

2013 New York State BALLOT PROPOSALS

This *Voter Guide* will help you to evaluate the 6 ballot proposals that will be on the November 2013 ballot. The proposals are amendments to the New York State Constitution. Read about the amendments and decided whether you wish to vote for or against each one. Look carefully for them on the ballot; sometimes they are easy to miss. The League of Women Voters of New York State does not have positions for or against any of the proposed amendments on the ballot this year.

PROPOSAL NUMBER ONE: AN AMENDMENT

FORM OF SUBMISSION (how the proposal will be presented to you on the ballot):

Authorizing Casino Gaming

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

WHAT WILL THIS AMENDMENT DO IF APPROVED?

Currently, the NYS Constitution prohibits all gambling except for (1) pari-mutuel wagering and horse racing; (2) State lotteries; (3) bingo conducted by certain charitable, non-profit and religious organizations; and (4) games of chance conducted by these same charitable, non-profit, and religious organizations. This proposal would amend the constitution to authorize casino gambling within the state, allowing for no more than seven casinos.

WHAT IS THE BACKGROUND ON THIS PROPOSAL?

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

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

benefits. Some opponents also argue that increased crime is associated with the addition of a casino to a community.

PROPOSAL NUMBER TWO: AN AMENDMENT

FORM OF SUBMISSION (how the proposal will be presented to you on the ballot):

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

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

WHAT WILL THIS AMENDMENT DO IF APPROVED?

The State Constitution currently grants veterans additional credit on civil service exams (5 points for an original appointment and 2 ½ points for a promotion). Disabled veterans are entitled to additional credit (10 points for an original appointment and 5 points for a promotion). Veterans are eligible for only one grant of additional credit, and so a veteran who is appointed or promoted before being certified as disabled currently is not eligible for the higher amount of credit he or she would have received if he or she had been certified as disabled before his or her appointment or promotion.

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

WHAT IS THE BACKGROUND ON THIS PROPOSAL?

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

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

PROPOSAL NUMBER THREE: AN AMENDMENT

FORM OF SUBMISSION (how the proposal will be presented to you on the ballot):

Exclusion of Indebtedness Contracted for Sewage Facilities

The proposed amendment to Article 8, section 5 of the Constitution would extend for ten years, until January 1, 2024, the authority of counties, cities, towns, and villages to exclude from their constitutional debt limits indebtedness contracted for the construction or reconstruction of sewage facilities. Shall the proposed amendment be approved?

WHAT WILL THIS AMENDMENT DO IF APPROVED?

The proposed amendment would extend until January 1, 2024 the authority of counties, cities, towns and villages to exclude from their constitutional debt limits indebtedness contracted from the construction and reconstruction of facilities for the conveyance, treatment and disposal of sewage.

WHAT IS THE BACKGROUND ON THIS PROPOSAL?

The exclusion of sewer debt from the constitutional debt limits of counties, cities, towns and villages was originally authorized in 1963 for a ten-year period. When first enacted, the general purpose of the exclusion was to encourage and enable municipalities to participate in the State's then-new sewer construction assistance plan without fear that, by incurring indebtedness for sewer purposes, they would diminish their power to incur debt for other capital improvements which they desired to undertake and finance. It initially was believed that limiting the exclusion to indebtedness incurred during a 10-year period would encourage municipalities to take action during such 10-year period, and that the exclusion would thus assist in accomplishing the purposes of the State's water anti-pollution program. Reflecting the fact that these pollution concerns are continuing and require an ongoing effort, however, the exclusion has been subsequently extended for four successive ten-year periods. Without a further extension, the exclusion will apply only to debt contracted through the end of 2013. This amendment would permit the exclusion of such indebtedness until January 1, 2024.

Proponents of the amendment argue that the concerns addressed in 1963 and by subsequent extensions of the exclusion are still valid today. They note that although many pollution problems have been abated, there are still significant concerns that need to be addressed. Technology continues to evolve to make more efficient systems available, additional development necessitates the construction of new systems, and existing sewage treatment facilities age, necessitating reconstruction and refurbishment. Proponents say the amendment would allow municipalities to address these sewage

needs without impairing municipalities' ability to finance other essential capital requirements.

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

PROPOSAL NUMBER FOUR: AN AMENDMENT

FORM OF SUBMISSION (how the proposal will be presented to you on the ballot):

Settling Disputed Title in the Forest Preserve

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

WHAT WILL THIS AMENDMENT DO IF APPROVED?

The "Forever Wild" clause of the NYS Constitution forbids the lease, sale, exchange or taking of any forest preserve land. The proposed amendment would allow the legislature to settle 100-year-old disputes between the State and private parties over ownership of certain parcels of land located in the forest preserve, in the town of Long Lake, Hamilton County, by giving up the State's claim to disputed parcels. In exchange, the State would get other land, currently privately owned, to be incorporated into the forest preserve. The land exchange would occur only if the Legislature, or its designee, determines that the land to be conveyed to the State would benefit the forest preserve more than do the disputed parcels.

WHAT IS THE BACKGROUND ON THIS PROPOSAL?

For the past century, the titles to more than 200 hundred of parcels around Raquette Lake, located in the town of Long Lake, Hamilton County, have been in dispute, with both the state and private individuals claiming ownership. Some cases have been resolved in the courts with mixed outcomes. More than 200 parcels of land are still contested. An earlier attempted collective settlement failed in 2007 because the land owners claimed they could not afford the fees demanded by the state. The proposed settlement would allow the private parties to advance their title clearance by paying a fee into a fund held by the Town of Long Lake. When the fund is sufficient, it will be used to purchase replacement land that will be added to the forest preserve. Occupants could reduce their cash payment by entering into conservation easements with the town of long lake or by conveying a portion of their land to the state.

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

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

PROPOSAL NUMBER FIVE: AN AMENDMENT

FORM OF SUBMISSION (how the proposal will be presented to you on the ballot):

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

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

WHAT WILL THIS AMENDMENT DO IF APPROVED?

The “Forever Wild” clause of the NYS Constitution forbids the lease, sale, exchange, or taking of any forest preserve land. The proposed amendment would allow the State to convey approximately 200 forest preserve acres to NYCO Minerals for mining. In exchange, NYCO Minerals would give the State at least the same amount of land of at least the same value, with a minimum assessed value of \$1 million. This land would be added to the forest preserve. When NYCO Minerals finishes mining, the company would restore the condition of the land it received in the exchange and return it to the forest preserve.

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

WHAT IS THE BACKGROUND ON THIS PROPOSAL?

The legislation proposing this constitutional amendment was introduced at the request of the New York State Department of Environmental Conservation. NYCO Minerals is a producer and supplier of wollastonite (calcium metasilicate), which is a rare, white mineral having commercial application as a reinforcement or additive in ceramics, paints, plastics, friction products and various building products. The Lewis mine produces 60,000 tons of wollastonite annually-a little more than eight Percent of the annual worldwide production. NYCO Minerals has indicated that its mine is approaching the end of its pit life because the remainder of the wollastonite vein extends onto adjacent forest preserve land.

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

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

PROPOSAL NUMBER SIX: AN AMENDMENT

FORM OF SUBMISSION (how the proposal will be presented to you on the ballot):

Increasing Age until which Certain State Judges Can Serve

The proposed amendment to the Constitution, amending sections 2 and 25 of article 6, would increase the maximum age until which certain state judges may serve as follows: (a) a Justice of the Supreme Court would be eligible for five additional two-year terms after the present retirement age of 70, instead of the three such terms currently

authorized; and (b) a Judge of the Court of Appeals who reaches the age of 70 in order to complete the term to which that Judge was appointed. Shall the proposed amendment be approved?

WHAT WILL THIS AMENDMENT DO IF APPROVED?

The purpose of this amendment is to increase to the age of 80 the maximum age until which Justices of the Supreme Court (including Appellate Division) and Judges of the Court of Appeals may serve in the following instances:

- Justices of the Supreme Court are currently required to retire in the year they turn 70 years old, but are eligible to continue to perform the duties of a Justice of the Supreme Court for three additional two-year terms upon a certificate that their services are needed by the courts and they are competent to perform the full duties of the office. The proposed amendment would make them eligible for two additional such two-year terms, upon the same certification of need and competence.
- Judges of the Court of Appeals are currently required to retire in the year they turn 70 years old. The proposed amendment would permit a Judge who reaches the age of 70 while in office to remain in service on the Court for up to 10 additional years in order to complete the term to which that Judge was appointed.

The proposed amendment would also prohibit the appointment of any person over the age of 70 to the Court of Appeals.

WHAT IS THE BACKGROUND ON THIS PROPOSAL?

Proponents of the amendment argue that it would enable the state judiciary to continue to benefit from the service of many dedicated, experienced and productive judges currently being lost to mandatory retirement. They argue that the current mandatory retirement age is archaic, noting a longer and healthier lifespan now than when the current retirement age was set. Supporters also cite The Office of Court Administration's 1999 Task Force on Mandatory Retirement of Judges, which concluded that "it is in the best interests of the judiciary and the people of the State of New York to amend the laws governing mandatory retirement of judges." The two recommendations made in that report - creation of a "senior status" and expansion of the certification process to judges not covered by it - were not acted upon.

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