

Notice of Submission of Ballot Proposal Number One, a Proposition, and
Ballot Proposals Two through Eight, Proposed Amendments to the
State Constitution to be Voted on at the
General Election, November 8, 1983

**Text of Proposal Number One, A Proposition
Chapter 836 Laws of 1983**

AN ACT enacting the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983 providing for the authorization to create a state debt in the amount of one billion two hundred fifty million dollars for the purpose of ensuring a program to rebuild New York and providing for the submission to the people of a proposition or question therefor to be voted upon at the general election to be held in November nineteen hundred eighty-three; to amend the state finance law, in relation to the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983, and the transportation law, in relation to the expenditure of moneys under the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. (1) The creation of a state debt to an amount not exceeding in the aggregate one billion, two hundred fifty million dollars is hereby authorized to provide moneys for the single purpose of preserving, enhancing, restoring and improving the quality of the State's transportation infrastructure system by the construction, reconstruction, improvement, reconditioning and preservation of state highways, bridges, parkways, highways and bridges not on the state highway system, including the improvement and/or elimination of highway-railroad grade crossings on or off state highways, commuter rail parking facilities, ports, marine terminals, canals, waterways, rail freight, rail passenger, rail rapid transit, commuter rail, omnibus systems and facilities, airport and aviation capital facilities to achieve a more secure and reliable transportation system.

The legislature may by appropriate legislation, and subject to such conditions as it may impose, make available out of the proceeds of the sale of bonds authorized in this section, moneys for state programs or state grants to any city, county, town, village, public benefit corporation or other public corporation, or two or more of the foregoing acting jointly for the purpose of preserving, enhancing, restoring and improving the quality of the state's transportation infrastructure and to match federal funds which may from time to time be made available by Congress for such purposes.

(2) The state comptroller is hereby authorized and empowered to issue and sell bonds of the state to the amount of one billion, two hundred fifty million dollars (\$1,250,000,000) for the purpose of this act, subject to the provisions of article five of the state finance law.

(3) The moneys received by the state from the sale of bonds sold pursuant to this act shall be expended pursuant to annual appropriations in the following amounts:

a. For the construction, reconstruction, improvement, reconditioning and preservation of state highways and bridges, state parkways and bridges, highways and bridges not on the state highway system, including the improvement and/or elimination of highway-railroad grade crossings, and commuter rail parking facilities, and the acquisition of real property and interests therein required or expected to be required in connection therewith, one billion five million dollars (\$1,005,000,000); and

b. For the construction, reconstruction, improvement, reconditioning and preservation of ports, marine terminals, canals and waterways, and appurtenant facilities, including the acquisition of real property and interests therein required or expected to be required in connection therewith, seventy-five million dollars (\$75,000,000); and

c. For the construction, reconstruction, improvement, reconditioning and preservation of rail rapid transit, commuter rail, omnibus systems and facilities, rail passenger facilities, rail freight facilities, and airport and aviation capital facilities, including the acquisition of real property and interest therein, and including the acquisition of any capital equipment used in connection therewith, one hundred seventy million dollars (\$170,000,000).

(4) The amounts hereinabove specified for each of the three program categories may not be changed, except that, pursuant to a chapter of law making an appropriation as enacted by the legislature, the amount in any category may be increased or decreased by an amount not to exceed five percent of the amount of the total debt authorization, provided that any increase in one or more categories is simultaneously offset by appropriate decreases in one or more categories.

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(5) This section shall enact and constitute the "Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983" and may be cited as such.

§ 2. Westway prohibition from bond proceeds. (a) No proceeds of any bonds issued pursuant to the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983, or funds obtained from the federal government for which such proceeds provide the state or local match, shall be expended directly or indirectly for the Westway project.

(b) The commissioner of transportation shall annually certify in writing that he fully expects and believes that any funds for the Westway project will be received from the federal government pursuant to 23 USC 104 (b) (5) (A) and the required state match for such funds; provided, however, that the expenditure for Westway of state or federal funds not authorized pursuant to such section or the required state match shall not exceed an aggregate annual amount of ten million dollars unless the legislature specifically authorizes a greater amount. The commissioner's annual certification shall include, for every element of the Westway project which will be funded in whole or in part from funds other than those received from the federal government pursuant to 23 USC 104 (b) (5) (A) and the required state match, if the aggregate annual amount of such funds will exceed ten million dollars, a statement of the estimated dollar cost of each such element, and the federal programs, if any, under which the element will be funded.

(c) The certifications required under paragraph (b) shall be submitted to the director of the budget, the chairman of the senate finance committee, and the chairman of the assembly ways and means committee.

§ 3. The subdivision heading and paragraph (b) of subdivision five of section sixty-one of the state finance law, the subdivision heading as amended by chapter eleven hundred thirty-two of the laws of nineteen hundred seventy-one, and paragraph (b) as amended by chapter three hundred sixty-nine of the laws of nineteen hundred seventy-nine, are amended to read as follows:

State Highways, Parkways, Arterial Highways, State
and Federally-Aided Highway and Highway
Transportation Projects, Roads and Streets

(b) Ten years. Improvement, including but not limited to reconditioning and preservation, of state highways, state parkways, state arterial highways in cities, local streets and highways off the state highway system highways, other state, state-aided and/or federally-aided highway and highway-transportation projects and related facilities and structures; [and] construction, reconstruction or improvement of a road, street or trail, whether without or within state parks, whether or not including contemporaneous construction of sidewalks, curbs, gutters or drains, and whether or not including grading, if the surface is laid on a solid foundation,

or is of concrete; *commuter parking facilities; and highway and bridge projects undertaken by localities pursuant to subdivision four of section ten-c of the highway law and pursuant to section one of a chapter of the laws of nineteen hundred eighty-three known as the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983.*

§ 4. Subdivision twenty of section sixty-one of such law, as amended by chapter three hundred sixty-nine of the laws of nineteen hundred seventy-nine, is amended to read as follows:

Transportation Capital Facilities

20. Thirty years. For the acquisition, construction, reconstruction or improvement of any railroad capital facility, rapid transit rolling stock, mass transportation capital facility or airport or aviation capital facility, and any capital equipment used in connection therewith pursuant to chapter seven hundred fifteen of the laws of nineteen hundred sixty-seven known as the transportation capital facilities bond act, or pursuant to section two of chapter one hundred eighteen of the laws of nineteen hundred seventy-four known as the rail preservation bond act of nineteen hundred seventy-four, or pursuant to section one of [a] chapter *three hundred sixty-nine* of the laws of nineteen hundred seventy-nine known as the energy conservation through improved transportation bond act of nineteen hundred seventy-nine, or pursuant to section one of a chapter of the laws of *nineteen hundred eighty-three known as the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983* except (a) twenty years in the case of railroad locomotives or other railroad rolling stock and (b) ten years in the case of any omnibus or similar surface transit motor vehicle or any aircraft.

§ 5. Section sixty-one of such law is amended by adding a new subdivision twenty-five to read as follows:

*Port, Marine Terminal, Canal and Waterways
Capital Facilities*

25. *Fifteen years. For the construction, reconstruction, improvement, reconditioning and preservation of port, marine terminal, canal and waterways capital facilities and appurtenances, pursuant to section one of a chapter of the laws of nineteen hundred eighty-three, known as the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983.*

§ 6. The transportation law is amended by adding a new article seventeen to read as follows:

Article 17
*Implementation of the Rebuild New York
through Transportation Infrastructure
Renewal Bond Act of 1983*

Section 420. *Expenditure of moneys.*

421. *Definitions.*

422. *Powers and duties of the commissioner.*

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

- 423. Powers and duties of municipalities.
- 424. Approval of projects.
- 425. Contracts for municipal transportation infrastructure renewal projects.
- 426. Maintenance of records.
- 427. Equal employment opportunity program.
- 428. Minority and women-owned business enterprise program.

§ 420. Expenditure of moneys. The moneys received by the state from the sale of bonds and/or notes pursuant to the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983 shall be expended pursuant to annual appropriations for transportation infrastructure renewal projects as defined in this article.

§ 421. Definitions. As used in this article, the following terms shall include and mean:

1. "Transportation infrastructure renewal project". The construction, reconstruction, improvement, reconditioning, and preservation, including the acquisition of real property and interests therein required or expected to be required in connection therewith, of:

a. state highways and bridges, state parkways and bridges, highways and bridges not on the state highway system, including the improvement and/or elimination of highway-railroad grade crossings, and commuter rail parking facilities;

b. ports, marine terminals, canals and waterways; and

c. rail rapid transit, commuter rail, omnibus systems and facilities, rail passenger facilities, rail freight facilities, and airport and aviation capital facilities.

2. "Municipality". A city or a county not wholly contained within a city, a town, village, public benefit corporation or other public corporation, or two or more of the foregoing acting jointly.

3. "Commissioner". The commissioner of transportation of the state of New York.

4. "Department". The department of transportation of the state of New York.

5. "Municipal transportation infrastructure renewal project". A transportation infrastructure renewal project undertaken by a municipality with funds provided in whole or in part by the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983 pursuant to an agreement between such municipality and the commissioner.

6. "Federal assistance". Funds available, other than by loan, from the federal government to a municipality, either directly or through allocation by the state, for any municipal transportation infrastructure renewal project.

7. "Municipal project cost". The actual cost of a municipal transportation infrastructure renewal project or the estimated reasonable cost thereof as determined by the commissioner, whichever is less, plus any direct incidental costs of

such project approved by the state comptroller, and less any federal assistance received or to be received by the state for such project.

8. "New York state content program". Actions taken by the commissioner in concert with the commissioner of commerce, a municipality, or a contractor to encourage the participation of suppliers and contractors located within New York state, to the extent permissible under applicable federal regulations.

§ 422. Powers and duties of the commissioner. The commissioner is hereby authorized:

1. To provide for the accomplishment of any authorized transportation infrastructure renewal project unless otherwise provided for in law.

2. To provide for the accomplishment of any authorized municipal transportation infrastructure renewal project unless otherwise provided for in law, within the limitations of appropriations available therefor, pursuant to contract between the commissioner and the municipality undertaking such project.

3. To utilize federal moneys available or which may become available to the state, or to a municipality in the form of federal assistance, for the purposes of effectuating the provisions of this article.

4. To enter into contracts with any person, firm, corporation or agency, private or governmental, for the purpose of effectuating the provisions of this article.

5. To prescribe such rules and regulations as he may deem appropriate to effectuate the provisions of this article, including but not limited to rules and regulations governing the form, content and submission of applications by municipalities for state financial assistance for municipal transportation infrastructure renewal projects.

6. To approve vouchers for the payment of state financial assistance to persons, firms, corporations or agencies, private and governmental, and municipalities pursuant to contracts for the accomplishment of municipal transportation infrastructure renewal projects.

7. To establish or cause to be established by the department of commerce a New York state content program which shall provide for notification to New York contractors, subcontractors and suppliers of opportunities to bid on contracts for projects financed under this article, and to promulgate procedures which will assure the compliance of such notification prior to awarding bids, and to require that contractors submit, as supplementary materials to their bids, documented evidence of their efforts to encourage the participation of New York suppliers and subcontractors on transportation infrastructure renewal projects financed pursuant to this article.

8. To perform such other and additional acts as he deems necessary or desirable to effectively carry out the provisions of this article.

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§ 423. Powers and duties of municipalities. A municipality is hereby authorized to:

1. Undertake and carry out any municipal transportation infrastructure renewal project for which state assistance is received or is to be received pursuant to this article.

2. To expend money received from the state together with other moneys available to it for costs incurred for any such project.

3. To contract with any person, firm, corporation or agency, either governmental or private, for the purpose of accomplishing the purposes of this article.

4. To apply for and receive moneys of the state and the federal government for the purposes of accomplishing projects undertaken or to be undertaken pursuant to this article.

5. To perform such other and further acts as may be necessary, proper or desirable in order to carry out municipal transportation infrastructure renewal projects or any obligation, duty or function relating thereto.

§ 424. Approval of projects. When the funds for municipal transportation infrastructure renewal projects are appropriated to the department, such projects shall be undertaken only pursuant to contract with the commissioner entered into following submission to and approval by the commissioner of a municipal project application therefor.

§ 425. Contracts for municipal transportation infrastructure renewal projects. Any such contract between the commissioner and a municipality may include such provisions as may be agreed upon by the parties thereto, and shall include, in substance, the following:

a. an estimate of the reasonable cost of the project as determined by the commissioner;

b. an agreement by the commissioner to pay the municipality during the progress of construction or following completion of construction as may be agreed upon by the parties, an amount, not to exceed the total cost of the project or such lesser amount as may have been established pursuant to section four hundred twenty-four of this article;

c. an agreement by the municipality:

(i) to proceed expeditiously with and complete the project as approved by the commissioner,

(ii) to apply for and/or make reasonable efforts to secure federal assistance, if any, for the project,

(iii) to secure the approval of the commissioner before applying for such federal assistance, in order to maximize the amounts of such assistance received or to be received for all projects in New York state,

(iv) to provide for the municipality's share of the cost of the project when such municipality's share is required by the appropriation therefor,

(v) to maintain the project at its own expense in accordance with the requirements of the commissioner for the

period of time corresponding to the period of useful life for such project as determined by reference to section sixty-one of the state finance law; and

d. a provision that, in the event that federal assistance which was not included in the calculation of the state payment becomes available to the municipality, the amount of the state payment shall be recalculated with the inclusion of such federal assistance and the municipality shall pay to the state the amount by which the state payment actually made exceeds the state payment determined by the recalculation.

§ 426. Maintenance of records. In connection with each contract, the commissioner and the municipality shall keep adequate records of the amount of the payment by the state, the amount of federal assistance, if any, received by the municipality for the project, and of all moneys expended by the municipality for such project. Such records shall be kept by the commissioner and shall establish the basis for recalculations of the state payment as required herein. The commissioner shall have authority to carry out, or to cause to be carried out, audits of such contracts and records pursuant to rules and regulations promulgated by the commissioner.

§ 427. Equal employment opportunity program. 1. All contracts for design, construction, services and materials for transportation infrastructure renewal projects of whatever nature and all documents soliciting bids or proposals therefor shall contain or make reference to the following provisions:

a. The contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group persons and women are afforded equal opportunity without discrimination. Such programs shall include, but not be limited to, recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, rates of pay or other forms of compensation, and selections for training or retraining, including apprenticeship and on-the-job training.

b. At the request of the department, the contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding and which is involved in the performance of the contract with the agency to furnish a written statement that such employment agency, labor union or representative shall not discriminate because of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will cooperate in the implementation of the contractor's obligations hereunder.

c. The contractor will state, in all solicitations or advertisements for employees placed by or on behalf of the contractor in the performance of the contract with the agency, that all qualified applicants will be afforded equal employment opportunity without discrimination because of race,

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creed, color, national origin, sex, age, disability or marital status.

d. The contractor will include the provisions of paragraphs a through c of this subdivision in every subcontract or purchase order in such a manner that such provisions will be binding upon each subcontractor or vendor as to its work in connection with the contract with the agency.

2. The governor shall establish procedures and guidelines to ensure that contractors and subcontractors undertake programs of affirmative action and equal employment opportunity as required by this section. Such procedures may require after notice in a bid solicitation, the submission of an affirmative action program prior to the award of any contract, or at any time thereafter, and may require the submission of compliance reports relating to the operation and implementation of any affirmative action program adopted hereunder. The governor may take appropriate action to effectuate the provisions of this section and shall be responsible for monitoring compliance with this article.

§ 428. Minority and women-owned business enterprise program. 1. Federal assistance projects. Where a transportation infrastructure renewal project or municipal transportation infrastructure project involving federal assistance is undertaken to effectuate the provisions of this article, applicable federal laws relative to participation of minority and women-owned business enterprises shall apply.

2. Other transportation infrastructure renewal projects. a. In the performance of transportation infrastructure renewal projects, minority and women-owned business enterprises shall be given the opportunity for meaningful participation. The governor shall establish measures and procedures to secure meaningful participation and identify those contracts and items of work for which minority and women-owned business enterprises may best bid to actively and affirmatively promote and assist their participation in the department's construction and procurement program for transportation infrastructure renewal projects, so as to facilitate the award of a fair share of contracts to such enterprises; provided, however, that nothing in this article shall be construed to limit the ability of the governor to assure that qualified minority and women-owned business enterprises may participate in the transportation infrastructure renewal program. For purposes hereof, minority business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident aliens who are Black, Hispanic, Asian or American Indian, and such ownership interest is real, substantial and continuing; and women-owned business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident aliens who are women, and such ownership interest is real, substantial and continuing.

The provisions of this paragraph shall not be construed to limit the ability of any minority business enterprise to bid on any contract.

b. In the implementation of this section, the department shall consider compliance by any contractor with the requirements of any federal, state, or local law concerning minority and women-owned business enterprises, which may effectuate the requirements of this section. If the department determines that by virtue of the imposition of the requirements of any such law, in respect to capital project contracts, the provisions thereof duplicate or conflict with such law, the department may waive the applicability of this section to the extent of such duplication or conflict.

c. Nothing in this section shall be deemed to require that overall state and federal requirements for participation of minority and women-owned business enterprises in programs authorized under this article be applied without regard to local circumstances to all projects or in all communities.

3. In order to implement the requirements and objectives of this section, the governor shall establish procedures to monitor the contractors' compliance with provisions hereof, provide assistance in obtaining competing qualified minority and women-owned business enterprises to perform contracts proposed to be awarded, and take other appropriate measures to improve the access of minority and women-owned business enterprises to these contracts.

§ 7. The state finance law is amended by adding a new section seventy-four to read as follows:

§ 74. Transportation infrastructure renewal fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a special fund, to be known as the "transportation infrastructure renewal fund".

2. The comptroller shall establish three separate and distinct accounts within the transportation infrastructure renewal fund: (a) the highway, parkway and bridge account; (b) the ports and waterways account; and (c) the transit, rail and aviation account.

3. All moneys received by the state from the sale of bonds or notes for the purposes enumerated in paragraph a of subdivision three of section one of a chapter of the laws of nineteen hundred eighty-three enacting and constituting the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983 shall be deposited by the comptroller in the highway, parkway and bridge account established by the comptroller pursuant to the provisions of subdivision two of this section.

4. All moneys received by the state from the sale of bonds or notes for the purposes enumerated in paragraph b of subdivision three of section one of a chapter of the laws of nineteen hundred eighty-three enacting and constituting the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983 shall be deposited by the comp-

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troller in the ports and waterways account established by the comptroller pursuant to the provisions of subdivision two of this section.

5. All moneys received by the state from the sale of bonds or notes for the purposes enumerated in paragraph c of subdivision three of section one of a chapter of the laws of nineteen hundred eighty-three enacting and constituting the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983 shall be deposited by the comptroller in the transit, rail and aviation account established by the comptroller pursuant to the provisions of subdivision two of this section.

6. Moneys in any account of this fund, following appropriation by the legislature and allocation by the director of the budget, shall be available only for reimbursement of expenditures made from appropriations from the capital projects fund for the purposes of such fund, as set forth in the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983.

§8. Project authorizations. No moneys received by the state from the sale of bonds and/or notes sold pursuant to the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983 shall be expended for any project until funds therefor have been allocated pursuant to the provisions of the state finance law and copies of the appropriate certificates of approval filed with the chairman of the senate finance committee, the chairman of the assembly ways and means committee and the state comptroller.

§9. Effective date. (a) The Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983, enacted and constituted by section one of this act, shall not take effect unless and until it shall have been submitted to the people at the general election to be held in November, nineteen hundred eighty-three and shall have received a majority of all the votes cast for and against it at such election. Upon approval by the people such act shall take effect immediately.

The ballots to be furnished for the use of the voters under the submission of the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983 shall be in the form prescribed by the election law and the proposition or question to be submitted shall be printed thereon in substantially the following form, to wit, "To promote and assure the preservation, renewal and improvement of the state's vital transportation systems, facilities and equipment for the benefit of the inhabitants of the state, shall section one of chapter 836 of the laws of nineteen hundred eighty-three, enacting and constituting the "REBUILD NEW YORK THROUGH TRANSPORTATION INFRASTRUCTURE RENEWAL BOND ACT OF 1983" authorizing the creation of a state debt in the amount of one billion two hundred fifty million dollars (\$1,250,000,000) for the construction, reconstruction, improvement, reconditioning and preservation of transportation systems and facilities, including the acquisition of equipment, be approved?"

(b) Sections two, three, four, five, six, seven and eight of this act shall take effect only in the event that the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983, enacted and constituted by section one of this act, is approved by the people at the general election held in November, nineteen hundred eighty-three. Upon such approval, said sections two, three, four, five, six, seven and eight shall take effect immediately.

(c) Section nine of this act shall take effect immediately.

Abstract of Proposal Number One, A Proposition

The purpose of this proposal is to authorize the sale of State bonds in order to pay for improvements to transportation systems and facilities. The improvements would include the construction, reconstruction, reconditioning and preservation of the following: state highways; bridges; parkways; highways and bridges not on the state highway system, including the improvement and/or elimination of highway-railroad grade crossings on or off state highways; commuter rail parking facilities; ports; marine terminals; canals; waterways; rail freight; rail passenger; rail rapid transit; commuter rail; omnibus systems and facilities and airport and aviation capital facilities.

This proposal would allow the State to borrow up to one billion two hundred fifty million dollars (\$1,250,000,000). This amount would be expended as follows:

(a) One billion five million dollars (\$1,005,000,000) for: state highways and bridges; state parkways and bridges; highways and bridges not on the state highway system, including the improvement or elimination of highway-railroad grade crossings; and commuter rail parking facilities;

(b) Seventy-five million dollars (\$75,000,000) for ports, marine terminals, canals and waterways;

(c) One hundred seventy million dollars (\$170,000,000) for rail rapid transit, commuter rail, omnibus systems and facilities, rail passenger facilities, rail freight facilities and airport and aviation capital facilities.

These amounts may be changed by law when an appropriation is made. But the change may not exceed 5%, higher or lower, than the total authorized by this proposal, and, if an increase is made in one or more of the categories above, it must be offset at the same time by a decrease in one or more of the other categories.

Form of Submission of Proposal Number One, A Proposition

Rebuild New York Through Transportation Infrastructure Renewal Bond Issue

To promote and assure the preservation, renewal and improvement of the state's vital transportation systems, facilities and equipment for the benefit of the inhabitants of the state, shall section one of chapter eight hundred thirty-six of the laws of nineteen hundred eighty-three, enacting and constituting the

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"REBUILD NEW YORK THROUGH TRANSPORTATION INFRASTRUCTURE RENEWAL BOND ACT OF 1983" authorizing the creation of a state debt in the amount of one billion two hundred fifty million dollars (\$1,250,000,000) for the construction, reconstruction, improvement, reconditioning and preservation of transportation systems and facilities, including the acquisition of equipment, be approved?

Text of Proposal Number Two, An Amendment

Section 1. Resolved (if the Assembly concur), That paragraph E of section five of article eight of the constitution be amended to read as follows:

E. Indebtedness contracted on or after January first, nineteen hundred sixty-two and prior to January first, nineteen hundred [eighty-three] *ninety four*, for the construction or reconstruction of facilities for the conveyance, treatment and disposal of sewage. The legislature shall prescribe the method by which and the terms and conditions under 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.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be submitted to the people for approval at the general election to be held in the year nineteen hundred eighty-three, in accordance with the provisions of the election law.

Abstract of Proposal Number Two, An Amendment

A county, city, town or village may borrow money to pay for public works, but the maximum it can borrow is set by the Constitution. Under the present law, the cost of any sewer project begun after January 1, 1962 and before January 1, 1983 is not counted in determining whether that maximum has been reached. This amendment would extend the deadline to January 1, 1994.

A yes vote on the question below would allow the extension of the deadline; a no vote would prevent the extension.

Form of Submission of Proposal Number Two, An Amendment

Exclusion of Indebtedness for Sewage Facilities from Local Constitutional Debt Limits

Shall the proposed amendment to paragraph E of section five of article VIII 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, 1994 (instead of January 1, 1983) 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?

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Text of Proposal Number Three, An Amendment

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

§ 3. The legislature shall, by general law, conform all charters of savings banks, *savings and loan associations*, or institutions for savings, to a uniformity of powers, rights and liabilities, and all charters hereafter granted for such corporations shall be made to conform to such general law, and to such amendments as may be made thereto. [And no such corporation shall have any capital stock, nor shall the trustees thereof, or any of them, have any interest whatever, direct or indirect, in the profits of such corporation; and no director or trustee of any such bank or institution shall be interested in any loan or use of any money or property of such bank or institution for savings.] The legislature shall have no power to pass any act granting any special charter for banking purposes; but corporations or associations may be formed for such purposes under general laws.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be submitted to the people for approval at the general election to be held in the year nineteen hundred eighty-three in accordance with the provisions of the election law.

Abstract of Proposal Number Three, An Amendment

Currently, the constitution says that a savings bank or institution for savings may not have capital stock. Also, trustees of such a bank or institution may not have any financial interest in its profits, in any of its loans, or in the use of any of its money or property. This amendment would drop these restrictions from the Constitution but still allow the Legislature to pass general laws regulating such institutions as well as savings and loan associations.

A yes vote on the question below would drop the restrictions from the Constitution; a no vote would keep the restrictions in the Constitution.

Form of Submission of Proposal Number Three, An Amendment

Savings Banks, Saving and Loan Associations and Institutions for Savings

Shall the proposed amendment to section three of article X of the Constitution, to remove restrictions upon the issuance of capital stock by savings banks and by institutions for savings, to remove certain restrictions upon their trustees and directors, and to include savings and loan associations within its provisions, be approved?

Text of Proposal Number Four, An Amendment

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

b. Each judge of the court of appeals, justice of the supreme court, judge of the court of claims, judge of the county court, judge of the surrogate's court, judge of the family court, judge of a court for the city of New York established pursuant to section fifteen of this article and judge of the district court shall retire on the last day of December in the year in which he reaches the age of seventy. Each such former judge of the court of appeals and justice of the supreme court may thereafter perform the duties of a justice of the supreme court, with power to hear and determine actions and proceedings, provided, however, that it shall be certificated in the manner provided by law 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 to perform the full duties of such office. Any such certification shall be valid for a term of two years and may be extended as provided by law for additional terms of two years. [A retired] *Each such former judge or justice shall serve no longer than until the last day of December in the year in which he reaches the age of seventy-six.* [A retired] *Each such former judge or justice shall be subject to assignment by the [appellate division of the supreme court of the judicial department of his residence] administrative board.* Any retired justice of the supreme court who had been designated to and served as a justice of any appellate division immediately preceding his reaching the age of seventy shall be eligible for designation by the governor as a temporary or additional justice of the appellate division. *Notwithstanding any other provision of this section, the legislature may provide by law for the appointment by the administrative board of a retired judge or justice of any of the courts referred to in this subdivision to serve as and to perform the duties of a judge or justice of the court from which such judge or justice retired, including the performance of any temporary assignment authorized by the provisions of section twenty-six of this article, with power to hear and determine actions and proceedings, for specified periods of time, each of which shall not exceed two years, but in no event beyond the thirty-first day of December in the year in which he reaches the age of seventy-six years, provided, however, that it shall be certificated in the manner provided by law 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 to perform the full duties of such office.* A retired judge or justice shall not be counted in determining the number of judges or justices in a court or judicial district for purposes [of section six subdivision d] of this article.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be submitted to the people for approval at the general election to be held in the year nineteen hundred eighty-three in accordance with the provisions of the election law.

Abstract of Proposal Number Four, An Amendment

The purpose of this amendment is two-fold. First, it gives to the administrative board of the courts the power to assign

retired judges of the court of appeals and retired justices of the supreme court who serve as justices of the supreme court. This power is currently held by a different body, the appellate division of the supreme court for the area in which the judge or justice resides. Second, it would authorize the legislature, by law, to permit the administrative board to appoint retired justices and judges of certain courts to hear cases in the court from which they retired. Appointees would serve for maximum periods of two years each or until December thirty-first of the year they reach the age of seventy-six, whichever comes first. An appointment could only be made after it has been certified that it is necessary and that the appointee is physically and mentally competent for the assignment.

A yes vote on the question below would allow these changes; a no vote would prevent them.

Form of Submission of Proposal Number Four, An Amendment
Continuation of the Services of a Judge or Justice After Retirement

Shall the proposed amendment to subdivision b of section 25 of article VI of the Constitution, authorizing the legislature, by law, to permit the continuation of the services of a judge or justice of certain courts after retirement upon appointment by the administrative board of the courts and providing for assignment of former justices of the supreme court and former judges of the court of appeals serving as justices of the supreme court under existing provisions of the Constitution by the administrative board of the courts rather than by the appellate division of the supreme court, be approved?

Text of Proposal Number Five, An Amendment

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

f. A judge of the family court may perform the duties of his office or hold court in any county and may be temporarily assigned to the supreme court in the judicial department of his residence or to the county court or the family court in any county or to the surrogate's court in any county outside of the city of New York or to a court for the city of New York established pursuant to section fifteen of this article.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be submitted to the people for approval at the general election to be held in the year nineteen hundred eighty-three in accordance with the provisions of the election law.

Abstract of Proposal Number Five, An Amendment

The purpose of this proposed amendment is to permit the temporary assignment of a judge of the family court to the

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

supreme court in the judicial department in which that judge resides.

A yes vote on the question below would allow the assignment; a no vote would prevent the assignment.

**Form of Submission of Proposal Number Five,
An Amendment**

Temporary Assignment of Family Court Judges

Shall the proposed amendment to subdivision f of section 26 of article VI of the Constitution, permitting the temporary assignment of a judge of the family court to the supreme court in the judicial department of his residence, be approved?

**Text of Proposal Number Six,
An Amendment**

Section 1. Resolved (if the Senate concur), That section one of article fourteen of the constitution be amended to read as follows:

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. Nothing herein contained shall prevent the state from constructing, completing and maintaining any highway heretofore specifically authorized by constitutional amendment, nor from constructing and maintaining to federal standards federal aid interstate highway route five hundred two from a point in the vicinity of the city of Glens Falls, thence northerly to the vicinity of the village of Lake George and Warrensburg, the hamlets of South Horicon and Pottersville and thence northerly in a generally straight line on the west side of Schroon Lake to the vicinity of the hamlet of Schroon, then continuing northerly to the vicinity of Schroon Falls, Schroon River and North Hudson, and to the east of Makomis Mountain, east of the hamlet of New Russia, east of the village of Elizabethtown and continuing northerly in the vicinity of the hamlet of Towers Forge, and east of Poke-O-Moonshine Mountain and continuing northerly to the vicinity of the village of Keeseville and the city of Plattsburgh, all of the aforesaid taking not to exceed a total of three hundred acres of state forest preserve land, nor from constructing and maintaining not more than twenty miles of ski trails thirty to eighty feet wide on the north, east and northwest slopes of Whiteface Mountain in Essex county, nor from constructing and maintaining not more than twenty miles of ski trails thirty to eighty feet wide, together with appurtenances thereto, on the slopes of Belleayre Mountain in Ulster and Delaware counties and not more than thirty miles of ski trails thirty to eighty feet wide, together with appurtenances thereto, on the

slopes of Gore, South and Pete Gay mountains in Warren county, nor from relocating, reconstructing and maintaining a total of not more than fifty miles of existing state highways for the purpose of eliminating the hazards of dangerous curves and grades, provided a total of no more than four hundred acres of forest preserve land shall be used for such purpose and that no single relocated portion of any highway shall exceed one mile in length. Notwithstanding the foregoing provisions, the state may convey to the Village of Saranac Lake ten acres of forest preserve land adjacent to the boundaries of such village for public use in providing for refuse disposal and in exchange therefore the village of Saranac Lake shall convey to the state thirty acres of certain true forest land owned by such village on Roaring Brook in the northern half of Lot 113, Township 11, Richards Survey. Notwithstanding the foregoing provisions, the state may convey to the town of Arietta twenty-eight acres of forest preserve land within such town for public use in providing for the extension of the runway and landing strip of the Piseco airport and in exchange therefor the town of Arietta shall convey to the state thirty acres of certain land owned by such town in the town of Arietta. Notwithstanding the foregoing provisions and subject to legislative approval of the tracts to be exchanged prior to the actual transfer of title, the state, in order to consolidate its land holdings for better management, may convey to International Paper Company approximately eight thousand five hundred acres of forest preserve land located in townships two and three of Totten and Crossfield's Purchase and township nine of the Moose River Tract, Hamilton county, and in exchange therefore International Paper Company shall convey to the state for incorporation into the forest preserve approximately the same number of acres of land located within such townships and such County on condition that the legislature shall determine that the lands to be received by the state are at least equal in value to the lands to be conveyed by the state. *Notwithstanding the foregoing provisions and subject to legislative approval of the tracts to be exchanged prior to the actual transfer of title and the conditions herein set forth, the state, in order to facilitate the preservation of historic buildings listed on the national register of historic places by rejoining an historic grouping of buildings under unitary ownership and stewardship, may convey to Sagamore Institute Inc., a not-for-profit educational organization, approximately ten acres of land and buildings thereon adjoining the real property of the Sagamore Institute, Inc. and located on Sagamore Road, near Racquette Lake Village, in the Town of Long Lake, county of Hamilton, and in exchange therefor; Sagamore Institute, Inc. shall convey to the state for incorporation into the forest preserve approximately two hundred acres of wild forest land located within the Adirondack Park on condition that the legislature shall determine that the lands to be received by the state are at least equal in value to the lands and buildings to be conveyed by the state and that the natural and historic character of the lands and buildings conveyed by the state will be secured by appropriate covenants and restrictions and that the lands and build-*

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

ings conveyed by the state will reasonably be available for public visits according to agreement between Sagamore Institute, Inc. and the state.

§ 2. Resolved (if the Senate concur), That the foregoing amendment be submitted to the people for approval at the general election to be held in the year nineteen hundred eighty-three in accordance with the provisions of the election law.

Abstract of Proposal Number Six, An Amendment

The purpose of this proposed amendment is to help preserve certain historic buildings by rejoining them under one owner. The Legislature would be authorized to approve an exchange of land between the State and Sagamore Institute, Inc., a not-for-profit educational institution in Hamilton County. The Institute would receive a ten-acre plot of land and the historic buildings on it. In exchange the Institute would transfer to the State two hundred acres of land which would become part of the forest preserve in the Adirondack Park. The Legislature would be required to determine that the land received by the State is at least equal in value to the real estate transferred to the Institute. The Legislature must also make sure that the Institute will preserve the historic character of the land and buildings involved and that they will be available for visiting by the public.

A yes vote on the question below would permit this exchange; a no vote would prevent the exchange.

Form of Submission of Proposal Number Six, An Amendment

Exchange of Certain Property Within the Adirondack Park

Shall the proposed amendment to Article XIV, section 1 of the Constitution, authorizing the conveyance of approximately ten acres of State land and buildings thereon to the Sagamore Institute, Inc. in exchange for approximately two hundred acres of wild forest land within the Adirondack Park in order to facilitate the preservation of certain historic buildings, be approved?

Text of Proposal Number Seven, An Amendment

Section I. Resolved (if the Assembly concur), That subdivision a of section eleven of article six of the constitution be amended to read as follows:

a. The county court shall have jurisdiction over the following classes of actions and proceedings which shall be originated in such county court in the manner provided by law, except that actions and proceedings within the jurisdiction

of the district court or a town, village or city court outside the city of New York may, as provided by law, be originated therein: actions and proceedings for the recovery of money, actions and proceedings for the recovery of chattels and actions and proceedings for the foreclosure of mechanics liens and liens on personal property where the amount sought to be recovered or the value of the property does not exceed [six] *twenty-five* thousand dollars exclusive of interest and costs [, provided, however, that the legislature, at the request of the county board of supervisors or other elective governing body in any county, may increase such amount in such county to any amount not exceeding ten thousand dollars exclusive of interest and costs]; over all crimes and other violations of law; over summary proceedings to recover possession of real property and to remove tenants therefrom; and over such other actions and proceedings, not within the exclusive jurisdiction of the supreme court, as may be provided by law.

§ 2. Resolved (if the Assembly concur), That subdivision b of section fifteen of such article be amended to read as follows:

b. The court of city-wide civil jurisdiction of the city of New York shall have jurisdiction over the following classes of actions and proceedings which shall be originated in such court in the manner provided by law: actions and proceedings for the recovery of money, actions and proceedings for the recovery of chattels and actions and proceedings for the foreclosure of mechanics liens and liens on personal property where the amount sought to be recovered or the value of the property does not exceed [ten] *twenty-five* thousand dollars exclusive of interest and costs, or such smaller amount as may be fixed by law; over summary proceedings to recover possession of real property and to remove tenants therefrom and over such other actions and proceedings, not within the exclusive jurisdiction of the supreme court, as may be provided by law. The court of city-wide civil jurisdiction shall further exercise such equity jurisdiction as may be provided by law and its jurisdiction to enter judgment upon a counterclaim for the recovery of money only shall be unlimited.

§ 3. Resolved (if the Assembly concur), That subdivision d of section sixteen of such article be amended to read as follows:

d. The district court shall have such jurisdiction as may be provided by law, but not in any respect greater than the jurisdiction of the courts for the city of New York as provided in section fifteen of this article, provided, however, that in actions and proceedings for the recovery of money, actions and proceedings for the recovery of chattels and actions and proceedings for the foreclosure of mechanics liens and liens on personal property, the amount sought to be recovered or the value of the property shall not exceed [six] *fifteen* thousand dollars exclusive of interest and costs.

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

§4. Resolved (if the Assembly concur), That the foregoing amendments be submitted to the people for approval at the general election to be held in the year nineteen hundred eighty-three in accordance with the provisions of the election law.

**Abstract of Proposal Number Seven,
An Amendment**

Certain courts can only decide lawsuits in which the amount of money at stake is not greater than a certain dollar amount. The purpose of this amendment is to increase this dollar amount in each of 3 courts. The limit for the county court would be increased from \$6,000 to \$25,000, for the New York City Civil Court from \$10,000 to \$25,000, and for the district court from \$6,000 to \$15,000.

A yes vote on the question below would allow the increases; a no vote would prevent the increases.

**Form of Submission of Proposal Number Seven,
An Amendment**

**Jurisdiction of the County Court, The Court
of City-Wide Civil Jurisdiction of the City
of New York and the District Court**

Shall the proposed amendments to subdivision a of section 11, subdivision b of section 15 and subdivision d of section 16 of Article VI of the Constitution, raising the monetary jurisdictional limitations of the county court, the court of city-wide civil jurisdiction of the city of New York and the district court, be approved?

**Text of Proposal Number Eight,
An Amendment**

Section 1. Resolved (if the Assembly concur), That article sixteen of the constitution be amended by adding a new section six to read as follows:

§6. *Notwithstanding any provision of this or any other article of this constitution to the contrary, the legislature may by law authorize a county, city, town or village, or combination thereof acting together, to undertake the development of public improvements or services, including the acquisition of land, for the purpose of redevelopment of economically unproductive, blighted or deteriorated areas and, in furtherance thereof, to contract indebtedness. Any such indebtedness shall be contracted by any such county, city, town or village, or combination thereof acting together, without the pledge of its faith and credit, or the faith and credit of the state, for the payment of the principal thereof and the interest thereon, and such indebtedness may be paid without restriction as to the amount or relative amount of annual installments. The amount of any indebtedness contracted under this section may be excluded in ascertaining the*

power of such county, city, town or village to contract indebtedness within the provisions of this constitution relating thereto. Any county, city, town or village contracting indebtedness pursuant to this section for redevelopment of an economically unproductive, blighted or deteriorated area shall pledge to the payment thereof that portion of the taxes raised by it on real estate in such area which, in any year, is attributed to the increase in value of taxable real estate resulting from such redevelopment. The legislature may further authorize any county, city, town or village, or combination thereof acting together, to carry out the powers and duties conferred by this section by means of a public corporation created therefor.

§2. Resolved (if the Assembly concur), That the foregoing amendment be submitted to the people for approval at the general election to be held in the year nineteen hundred eighty-three in accordance with the provisions of the election law.

**Abstract of Proposal Number Eight,
An Amendment**

This amendment would permit the Legislature to authorize a new way for local governments to pay for public improvements or services for redevelopment projects. Under this proposed approach, a county, city, town or village, or a combination of these units acting together, could borrow money for public improvements or services to redevelop blighted or economically unproductive areas. In return it would pledge to pay back the money out of the increased real estate tax revenues which result from the increased value of the redeveloped properties. The local government would not have to pledge its or the State's full faith and credit for the repayment of money borrowed under this approach. Also, money borrowed in this way would not have to be counted toward the local government's maximum debt, which must remain under a limit set by the Constitution. The size of the annual installments made to pay back a debt incurred under this approach would not be restricted by the Constitution, as is true of installments made to pay back debts incurred under other approaches. Also, the Legislature could authorize the creation of public corporations to carry out the powers and duties created by this amendment.

A yes vote on the question below would allow these measures to be put into effect; a no vote would prevent them.

**Form of Submission of Proposal Number Eight,
An Amendment**

Municipal Redevelopment Projects

Shall the proposed amendment adding a new section 6 to Article XVI of the Constitution, authorizing county, city, town and village projects to undertake the development of public improvements or services in economically unproductive, blighted or deteriorated areas, be approved?

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

I hereby certify that the foregoing texts of Ballot Proposal Number One, A Proposition and Ballot Proposal Numbers Two through Eight, Proposed Amendments to the State Constitution are correct copies of the originals as certified to be on file in the Department of State.

Given under my hand and official Seal of the State Board of Elections, at the City of Albany, this fifth day of August, in the year one thousand nine hundred and eighty-three.

R Wells Stout

R. WELLS STOUT
Chairman

