There Will Be Three Big Questions on Your Ballot in November

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There will be three big questions on your ballot in November, the state Board of Elections announced this week.

A state constitutional amendment slightly loosening stringent environmental protections in the Adirondacks and Catskills in certain cases will be on the ballot this fall, the state Board of Elections announced this week.

The legislation, which has passed through two consecutive sessions of the Legislature in order to make it onto the ballot, allows for select infrastructure projects deemed necessary for the safety and economic vitality of nearby areas to be installed without a constitutional amendment.

It is the third referendum (https://www.pollingplace.nys.gov/ProposedAmendments.html) that will be presented to voters on Election Day in November. Along with candidates for office, there will be three "yes" or "no" questions on voters’ ballots. The measure related to some building in the Adirondacks and Catskills will be number three, after a question of whether New York should hold a constitutional convention and whether pensions should be stripped from elected officials convicted of public corruption.

Currently, the New York State Constitution’s “forever wild” clause, which protects the state forest preserve as wild forest land, prohibits the lease, sale, exchange, or taking of any forest preserve land. For counties and townships in the relevant regions, road and bridge repairs and the installation of things like bike paths, broadband internet, or a water well infrastructure that cut into the surrounding forest preserve would require a constitutional amendment -- which takes a minimum of two years, involving double passage by the state Legislature and then approval from voters.

The sluggish process of critical projects has created safety concerns and hampered economic growth in New York State’s North Country, according to a spokesperson for state Senator Betty Little, a Republican from Queensbury County who sponsored the bill.

"The impetus for doing this amendment is to enable a very, very small category of projects to move forward without, in every instance, amending the constitution," said Daniel MacEntee, Little's press secretary. “The North Country can't afford to be left behind. If there was better connectivity, it would be very beneficial to the economy, health, and safety of the region,” he added.

If the amendment passes, the state will create a “land account,” or up to 250 acres of forest preserve land surrounding county and town highways that can be encroached on for select projects. A town, village, or county can apply to the land account if it believes it has no viable alternative to using forest preserve land for certain limited health and safety purposes on or near major thoroughways.

Projects concerning the safety of bridges; the elimination of dangerous highway curves; relocation and maintenance of roadways; and the construction of water wells within 530 feet of a major highway, in order to meet basic drinking water quality standards, are all covered under the first exception.

The proposed amendment, sponsored in the state Assembly by Democratic Assemblymember Dan Stec, would also allow bicycle paths and specified types of public utility lines (including high speed internet), to be located within the widths of state, county, and certain town highways that traverse forest preserve land -- as long as
the minimal removal of trees and vegetation.

While the amendment past during the normal legislative session, state lawmakers passed the enacting language for the amendment in June, when the Legislature reconvened in a special session to extend mayoral control of New York City schools and pass other measures ([state/7042-mayoral-control-extended-in-special-session-with-usual-albany-process](http://www.gothamgazette.com/state/7108-there-will-be-three-big-questions-on-your-ballot-in-november)). If New Yorkers vote in favor of the ballot measure on November 7, it will be enacted immediately.

The measure, which has been years in the works, has widespread approval from elected leaders, stakeholders, and environmental agencies, and Senator Little is optimistic that it will be passed on Election Day, according to MacEntee.

While environmental groups have historically resisted constitutional scale-backs of the “forever wild” provision, the state’s Department of Environmental Conservation and the governor’s office were heavily involved in drafting the legislation, according to Assemblymember Steve Englebright, chair of the Assembly’s Environmental Conservation Committee.

Englebright noted that the legislation is based on a similar constitutional amendment made for state highways, which designated 400 acres of land for such restoration projects. Based on the pace of utilization from that land pool, the 250 acres of land is expected to last at least half a century, according to Englebright.

“This is not a short-term project,” said the assemblyman. “It’s meant to be an ongoing mechanism to enable the people who use the roads, need to access part of the road network, make use of communication devices on those roads, or need to drill a well nearby -- they can do that without going back to every voter in the whole state. It will simplify life in the Adirondacks, and it sends a message that we honor and respect the well-being of the people who live there.”

Two other questions, one asking voters to decide on whether to hold a convention to amend the constitution, and an ethics measure to strip pensions ([state/6740-on-your-november-ballot-stripping-pensions-from-corrupt-politicians](http://www.gothamgazette.com/state/7108-there-will-be-three-big-questions-on-your-ballot-in-november)) from a public officer that has been convicted of a crime related to his or her official duties, will also be on the ballot in November. The outcomes of all of these questions will be heavily influenced by New York City voters, given that the city is such a population center and is holding a mayoral election, as well as many others for City Council and other offices. While turnout is expected to again be low, it will account for a significant portion of the total, along with those voting in local elections elsewhere across the state. There are no statewide elections this year, though, other than the ballot questions.

The second and third questions, as constitutional amendments, have passed the Legislature twice, and have been rigorously vetted by elected officials, advocates, and other stakeholders.

Aside from the convention question, the two pieces of legislation touch on larger reforms proposed by advocates of a constitutional convention: ethics reform and strengthening home rule.

The Con Con question, though facing a more uncertain future, poses a unique once-in-a-generation
opportunity to dramatically overhaul the state’s lengthy and outdated constitution. Proponents say it can, among other things, be used to enact term limits for elected officials, improve the state’s courts system, create a strong system for legislative redistricting, and enact significant campaign finance reform.

While the referendum on holding a constitutional convention is posed to voters once every 20 years, New Yorkers voted down the measure in 1997, and it faces strong opposition from certain interest groups including environmentalists who are worried about preserving the “forever wild” law in its original form and labor unions who want to protect organizing and pension provisions.

It is unclear how sharing the ballot with two other questions will impact the constitutional convention vote, and vice versa. Gerald Benjamin, a SUNY New Paltz professor and longtime advocate for a constitutional convention, said he believes the other two questions will be overshadowed by the debate over the convention, which is heating up (/state/6967-10-bold-or-bizarre-proposals-for-a-new-york-constitutional-convention).

“The driver is going to be the Con Con vote,” said Benjamin. “You are getting an elevated attention to referenda, which is uncommon in New York. So you are expanding the electorate for the other two, potentially.” Groups are beginning to spend heavily to raise awareness about the convention questions and push their preferred vote.

However, the other two amendments may fuel arguments by opponents of a convention -- including one made by both legislative leaders -- that tweaks to the constitution can be done slowly over time, through amendments.

Benjamin said that this argument is specious, because the use of constitutional amendments as a legislative fix has grown less frequent, and when it is used, the matters that do get changed are small.

The amendment related to forest preserves expressly does not permit the construction of new intrastate gas or oil pipelines that did not receive necessary state and local permits and approvals by June 1, 2016.

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Despite your advocacy for the destruction of our environment, I will certainly be voting "NO".

Just when the "forever wild" status of the Catskills has been touted both nationally(1) and internationally(2), to encroach on it seems ill timed at best.

According to the article we have a brand new county in NYS known as "Queensbury County" represented by Senator Betty Little.

I find it laughable that you would point out the Con-Con is to "strip pensions" from an elected official convicted of corruption charges." No, it isn't, since it is a measure that could possibly affect the pensions of union employees, most of whom have worked for 30 years, and have been tied to NYS, so they can retire with their pensions. And by who? The elected officials that would oversee any change in the Con-Con as delegates, who would be getting 2 salaries out of the taxes of New Yorkers. And you speak of political corruption? The process itself is a thinly veiled procedure to enrich the same politicians your article claims it will prosecute. Clearly, giving the constitution of NYS over to reform at the cost of millions of dollars to taxpayers, whether they are union employees or not is ludicrous. Not to mention that the changes can all be done without the use of a con-con. The last time a con-con was voted in, it cost the taxpayers millions and nothing was done. Let's keep in mind the already outrageous amount of spending by Mr. Cuomo, for free college, his multi-billion dollar infrastructure program, that is already busting the budget, because he did not correctly research, nor properly predict the additional millions of dollars that it is now costing. His eye is now on pensions for his money spending, all with an eye to a possible run for President (god help us) Please don't advocate for this ridiculous proposal.