

Legal Notice

**STATE OF NEW YORK
DEPARTMENT OF STATE**

Albany, September 26, 1973

Pursuant to the provisions of section seventy-two of the election Law, the following Proposition Number One and Proposed Amendments to the State Constitution Numbers One to Ten inclusive will be submitted to the voters of the State for approval or disapproval, at the General Election on November sixth, nineteen hundred seventy-three.

JOHN P. LOMENZO
Secretary of State

**Abstract of Proposition
Number One**

The purpose and effect of section one of chapter 1048 of the Laws of 1973, as amended by sections 1 and 2 of chapter 1049 of the Laws of 1973, to be known as the Transportation Capital Facilities Bond Act of 1973, are to facilitate the maintenance of subway, bus and commuter rail fares at present or lower levels, to promote and assure the provision of rapid, efficient, economic and safe transportation of persons and property, and to stimulate development and revitalization of communities throughout the state by assuring modern transportation systems between and within these communities. The statute authorizes the creation of a state debt in an amount not to exceed in the aggregate three billion, five hundred million dollars (\$3,500,000,000) to provide monies to be used, in such manner and upon such terms and conditions as the legislature may prescribe, for the acquisition, construction, reconstruction, improvement and rehabilitation of transportation capital facilities and equipment and for the acquisition of real property and interests in real property required or expected to be required therefor.

Separate allocations of the monies to be received from the sale of bonds are made for: (a) State highways, State and Federally aided highway and highway-transportation projects, State parkways arterial highways, bikeways and abandoned railroad transportation property (i) in New York City, two hundred fifty million dollars (\$250,000,000); (ii) in counties within the metropolitan commuter transportation district but outside New York City (Nassau, Suffolk, Westchester, Dutchess, Putnam, Rockland and Orange), four hundred million dollars (\$400,000,000); and (iii) in all other counties (i.e., outside the metropolitan commuter transportation district), seven hundred fifty million dollars (\$750,000,000); and (b) rapid transit, railroad, omnibus and marine transportation capital facilities and equipment (i) in New York City, one billion one hundred million dollars (\$1,100,000,000); (ii) in counties within the metropolitan commuter transportation district but outside New York City (Nassau, Suffolk, Westchester, Dutchess, Putnam, Rockland and Orange) six hundred million dollars (\$600,000,000); and in all other counties (i.e., outside the metropolitan commuter transportation district) four hundred million dollars (\$400,000,000).

The statute provides for the submission to the voters at the 1973 general election of the proposition whether the provisions of the act authorizing the creation of a State debt for the above purposes in the amount of three billion, five hundred million dollars (\$3,500,000,000) shall be approved.

**Form of Submission of
Proposition Number One
Transportation Bond Issue**

To facilitate the maintenance of subway, bus and commuter rail fares at present or lower levels and to provide monies for the acquisition, construction, reconstruction, improvement and rehabilitation of certain public transportation facilities and equipment, shall section one of chapter ten hundred forty-eight of the laws of nineteen hundred seventy-three, as amended by sections one and two of chapter ten hundred forty-nine of the laws of nineteen hundred seventy-three, known as the transportation capital facilities bond act of nineteen hundred seventy-three, authorizing the creation of a state debt in the amount of three billion five hundred million dollars, be approved?

**Abstract of Proposed
Amendment Number One**

The purpose and effect of this proposed amendment is to permit the exclusion of indebtedness contracted by a county, city, town or village after January 1, 1962 and prior to January 1, 1983 (instead of January 1, 1973) for construction or reconstruction of sewage facilities in ascertaining the power of such county, city, town or village to contract indebtedness within its constitutional debt limit, pursuant to method, terms and conditions prescribed by the Legislature.

**Form of Submission of Proposed
Amendment Number One
Exclusion of Indebtedness for
Sewage Facilities From Local
Constitutional Debt Limits**

Shall the proposed amendment to paragraph E of section five of article eight of the Constitution permitting the exclusion of indebtedness contracted by a county, city, town or village after January 1, 1962 and prior to January 1, 1983 (instead of January 1, 1973) for construction or reconstruction of sewage facilities in ascertaining the power of such county, city, town or village to contract indebtedness within its constitutional debt limit, be approved?

**Abstract of Proposed
Amendment Number Two**

The purpose and effect of this proposed amendment is to permit a person charged with a felony, other than one punishable by death or life imprisonment, with the consent of the district attorney, to waive indictment by a grand jury and consent to be prosecuted on an information filed by the district attorney. Such waiver would be evidenced by a written instrument signed by the defendant in open court in the presence of his counsel.

**Form of Submission of Proposed
Amendment Number Two
Waiver of Grand Jury Indictments**

Shall the proposed amendment to section six of article one of the Constitution providing that a person charged with a felony, other than one punishable by death or life imprisonment, may, with the consent of the district attorney waive indictment by a grand jury and consent to be prosecuted on an information filed by the district attorney, and providing that such waiver shall be evidenced by a written instrument signed by the defendant in open court in the presence of his counsel, be approved?

**Abstract of Proposed
Amendment Number Three**

The purpose and effect of this proposed amendment is to expand the legislature's authorization to loan the money of the state to a public corporation and the use thereof by such corporation for the purpose of making secured loans to non-profit corporations to improve employment opportunities in any area of the state. Presently, such secured loans may be made by a public corporation (and are being made by the Job Development Authority) to finance the construction of new industrial or manufacturing plants in the state or the acquisition, rehabilitation or improvement of former industrial or manufacturing plants in the state. Under the terms of the proposed amendment, such public corporation (i.e., the Job Development Authority) would also be permitted to make secured loans to finance the construction of new buildings to be used for research and development, and for the purchase of machinery and equipment related to such new industrial or manufacturing plants and research and development buildings. The proposed amendment would also increase the percentage that such public corporation may lend to non-profit corporations for all such purposes from thirty percent to forty percent of project cost.

**Form of Submission of Proposed
Amendment Number Three
Improvement of Employment
Opportunities**

Shall the proposed amendment to subdivision three of section eight of article seven of the Constitution (1) expanding the legislature's power to authorize the loan of the money of the state to a public corporation for the purpose of making secured loans to non-profit corporations to improve employment opportunities in any area of the state to include the authorization of the loan of the money

of the state to such a public corporation and the use thereof by such a public corporation for the purpose of making secured loans to finance the construction of new buildings to be used for research and development and for the purchase of machinery and equipment related to new industrial or manufacturing plants and research and development buildings; and (2) increasing the percentage that such public corporation may lend to non-profit corporations from thirty percent to forty percent of project cost, be approved?

**Abstract of Proposed
Amendment Number Four**

The purpose and effect of this proposed amendment is to increase the monetary jurisdiction of the district court from six thousand dollars to ten thousand dollars exclusive of interest and costs and to increase the term of office of judges of the district court from six years to ten years.

**Form of Submission of Proposed
Amendment Number Four
Jurisdiction of District Court and
Terms of Office of the Judges
Thereof**

Shall the proposed amendment to subdivisions d and h of section sixteen of article six of the Constitution increasing the monetary jurisdiction of the district court from six thousand dollars to ten thousand dollars exclusive of interest and costs and increasing the term of office of the judges of the district court from six years to ten years, be approved?

**Abstract of Proposed
Amendment Number Five**

The purpose and effect of this proposed amendment is to delete from the Constitution the provision designating the head of the department of correction (now the department of correctional services) as the chairman of the state commission of correction.

**Form of Submission of Proposed
Amendment Number Five
Chairmanship of the State
Commission of Correction**

Shall the proposed amendment to section five of article seventeen of the Constitution, deleting the provision that the head of the department of correction (now the department of correctional services) shall be the chairman of the state commission of correction, be approved?

**Abstract of Proposed
Amendment Number Six**

The purpose and effect of this proposed amendment is to confer upon the family court jurisdiction over the custody of minors in habeas corpus proceedings. This would be accomplished by eliminating the restriction upon the jurisdiction of the family court, presently contained in the Constitution pursuant to which that court has jurisdiction over actions and proceedings involving the custody of minors except for custody in habeas corpus proceedings.

**Form of Submission of Proposed
Amendment Number Six
Family Court; Custody of Minors**

Shall the proposed amendment to subdivision b of section thirteen of article six of the Constitution eliminating the restriction upon the jurisdiction of the family court to determine the custody of minors in habeas corpus proceedings, thus conferring such jurisdiction upon the family court, be approved?

**Abstract of Proposed
Amendment Number Seven**

The purpose and effect of this proposed amendment, which deals with forest preserve lands located outside of the Adirondack and Catskill parks, is to increase the size of parcels of land which the Legislature may dedicate for the practice of forest or wildlife conservation or authorize the use thereof for public recreational or other state purposes or the sale, exchange or other disposition thereof, from not more than ten contiguous acres entirely separated from any other portion of the forest preserve to not more than one hundred contiguous acres entirely separated from any other portion of the forest preserve.

**Form of Submission of Proposed
Amendment Number Seven
Forest Preserve Lands Outside the
Adirondack and Catskill Parks**

Shall the proposed amendment to subdivision two of section three of article fourteen of the Constitution in relation to increasing the size of parcels of forest preserve

land, outside of the Adirondack and Catskill parks, which the legislature may dedicate for the practice of forest or wildlife conservation or authorize the use thereof for public recreational or other state purposes or the sale, exchange or other disposition thereof, from not more than ten contiguous acres entirely separated from any other portion of the forest preserve to not more than one hundred contiguous acres so separated, be approved?

**Abstract of Proposed
Amendment Number Eight**

The purpose and effect of this proposed amendment is to delete the requirement now contained in the Constitution that no county may be erected unless its population shall entitle it to a member of the assembly.

**Form of Submission of Proposed
Amendment Number Eight
Erection of Counties**

Shall the proposed amendment to the opening paragraph of section five of article three of the Constitution deleting the requirement that no county may be erected unless its population shall entitle it to a member of the assembly, be approved?

**Abstract of Proposed
Amendment Number Nine**

The purpose and effect of this proposed amendment is to permit a former judge of the court of claims, the county court, the family court, the courts for the city of New York established pursuant to section fifteen of article six of the Constitution or of the district court, who has retired because he has attained the constitutionally mandated retirement age of 70 years, to continue thereafter to perform the duties of a justice of his respective court, and to permit a similarly retired former judge of the surrogate's court to perform after retirement the duties of a justice of the supreme court. Provision permitting a similarly retired judge of the court of appeals or justice of the supreme court to thereafter perform the duties of a justice of the supreme court is retained. Under existing provisions of the Constitution, such service would be permitted for up to three successive terms of two years, if it is certified that the services of such judge or justice are necessary to expedite the business of the court and that he is mentally and physically able and competent.

**Form of Submission of Proposed
Amendment Number Nine
Continuation of Services of Judges
after Retirement**

Shall the proposed amendment to subdivision b of the section twenty-five of article six of the Constitution providing that a retired former judge of the court of claims, of the county court, of the family court, of a court for the city of New York established pursuant to section fifteen of article six of the Constitution and of the district court may thereafter perform the duties of a justice of his respective court, retaining the provision that a retired judge of the court of appeals and a retired justice of the supreme court may thereafter perform the duties of a justice of the supreme court, and providing that a retired former judge of the surrogate's court may thereafter perform the duties of a justice of the supreme court, be approved?

**Abstract of Proposed
Amendment Number Ten**

The purpose and effect of this proposed amendment is to discontinue and abolish the county court of Nassau county after December 31, 1973. Judges of the county court of the county of Nassau in office on December 31, 1973 would become justices of the supreme court for the remainder of their terms and actions and proceedings pending in the county court of Nassau county on December 31, 1973 would be transferred to the supreme court in that county or as otherwise may be provided by law. The proposed amendment would also increase the monetary jurisdiction of the district court in Nassau county from six thousand dollars to ten thousand dollars exclusive of interest and costs.


**Form of Submission of Proposed
Amendment Number Ten
Discontinuance of the County
Court of Nassau County and
Increase in the Monetary Jurisdiction
of the District Court in
Nassau County**

Shall the proposed amendment to subdivision d of section six of article six of the Constitution, subdivision a of section ten of article six of the Constitution and subdivisions a and b of section thirty-five of article six of the Constitution providing that the county court of Nassau county shall not be continued after December 31, 1973; that the judges of such court in office on such date shall become justices of the supreme court for the remainder of their terms and for the transfer of all actions and proceedings pending therein on such date; and the proposed amendment to subdivision d of section sixteen of article six of the Constitution increasing the monetary jurisdiction of the district court in Nassau county from six thousand dollars to ten thousand dollars exclusive of interest and costs be approved?

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