

STATE OF NEW YORK

S. 1618—A

A. 1917—A

1975-1976 Regular Sessions

SENATE—ASSEMBLY

January 28, 1975

IN SENATE—Introduced by Sen. STAFFORD—read twice and ordered printed, and when printed to be committed to the Committee on Conservation and Recreation—committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY—Introduced by Mr. HARRIS—read once and referred to the Committee on Environmental Conservation—committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT

to amend the environmental conservation law and the executive law, in relation to incorporating the Adirondack park agency into the department of environmental conservation as a district instrumentality thereof for the purpose of realizing maximum coordination of the functions and utilization of the resources of each

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

- 1 Section 1. It is hereby found and declared that many of the
- 2 existing and potential functions, human, professional, financial and
- 3 capital resources of both the Adirondack park agency, created and

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

1 operating pursuant to the provisions of article twenty-seven of the
 2 executive law, and of the state department of environmental conser-
 3 vation, exercised with respect to the area known as the "Adirondaek
 4 Park" should be better coordinated and utilized.

5 The legislature deems that by continuing the Adirondaek park
 6 agency within and as an individualized instrumentality of the
 7 department of environmental conservation and requiring that its
 8 heretofore existing prerogatives continue undiminished but be
 9 hereafter subject to the advice and consent of the commissioner of
 10 environmental conservation, substantial benefits will inure to the
 11 residents within the Adirondaek park in particular and, in general,
 12 to the citizens of the entire state. To these ends the provisions of this
 13 act are thus enacted.

14 § 2. The environmental conservation law is hereby amended by
 15 adding thereto a new article, to be article forty-two, to read as
 16 follows:

17 *ARTICLE 42*

18 *ADIRONDACK PARK AGENCY*

19 *Section 42-0101. Adirondaek park agency; incorporation;*
 20 *continuation.*

21 *42-0103. Power and duty of commissioner.*

22 § 42-0101, *Adirondaek park agency; incorporation; continuation.*

23 *The Adirondaek park agency created and operating pursuant to*
 24 *the provisions of article twenty-seven of the executive law shall be*
 25 *continued and as continued is hereby incorporated into the*

1 *instrumentality thereof to the extent that the commissioner shall*
 2 *deem appropriate.*

3 § 42-0103. *Power and duty of commissioner.*

4 *The commissioner shall have the power and it shall be his duty to*
 5 *take all appropriate action including but not limited to the*
 6 *promulgation of orders, rules and regulations to provide for the*
 7 *maximum coordination and most efficacious utilization of the*
 8 *functions, employees, and facilities of the department and the*
 9 *Adirondaek park agency now or hereafter available with respect to*
 10 *the Adirondaek park as defined in this chapter, notwithstanding*
 11 *any inconsistent provision of any law.*

12 § 3. The opening paragraph of section eight hundred three of the
 13 executive law, as amended by chapter three hundred forty-eight of
 14 the laws of nineteen hundred seventy-three, is hereby amended to
 15 read as follows;

16 There is hereby created [in the executive department,] the
 17 Adirondaek park agency, which shall be within the department of
 18 environmental conservation and which shall consist of the following
 19 members: the commissioner of environmental conservation, who
 20 shall be the chairman, the director of the office of planning services,
 21 the commissioner of commerce and eight members to be appointed
 22 by the governor by and with the advice and consent of the senate.
 23 [The governor shall designate a chairman from among the members
 24 appointed to the agency, who shall serve at the governor's pleasure.]
 25 None of the members appointed by the governor shall be officers or

1 Adirondaek park provided, however, that no two such members shall
2 be residents of the same county except for such members initially
3 appointed before January first, nineteen hundred seventy-three,
4 who may be reappointed for additional successive terms. Three
5 members appointed by the governor shall be residents of the state
6 outside the Adirondaek park. Not more than five appointed
7 members shall be of the same political party.

8 § 4. The opening paragraph of section eight hundred four of such
9 law, as amended by chapter three hundred forty-eight of the laws of
10 nineteen hundred seventy-three, is hereby amended to read as
11 follows:

12 The agency shall have the power, *subject to the advice and*
13 *consent of the commissioner of environmental conservation:*

14 § 5. Section eight hundred four of such law is hereby amended by
15 adding thereto a new subdivision, to be subdivision eleven, to read
16 as follows:

17 *11. To exercise all other powers, functions and duties expressly or*
18 *impliedly devolved upon it by any provision of this article or other*
19 *law:*

20 § 6. This act shall take effect on the first day of September next
21 succeeding the date on which it shall have become a law.

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To the committee on.....Conservation.....

The undersigned requests a report on Senate bill No.....1618-A.....
Assembly

Rec. No.....introduced by Mr.....Stafford.....

at the next meeting of your committee.

Signed..........

Dated.....4-30-75.....

Note: Delete "Senate" or "Assembly," as the case may be, insert proper numbers and file this notice together with attached copy of the bill with the chairman or clerk of the committee. It will be helpful to the committee if with your request and copy of the bill you submit a brief explanation of the bill.

(Revised)

M E M O R A N D U M

In Assembly: 1917

By: Mr. Harris

In Senate: 1618

By: Mr. Stafford

AN ACT to amend the Environmental Conservation law and the Executive law, in relation to incorporating the Adirondack Park Agency into the Department of Environmental Conservation as a district instrumentality thereof for the purpose of realizing maximum coordination of the functions and utilization of the resources of each

PURPOSE:

The purpose of this bill is to incorporate the Adirondack Park Agency and its powers, functions and duties into the Department of Environmental Conservation.

JUSTIFICATION:

At present, the Adirondack Park Agency exists as a separate entity whose powers, duties and functions closely parallel those already entrusted to the Department of Conservation.

Many functions including the employment of specialists, development of studies on environmental matters, jurisdiction over municipal and subdivision projects (e.g., sewer, water), land-use planning, purchase of equipment, administration of agency business (e.g., permits, orders) are duplicated and sometimes at odds with functions performed by the Environmental Conservation Department. Of particular importance is the land-use planning conducted by DEC, through the statewide land-use plan. It is most important that APA cooperate fully with the provisions of the DEC statewide land-use plan.

Incorporation of the APA into the DEC would provide for a streamlining of government services to the people of the state and would, in effect, reduce the overlap and disparity currently existing between the two agencies.

Additionally, this measure would provide that the Commissioner of Environmental Conservation become Chairman of the APA, thereby replacing the presently appointive position of Chairman of the agency.

This proposal neither provides nor envisions any increased appropriations or change of powers already vested in both agencies. In fact, the incorporation would provide for a central point from which information; permits; studies; plans and other related business may be efficiently dispatched.

The proposal would also provide greater control over spending, reflected in reduced personal services and purchases.

FISCAL IMPACT:

Through the incorporation of agency functions, annual savings could amount to \$215,000 per year. This saving represents the coordination and combination of planning, project review and permit services, personal services, purchasing requirements and other maintenance and operative functions.

Estimates show that \$180,000 of the estimated \$215,000 annual savings would be directly attributable to salary and personnel expense eliminations. The balance would come through maintenance and operation savings, as these functions are assumed by and incorporated into DEC.

EFFECTIVE DATE:

This act shall take effect immediately. *

* It is anticipated that this bill will be amended to take effect on the first day of September next following enactment.

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