

# STATE PROPOSALS

## PROPOSAL NUMBER ONE

**Shall there be a convention to revise the Constitution and amend the same?**

**WHAT WILL THIS AMENDMENT DO IF APPROVED?**

The New York State Constitution requires that every 20 years the people decide if a Constitutional Convention should be held to consider amendments to the State Constitution. The purpose of this Ballot Question is to allow the voters of New York State to determine whether a Constitutional Convention will be held according to the procedure provided by the State Constitution.

If a majority voting on this Question votes NO, there will be no Constitutional Convention.

If a majority votes YES, three delegates from each state senatorial district will be elected in November 2018, along with 15 at-large delegates who will be elected statewide. The delegates will convene at the Capitol in April 2019. Amendments adopted by a majority of the delegates will be submitted to the voters for approval or rejection in a statewide referendum, at an election held at least six weeks after the Convention adjourns. Any amendments that the voters approve will go into effect on the January 1 following their approval.

If a majority votes in favor of a Constitutional Convention, then the delegates will receive for their services the same compensation as that payable to Members of the Assembly. The delegates also will be reimbursed for actual traveling expenses while the Convention is in session, to the extent that Members of the Assembly would be entitled reimbursement during a session of the Legislature.

The delegates will have the power to appoint the officers, employees, and assistants that they deem necessary and to fix the compensation of those officers, employees, and assistants. The delegates also will have the power to provide for the expenses of the Convention, including the printing of its documents, journal, and proceedings. The delegates will determine the

rules of their proceedings, choose their officers, and be the judge of the election, returns, and qualifications of their members. A vacancy in an office of district delegate will be filled by a vote of the remaining delegates representing the district in which the vacancy occurs; a vacancy in the office of a delegate-at-large will be filled by a vote of the remaining delegates-at-large.

**WHAT IS THE BACKGROUND ON THIS PROPOSAL?**

This amendment is mandated in Article XIX section 2 of the State Constitution to be presented to New York State voters every 20 years. Once the convention is convened, amendments to any part of the Constitution could be proposed and articles and/or sections could be added, deleted or revised. Proponents and opponents both see this as a benefit or detriment, depending on the issue. All proposed changes would ultimately be voted on by the people before they are approved.

**PRO:** Proponents of the amendment argue that a Constitutional Convention will allow our State Constitution to be streamlined. Our current Constitution is one of the longest in the country and includes many outdated amendments that are no longer applicable to our state. With possible additions to the current Constitution, many proponents especially see this convention as an opportunity to affect election and ethics reform, which has long been avoided by the legislature. Other areas for expansion or improvement include, but are not limited to, judicial reforms, environmental issues, healthcare and women's issues, and protections for vulnerable populations.

**CON:** Opponents of the amendment argue that a convention will allow for a complete overhaul of the Constitution. Opponents especially fear delegates may propose removal or revision of certain amendments that include, but are not limited to, protections of state pensions, the Adirondack forest preserve, and school funding. Opponents argue that funding from outside interest groups could play a major role in delegate selection and could allow for a convention influenced by special interests.

## PROPOSAL NUMBER TWO

**Allowing the Complete or Partial Forfeiture of a Public Officer's Pension if He or She is Convicted of a Certain Type of Felony**

**The proposed amendment to section 7 of Article 2 of the State Constitution would allow a court to reduce or revoke the pension of a public officer who is convicted of a felony that has a direct and actual relationship to the performance of the public officer's duties. Shall the proposed amendment be approved?**

**WHAT WILL THIS AMENDMENT DO IF APPROVED?**

New York's Constitution now provides that the benefits of a public pension or retirement system cannot be reduced or impaired. The purpose of the proposed amendment is to allow a court to reduce or revoke the pension of a public officer who is convicted of a felony that has a direct and actual relationship to the performance of the public officer's duties. A court would determine, after notice to the public officer and a hearing, if a public officer convicted of such a felony would lose part or all of his or her pension. In

reaching this determination, the court must consider the seriousness of the public officer's crime, the proportionality of a reduction or revocation to the crime, whether forfeiture would result in undue hardship or other inequity to dependent children, spouse, or other dependents, and any other factors required by the Legislature. The Legislature must enact law that puts this proposal into effect, taking into account principles of fairness.

The proposed amendment would define "public officer" to mean the following:

A person filling an elected office within New York;  
A person holding an office that is filled by appointment by the New York Governor, whether or not that appointment has to be confirmed by the Senate;  
A county, city, town, or village manager or administrator, or equivalent position;  
The head of any state or local government department, division, board, commission, bureau, public benefit corporation, or public authority in New York who is vested with authority, direction, and control over that entity;

# PROPOSAL NUMBER TWO CONTINUED

The chief fiscal officer or treasurer of a municipal corporation or political subdivision in New York; A judge or justice of the Unified Court System; and A legislative, executive, or judicial employee who directly assists in the formulation of legislation, rules, regulations, policy, or judicial decision-making and who is designated by law as a policy-maker.

If approved, the amendment will apply only to crimes committed on or after January 1, 2018.

## WHAT IS THE BACKGROUND ON THIS PROPOSAL?

After a long string of corruption charges at the local and state levels, the legislature passed this amendment

to deter public officials from committing criminal ethical violations while in office. Crimes eligible for pension forfeiture would only include crimes related to the public officer's official duties.

**PRO:** Supporters of this proposal believe that it is necessary to further discourage elected officials from engaging in unethical behaviors.

**CON:** Opponents feel that pension forfeiture can unfairly hurt the families of those who have committed crimes while in office. The families of these public officials may rely on their spouse's/parent's pension.

# PROPOSAL NUMBER THREE

## Authorizing the Use of Forest Preserve Land for Specified Purposes

**The proposed amendment will create a land account with up to 250 acres of forest preserve land eligible for use by towns, villages, and counties that have no viable alternative to using forest preserve land to address specific public health and safety concerns; as a substitute for the land removed from the forest preserve, another 250 acres of land, will be added to the forest preserve, subject to legislative approval. The proposed amendment also will allow bicycle trails and certain public utility lines to be located within the width of specified highways that cross the forest preserve while minimizing removal of trees and vegetation. Shall the proposed amendment be approved?**

## WHAT WILL THIS AMENDMENT DO IF APPROVED?

New York State's Constitution protects the State's forest preserve as wild forest land and generally prohibits the lease, sale, exchange, or taking of any forest preserve land. The proposed amendment will create two exceptions to this broad protection of the forest preserve to make it easier for municipalities to undertake certain health and safety projects.

First, if passed, the proposed amendment will create a land account of up to 250 acres of forest preserve land. A town, village, or county can apply to the land account if it has no viable alternative to using forest preserve land for certain limited health and safety purposes. Those purposes are (1) to address bridge hazards or safety on county highways and certain town highways; (2) to eliminate the hazards of dangerous curves and grades on county highways and certain town highways; (3) to relocate, reconstruct, and maintain county highways and certain town highways; and (4) for water wells and necessary related accessories located within 530 feet of a state highway, county highway, or certain town highway, where needed to meet drinking water quality standards. The State will acquire 250 acres, subject to approval by the Legislature, to incorporate into the forest preserve to replace the land placed in the health and safety land account.

Second, if passed, the proposed amendment will allow bicycle paths and specified types of public utility lines to be located within the widths of state, county, and certain town highways that traverse forest preserve land. The work on the bicycle paths and utility lines must minimize the removal of trees and vegetation. And, if passed, the proposed amendment will allow a stabilization device (such as a guy wire) for an existing utility pole to be located near the width of a highway when necessary to ensure public health and safety and when no other viable option exists. The proposed amendment expressly will not permit the **VOTE!!**

## WHAT IS THE BACKGROUND ON THIS PROPOSAL?

The Adirondack forest preserve is protected under the "Forever Wild" clause of the New York State Constitution. This amendment protects the state forest preserve as wild forest land, prohibiting the lease, sale, exchange, or taking of any forest preserve land. This amendment also limits the amount of construction that can take place within the preserve. The proposed amendment would allow counties and townships of certain regions to conduct repairs on roads and bridges. The amendment would also allow for the installation of new bike paths, broadband internet, and water well infrastructure.

**PRO:** Local governments, elected officials, and the Department of Environmental Conservation all support this amendment. Supporters feel it is necessary in order for these regions to maintain the safety of residents and ensure that quality of life is maintained. Environmental advocacy groups typically resist amendments to the "forever wild" clause but this proposal has received support from many New York State environmental groups. This proposal is similar to previous amendments for state highways and land restoration projects.

**CON:** The League did not find any groups opposing this amendment.

# LOCAL PROPOSITION

## CITY OF PEEKSKILL THE FIELD LIBRARY BUDGET PROPOSITION

SHALL THE ANNUAL CONTRIBUTION OF THE CITY OF PEEKSKILL FOR THE OPERATING BUDGET OF THE FIELD LIBRARY BE INCREASED BY SIXTY FIVE THOUSAND (\$65,000) DOLLARS TO THE SUM OF ONE MILLION THREE THOUSAND (\$1,003,000) DOLLARS ANNUALLY BEGINNING JANUARY 1, 2018?