

Legal Notice

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

STATE OF NEW YORK

Department of State
Albany, July 26, 1968.

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 seven 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 fifth day of November, nineteen hundred sixty-eight.

JOHN P. LOMENZO,
Secretary of State

PROMISED AMENDMENT
NUMBER ONE
CONCURRENT RESOLUTION
OF THE SENATE AND
ASSEMBLY

Proposing an amendment to section twenty-two of article three of the constitution, in relation to incorporation by reference of the laws of the United States in local laws adopted by local governments with respect to taxes on income.

Section 1. Resolved (if the Assembly concur), That section twenty-two of article three of the constitution be amended to read as follows:

§ 22. Every law which imposes, continues or revives a tax shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

Notwithstanding the foregoing or any other provision of this constitution, the legislature, in any law imposing a tax or taxes on, in respect to or measured by income and any local government having authority or to which authority to impose such a tax or taxes has been granted, may define the income on, in respect to or by which such tax or taxes are imposed or measured, by reference to any provision of the laws of the United States as the same may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provision.

§ 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.

PROMISED AMENDMENT
NUMBER TWO
CONCURRENT RESOLUTION
OF THE SENATE AND
ASSEMBLY

Proposing the enactment of a new section two-a of article three of the constitution, in relation to including aliens in the definition of inhabitants for the purpose of apportioning senators and assemblymen

Section 1. Resolved (if the Assembly concur), That article three of the constitution be amended by inserting therein a new section, to be section five-a, to read as follows:

§ 5-a. For the purpose of apportioning senate and assembly districts pursuant to the foregoing provisions of this article, the term "inhabitants, excluding aliens" shall mean the whole number of persons.

§ 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.

PROMISED AMENDMENT
NUMBER THREE
CONCURRENT RESOLUTION
OF THE SENATE AND
ASSEMBLY

Proposing an amendment to article fourteen of the constitution, in relation to the conservation and protection of natural resources and scenic beauty and the development and improvement of agricultural lands

Section 1. Resolved (if the Assembly concur), That section four of article fourteen of the constitution be renumbered to be section five and a new section four inserted therein to read as follows:

§ 4. The policy of the state shall be to conserve and protect its natural resources and scenic beauty and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products. The legislature, in implementing this policy, shall include adequate provision for the abatement of air and water pollution and of excessive and unnecessary noise, the protection of agricultural lands, wetlands and shorelines, and the development and regulation of water resources. The legislature shall further provide for the acquisition of lands and waters, including improvements thereon and any interest therein, outside the forest preserve counties, and the dedication of properties so acquired or now owned, which because of their natural beauty, wilderness character, or geological, ecological or historical significance, shall be preserved and administered for the use and enjoyment of the people. Properties so dedicated shall constitute the state nature and historical preserve and they shall not be taken or otherwise disposed of except by law enacted by two successive regular sessions of the legislature.

§ 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.

PROMISED AMENDMENT
NUMBER FOUR
CONCURRENT RESOLUTION
OF THE SENATE AND
ASSEMBLY

Proposing amendment to sections two, four, five, eight, nine and ten of article eighteen of the constitution, in relation to inclusion of county as governmental unit to be authorized by legislature to establish low rent housing for slum clearance or for both such purposes and for recreational and other facilities incidental or appurtenant thereto

Section 1. Resolved (if the Senate concur), That sections two, four, five, eight, nine and ten of article eighteen of the constitution be amended to read, respectively, as follows:

§ 2. For and in aid of such purposes, notwithstanding any provision in any other article of this constitution, but subject to the limitations contained in this article, the legislature may: make or contract to make or authorize to be made or contracted capital or periodic subsidies by the state to any county, city, town, village or public corporation, payable only with moneys appropriated therefor from the general fund of the state; authorize any county, city, town or village to make or contract to make such subsidies to any public corporation, payable only with moneys locally appropriated therefor from the general or other fund available for current expenses of such municipality; authorize the contracting of indebtedness for the purpose of providing moneys out of which it may make or contract to make or authorize to be made or contracted loans by the state to any county, city, town, village or public corporation; authorize any county, city, town or village to make or contract to make loans to any public corporation; authorize any county, city, town or village to guarantee the principal of (and) interest on, or only the interest on, indebtedness contracted by a public corporation; authorize and provide for loans by the state and authorize loans by any county, city, town or village to or in aid of corporations regulated by law as to rents, profits, dividends and disposition of their property or franchises and engaged in providing housing facilities or nursing home accommodations; authorize any county, city, town or village to make loans to the owners of existing multiple dwellings for the rehabilitation and improvement thereof for occupancy by persons of low income as defined by law; grant or authorize tax exemptions

in whole or in part, except that no such exemption may be granted or authorized for a period of more than sixty years; authorize cooperation with and the acceptance of aid from the United States; grant the power of eminent domain to any county, city, town or village, to any public corporation and to any corporation regulated by law as to rents, profits, dividends and disposition of its property or franchises and engaged in providing housing facilities.

As used in this article, the term "public corporation" shall mean any corporate governmental agency (except a county or municipal corporation) organized pursuant to law to accomplish any or all of the purposes specified in this article.

§ 4. To effectuate any of the purposes of this article, the legislature may authorize any county, city, town or village to contract indebtedness to an amount which shall not exceed two per centum of the average assessed valuation of the real estate of such county, city, town or village subject to taxation, as determined by the last completed assessment roll and the four preceding assessment rolls of such county, city, town or village, for county, city, town or village taxes prior to the contracting of such indebtedness. In ascertaining the power of a county, city, or village having a population of five thousand or more as determined by the last federal census, to contract indebtedness pursuant to this article there may be excluded any such indebtedness if the project or projects aided by guarantees representing such indebtedness or by loans for which such indebtedness was contracted shall have yielded during the preceding year net revenue to be determined annually by deducting from the gross revenues, including periodic subsidies therefor, received from such project or projects, all costs of operation, maintenance, repairs and replacements, and the interest on such indebtedness and the amounts required in such year for the payment of such indebtedness; provided that in the case of guarantees such interest and such amounts shall have been paid, and in the case of loans an amount equal to such interest and such amounts shall have been paid to such county, city or village. The legislature shall prescribe the method by which the amount of any such indebtedness to be excluded shall be determined, and no such indebtedness shall be excluded except in accordance with such determination. The legislature may confer appropriate jurisdiction of the supreme court in the judicial departments in which such counties, cities or villages are located for the purpose of determining the amount of any such indebtedness to be so excluded.

The liability of a county, city, town or village on account of any contract for capital or periodic subsidies to be paid subsequent to the then current year shall, for the purpose of ascertaining the power of such county, city, town or village to contract indebtedness, be deemed indebtedness in the amount of the commuted value of the total of such capital or periodic subsidies remaining unpaid, calculated on the basis of an annual interest rate of four per centum. Such periodic subsidies shall not be contracted for a period longer than the life of the projects assisted thereby, and in no event for more than sixty years. Indebtedness contracted pursuant to this article shall be excluded in ascertaining the power of a county, city or such village otherwise to create indebtedness under any other section of this constitution. Notwithstanding the foregoing the legislature shall not authorize any county, city or village having a population of five thousand or more to contract indebtedness hereunder in excess of the limitations prescribed by any other article of this constitution unless at the same time it shall by law require such county, city or village to levy annually a tax or taxes other than an ad valorem tax on real estate to an extent sufficient to provide for the payment of the principal of and interest on any such indebtedness. Nothing herein contained, however, shall be construed to prevent such county, city or village from pledging its faith and credit for the payment of such principal and interest nor shall any such law prevent

recourse to an ad valorem tax on real estate to the extent that revenue derived from such other tax or taxes in any year, together with revenues from the project or projects aided by the proceeds of such indebtedness, shall become insufficient to provide fully for payment of such principal and interest in that year.

§ 5. Any county, city, town or village shall be liable for the payment of any loans and interest thereon made or contracted to any public corporation, acting as an instrumentality of such county, city, town or village. Such liability of a county, city, town or village shall be excluded in ascertaining the power of such county, city, town or village to become indebted pursuant to the provisions of this article, except that in the event of a default in payment under the terms of any such loan, the unpaid balance thereof shall be included in ascertaining the power of such county, city, town or village to become so indebted. No subsidy, in addition to any capital or periodic subsidy originally contracted for in aid of any project or projects authorized under this article, shall be paid by the state to a county, city, town, village or public corporation, acting as an instrumentality thereof, for the purpose of enabling such county, city, town, village or corporation to remedy an actual default or avoid an impending default in the payment of principal or interest on a loan which has been theretofore made by the state to such county, city, town, village or corporation pursuant to this article.

§ 8. Any agency of the state, or any county, city, town, village or public corporation, which is empowered by law to take private property by eminent domain for any of the public purposes specified in section one of this article, may be empowered by the legislature to take property necessary for any such purpose but in excess of that required for public use after such purpose shall have been accomplished; and to improve and utilize such excess, wholly or partly for any other public purpose, or to lease or sell such excess with restrictions to preserve and protect such improvement or improvements.

§ 9. Subject to any limitation imposed by the legislature, the state, or any county, city, town, village or public corporation, may acquire by purchase, gift, eminent domain or otherwise, such property as it may deem ultimately necessary or proper to effectuate the purposes of this article, or any of them, although temporarily not required for such purposes.

§ 10. The legislature is empowered to make all laws which it shall deem necessary and proper for carrying into execution the foregoing powers. This article shall be construed as extending powers which otherwise might be limited by other articles of this constitution and shall not be construed as imposing additional limitations; but nothing in this article contained shall be deemed to authorize or empower the state, or any county, city, town, village or public corporation, to engage in any private business or enterprise other than the building and operation of low rent dwelling houses for persons of low income as defined by law, or the loaning of money to owners of existing multiple dwellings as herein provided.

§ 2. Resolved (if the Senate concur), That the foregoing amendments 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.

PROMISED AMENDMENT
NUMBER FIVE
CONCURRENT RESOLUTION
OF THE SENATE AND
ASSEMBLY

Proposing an amendment to article seventeen of the constitution, in relation to the authorization of loans for hospital construction

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

§ 7. Notwithstanding any other provision of this constitution, the legislature may authorize the

state, or any county, city, town or village, to act as an instrumentality of such county, city, town or village, to take private property by eminent domain for any of the public purposes specified in section one of this article, may be empowered by the legislature to take property necessary for any such purpose but in excess of that required for public use after such purpose shall have been accomplished; and to improve and utilize such excess, wholly or partly for any other public purpose, or to lease or sell such excess with restrictions to preserve and protect such improvement or improvements.

§ 2. Resolved (if the Senate concur), That the foregoing amendments 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.

PROMISED AMENDMENT
NUMBER SIX
CONCURRENT RESOLUTION
OF THE SENATE AND
ASSEMBLY

Proposing the enactment of a new article fourteen of the constitution, in relation to natural resources and conservation, and repealing existing article fourteen of the constitution relating thereto

Section 1. Resolved (if the Senate concur), That existing article fourteen of the constitution be repealed, and that the constitution be amended by inserting therein, in lieu thereof, a new article, to be article fourteen, to read as follows:

ARTICLE XIV
Natural Resources And
Conservation

Section 1. The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed.

§ 2. The provisions of section one of this article shall not apply to:

(1) The use of not more than three per cent of such lands, specifically designated by the legislature, for the construction, operation and maintenance by the state, or reservoirs for municipal water supply and for the canals of the state, after the boundaries and high flow lines thereof shall have been accurately surveyed and fixed, and after public notice, hearing and determination that such lands are required for such public use, the expense thereof to be apportioned to the public and private properties and municipalities thereby benefited to the extent of the benefits received;

(2) Lands within the forest preserve but outside the Adirondack and Catskill parks as now fixed by law, heretofore or hereafter acquired and dedicated by the state for forest or wildlife conservation, except that such lands shall not be leased, sold or exchanged, or be taken by any corporation, public or private;

(3) The use for any state purpose, or the sale, exchange or other disposition of any lands within the forest preserve but outside the Adirondack and Catskill parks as now fixed by law, which lands consist of any acre or no more than ten contiguous acres entirely separated from any other portion of the forest preserve, except that no sale, exchange or other disposition shall be made unless it has been determined that such lands are not needed for any other purpose of the state;

(4) Any other use or disposition of forest preserve lands heretofore authorized by constitutional provision, and the disposal of such lands for public purposes of the state, provided that such lands shall be used for such purposes in those places in which they are presently located; and

(5) Any other use or disposition of land heretofore authorized by concurrent resolution of the legislature adopted at a regular session of the legislature and thereafter approved by the

§ 3. The legislature of the state shall be empowered to protect its natural resources and scenic

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