

STATE OF NEW YORK



473

1975-1976 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 1975

Introduced by Mr. HARRIS—read once and referred to the Committee on Environmental Conservation

AN ACT

to amend the parks and recreation law, in relation to abolishing the office of parks and recreation and transferring the functions, powers and duties thereof to the department of environmental conservation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions one and two of section 1.03 of the parks
2 and recreation law are hereby amended to read as follows:

3 1. "Office" shall mean the state [office of division for parks and
4 recreation] *department of environmental conservation.*

5 2. "Commissioner" shall mean the state commissioner of [parks
6 and recreation] *environmental conservation.*

7 § 2. Such law is hereby amended by adding thereto a new section,
8 to be section 1.04, to read as follows:

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

1 § 1.04 *Transfer of duties and responsibilities for parks and*
2 *recreation to the department of environmental conservation. 1.*
3 *Transfer of functions of the office of parks and recreation. All of the*
4 *functions and powers possessed by and all of the obligations and*
5 *duties of the office of parks and recreation created and established*
6 *pursuant to and by this chapter and amendments thereto, are hereby*
7 *transferred and assigned to, assumed by and devolved upon the*
8 *department of environmental conservation.*

9 2. *The New York state office of parks and recreation is hereby*
10 *abolished.*

11 3. *Transfer of employees. Upon the transfer of functions to the*
12 *department of environmental conservation pursuant hereto, provision*
13 *shall be made for the transfer thereto of such employees of the New*
14 *York state office of parks and recreation who are engaged in carrying*
15 *out such functions as may be necessary for the exercise of the*
16 *functions of such department concerning parks and recreation,*
17 *subject to the approval of the director of the budget. Employees so*
18 *transferred shall be transferred without further examination or*
19 *qualification and shall retain their respective civil service classifica-*
20 *tions and status. For the purpose of determining the employees*
21 *holding permanent appointment in competitive class positions to be*
22 *transferred, such employees shall be selected in each class of positions*
23 *in the order of their original appointment, with due regard to the*
24 *right of preference in retention of disabled and nondisabled veterans.*
25 *Any such employee who, at the time of such transfer, has a temporary*

1 *competitive class positions who are not transferred pursuant to this*
2 *section shall have their names entered upon an appropriate preferred*
3 *list for reinstatement pursuant to the civil service law.*

4 4. *Transfer of records. The commissioner of parks and recreation*
5 *shall deliver to the commissioner of environmental conservation all*
6 *books, papers, records and property of such office pertaining to the*
7 *functions herein transferred.*

8 5. *Continuity of authority. For the purpose of succession to all*
9 *functions, powers, duties and obligations of the office of parks and*
10 *recreation, and the commissioner thereof, transferred and assigned*
11 *to, devolved upon and assumed by the department of environmental*
12 *conservation pursuant to this section, such department shall be*
13 *deemed and held to constitute the continuation of such office of parks*
14 *and recreation and the commissioner thereof and not a different*
15 *agency or office.*

16 6. *Completion of unfinished business. Any business or other*
17 *matter undertaken or commenced by the office of parks and recrea-*
18 *tion or the commissioner or the officers thereof, pertaining to or*
19 *connected with the functions, powers, obligations and duties hereby*
20 *transferred and assigned, and pending on the effective date of this*
21 *section, may be conducted and completed by the department of*
22 *environmental conservation in the same manner and under the same*
23 *terms and conditions and with the same effect as if conducted and*
24 *completed by such office of parks and recreation or the commissioner*
25 *or officers thereof.*

1 functions transferred and assigned by this section to the department
2 of environmental conservation in force at the time of such transfer,
3 assignment, assumption or devolution shall continue in force and
4 effect as rules, regulations, acts, determinations and decisions of the
5 division for parks and recreation until duly modified or repealed.

6 8. Terms occurring in laws, contracts and other documents.
7 Whenever the office of parks and recreation or the commissioner
8 thereof, the functions, powers, obligations and duties of which are
9 transferred by this section to the department of environmental
10 conservation or designated in any law, contract or document per-
11 taining to the functions, powers, obligations and duties hereby
12 transferred and assigned, such reference or designation shall be
13 deemed to refer to the department of environmental conservation.

14 9. Existing rights and remedies preserved. No existing right or
15 remedy of any character shall be lost, impaired or affected by reason
16 of this section.

17 10. Pending actions and proceedings. No action or proceeding
18 pending at the time when this section shall take effect, brought by or
19 against the office of parks and recreation or the commissioner thereof,
20 the functions, powers, obligations and duties of which are trans-
21 ferred by this section to the department of environmental conserva-
22 tion shall be affected by any provision of this section, but the same
23 may be prosecuted or defended in the name of the office of parks and
24 recreation. In all such actions and proceedings, the department, upon
25 application to the court, shall be substituted as a party.

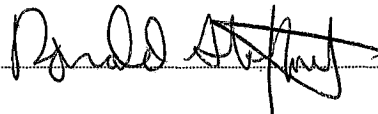
1 poses herein transferred to the department of environmental con-
2 servation by this section, or segregated pursuant to law, to the extent
3 of remaining unexpended or unencumbered balances thereof,
4 whether allocated or unallocated and whether obligated or unob-
5 ligated, are hereby transferred to and made available for use and
6 expenditure by the department of environmental conservation
7 subject to the approval of the director of the budget for the same
8 purposes for which originally appropriated or reappropriated and
9 shall be payable on vouchers certified or approved by the commis-
10 sioner of environmental conservation or his duly authorized repre-
11 sentative on audit and warrant of the comptroller. Payments for
12 liabilities for expenses of personal service, maintenance and opera-
13 tion heretofore incurred by such office of parks and recreation in
14 connection with the functions herein transferred, shall also be made
15 on vouchers or certificates approved by the commissioner of enviro-
16 nmental conservation or his duly authorized representative on audit
17 and warrant of the comptroller.

18 § 3. This act shall take effect on the first day of September next
19 succeeding the date on which it shall have become a law.
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INTRODUCED BY

A handwritten signature in black ink, appearing to read "Ronald Steinfeld", is written over a horizontal dotted line.

EXAMINED BY

LEGISLATIVE BILL DRAFTING COMMISSION