the Secretary of  
17 Conservation and Natural Resources.

18 (c) Appointment, terms and expenses.--The [ten] 12 council  
19 members shall be appointed for five-year terms. The initial term  
20 of four of the council members shall be for one year, the  
21 initial term of four members shall be for three years, and the  
22 initial term of the remainder shall be for five years. A member  
23 may be appointed for more than one term and shall serve until a  
24 successor has been appointed. Members shall not be compensated  
25 but shall be reimbursed for actual expenses in accordance with  
26 the rules of the Executive Board.

27 (d) Officers and bylaws.--The council shall convene at least  
28 [biannually] semiannually, shall elect a chairperson and a vice-  
29 chairperson to serve a one-year term and shall adopt bylaws for  
30 governing its operations.

1 (e) Staff.--The Secretary of Education shall designate such  
2 staff as may be necessary for the operation of the council.

3 Section 8. Environmental Education Fund.

4 [(a) Establishment.--]There is hereby created a special  
5 nonlapsing fund in the State Treasury to be known as the  
6 Environmental Education Fund. An amount equal to 5% of the  
7 moneys collected annually from fines, natural resource damage  
8 settlements and penalties deposited in special funds or  
9 restricted revenue accounts administered by the Department of  
10 Environmental [Resources] Protection shall be deposited in this  
11 fund. This annual allocation amount shall be based upon the  
12 amounts collected in the previous fiscal year. All moneys placed  
13 in the fund and the interest it accrues are hereby appropriated,  
14 upon authorization by the Governor, to the Department of  
15 Environmental [Resources] Protection and the Department of  
16 Conservation and Natural Resources to accomplish the purposes of  
17 this act. [Beginning in fiscal year 1992-1993, and each year  
18 thereafter, moneys appropriated to the department under this  
19 section shall not affect and are in addition to funding for  
20 environmental education programs administered by the department  
21 and the Department of Education that are in existence prior to  
22 passage of this act.

23 (b) Return of certain moneys.--On June 30 of each fiscal  
24 year any funds in the Environmental Education Fund in excess of  
25 an amount equal to twice the average of expenditures for the  
26 three prior fiscal years from the Environmental Education Fund  
27 shall be returned to the special funds or restricted revenue  
28 accounts from which those funds were originally transferred.]

29 Section 4. The addition of section 3.1 of the act shall  
30 expire in seven years.

1 Section 5. This act shall take effect immediately.