

Legal Notice

**STATE OF NEW YORK
STATE BOARD OF ELECTIONS**

Albany, September 12, 1977
PURSUANT to the provisions of section seventy-two of the Election Law, the following Proposition Number One, Question Number One, and Proposed Amendments to the State Constitution One to Eight, inclusive, will be submitted to the voters of the State for approval or disapproval, at the General Election on November eighth, nineteen hundred seventy-seven.

STEPHEN MAY
Chairman

**ABSTRACT OF PROPOSITION
NUMBER ONE**

The purpose and effect of chapter 455 of the Laws of 1977, to be known as the Economic Action Program Bond Act For New York State of nineteen hundred seventy-seven is to promote and implement a comprehensive and integrated economic action program for New York State. The statute authorizes the creation of a State debt to an amount not exceeding in the aggregate seven hundred fifty million dollars (\$750,000,000), to provide moneys to be used, pursuant to appropriate legislation and subject to such terms and conditions as the Legislature may impose, for the acquisition, construction, reconstruction, establishment, improvement or rehabilitation of capital facilities for industrial and community development, tourism and recreation, conservation and environment, and transportation and communication facilities, for the acquisition of incidental real property and interests in real property required or expected to be required therefor, and for any capital equipment used in connection therewith, by the state or any county, city, town, village, public benefit corporation or other public corporation, school district, or two or more of the foregoing acting jointly to promote, encourage and stimulate economic development in the State. The total amount of appropriations for such purposes, exclusive of reappropriations, may not exceed two hundred fifty million (\$250,000,000) in any one year.

The statute provides for the submission to the voters at the 1977 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 seven hundred fifty million dollars (\$750,000,000) shall be approved.

**FORM OF SUBMISSION OF
PROPOSITION NUMBER ONE
ECONOMIC ACTION
PROGRAM BOND ISSUE**

Shall chapter four hundred fifty-five of the laws of nineteen hundred seventy-seven, known as the economic action program bond act for New York state of nineteen hundred seventy-seven, authorizing the creation of a state debt in the amount of seven hundred fifty million dollars (\$750,000,000) to provide moneys for the acquisition, construction, reconstruction, establishment, improvement or rehabilitation of public capital facilities for industrial and community development, tourism and recreation, conservation and environment and local transportation access, all in furtherance of economic development, be approved?

**ABSTRACT OF
QUESTION NUMBER ONE**

Article XIX, § 2, of the State Constitution, provides that at the general election to be held in the year nineteen hundred fifty-seven, and every twentieth year thereafter, the question: "Shall there be a convention to revise the constitution and amend the same?" shall be submitted to and decided by the electors of the state; and in case a majority of the electors voting thereon shall decide in favor of a convention for such purpose, the electors of every senate district of the state, as then organized, shall elect three delegates at the next ensuing general election, and the electors of the state voting at the same election shall elect fifteen delegates at large. The delegates so elected shall convene at the capitol on the first Tuesday of April next ensuing after their election, and shall continue their session until the business of such convention shall have been completed.

**FORM OF SUBMISSION
OF QUESTION NUMBER ONE
CONSTITUTIONAL
CONVENTION**

"Shall there be a convention to revise the constitution and amend the same?"

**ABSTRACT OF PROPOSED
AMENDMENT NUMBER ONE**

The purpose and effect of this proposed amendment is to provide for the appointment, rather than election, of the Chief Judge and the six Associate Judges of the Court of Appeals. The Chief Judge and Associate Judges in office on April 1, 1978, will hold their offices until the expiration of their terms. Their successors will be appointed by the Governor, with the advice and consent of the Senate, from a list of persons found to be well-qualified and recommended by a twelve member bi-partisan judicial nominating commission. Four members of such commission would be appointed by the Governor, four by the Chief Judge of the Court of Appeals and one each by the Speaker of the Assembly, the Temporary President of the Senate, the Minority Leader of the Senate and the Minority Leader of the Assembly. No member of the commission may hold any office in any political party or be appointed to any judicial office while serving on the commission or within one year thereafter. Existing provisions relating to temporary appointments to fill vacancies on the Court of Appeals would become obsolete and would, therefore, be repealed.

**FORM OF SUBMISSION OF
PROPOSED
AMENDMENT NUMBER ONE
SELECTION OF JUDGES OF
THE COURT OF APPEALS**

Shall the proposed amendments to Article six of the Constitution in relation to the creation of a judicial nominating commission and the manner of selecting judges of the Court of Appeals, be approved?

**ABSTRACT OF PROPOSED
AMENDMENT NUMBER TWO.**

The purpose and effect of this proposed amendment, which would become effective April 1, 1978, is to restructure the authority and responsibility for the administration of the Unified Court System of the State. The present Administrative Board of the Judicial Conference consisting of the Chief Judge of the Court of Appeals and the Presiding Justices of the four Appellate Divisions would be reconstituted as the Administrative Board of the Courts. The Chief Judge, with the advice and consent of such Board, would appoint a Chief Administrator of the Courts to serve at his pleasure. The Chief Administrator, on behalf of the Chief Judge, would supervise the administration and operation of the Unified Court System. The Chief Judge, after consultation with the Administrative Board of the Courts, would establish standards and administrative policies for general application throughout the State. These would be submitted to the Court of Appeals for approval and promulgation.

The Chief Administrator of the Courts would have such powers and duties as may be delegated to him by the Chief Judge and such additional powers and duties as may be provided by law. Pursuant to the proposed amendment, the Chief Administrator would make temporary assignment of Judges and Justices among the courts in accordance with established standards and administrative policies; with the approval of the presiding justice of the appropriate Appellate Division, he would designate justices of the Supreme Court to serve upon Appellate Terms, in counties where such Appellate Terms are held and he would designate the place or places where such Appellate Terms would be held. He would also be authorized to exercise, together with the Administrative Board, any power possessed by the Legislature to regulate the practice and procedure in the courts, if authorized by the Legislature. Also included among the proposed amendments are provisions which will (a) repeal existing authority of the Appellate Divisions of the Supreme Court in each department to establish separate divisions of the Supreme Court and the County Court for various classes of actions and proceedings, (b) permit judges or justices to hold an office in relation to the administration of the courts and subject them to rules of conduct as may be promulgated by the Chief Administrator with the approval of the Court of Appeals, (c) subject judges of district, town, village or city courts outside the City of New York to such rules of conduct not inconsistent with law as may be promulgated by the Chief Administrator, with the ap-

proval of the Court of Appeals, (d) change from mandatory to permissive the duty of the Governor to designate additional justices to an Appellate Division when required, and (e) deny an Appellate Division the power to confer jurisdiction upon an Appellate Term to hear and determine appeals in criminal cases prosecuted by an indictment or by an information filed by a district attorney where indictment by a grand jury has been waived. The itemized estimates of the financial needs of the Judiciary which are included in the State's budget are to be approved by the Court of Appeals and certified by the Chief Judge rather than by the Comptroller as at present, for transmittal to the Governor for inclusion in the budget with copies of such itemized estimates to be transmitted to appropriate committees of the Legislature.

**FORM OF SUBMISSION OF
PROPOSED
AMENDMENT NUMBER TWO
ADMINISTRATION OF THE
UNIFIED COURT SYSTEM**

Shall the proposed amendments to Articles six and seven of the Constitution in relation to the administration of the Unified Court System, be approved?

**ABSTRACT OF PROPOSED
AMENDMENT NUMBER THREE**

The purpose and effect of this proposed amendment, which would become effective April 1, 1978, is to restructure the provisions of the Constitution relating to the disciplining of justices and judges of the Unified Court System of the State. The Court on the Judiciary would be abolished and the nine-member Commission on Judicial Conduct would be reconstituted. A new eleven-member Commission would receive, initiate, investigate and hear complaints with respect to the conduct, qualifications, fitness to perform or performance of official duties of any judge or justice of the Unified Court System in the manner provided by law. It would have power to determine that a judge or justice be admonished, censured or removed from office for cause, including but not limited to, misconduct in office, persistent failure to perform his duties, habitual intemperance and conduct on or off the bench prejudicial to the administration of justice. It would also have power to determine that a judge or justice should be retired for mental or physical disability preventing the proper performance of his judicial duties. The judge or justice involved may either accept the Commission's determination or request a review thereof by the Court of Appeals, which may admonish, censure, remove or retire such judge or justice, impose a less or more severe sanction or impose no sanction. If review by that Court is sought, the Court would have the power to suspend such judge or justice from office until final determination of his case. A judge or justice could also be suspended if indicted or charged on an information filed by a district attorney where indictment by a grand jury has been waived. A judge or justice suspended from office by the Court of Appeals would receive his judicial salary during such period of suspension unless the Court directs otherwise, and if the Court has so directed and the suspension is thereafter terminated, the Court may direct that he be paid his salary for such period of suspension. A judge or justice who is retired by the Court of Appeals shall be considered to have retired voluntarily; a judge or justice removed by the Court of Appeals shall be ineligible to hold other judicial office. Four members of the Commission would be appointed by the Governor, one by the Temporary President of the Senate, one by the Minority Leader of the Senate, one by the Speaker of the Assembly, one by the Minority Leader of the Assembly and three by the Chief Judge of the Court of Appeals. Of the members appointed by the Governor, one shall be a member of the bar of the State but not a judge or justice, two shall not be members of the bar, justices or judges of the Unified Court System, and one shall be a judge or justice of the Unified Court System. Of the members appointed by the Chief Judge, one shall be a justice of the Appellate Division and two shall be judges or justices of courts other than the Court of Appeals or the Appellate Divisions. None of the persons to be appointed by the legislative leaders shall be justices or judges

or retired justices or judges. The organization and procedure of the Commission of Judicial Conduct is to be as provided by law. The Commission may establish rules and procedures not inconsistent with law. The Legislature is empowered to provide by law for review of determinations of the Commission on Judicial Conduct with respect to justices of town and village courts by an Appellate Division of the Supreme Court. The Court on the Judiciary is granted jurisdiction to conclude any matter pending before it on the effective date of the proposed amendment, and all matters pending before the present Commission on Judicial Conduct are to be disposed of in such manner as shall be provided by law.

**FORM OF SUBMISSION OF
PROPOSED
AMENDMENT NUMBER THREE
JUDICIAL CONDUCT**

Shall the proposed amendments to Article six of the Constitution in relation to the creation of a commission on judicial conduct and the admonition, removal, censure or retirement of judges and justices, be approved?

**ABSTRACT OF PROPOSED
AMENDMENT NUMBER FOUR**

The power of the Legislature to prescribe the jurisdiction of courts for towns, villages and cities outside the City of New York is presently constitutionally restricted in that the jurisdiction of such courts may not be greater than that of the District Court. The purpose and effect of this proposed amendment is to remove such restriction. Thus, such courts would have the jurisdiction prescribed by the Legislature.

**FORM OF SUBMISSION OF
PROPOSED
AMENDMENT NUMBER FOUR
JURISDICTION OF
CERTAIN COURTS**

Shall the proposed amendment to Article six, Section seventeen, subdivision a of the Constitution in relation to the jurisdiction of courts for town, villages and cities outside the City of New York, be approved?

**ABSTRACT OF PROPOSED
AMENDMENT NUMBER FIVE**

The purpose and effect of this proposed amendment is to permit the Legislature to provide for an increase in the amount of pension benefits of any widow or widower of a retired member of a retirement system of the State or of a subdivision of the State to whom such benefits are payable as beneficiary under an optional settlement in connection with the pension of such member.

**FORM OF SUBMISSION OF
PROPOSED
AMENDMENT NUMBER FIVE
PENSION BENEFITS OF
WIDOWS AND WIDOWERS
OF RETIREES**

Shall the proposed amendment to Article seven, Section eight, subdivision two of the Constitution in relation to the increasing of pension benefits payable to widows and widowers of retired members of a retirement system of the State, of a subdivision of the State, be approved?

**ABSTRACT OF PROPOSED
AMENDMENT NUMBER SIX**

The purpose and effect of this proposed amendment is to permit the filling of vacancies on boards of education, including boards of education of community districts in the city school district of the City of New York, by appointment until the next regular school district election, whether or not such appointments shall extend beyond December thirty-first in any year.

**FORM OF SUBMISSION OF
PROPOSED
AMENDMENT NUMBER SIX
FILLING OF VACANCIES ON
BOARDS OF EDUCATION**

Shall the proposed amendment to Article seven, Section three of the Constitution in relation to the filling of vacancies on boards of education, be approved?

**ABSTRACT OF PROPOSED
AMENDMENT NUMBER SEVEN**

The purpose and effect of this proposed amendment is to enable the Legislature to expand the loan capacity of The Job Development Authority a public corporation, by increasing the aggregate principal amount of the liability of the State as guarantor for the payment of principal and interest on bonds of such public corporation from \$750,000,000 to \$300,000,000, excluding bonds issued to refund outstanding bonds. Such public corporation was created pursuant

to and for the purposes specified in Article seven, Section eight of the Constitution which presently provides for the organization of a public corporation for the purpose of making secured loans to non-profit corporations to finance the construction of new industrial or manufacturing plants, new buildings to be used for research and development and the purchase of machinery and equipment related thereto or the acquisition, rehabilitation or improvement of former industrial or manufacturing plants in this State to improve employment opportunities in any area of the State.

**FORM OF SUBMISSION OF
PROPOSED
AMENDMENT NUMBER SEVEN
JOB DEVELOPMENT
AUTHORITY
INCREASING LOAN CAPACITY**

Shall the proposed amendment to Article ten, Section eight of the Constitution, increasing from \$150,000,000 to \$300,000,000 the maximum aggregate principal amount for which the Legislature may make the State liable as guarantor at any one time for bonds (exclusive of bonds issued to refund outstanding bonds) issued by The Job Development Authority a public corporation, created for the purpose of making secured loans to non-profit corporations to finance the construction of new industrial or manufacturing plants new buildings to be used for research and development and the purchase of machinery and equipment related thereto or the acquisition, rehabilitation or improvement of former industrial or manufacturing plants in this State to improve employment opportunities in any area of the State, be approved?

**ABSTRACT OF PROPOSED
AMENDMENT NUMBER EIGHT**

The purpose and effect of this proposed amendment is to improve employment opportunities in any area of the State by permitting a public corporation, subject to authorization by the Legislature, to make secured loans to non-profit corporations to (1) finance the construction of eligible business facilities in addition to new industrial or manufacturing plants and new buildings to be used for research and development (as presently provided for) and the purchase of machinery and equipment related thereto, and (2) finance the acquisition, rehabilitation or improvement of existing, as well as former as at present, industrial or manufacturing plants, former or existing buildings to be used for research and development, other eligible business facilities, and machinery and equipment in this State so long as such plants, buildings or facilities are not (1) used primarily in making retail sales of goods or services to customers who personally visit such facilities to obtain goods or services or (2) used primarily as a hotel, apartment house or other place of business which furnishes dwelling space or accommodations to either residents or transients. Such amendment also provides for the establishment of a loan guarantee program under which such public corporation would be able to guarantee loans made by banking organizations, as that term shall be defined by the Legislature, to 80 per centum of project cost.

**FORM OF SUBMISSION OF
PROPOSED
AMENDMENT NUMBER EIGHT
IMPROVEMENT OF
EMPLOYMENT OPPORTUNITIES**

Shall the proposed amendment to Article seven, Section eight, subdivision three of the Constitution permitting a public corporation, subject to authorization by the Legislature, (1) to make secured loans to finance the construction of eligible business facilities and the purchase of machinery and equipment related thereto, (2) to make secured loans to finance the acquisition, rehabilitation or improvement of existing industrial or manufacturing plants, former or existing buildings to be used for research and development, other eligible business facilities and machinery and equipment, and (3) to guarantee loans made by banking corporations to 80 per centum of project cost, to improve employment opportunities in any area of the State, be approved?

