

The article establishes a fiscal limitation on the amount of debt that the state and certain public authorities may contract. In place of the present referendum requirement, provision is made that the state may not contract debt unless authorized by law enacted by two regular sessions of the legislature separated by an intervening election and unless the total debt service shall not exceed twelve percent of the average state revenues in the two preceding fiscal years. The twelve percent limitation may be increased, not to exceed fifteen percent, by statute approved by the people at referendum.

The proceeds from the creation of the indebtedness may be used only for capital construction purposes as defined in the article. The article also makes provisions for the issuance of bonds and the maturity and payment thereof. No debt may be issued by the state or certain public authorities unless certified by the governor.

The article directs the legislature to provide for the transfer to the state by January 1, 1970 of responsibility for all programs of public assistance and care now administered by local governments. It provides for the allocation of the costs of such programs not paid or reimbursed by the federal government and requires that, within ten years, local governments be entirely relieved of all such costs.

The article permits public moneys to be granted or loaned to any person, association or private corporation for economic and community development purposes, as therein defined. Economic and community development purposes include the renewal and rebuilding of communities, the development of new communities, and programs and facilities to enhance the physical environment, health and social well-being of, and to encourage the expansion of economic opportunity for, the people of the state.

The state and local governments are prohibited from granting or loaning their moneys to or guaranteeing the obligations of any person, association, or private corporation, except for a public purpose. However, if they borrow money, such borrowed money may be loaned only for capital construction purposes.

The article authorizes the legislature to create a public corporation for the purpose of assisting and financing loans of persons, associations and public and private corporations, and to create and administer a development fund. Each local government is authorized to guarantee the obligations of such public corporation for such purposes within such local government.

Provision is made for the alteration of the state tax structure in anticipation of future and present and to maintain a balanced budget.

Other provisions authorize the legislature to create a public corporation for the purpose of assisting and financing loans of persons, associations and public and private corporations, and to create and administer a development fund.

ARTICLE XI

Local Government

This article describes the powers and other aspects of the operation of local governments which are defined as counties, cities, towns and villages.

This article retains existing powers of local governments and, in addition, grants to them, subject to a statute of restrictions to be enacted, all legislative and administrative power which the legislature has power to confer.

In addition every local government is granted power to adopt local laws, not inconsistent with general law, relating to matters of local concern and local aspects of matters of state concern. The legislature, with certain limited exceptions, may act in these matters only on request from each local government affected or by general law or (except for New York City) on message of necessity from the governor and a two-thirds vote in each house.

This general grant is supplemented by the right to adopt local laws, not inconsistent with general law, relating to specific subjects, including the government, protection, order, conduct, safety, health and well-being of persons or property therein. The legislature is authorized to incorporate other specific grants of local government rights in a statute of local

governments which may be amended to reduce such rights only by action of the legislature with the governor's approval in two successive years.

The right of counties to adopt county charters by referendum is continued, but if only the government of the county is involved in the reorganization this may now be done by a single county-wide referendum approval instead of separate approvals in the cities and in the county outside of cities. Any change affecting units of government within a county will still require a dual or triple referendum. The right to transfer functions from one unit of government to another with appropriate referendum approvals is continued and extended to counties which have not adopted charters.

Two or more counties, or one or more with New York City, are empowered to create regional agencies to which they may transfer one or more of their functions.

Every local legislative body is required to redistrict its area in equal population districts in the year following each federal decennial census. Members of local legislative bodies are prohibited from holding public office in any other local government or any other elective office except delegate to a constitutional convention.

The legislature is required to provide for the supervision, review and equalization of assessments for purposes of taxation and may provide for counties to perform assessment or tax collection functions for units of government within their boundaries.

ARTICLE XII

Local Finance

This article governs the management of local governments and school districts.

Existing debt and tax limits are continued except that: (1) such limits are deleted with respect to city school districts, other than New York, Buffalo, Rochester, Syracuse, Yonkers and Albany; (2) the two-percent limit set forth for cities and villages over five thousand population in Article XVIII of the present constitution is transferred to the general debt limit of such local governments; (3) the legislature is required to establish tax limits for towns by January 1, 1972; (4) the five-year average or full valuation of taxable real property as the base on which the percentage limit is calculated may be changed to a three-year average by statute; and (5) the debt or tax limit of any local government may be changed in the same way.

The article prohibits the use of certain types of debt from the debt limit, including revenue-producing debt to the extent that it revenues support the carrying charges. It continues to permit the cost of capital projects financed by current revenues to be excluded from the debt and tax limits.

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Special provisions are made for cooperative financing of local enterprises by local governments and other public corporations.

ARTICLE XIII

Defense and the Organized Militia

This article provides that the defense of the state and the United States is an obligation of all persons within the state, and that the legislature shall provide for the discharge of this obligation and for the maintenance of a militia of which the governor is the commander-in-chief. It directs the legislature to provide for the continuity of state and local governmental offices and activities when such offices and activities are jeopardized in time of disaster or enemy attack.

ARTICLE XIV

Amendments to the Constitution

This article provides for amendment of the constitution by the legislature or by a constitutional convention. An amendment may become part of the constitution by

adoption by two regular sessions of succeeding terms of the legislature and approval thereafter by a majority of the electors voting thereon at a general election. A new constitution may also be adopted or amendments made to the existing constitution by a constitutional convention and approval by a majority vote of the people at an election held not less than six weeks after adjournment of the convention.

The article provides the question of whether to hold a constitutional convention shall be submitted to the people in 1962, every twentieth year thereafter, and at such other times as the legislature may provide. The article prescribes the number, manner of election, qualifications and compensation of delegates to future constitutional conventions, and certain aspects of the conduct of such conventions.

An amendment proposed by a constitutional convention inconsistent with an amendment proposed by the legislature and incidentally submitted for approval of the people shall, if approved, supersede the latter to the extent of the inconsistency.

ARTICLE XV

Miscellaneous

This article contains several provisions not appropriate for inclusion in any of the first fourteen articles.

It reserves to the state all powers not expressly denied to it by either this constitution or the federal constitution.

The article provides that when the legislature to act, unless expressly provided otherwise, such action must be by statute, requiring the approval of the governor.

It authorizes the state or any local government or public corporation to acquire by purchase, gift or eminent domain such property as may be necessary for economic and community development purposes, including property required in excess of such purpose, and such property as may be ultimately required for such purpose, although temporarily not so required.

The article requires corporations and associations for banking purposes to be formed under and be subject to general laws. Savings banks are not permitted to have any capital stock. Local government and school districts are not permitted to own any stock in or hold bonds of any private corporation or association, except that such provision does not prevent them from making deposits in savings and loan associations and saving banks.

It prohibits gambling in the state, except for the conduct of bingo by non-profit organizations, state-operated lotteries, the proceeds of which are to be applied exclusively for educational purposes, and parimutuel betting on horse racing from which the state shall derive revenue for the support of government.

The article guarantees that every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuses of that right.

It fixes the operative date of the constitution as January 1, 1969 except that (1) for the purpose of contracting state debt a statute may be passed for the first time in the year 1968, and (2) for purposes of making a gift or loan of public money to private enterprise for economic and community development purposes, statutes, not inconsistent with the existing constitution, may be enacted and implemented in the year 1968.

FORM OF SUBMISSION OF QUESTION NUMBER ONE PROPOSED NEW CONSTITUTION

Shall the proposed new Constitution, adopted by the Constitutional Convention, and the Resolution submitting the same, be approved?

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Legal Notice

ARTICLE II NOTICE OF VILLAGE ORDINANCE FOR PUBLIC SAFETY ORDINANCE FOR PUBLIC SAFETY

Sec. 1.—No person shall coast upon any of the sidewalks of the Village of Andover, and any person violating any of the provisions of this ordinance shall be liable to a penalty of not less than Three Dollars (\$3.00) nor more than Ten Dollars (\$10.00) for each and every violation thereof.

Sec. 2.—No person shall catch on, jump on or from any train, automobile, motor or other vehicle while same is in motion in the Village of Andover, N. Y., nor climb on or enter any cars at any railroad station or yard in said village unless such entry shall be made as a passenger or for some necessary or lawful purpose. Any person violating any of the provisions of this ordinance shall be liable to a penalty of not less than Three Dollars (\$3.00), nor more than Ten Dollars (\$10.00), for each and every violation.

Sec. 3.—No person shall throw glass, stones, sticks, snowballs or other missiles upon, into or across any of the streets of this village. No person shall play ball, or in any manner throw, bat, catch or kick any ball on any of the streets of this Village. Any person or persons violating this ordinance shall be liable to a penalty of not less than Three Dollars (\$3.00), nor more than Ten Dollars (\$10.00), for each and every violation thereof.

Sec. 4.—No person shall ride or drive or cause to be ridden or driven, any horse, cow or similar animal or drive, draw or cause to be driven or drawn, any buggy, carriage, wagon, sleigh, motor vehicle or other vehicle on any of the sidewalks of this Village, except to cross the same at a crossing over such sidewalk or for snow removal by an authorized agent of the Village. Any person or persons violating this ordinance shall be liable to a penalty of not less than Three Dollars (\$3.00), nor more than Ten Dollars (\$10.00), for each and every violation thereof.

Sec. 5. Riding Bicycles on Sidewalks

(a)—No person shall ride any bicycle upon the sidewalks between the north and south bridges on Main Street in the Village of Andover.

(b)—Every person riding a bicycle upon a sidewalk within the limits of said village shall do so at a speed not to exceed six miles per hour and shall leave the sidewalk or stop and dismount at a distance of at least 10 feet when meeting or passing a pedestrian.

Any person violating this ordinance shall be liable to a penalty of not less than Three Dollars (\$3.00), nor more than Ten Dollars (\$10.00), for each and every violation thereof.

Sec. 6.—Fireworks

(a)—No person shall shoot or discharge, or shall keep for sale, offer for sale, distribute, give away or have in his, her or their possession any fire works of any character or kind whatever for use within the Village of Andover, which shall contain dynamite, giant powder, nitro-glycerine or any explosive.

(b)—No person or persons shall keep for sale, offer for sale, distribute or give away for use within the limits of the Village of Andover, any flash powder fire crackers or any form of fire crackers designed to explode on the ground; nor shall any person or persons keep for sale, offer for sale, distribute or give away or use within the limits of the Village of Andover any torpedoes manufactured with gravel or other substance which would cause injury by flying particles, blank guns, blank cartridges, toy revolvers, toy pistols, or toy cannons of any description whatever in which powder of any kind can be exploded.

(c)—No person or persons shall in any manner offer for sale or discharge any fire works, rockets, gun powder or other explosives within the Village of Andover, except that this ordinance may be suspended by the Mayor for certain special occasions.

Any person or persons violating this ordinance shall be liable to a penalty of not less than Five Dollars (\$5.00), nor more than

Fifty Dollars (\$50.00), for each and every violation thereof.

Sec. 7.—Sidewalks.

The owner or occupant of any building or lot in front of which a sidewalk has been constructed, shall keep such sidewalk clean and free from filth and also remove or cause to be removed therefrom all snow and ice within 12 hours from the time the same has fallen, and that which may have fallen during the night shall be removed before noon the following day, and upon neglect to do so the Trustees or Street Commissioner may without notice, cause the same to be removed and the expense thereof be determined and billed by the Village Board, and if not paid, be levied and collected out of the said property the same as any corporation tax.

Sec. 8.—Excavations.

Any persons making, causing to be made or permitting to remain open any excavation being immediately adjacent to any street or public ground in the Village, shall erect and maintain for the period while the said excavation shall remain open, suitable guard rails between the said excavation and the street or public ground, and also place on such excavation in a conspicuous place a red light from sunset to sunrise to prevent persons using said street from falling into the said excavation.

Any violation of this ordinance or any of its requirements shall subject the person violating the same to a penalty of Twenty-five dollars (\$25.00), and a further penalty of Twenty-five dollars (\$25.00), for each day the violation continued.

BOARD OF TRUSTEES

Village of Andover, N. Y.

I, Landis C. Kibbe, Village Clerk of the Village of Andover, N. Y., do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Village Board of the Village of Andover, N. Y., on October 10th, 1967, after a public hearing of which due notice was given by publication in the Andover News, being Ordinance for Public Safety within the Village of Andover.

IN WITNESS WHEREOF I have hereunto signed this certificate and attached the seal of the Village of Andover, N. Y. This Ordinance will take effect on the 23rd day of October, 1967, after publication and posting.

Dated this 10th day of October 1967

LANDIS C. KIBBE
Village Clerk

ELECTION NOTICE

Office of the Board of Elections Allegany County

THE is hereby given notice to section 77 of the Election Law that the Next General Election will be held on November 7, 1967 between the hours of 6:00 A. M. and 9:00 P. M. and the offices to be voted for within the County of Allegany, State of New York are as follows:

- 2 Associate Judge of the Court of Appeals
- 2 Justice of the Supreme Court
- 2 Coroners
- Town officers in all Towns of the County.

ALSO One (1) Proposition, Two (2) Amendments and One (1) Question will be submitted to the people of the State of New York for approval. A copy of each such proposition, amendment and Question may be had upon application to the Election Inspectors of the appropriate district or to the Board of Election, County Court House, Belmont, N. Y., by any voter.

CATHERINE B. DEAN
GERALD N. MABEY
Commissioners of Election

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