

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 356 Session of 2007

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

SENATOR ARMSTRONG, APPROPRIATIONS, RE-REPORTED AS AMENDED, MARCH 19, 2007

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:

AN ACT

15
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, IN CONSULTATION WITH <—  
19 APPROPRIATE STAKEHOLDERS, help to identify the needs for  
20 environmental education, promote research and development of  
21 programs for nonformal educators and ~~involve stakeholders.~~ <—

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

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

29 (i) ~~To assist~~ ASSIST with the dissemination of <—  
30 existing environmental education materials, program and

1 training opportunities to agencies, organizations,  
2 educators and the public.

3 (ii) ~~To provide~~ PROVIDE preservice and nonformal <—  
4 educator programs related to environmental education and  
5 support efforts to disseminate materials to meet those  
6 needs.

7 (iii) ~~To assist~~ ASSIST in evaluating the <—  
8 effectiveness of nonformal environmental education  
9 programs.

10 (iv) ~~To help~~ HELP to facilitate the active <—  
11 implementation of the environment and ecology standards  
12 adopted by the State Board of Education.

13 (v) ~~To promote~~ PROMOTE both Statewide and regional <—  
14 solutions to environmental education needs to maximize  
15 the effective use of existing resources.

16 (vi) ~~To work~~ WORK with State agencies in the <—  
17 development of new educational tools where environmental  
18 education needs are identified.

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

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

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

1 ~~(c) Organization.~~ ←

2 ~~(1) The Pennsylvania Center for Environmental Education~~  
3 ~~is established within the State System of Higher Education.~~

4 ~~(2) The State System of Higher Education may, in~~  
5 ~~consultation with the Pennsylvania Center for Environmental~~

6 (C) PERSONNEL.--THE STATE SYSTEM OF HIGHER EDUCATION MAY, IN ←

7 CONSULTATION WITH THE PENNSYLVANIA CENTER FOR ENVIRONMENTAL

8 Education Board, hire such employees and contract with other

9 entities as it determines to undertake its responsibilities to

10 the extent available funds allow. All staff hiring, firing,

11 staff and program evaluations and fiscal accountability will

12 follow State System of Higher Education procedures and

13 practices.

14 (d) Pennsylvania Center for Environmental Education Board

15 established.--

16 (1) To oversee and assess the operations of the

17 Pennsylvania Center for Environmental Education in performing

18 its duties, a Pennsylvania Center for Environmental Education

19 Board is hereby established. The board shall consist of the

20 following nine representatives:

21 (i) The secretary or his designee from each of the

22 following: the Department of Environmental Protection,

23 the Department of Conservation and Natural Resources and

24 the Department of Education.

25 (ii) Six representatives appointed by the Chancellor

26 of the State System of Higher Education. These

27 representatives shall be chosen from among the business,

28 agricultural, environmental, conservation, basic and

29 higher education communities or from among any community

30 which the appointing authority deems will further the

1 purposes of environmental education in this Commonwealth.  
2 Representatives selected shall serve terms of four years.  
3 Of the representatives first appointed by the appointing  
4 authority, three shall serve for terms of two years and  
5 three shall serve for terms of four years.  
6 Representatives, upon expiration of their term, shall  
7 continue to serve until a successor is appointed.  
8 Vacancies shall be filled for the remainder of an  
9 unexpired term in the same manner as original  
10 appointments.

11 (2) The board shall meet at least semiannually to  
12 establish priorities, adopt an annual work plan and annual  
13 budget, and review and approve activities of the center, and  
14 shall elect a chairperson.

15 (3) Expenses of the board and the operation of the  
16 Pennsylvania Center for Environmental Education shall be paid  
17 by the State System of Higher Education from funds  
18 appropriated by the General Assembly for the Pennsylvania  
19 Center for Environmental Education.

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

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

23 The Department of Education shall have the following powers  
24 and duties:

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

27 (2) To provide assistance, support and resource  
28 information to educators, students and public and private  
29 education agencies and organizations on environmental  
30 education programs.



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

4 (4) To identify the need for the development of new  
5 curriculum, preservice and continuing teacher professional  
6 development and education programs related to environmental  
7 education and to support efforts to develop programs and  
8 materials to meet those needs in collaboration with other  
9 agencies, environmental organizations or associations.

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

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

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

17 (2) To maintain an inventory of environmental education  
18 materials, programs and resources available in Commonwealth  
19 agencies.

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

24 (4) To provide such grants as the Secretary of  
25 Environmental Resources after consultation with the Secretary  
26 of Education shall, in his discretion, approve to the  
27 following: public and private schools for youth environmental  
28 education, conservation and education organizations and  
29 institutions for the purposes of providing environmental  
30 education training to teachers, county conservation districts

1 and Bureau of State Parks Environmental Education Program.]

2 (1) To provide such grants as the Secretary of  
3 Environmental Protection, after consultation with the  
4 Secretary of Education, shall, in the Secretary of  
5 Environmental Protection's discretion, approve to the  
6 following: public and private schools, conservation and  
7 education organizations and institutions, businesses and  
8 nonprofit organizations and associations, county conservation  
9 districts and the Department of Conservation and Natural  
10 Resources for the purposes of providing environmental  
11 education.

12 [(5)] (2) To prepare a guidance document, in  
13 consultation with the Secretary of Education, for  
14 administering the grants. [The department shall make the  
15 document available for public review and comment by  
16 publication in the Pennsylvania Bulletin.]

17 Section 6. Environmental Education Report.

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

26 Section 7. The Advisory Council on Environmental Education.

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

30 (1) Make recommendations to the Secretary of Education,

1 the Secretary of Conservation and Natural Resources and the  
2 Secretary of Environmental [Resources] Protection with  
3 respect to the use of any funds used to support environmental  
4 education activities.

5 (2) Advise and assist the Secretary of Education, the  
6 Secretary of Conservation and Natural Resources and the  
7 Secretary of Environmental [Resources] Protection in carrying  
8 out environmental education activities.

9 (3) Advise and assist the Secretary of Education, the  
10 Secretary of Conservation and Natural Resources and the  
11 Secretary of Environmental [Resources] Protection in  
12 conducting a continual evaluation of the trends and needs in  
13 environmental education.

14 (4) Make recommendations to the Secretary of Education,   
15 the Secretary of Conservation and Natural Resources [and the  
16 Secretary of Environmental Resources], the Secretary of  
17 Environmental Protection and the Pennsylvania Center for  
18 Environmental Education Board to help foster environmental  
19 education programs.

20 (5) Make recommendations to the Secretary of  
21 Conservation and Natural Resources and the Secretary of  
22 Environmental [Resources] Protection on the distribution of  
23 available grant moneys.

24 (b) Composition.--Council membership shall consist of [13]  
25 16 members as follows:

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

27 (2) the Secretary of Environmental [Resources]  
28 Protection or his designee;

29 (2.1) the Secretary of Conservation and Natural  
30 Resources or his designee;

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

2 (4) [ten] twelve members appointed as follows:

3 (i) Three members representing Statewide or regional  
4 environmental organizations appointed by the Secretary of  
5 Environmental [Resources] Protection.

6 (ii) Two members representing Statewide or regional  
7 business, industry or landowners' organizations appointed  
8 by the Secretary of [Commerce] Community and Economic  
9 Development.

10 (iii) Three members representing basic education  
11 appointed by the Secretary of Education, one of which is  
12 a vocational agricultural teacher appointed by the  
13 Secretary of Education.

14 (iv) One member representing higher education  
15 appointed by the Chancellor of the State System of Higher  
16 Education.

17 (v) One member representing a Statewide or regional  
18 general agricultural organization appointed by the  
19 Secretary of Agriculture.

20 (vi) Two members representing conservation and  
21 natural resource interests appointed by the Secretary of  
22 Conservation and Natural Resources.

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

1 the rules of the Executive Board.

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

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

8 Section 8. Environmental Education Fund.

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

28 (b) Return of certain moneys.--On June 30 of each fiscal  
29 year any funds in the Environmental Education Fund in excess of  
30 an amount equal to twice the average of expenditures for the

1 three prior fiscal years from the Environmental Education Fund  
2 shall be returned to the special funds or restricted revenue  
3 accounts from which those funds were originally transferred.]

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

6 Section 5. This act shall take effect immediately.