

## No. 1993-24

## AN ACT

## SB 181

Providing for environmental education programs; providing for further duties of the Department of Education and the Department of Environmental Resources; creating the Environmental Education Fund; and providing for the disposition of a portion of certain fines and penalties.

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

**Section 1. Short title.**

This act shall be known and may be cited as the Environmental Education Act.

**Section 2. Declaration of policy.**

The General Assembly finds and declares as follows:

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

(2) The State Board of Education has recognized the study of the environment as an essential component of basic education for graduating students. The regulations of the board which pertain to curriculum identify the knowledge and understanding of the environment as one of the goals of a quality education.

(3) A quality education should provide each student with knowledge of natural and human resources, an understanding of geographic environments, knowledge of the interrelationships and interdependence of natural and human systems, the development of environmental problem solving and management skills and knowledge of and appropriate uses of energy.

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

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

(6) The 20th Anniversary celebration of "Earth Day" heralded the 1990's as the "Decade of the Environment." In order to meet the

challenges of this decade, citizens of this Commonwealth will need the knowledge and skills to make informed decisions as consumers and voters to help protect the environment and prevent pollution.

(7) It is the policy of this Commonwealth that environmental education is critically important to encourage a citizenry which has the ability to help promote a healthy environment and an understanding of the functioning of the natural world and the necessity for environmental protection and sound resource management.

### Section 3. Legislative purpose.

It is the purpose of this act to:

(1) authorize and require the Department of Education and the Department of Environmental Resources to develop and implement environmental education programs for the citizens of this Commonwealth;

(2) encourage the environmental education efforts of other agencies where appropriate, including, but not limited to, those of the county conservation districts, the Pennsylvania Fish and Boat Commission, the Game Commission, the Pennsylvania Energy Office, the Department of Agriculture, the Department of Commerce, the Department of Community Affairs, the Department of General Services and the Department of Transportation; and

(3) create and establish the Advisory Council on Environmental Education within the Department of Education.

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

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

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

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

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

### Section 5. Powers and duties of Department of Environmental Resources.

The Department of Environmental Resources shall have the following powers and duties:

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

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

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

(4) To provide such grants as the Secretary of Environmental Resources after consultation with the Secretary of Education shall, in his

discretion, approve to the following: public and private schools for youth environmental education, conservation and education organizations and institutions for the purposes of providing environmental education training to teachers, county conservation districts and Bureau of State Parks Environmental Education Program.

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

#### Section 6. Environmental Education Report.

The Secretary of Education and the Secretary of Environmental Resources shall prepare a periodic report to the Governor and the General Assembly outlining environmental education programs and achievements, highlighting new initiatives and recommending future program needs.

#### Section 7. The Advisory Council on Environmental Education.

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

(1) Make recommendations to the Secretary of Education and the Secretary of Environmental Resources with respect to the use of any funds used to support environmental education activities.

(2) Advise and assist the Secretary of Education and the Secretary of Environmental Resources in carrying out environmental education activities.

(3) Advise and assist the Secretary of Education and the Secretary of Environmental Resources in conducting a continual evaluation of the trends and needs in environmental education.

(4) Make recommendations to the Secretary of Education and the Secretary of Environmental Resources to help foster environmental education programs.

(5) Make recommendations to the Secretary of Environmental Resources on the distribution of available grant moneys.

(b) Composition.—Council membership shall consist of 13 members as follows:

(1) the Secretary of Education or his designee;

(2) the Secretary of Environmental Resources or his designee;

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

(4) ten members appointed as follows:

(i) Three members representing Statewide or regional environmental organizations appointed by the Secretary of Environmental Resources.

(ii) Two members representing Statewide or regional business, industry or landowners' organizations appointed by the Secretary of Commerce.

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

appointed by the Secretary of Education.

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

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

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

(d) Officers and bylaws.—The council shall convene at least biannually, shall elect a chairperson and a vice-chairperson to serve a one-year term and shall adopt bylaws for governing its operations.

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

#### Section 8. Environmental Education Fund.

(a) Establishment.—There is hereby created a special nonlapsing fund in the State Treasury to be known as the Environmental Education Fund. An amount equal to 5% of the moneys collected annually from fines and penalties deposited in special funds or restricted revenue accounts administered by the Department of Environmental Resources shall be deposited in this fund. This annual allocation amount shall be based upon the amounts collected in the previous fiscal year. All moneys placed in the fund and the interest it accrues are hereby appropriated, upon authorization by the Governor, to the Department of Environmental Resources to accomplish the purposes of this act. Beginning in fiscal year 1992-1993, and each year thereafter, moneys appropriated to the department under this section shall not affect and are in addition to funding for environmental education programs administered by the department and the Department of Education that are in existence prior to passage of this act.

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

#### Section 9. Effective date.

This act shall take effect immediately.

APPROVED—The 22nd day of June, A.D. 1993.

MARK S. SINGEL  
ACTING GOVERNOR