S T A T E O F N E W Y O R K

4393

2013-2014 Regular Sessions

I N A S S E M B L Y

February 4, 2013

Introduced by M. of A. KAVANAGH, SCHIMMINGER, SILVER, CAHILL, COOK, LUPARDO, LIFTON -- Multi-Sponsored by -- M. of A. BRENNAN, CLARK, COLTON, GALEF, GLICK, GOTTFRIED, JACOBS, MARKEY, MILLMAN, MORELLE, ORTIZ, PAULIN, SCARBOROUGH, SWEENEY, THIELE, WEISENBERG -- read once and referred to the Committee on Economic Development

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:

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

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

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

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

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

S 2. The legislature finds and declares that:

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

(a) A competitive and balanced economy;

(b) A healthy environment;

(c) A continuing resource base; and

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

LBD02243-01-3

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

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

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

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

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

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

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

(1) Establishes clear long term measurable goals and measurable objectives;

(2) Is incentive based and performance oriented;

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

(4) Assures predictability for participants;

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

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

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

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

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

(2) The task force shall consist of fifteen members to be appointed as follows: two shall be appointed by the temporary president of the senate and one by the minority leader of the senate; two shall be appointed by the speaker of the assembly and one by the minority leader of the assembly; seven shall be appointed by the governor. The appointees shall be broadly representative of the geographic areas of the state and include representatives of industry, public interest groups and local government and the public at large. No more than four appointees shall be legislators. Commissioners of the department of environmental conservation and the department of economic development shall be ex officio members. The governor shall designate the chairperson and vice chairperson from among

his appointees. Vacancies in the membership of the commission and among its officers shall be filled in the manner provided for original appointments.

(3) The task force shall meet within the state, shall hold public hearings, and shall have all the powers of a legislative committee pursuant to the legislative law.

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

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

(6) With the approval of the chairperson of the task force, members of the task force may participate in meetings of the task force by means of videoconference or similar equipment that allows all members participating in such meetings to see and hear each other at the same time and allows the public attending the meetings in person to see and hear the members of the commission participating in such manner.

S 5. In accordance with the requirements established by the sustainable development task force, the departments of environmental conservation, economic development, agriculture and markets, and parks, recreation and historic preservation and any other agency or public benefit corporation deemed appropriate by the task force shall determine the following and report to the task force:

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

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

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

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

(5) Whether resources are being allocated in reasonable proportion to the ecological significance of sustainable development and the resource allocation changes necessary to bring the allocation into proper proportion.

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

S 6. The appointing authorities shall appoint the members of the sustainable development task force not later than 30 days after the effective date of this act and the task force shall convene its first meeting not later than 30 days thereafter.

S 7. The task force shall make a preliminary report to the governor and the legislature of its findings, conclusions, and recommendations by the one hundred eightieth day after the effective date of this act and a final report of its findings, conclusions, and recommendations not later than one year after the effective date of this act, and shall submit with its reports such legislative proposals as it deems necessary to implement its recommendations.

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