

4293

2009-2010 Regular Sessions

I N S E N A T E

April 21, 2009

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT creating a sustainable development task force to study the feasibility of adopting goal oriented and performance based regulatory systems to achieve a goal of sustainable development for the state of New York

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. As used in this act, the term:

2 (1) "Benchmarks" means interim indicators that measure the progress in  
3 achieving measurable objectives and long term measurable goals.

4 (2) "Long term measurable goals" means the attainment of the condition  
5 for a parameter that is necessary to achieve sustainable development  
6 within 25 years.

7 (3) "Measurable objectives" means measurable achievements at specific  
8 points in time, typically in two- to five-year segments that over the  
9 duration achieve long term measurable goals.

10 (4) "Sustainable development" means managing the use, development and  
11 protection of natural and physical resources in a way, or at a rate,  
12 that enables people to meet their current needs without compromising the  
13 ability of future generations to meet their own needs.

14 S 2. The legislature finds and declares that:

15 (1) In order to establish a policy of sustainable development neces-  
16 sary for economic competitiveness in the twenty-first century, the state  
17 must achieve the following intermediate value goals:

18 (a) A competitive and balanced economy;

19 (b) A healthy environment;

20 (c) A continuing resource base; and

21 (d) Communities that provide a good quality of life, for both current  
22 and future generations of New Yorkers.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 (2) Although New York state has made progress towards the goals set  
2 forth in subdivision one of this section, it lacks an integrated strate-  
3 gy for achieving these goals concurrently. It also lacks established  
4 mechanisms for measuring the success of activities implemented to  
5 achieve these goals.

6 (3) To develop an integrated strategy for achieving the four goals set  
7 forth in subdivision one of this section, and thus establishing a  
8 sustainable development policy, the state must:

9 (a) Examine the feasibility of establishing clear, long term measur-  
10 able goals for environmental and natural resource stewardship along with  
11 measurable objectives and interim benchmarks to monitor progress towards  
12 the goals;

13 (b) Examine a performance based system in which long term measurable  
14 goals can be attained by carefully monitored and self-generated, incen-  
15 tive based strategies that improve the efficiency and effectiveness of  
16 environmental management and regulation for businesses, communities and  
17 government; and

18 (c) Integrate environmental and natural resource goals with economic  
19 and societal goals.

20 S 3. In order to achieve the goals set forth in subdivision one of  
21 section two of this act, the state shall examine an environmental and  
22 natural resource management system that is based on a policy of sustain-  
23 able development and that:

24 (1) Establishes clear long term measurable goals and measurable objec-  
25 tives;

26 (2) Is incentive based and performance oriented;

27 (3) Allows attainment of superior environmental and natural resource  
28 management performance by adoption of a performance track in which enti-  
29 ties would be held accountable for achieving long term measurable goals  
30 but have freedom to choose how to accomplish them;

31 (4) Assures predictability for participants;

32 (5) Is integrated, cross media, cross agency and flexible;

33 (6) Focuses on managing the causes of environmental degradation rather  
34 than simply impacts;

35 (7) Concentrates on issues of long term ecological significance; and

36 (8) Achieves the objectives of subdivisions one, two, three, four,  
37 five, six and seven of this section in the most cost-effective, econom-  
38 ically accommodating and community oriented manner.

39 S 4. (1) A sustainable development task force is hereby created to  
40 conduct the examination described in section three of this act and  
41 determine the viability of adopting a goal oriented and performance  
42 based regulatory system with sustainable development as the overarching  
43 environmental policy for the state.

44 (2) The task force shall consist of fifteen members, each to serve for  
45 a term of two years, to be appointed as follows: two shall be appointed  
46 by the temporary president of the senate and one by the minority leader  
47 of the senate; two shall be appointed by the speaker of the assembly and  
48 one by the minority leader of the assembly; seven shall be appointed by  
49 the governor. The appointees shall be broadly representative of the  
50 geographic areas of the state and include representatives of industry,  
51 public interest groups and local government and the public at large. No  
52 more than four appointees shall be legislators. Commissioners of the  
53 department of environmental conservation and the department of economic  
54 development shall be ex-officio members. The governor shall designate  
55 the chairman and vice chairman from among his appointees. Vacancies in

1 the membership of the commission and among its officers shall be filled  
2 in the manner provided for original appointments.

3 (3) The task force may employ and at pleasure remove such personnel as  
4 it may deem necessary for the performance of its functions and fix their  
5 compensation within the amounts made available therefor.

6 (4) The task force may meet within and without the state, shall hold  
7 public hearings, and shall have all the powers of a legislative commit-  
8 tee pursuant to the legislative law.

9 (5) The members of the task force shall receive no compensation for  
10 their services, but shall be allowed their actual and necessary expenses  
11 incurred in the performance of their duties hereunder.

12 (6) To the maximum extent feasible, the task force shall be entitled  
13 to request and receive and shall utilize and be provided with such  
14 facilities, resources, and data of any court, department, division,  
15 board, bureau, commission, or agency of the state or any political  
16 subdivision thereof as it may reasonably request to carry out properly  
17 its powers and duties hereunder.

18 S 5. In accordance with the requirements established by the sustaina-  
19 ble development task force, the departments of environmental conserva-  
20 tion, economic development, agriculture and markets, and parks, recre-  
21 ation and historic preservation and any other agency or public benefit  
22 corporation deemed appropriate by the task force shall determine the  
23 following and report to the task force:

24 (1) The degree to which a state policy of sustainable development will  
25 assist the agency in carrying out its mission.

26 (2) Methods for establishing long term measurable goals to achieve  
27 sustainable development, including interim benchmarks from the agency's  
28 perspective.

29 (3) How collaboration would occur with other governmental entities and  
30 state agencies under a policy of sustainable development.

31 (4) Changes to statutes, rules, policies, intergovernmental agree-  
32 ments, strategic plans, relationships with private and nonprofit sectors  
33 and the agency's organization and processes that would be necessary to  
34 implement a policy of sustainable development.

35 (5) Whether resources are being allocated in reasonable proportion to  
36 the ecological significance of sustainable development and the resource  
37 allocation changes necessary to bring the allocation into proper propor-  
38 tion.

39 (6) The extent to which new systems can be developed, particularly  
40 incentive based programs, to achieve measurable superior environmental  
41 protection and natural resource management.

42 S 6. The appointing authorities shall appoint the members of the  
43 sustainable development task force on or before 90 days after this act  
44 shall have become a law and the task force shall convene its first meet-  
45 ing on or before 60 days thereafter.

46 S 7. The task force shall make a preliminary report to the governor  
47 and the legislature of its findings, conclusions, and recommendations by  
48 the one hundred twentieth day after the act establishing the task force  
49 shall take effect and a final report of its findings, conclusions, and  
50 recommendations not later than one year after the act establishing the  
51 task force shall take effect, and shall submit with its reports such  
52 legislative proposals as it deems necessary to implement its recommenda-  
53 tions.

54 S 8. This act shall take effect on the ninetieth day after it shall  
55 have become a law.