

Form 33-D — 200.

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

STATE OF NEW YORK
DEPARTMENT OF STATE

ALBANY, July 20, 1970

PURSUANT to the provisions of section one of article nineteen of the Constitution of the State of New York, and section seventy-one of the Election Law, notice is hereby given that the following proposed amendments numbers one to sixteen inclusive to the Constitution of the State of New York is referred to the legislature to be chosen at the next general election of Members of Assembly in this State to be held on the third day of November, nineteen hundred seventy.

JOHN P. LOMENZO,
Secretary of State

PROPOSED AMENDMENT
NUMBER ONE

CONCURRENT RESOLUTION OF
THE SENATE AND ASSEMBLY

Proposing an amendment to subdivision b of section four of article six of the constitution, in relation to the hearing of appeals by the respective appellate divisions

Section 1. Resolved (if the Assembly concur), That subdivision b of section four of article six of the constitution be amended to read as follows:

b. The appellate divisions of the supreme court are continued, and shall consist of seven justices of the supreme court in each of the first and second departments, and five justices in each of the other departments. In each appellate division, [four] three justices shall constitute a quorum, and the concurrence of [three] two shall be necessary to a decision. No more than [five] three justices shall sit in any case.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section one of article nineteen of the constitution, be published for three months previous to the time of such election.

PROPOSED AMENDMENT
NUMBER TWO

CONCURRENT RESOLUTION OF
THE SENATE AND ASSEMBLY

Proposing an amendment to article five of the constitution, in relation to the organization of state departments and agencies and repealing sections two and three of such article thereof, and renumbering sections four, six and seven of such article as sections three, four and five, respectively

Section 1. Resolved (if the Assembly concur), That sections two and three of article five of the constitution are hereby repealed and a new section two of article five inserted therein, in lieu thereof, to read as follows:

§ 2. The legislature may by law establish, reorganize or abolish the departments and agencies of the state, except as otherwise provided in this constitution, and may by law change the names of the departments referred to in this constitution. The governor may also exercise such powers by submitting plans for such purposes to the legislature in regular session on or before the first day of February in any year, and every such plan shall become effective as law on the date specified therein unless either the senate or assembly, within sixty calendar days of such submission, by resolution of a majority of the members elected thereto, has disapproved the same.

§ 2. Resolved (if the Assembly concur), That section four of article five be renumbered to be section three, and sections six and seven of such article be renumbered sections four and five, respectively.

§ 3. Resolved (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly and, in conformity with section one of article nineteen of the constitution, be published for three months previous to the time of such election.

PROPOSED AMENDMENT
NUMBER THREE

CONCURRENT RESOLUTION OF

THE SENATE AND ASSEMBLY

Proposing an amendment to article six of the constitution, in relation to vesting jurisdiction to hear and determine certain violations of law, other than felonies and misdemeanors, in non-judicial bodies

Section 1. Resolved (if the Assembly concur), That article six of the constitution is hereby amended by adding thereto a new section, to be section seventeen-a, to read as follows:

§ 17-a. The legislature may establish and provide for the membership of bodies, and may invest already existing bodies, with jurisdiction to hear and determine such violations of law, other than felonies and misdemeanors, occurring in cities of more than one million people or upon request of the local government body in other areas of the state, as the legislature may determine, with power to impose fines, penalties, and sanctions other than imprisonment, as authorized by law.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section one of article nineteen of the constitution, be published for three months previous to the time of such election.

PROPOSED AMENDMENT
NUMBER FOUR

CONCURRENT RESOLUTION OF

THE SENATE AND ASSEMBLY

Proposing an amendment to article nine of the constitution, in relation to the power of the legislature to create or dissolve a county

Section 1. Resolved (if the Assembly concur), That subdivision a of section three of article nine of the constitution be hereby amended by adding thereto a new paragraph, to be paragraph four, to read as follows:

(4) The creation or dissolution of a county.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section one of article nineteen of the constitution, be published for three months previous to the time of such election.

PROPOSED AMENDMENT
NUMBER FIVE

CONCURRENT RESOLUTION OF
THE SENATE AND ASSEMBLY

Proposing a new article nineteen of the constitution, in relation to amendments to the constitution

Section 1. Resolved (if the Senate concur), That article nineteen of the constitution as presently in force is hereby repealed and replaced by a new article nineteen of the constitution, to read as follows:

ARTICLE XIX
AMENDMENTS TO THE
CONSTITUTION

Section 1. Amendments to this constitution may be proposed by concurrent resolution in the senate or assembly. Any amendment adopted by the individually recorded vote of a majority of the members elected to each house shall be entered on their journals, referred to a regular session of the next elected legislature, and published at least once prior to such election. If then again so adopted by the next elected legislature, such amendment shall be submitted to the people at a general election. Any amendment approved by a majority of the electors voting thereon shall become a part of this constitution on the first day of January following its approval or on such later day as may be specified in the amendment.

§ 2. a. At the general election held in nineteen hundred eighty-five, every twentieth year thereafter, and at such other times as the legislature may provide, the following question shall be submitted to the people: "Shall there be a convention to amend or revise the constitution?" At the next general election following the approval of such a convention by a majority of the electors voting thereon, three delegates shall be elected from every senate district and fifteen delegates-at-large shall be elected by the electors of the state. Delegates shall be at least

twenty-one years of age, eligible to vote in the state, and shall have been domiciled in the state for at least the three years preceding such election. The governor, lieutenant governor, attorney general, comptroller and chief judge and associate judges of the court of appeals shall not be eligible to serve as delegates. The delegates shall convene at the capitol on the first Tuesday of April after their election, and shall continue their session until the business of the convention is completed.

b. A majority of the convention shall constitute a quorum to do business, and no amendment proposed shall be submitted to the people, as hereinafter provided, unless adopted by the individually recorded vote of a majority of the delegates elected, entered on the journal to be kept. The convention shall determine its rules, choose its officers, and be the judge of the elections, returns and qualifications of its members. A vacancy in the office of district delegate shall be filled by a vote of the remaining delegates of that district. A vacancy in the office of delegate-at-large shall be filled by a vote of the remaining delegates-at-large. Any tie vote in filling a vacancy shall be resolved by the vote of the presiding officer of the convention. In the event of a failure to elect a person to any office of delegate the convention shall fill such office.

c. The convention shall have the power to appoint such employees as it deems necessary, fix their compensation and provide for its expenses including printing. Each delegate shall receive the same annual compensation and be reimbursed for actual and necessary expenses as shall then be authorized for members of the legislature; provided, that if the convention extends beyond one year from the date of convening, compensation shall continue at the same annual rate, prorated for the extended period of time.

d. Any proposed constitution, or amendment when adopted by the convention shall be submitted to the people in the manner prescribed by the convention at an election held not less than six weeks after the convention adjourns. If approved by a majority of the electors voting thereon such constitution or amendment shall become effective on the date provided therein.

§ 3. Any amendment proposed by a constitutional convention inconsistent with an amendment proposed by the legislature coincidentally submitted to the people for approval, shall, if approved, be deemed to supersede the amendment so proposed by the legislature to the extent of such inconsistency.

§ 2. Resolved (if the Senate concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section one of article nineteen of the constitution, be published for three months previous to the time of such election.

PROPOSED AMENDMENT
NUMBER SIX

CONCURRENT RESOLUTION OF
THE SENATE AND ASSEMBLY

Proposing an amendment to article six of the constitution, in relation to the creation of a fifth judicial department

Section 1. Resolved (if the Senate concur), That subdivisions a and b of section four of article six of the constitution, be hereby amended to read as follows:

a. The state shall be divided into [four] five judicial departments. The first department shall consist of the counties within the first judicial district of the state. The second department shall consist of the counties within the second, ninth, [tenth] and eleventh judicial districts of the state. The third department shall consist of the counties within the third, fourth and sixth judicial districts of the state. The fourth department shall consist of the counties within the fifth, seventh and eighth judicial districts of the state. The fifth department shall consist of the counties within the tenth judicial district of the state. Each department shall be bounded by the lines of judicial districts. Once every ten years the legislature may alter the boundaries of the judicial depart-

ments, but without changing the number thereof.

b. The appellate divisions of the supreme court are continued, and shall consist of seven justices of the supreme court in each of the first [and], second and fifth departments, and five justices in each of the other departments. In each appellate division, four justices shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case.

§ 2. Resolved (if the Senate concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section one of article nineteen of the constitution, be published for three months previous to the time of such election.

PROPOSED AMENDMENT
NUMBER SEVEN

CONCURRENT RESOLUTION OF
THE SENATE AND ASSEMBLY

Proposing an amendment to article three of the constitution, in relation to eliminating the prohibition against the erection of a county unless its population shall entitle it to a member of the assembly

Section 1. Resolved (if the Senate concur), That the opening paragraph of section five of article three of the constitution be hereby amended to read as follows:

The members of the assembly shall be chosen by single districts and shall be apportioned by the legislature at each regular session at which the senate districts are readjusted or altered, and by the same law, among the several counties of the state, as nearly as may be according to the number of their respective inhabitants, excluding aliens. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of assembly, [and no county shall hereafter be erected unless its population shall entitle it to a member]. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, entitle it to a member. But the legislature may abolish the said county of Hamilton and annex the territory thereof to some other county or counties.

§ 2. Resolved (if the Senate concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section one of article nineteen of the constitution, be published for three months previous to the time of such election.

PROPOSED AMENDMENT
NUMBER EIGHT

CONCURRENT RESOLUTION OF
THE SENATE AND ASSEMBLY

Proposing an amendment to section eight of article seven of the constitution, in relation to payment of increase in pensions to a spouse of a deceased member of a state or local retirement system

Section 1. Resolved (if the Assembly concur), That section eight of article seven of the constitution be amended to read as follows:

§ 1. The money of the state shall not be given or loaned to or in aid of any private corporation or association, or private undertaking; nor shall the credit of the state be given or loaned to or in aid of any individual, or public or private corporation or association, or private undertaking, but the foregoing provisions shall not apply to any fund or property now held or which may hereafter be held by the state for educational, mental health or mental retardation purposes.

2. Subject to the limitations on indebtedness and taxation, nothing in this constitution contained shall prevent the legislature from providing for the aid, care and support of the needy directly or through subdivisions of the state; or for the protection by insurance or otherwise, against the hazards of unemployment, sickness and old age; or for the education and support of the blind, the deaf, the dumb, the physically handicapped, the mentally ill, the emotionally disturbed, the mentally retarded or juvenile

delinquents as it may deem proper; or for health and welfare services for all children, either directly or through subdivisions of the state, including school districts; or for the aid, care and support of neglected and dependent children, and of the needy sick, through agencies and institutions authorized by the state board of social welfare or other state department having the power of inspection thereof, by payments made on a per capita basis directly or through the subdivisions of the state; or for the increase in the amount of pensions of any member or spouse of a deceased member of a retirement system of the state, or of a subdivision of the state; or for an increase in the amount of pensions of any widow of a retired member of a teachers' retirement system of the state or of a subdivision of the state to whom payable as beneficiary under an optional settlement in connection with the pension of such member. The enumeration of legislative powers in this paragraph shall not be taken to diminish any power of the legislature hitherto existing.

3. Nothing in this constitution contained shall prevent the legislature from authorizing the loan of the money of the state to a public corporation to be organized for the purpose of making loans to non-profit corporations to finance the construction of new industrial or manufacturing plants in this state or the acquisition, rehabilitation or improvement of former industrial or manufacturing plants in this state, including the acquisition of real property therefor, and the use of such money by such public corporation for such purposes, to improve employment opportunities in any area of the state, provided, however, that any loan by such public corporation shall not exceed thirty per centum of the cost of any such project and the repayment of which shall be secured by a mortgage thereon which shall not be a junior incumbrance thereon by more than fifty per centum of such cost.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section one of article nineteen of the constitution, be published for three months previous to the time of such election.

PROPOSED AMENDMENT
NUMBER NINE

CONCURRENT RESOLUTION OF
THE SENATE AND ASSEMBLY

Proposing an amendment to section four of article eight of the constitution, and repealing article eighteen thereof and inserting a new article eighteen, in relation to community development and the financing thereof

Section 1. Resolved (if the Assembly concur), That article eighteen of the constitution is hereby repealed, and a new article eighteen is added to such constitution, to read as follows:

ARTICLE XVIII - COMMUNITY
DEVELOPMENT

Section 1. Subject to the provisions of this article, upon a finding that a public need and public purpose exists, which cannot be met by the unaided operation of private enterprise, the legislature may provide by law in such manner, by such means, and upon such terms and conditions as it may prescribe for community development, including but not limited to the undertaking, in any community of the state, of programs for: the development of adequate, safe and sanitary housing and other types of shelter of accommodations; urban and community renewal; economic prosperity and adequate employment opportunities; health, mental health and environmental health; child care and aged care; transportation and communications; civic, cultural, recreational and other community facilities and services; or any combination of such purposes.

§ 2. 1. Notwithstanding any other provision of this constitution, the state may, to the extent authorized by law:

(a) Grant or lend money out of the general fund of the state or grant property to any individual, partnership, trust, association, private or public corporation or local government for community development purposes; and