

CONCURRENT RESOLUTIONS

Pursuant to the provisions of section one of Article nineteen of the Constitution of the State of New York, notice is hereby given that the following proposed amendments (one and two) to the Constitution of the State of New York are referred to the Legislature to be chosen at the next general election to be held on the eighth day of November 2016. New matter added is **bold and underscored**. **Bold and ~~strikeout~~** matter in brackets is to be omitted.

PROPOSED AMENDMENT NUMBER ONE

A.10721-A

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 14 of the constitution, in relation to allowing public utility lines and bicycle paths on certain state lands in the forest preserve and establishing a forest preserve health and safety land account

Section 1. Resolved (if the Senate concur), That section 1 of article 14 of the constitution be amended by adding a new undesignated paragraph to read as follows:

Notwithstanding the foregoing provisions and subject to legislative approval prior to actual transfer of title, a total of no more than two hundred fifty acres of forest preserve land shall be used for the establishment of a health and safety land account. Where no viable alternative exists and other criteria developed by the legislature are satisfied, a town, village or county may apply, pursuant to a process determined by the legislature, to the health and safety land account for projects limited to: address bridge hazards or safety on county highways, and town highways listed on the local highway inventory maintained by the department of transportation, dedicated, and in existence on January first, two thousand fifteen, and annually plowed and regularly maintained; elimination of the hazards of dangerous curves and grades on county highways, and town highways listed on the local highway inventory maintained by the department of transportation, dedicated, and in existence on January first, two thousand fifteen, and annually plowed and regularly maintained; relocation and reconstruction and maintenance of county highways, and town highways listed on the local highway inventory maintained by the department of transportation, dedicated, and in existence on January first, two thousand fifteen and annually plowed and regularly maintained, provided further that no single relocated portion of any such highway shall exceed one mile in length; and water wells and necessary appurtenances when such wells are necessary to meet drinking water quality standards and are located within five hundred thirty feet of state highways, county highways, and town highways listed on the local highway inventory maintained by the department of transportation, dedicated, and in existence on January first, two thousand fifteen, and annually plowed and regularly maintained. As a condition of the creation of such health and safety land account the state shall acquire two hundred fifty acres of land for incorporation into the forest preserve, on condition that the legislature shall approve such lands to be added to the forest preserve.

§ 2. Resolved (if the Senate concur), That article 14 of the constitution be amended by adding a new section 6 to read as follows:

§ 6. Where state, county, or town highways listed on the local highway inventory maintained by the department of transportation, dedicated and in existence on January first, two thousand fifteen, and annually plowed and regularly maintained, traverse forest preserve land, public utility lines, limited to electric, telephone, broadband, water or sewer lines as defined in law, may, consistent with standards and requirements set forth in law, and following receipt of all permits or authorizations required by law, be buried or co-located within the widths of such highways as defined in law, and bicycle paths may, consistent with standards and requirements set forth in law, and following receipt of all permits or authorizations required by law, be constructed and maintained within the widths of such highways, as defined in law; provided, however, when no viable alternative exists and when necessary to ensure public health and safety, a stabilization device for an existing utility pole may be located in proximity to the width of the road, as defined in law; provided further, that any co-location, burial, maintenance or construction shall minimize the removal of trees or vegetation and shall not include the construction of any new intra-state natural gas or oil pipelines that have not received all necessary state and local permits and authorizations as of June first, two thousand sixteen.

§ 3. 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 to the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.

PROPOSED AMENDMENT NUMBER TWO

S.8163

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 7 of article 5 of the constitution, in relation to the public pension of a public officer

Section 1. Resolved (if the Assembly concur), That section 7 of article 5 of the constitution be amended to read as follows:

§ 7. **(a)** After July first, nineteen hundred forty, membership in any pension or retirement system of the state or of a civil division thereof shall be a contractual relationship, the benefits of which shall not be diminished or impaired.

(b) Notwithstanding subdivision (a) of this section, the public

pension of a public officer, as defined in paragraph (c) of this section, who stands convicted of a felony for which such felony has a direct and actual relationship to the performance of the public officer's existing duties, may be reduced or revoked, following notice and a hearing by an appropriate court, as provided by law. The court determination whether to reduce or revoke such pension shall be based on the consideration of factors including the severity of the crime and the proportionality of a reduction or revocation of such pension to such crime. When a court issues an order to reduce or revoke such pension, the court shall consider and determine specific findings as to the amount of such forfeiture, if any, and whether forfeiture, in whole or in part, would result in undue hardship or other inequity upon any dependent children, spouse or other dependents; and other factors as provided by law. The legislature shall enact legislation to implement this amendment taking into account interests of justice.

(c) For the purposes of paragraph (b) of this section, the term "public officer" shall mean: (i) an official filling an elected office within the state; (ii) a holder of office filled by direct appointment by the governor of this state, either upon or without senate confirmation; (iii) a county, city, town or village administrator, manager or equivalent position; (iv) the head or heads of any state or local government department, division, board, commission, bureau, public benefit corporation, or public authority of this state who are vested with authority, direction and control over such department, division, board, commission, bureau, public benefit corporation or public authority; (v) the chief fiscal officer or treasurer of any municipal corporation or political subdivision of the state; (vi) a judge or justice of the unified court system; and (vii) a legislative, executive, or judicial employee of this state who directly assists in the formulation of legislation, rules, regulations, policy, or judicial decision-making and who is designated as a policymaker as set forth in statute.

(d) Paragraph (b) of this section shall only apply to crimes committed on or after the first of January next succeeding the date upon which the people shall approve and ratify the amendment to the constitution that added this paragraph.

§ 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 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.