

VOTERS GUIDE

TO THE PROPOSED CHANGES TO THE
NEW YORK STATE CONSTITUTION
THAT WILL BE ON THE BALLOT THIS
NOVEMBER 5, 2013
WITH ARGUMENTS IN SUPPORT OF
AND OPPOSITION
TO THOSE CHANGES

New York Public Interest Research Group/NYPIRG

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Summary

This Election Day, voters will have an opportunity to amend the New York State Constitution via six proposed changes included on the ballot. This guide offers a non-partisan look at the proposed changes in an effort to educate New York's voters. It includes viewpoints from both supporters of, and opponents to the proposals, based on research done by the League of Women Voters of New York State. The League of Women Voters has graciously allowed us to use their data in this guide; please visit <http://www.lwvny.org> if you would like more information on the League, and to access their voting guides and other resources.

The New York Public Interest Research Group does not endorse or oppose any of the proposed constitutional changes.

Background

Tuesday, November 5th, 2013 is Election Day, and polling places are open from 6 A.M. to 9 P.M. statewide. United States citizens who are over the age of 18 and have lived in their New York State residence for at least 30 days before the election date are eligible to vote in New York.

College students have the right to choose their campus address as their voting residence: <http://lwvny.org/vote/RTVCollegeStudents.pdf>.

You must also be registered with the New York State Board of Elections in order to vote; voter registration forms must be postmarked by October 11th and received by the Board of Elections by October 16th in order to vote this November 5th. See the Board's "Register to Vote" page at <http://www.elections.ny.gov/VotingRegister.html> – or visit your local NYPIRG campus office at <http://www.nypirg.org/campus/offices.html> for voter registration forms, and for information and assistance.

If you are already registered, the location of your current polling place can be found at <https://voterlookup.elections.state.ny.us/votersearch.aspx>.

Proposed Constitutional Changes

On this year's ballot, in addition to the candidates who are running for office, New Yorkers have the opportunity to vote on six proposed changes to the New York State Constitution. The following are the state-approved summaries, or "abstracts," of the proposed constitutional changes, as well as arguments in support of and in opposition to the changes:

PROPOSAL ONE

Authorizing Casino Gambling

The proposed amendment to section 9 of article 1 of the Constitution would allow the Legislature to authorize up to seven casinos in New York State for the legislated purposes of promoting job growth, increasing aid to schools, and permitting local governments to lower property taxes through revenues generated. Shall the amendment be approved?

YES

NO

Abstract: The purpose of the proposed amendment to section 9 of article 1 of the Constitution is to allow the Legislature to authorize and regulate up to seven casinos for the legislated purposes of promoting job growth, increasing aid to schools, and permitting local governments to lower property taxes through revenues generated.

Proponents of the amendment argue that casino gambling has significant potential to be a major economic engine for New York State. They note that gaming currently exists in the state, with five Native American-owned casinos and nine racinos already operating, but that the state is not allowed to gain its benefits. They say that the amendment would enable New York to benefit from the tourism, revenue, and good jobs that they believe casinos will provide. Proponents also argue that limiting casino gambling to no more than seven facilities guarantees that there will not be an excessive proliferation of casinos within New York State.

Opponents of the amendment argue that expanding casino gambling in New York State could potentially increase gambling addiction, exploit those suffering from gambling addiction and their families, and have harmful effects on the communities in which the casinos are located. They say that even without including non-economic costs, the hidden costs of adding a casino to a region are two to three times more than the touted benefits. Some opponents also argue that increased crime is associated with the addition of a casino to a community.

PROPOSAL TWO

Additional Civil Service Credit for Veterans with Disabilities Certified Post-Appointment

The proposed amendment to section 6 of article 5 of the Constitution would entitle a veteran who has received civil service credit for a civil service appointment or promotion and subsequently is certified as disabled to additional civil service credit at a subsequent appointment or promotion. Shall the proposed amendment be approved?

YES NO

Abstract: The purpose of the proposed amendment to section 6 of article 5 of the Constitution is to grant additional civil service credit to veterans who are certified as disabled after they have been appointed or promoted to a civil service position.

The State Constitution currently grants veterans additional credit on civil service exams (5 points for an original appointment and 2½ points for a promotion). Disabled veterans are entitled to additional credit (10 points for an original appointment and 5 points for a promotion). Veterans are eligible for only one grant of additional credit, and so a veteran who is appointed or promoted before being certified as disabled currently is not eligible for the higher amount of credit he or she would have received if he or she had been certified as disabled before his or her appointment or promotion.

This amendment would create an exception to the one-time-only additional credit rule. It would permit veterans who are certified disabled after having already received credit at one appointment or promotion, because of their status as veterans, to receive additional credit one more time after certification of their disability. After being certified disabled, a veteran would be entitled to an additional grant of credit equal to the difference between 10 and the number of points received at the initial appointment or promotion. This would bring the total additional points of civil service credit such a veteran can receive to 10 for either an appointment or a promotion.

Proponents of the amendment argue that it would benefit individuals who, through no fault of their own, were not classified as a veteran with disabilities at the time of their first civil service appointment. They say that veterans applying the credits will be less limited by time constraints, making them more likely to be hired to civil service positions. In addition, they note that veterans are more likely to be unemployed than the average citizen. They argue that this amendment would not only increase employment opportunities for veterans, but would also help put their training and experience to work for the State and local governments.

Opponents: The League of Women Voters of New York State could not identify any organizations or expressed opinions in opposition to this amendment.

PROPOSAL THREE
**Exclusion of Indebtedness Contracted
for Sewage Facilities**

<p>The proposed amendment to article 8, section 5 of the Constitution would extend for ten years, until January 1, 2024, the authority of counties, cities, towns, and villages to exclude from their constitutional debt limits indebtedness contracted for the construction or reconstruction of sewage facilities. Shall the proposed amendment be approved?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
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Abstract: The purpose of the proposed amendment to section 5 of article 8 of the Constitution is to continue to allow counties, cities, towns, and villages to exclude from their constitutional debt limits indebtedness incurred for the construction or reconstruction of sewage facilities.

The State Constitution currently provides that indebtedness contracted on or after January 1, 1962 and before January 1, 2014, for the construction or reconstruction of facilities for the conveyance, treatment, and disposal of sewage shall be excluded from the constitutional debt limits of counties, cities, towns, and villages. The effect of the proposed amendment would be to extend for ten years, until January 1, 2024, the period during which sewer debt will be excluded from the constitutional debt limits of counties, cities, towns, and villages.

Proponents of the amendment argue that the concerns addressed in 1963 and by subsequent extensions of the exclusion are still valid today. They note that although many pollution problems have been abated, there are still significant concerns that need to be addressed. As technology continues to evolve, more efficient systems become available; also, additional development necessitates the construction of new systems, and existing sewage treatment facilities age, needing reconstruction and refurbishment. Proponents say the amendment would allow municipalities to address these sewage needs without impairing municipalities’ ability to finance other essential capital requirements.

Opponents: The League of Women Voters of New York State could not identify any organizations or expressed opinions in opposition to this amendment.

PROPOSAL FOUR

Settling Disputed Title in the Forest Preserve

The proposed amendment to section 1 of article 14 of the Constitution would authorize the Legislature to settle longstanding disputes between the State and private entities over ownership of certain parcels of land in the town of Long Lake, Hamilton County. In exchange for giving up its claim to disputed parcels, the State would get land to be incorporated into the forest preserve that would benefit the forest preserve more than the disputed parcels currently do. Shall the proposed amendment be approved?

YES

NO

Abstract: The purpose of the proposed amendment to section 1 of article 14 of the Constitution is to resolve competing claims of title between the State and private parties to land located in the forest preserve, in the town of Long Lake, Hamilton County.

The State Constitution generally forbids the lease, sale, exchange, or taking of any forest preserve land. The proposed amendment would allow the Legislature to settle 100-year-old disputes between the State and private parties over ownership of certain parcels of land in the forest preserve by giving up the State's claim to disputed parcels. In exchange, the State would get land to be incorporated into the forest preserve. The land exchange would occur only if the Legislature determines that the land to be conveyed to the State would benefit the forest preserve more than the disputed parcels do.

Proponents of the amendment argue that it would finally remove the uncertainty and cost of the long-standing land dispute, while making significant additions to the forest preserve. They claim that a lack of documentation concerning ownership has made the settling the claims in court difficult, expensive, and unpredictable.

Opponents of the amendment argue that a legislative settlement would establish a poor precedent for other private land ownership disputes in the Adirondack Park, inviting an endless stream of private bills and constitutional amendments. They argue that similar land disputes have been resolved, appropriately, via the judicial system, as it provides transparency and an independent authority – and that the proposed process does not. In addition, they claim that the fees to be collected from the occupants are greatly less than the assessed worth of the land, and will not be sufficient to acquire comparable or better land to be added to the forest preserve, thus delaying the private parties' clear land title until the town and state governments can agree upon a land purchase.

PROPOSAL FIVE

In Relation to a Land Exchange in the State Forest Preserve with NYCO Minerals, Inc.

The proposed amendment to section 1 of article 14 of the Constitution would authorize the Legislature to convey forest preserve land located in the town of Lewis, Essex County, to NYCO Minerals, a private company that plans on expanding an existing mine that adjoins the forest preserve land. In exchange, NYCO Minerals would give the State at least the same amount of land of at least the same value, with a minimum assessed value of \$1 million, to be added to the forest preserve. When NYCO Minerals finishes mining, it would restore the condition of the land and return it to the forest preserve. Shall the proposed amendment be approved?

YES

NO

Abstract: The purpose of the proposed amendment to section 1 of article 14 of the Constitution is to allow NYCO Minerals, Inc., a private company, to continue its mining operations in the town of Lewis, Essex County. The State Constitution generally forbids the lease, sale, exchange, or taking of any forest preserve land. The proposed amendment would allow the State to convey approximately 200 forest preserve acres to NYCO Minerals for mining. In exchange, NYCO Minerals would give the State at least the same amount of land of at least the same value, with a minimum assessed value of \$1 million. This land would be added to the forest preserve. When NYCO Minerals finishes mining, the company would restore the condition of the land it received in the exchange and return it to the forest preserve.

The proposed amendment also would allow NYCO Minerals to test to determine the quantity and quality of the mineral to be mined on the land to be exchanged before the exchange occurs. It would require NYCO Minerals to give the State its test results so that the State can use them to determine the value of the land to be conveyed to NYCO Minerals. The proposed amendment also would require that if, after testing, NYCO Minerals does not want the forest preserve land, NYCO Minerals still must give the State at least the same amount of land of at least the same value of the land that was disturbed by the testing. This land would be incorporated into the forest preserve.

NOTE: NYCO Minerals is a producer and supplier of wollastonite (calcium metasilicate), which is a rare, white mineral having commercial application as a reinforcement or additive in ceramics, paints, plastics, friction products and various building products. The Lewis mine produces 60,000 tons of wollastonite annually. NYCO Minerals has indicated that its mine is approaching the end of its pit life because the remainder of the wollastonite vein extends onto adjacent forest preserve land.

Proponents of the amendment argue that the land swap would (1) preserve jobs and ensure one of the largest employers in Essex County remains viable; (2) provide new access to mountain peaks and trout streams for outdoor recreation; and (3) result in the state preserve acquiring both a greater quantity and higher quality of land than the land it is trading to NYCO Minerals.

Opponents of the amendment argue that the land swap is not vital to NYCO's survival, and that it would diminish the strength of the "Forever Wild" clause. They say that (1) the land swap would set a dangerous and historic precedent because it would be the first forest preserve constitutional amendment to be undertaken for private commercial gain, rather than for a clear public municipal purpose and public benefit and; (2) there are viable alternatives to the land swap, given that there are considerable permitted reserves of wollastonite available on NYCO's current land, and that such reserves are expected to last for 15-20 years.

PROPOSAL SIX
Increasing Age until which
Certain State Judges Can Serve

The proposed amendment to the Constitution, amending sections 2 and 25 of article 6, would increase the maximum age until which certain state judges may serve as follows: (a) a Justice of the Supreme Court would be eligible for five additional two-year terms after the present retirement age of 70, instead of the three such terms currently authorized; and (b) a Judge of the Court of Appeals who reaches the age of 70 while in office would be permitted to remain in service on the Court for up to 10 years beyond the present retirement age of 70 in order to complete the term to which that Judge was appointed. Shall the proposed amendment be approved?

YES

NO

Abstract: The purpose of the proposed amendment to sections 2 and 25 of article 6 of the Constitution is to increase to the age of 80 the maximum age until which Justices of the Supreme Court and Judges of the Court of Appeals may serve in the following circumstances: (a) Justices of the Supreme Court are currently required to retire in the year they turn 70 years old, but are eligible to continue to perform the duties of a Justice of the Supreme Court for three additional two-year terms upon a certificate that their services are needed by the courts and that they are competent to perform the full duties of the office. The proposed amendment would make them eligible for two additional such two-year terms, upon the same certification of need and competence; (b) Judges of the Court of Appeals are currently required to retire in the year they turn 70 years old. The proposed amendment would permit a Judge who reaches the age of 70 while in office to remain in service on the Court for up to 10 additional years in order to complete the term to which that Judge was appointed.

Proponents of the amendment argue that it would enable the state judiciary to continue to benefit from the service of many dedicated, experienced, and productive judges who are currently being lost to mandatory retirement. They argue that the current mandatory retirement age is archaic, noting a longer and healthier lifespan than when the current retirement age was set.

Some opponents of the amendment argue that the proposal unfairly favors high-level judges on the State Supreme Court and the Court of Appeals, while others argue that forced retirement encourages diversity.

Full text of the proposed amendments can be found at
<http://www.elections.ny.gov/ProposedConsAmendments.html>.