S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. DINOWITZ -- Multi-Sponsored by -- M. of A. BRENNAN -- read once and referred to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing amendments to article 6 of the constitution, in relation to the composition of judicial departments and the abolishment of the court of claims, the county court, the family courts, the surrogate's court, the city-wide courts of civil and criminal jurisdiction for the city of New York and the district court, merging the jurisdiction of such courts with that of the supreme court, providing for the manner of selecting justices of the supreme court and designating the justices of the appellate divisions, and the repeal of subdivision a of section 4 and sections 9-a, 10-a, 11-a, 12-a, 13-a, 14-a, 15-a, 16-a, 21-a, 34, 35, 36, 36-a, 36-c and 37 of article 6 thereof relating thereto

Section 1. Resolved (if the Senate concur), That section 1 of article 6 of the constitution be amended to read as follows:

Section 1. a. There shall be a unified court system for the state. The state-wide courts shall consist of the court of appeals[,] AND the supreme court including the appellate divisions thereof[, the court of claims, the county court, the surrogate's court and the family court], as hereinafter provided. [The legislature shall establish in and for the city of New York, as part of the unified court system for the state, a single, city-wide court of civil jurisdiction and a single, city-wide court of criminal jurisdiction, as hereinafter provided, and may upon the request of the mayor and the local legislative body of the city of New York, merge the two courts into one city-wide court of both civil and criminal jurisdiction.] The unified court system for the state shall also include the [district,] town, city and village courts outside the city of New York, as hereinafter provided.

b. The court of appeals, the supreme court including the appellate divisions thereof, [the court of claims, the county court, the surrogate's court, the family court, the courts or court of civil and crimi-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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nal jurisdiction of the city of New York,] and such other courts as the legislature may determine shall be courts of record.

c. All processes, warrants and other mandates of the court of appeals[,] AND the supreme court including the appellate divisions thereof, [the court of claims, the county court, the surrogate's court and the family court] may be served and executed in any part of the state. [All processes, warrants and other mandates of the courts or court of civil and criminal jurisdiction of the city of New York may, subject to such limitation as may be prescribed by the legislature, be served and executed in any part of the state.] The legislature may provide that processes, warrants and other mandates of the [district court may be served and executed in any part of the state and that processes, warrants and other mandates of] town, village and city courts outside the city of New York may be served and executed in any part of the county in which such courts are located or in any part of any adjoining county.

S 2. Resolved (if the Senate concur), That subdivision a of section 4 of article 6 of the constitution be REPEALED and a new subdivision a be added to read as follows:

A. THE LEGISLATURE SHALL WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, AND MAY ONCE AFTER EACH FEDERAL DECENNIAL CENSUS THEREAFTER, DIVIDE THE STATE INTO NOT LESS THAN FOUR NOR MORE THAN SIX JUDICIAL DEPARTMENTS. EACH JUDICIAL DEPARTMENT SHALL BE BOUNDED BY THE LINES OF JUDICIAL DISTRICTS. THE JUDICIAL DEPARTMENTS HERETOFORE ESTABLISHED AND IN EXISTENCE ON THE EFFECTIVE DATE OF THIS SUBDIVISION SHALL CONTINUE UNTIL CHANGED BY THE LEGISLATURE.

S 3. Resolved (if the Senate concur), That subdivision c of section 4 of article 6 of the constitution be amended to read as follows:

c. The governor shall designate the presiding justice of each appellate division, who shall act as such during his or her term of office and shall be a resident of the department. The other justices of the appellate divisions shall be designated by the governor, from all the justices [elected to] OF the supreme court, OTHER THAN THOSE SERVING BY INTERIM APPOINTMENT PURSUANT TO SECTION THIRTEEN OF THIS ARTICLE, for terms of five years or the unexpired portions of their respective terms of office, if less than five years.

S 4. Resolved (if the Senate concur), That section 6 of article 6 of the constitution be amended to read as follows:

S 6. a. The state shall be divided into [eleven] TWELVE judicial districts. The first judicial district shall consist of the [counties of Bronx and] COUNTY OF New York. The second judicial district shall consist of the counties of Kings and Richmond. The third judicial district shall consist of the counties of Albany, Columbia, Greene, Rensselaer, Schoharie, Sullivan[,] and Ulster. The fourth judicial district shall consist of the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, St. Lawrence, Saratoga, Schenectady, Warren and Washington. The fifth judicial district shall consist of the counties of Herkimer, Jefferson, Lewis, Oneida, Onondaga[,] and Oswego. The sixth judicial district shall consist of the counties of Broome, Chemung, Chenango, Cortland, Delaware, Madison, Otsego, Schuyler, Tioga and Tompkins. The seventh judicial district shall consist of the counties of Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne and Yates. The eighth judicial district shall consist of the counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming. The ninth judicial district shall consist of the counties of Dutchess, Orange, Putnam, Rockland and Westchester. The tenth judicial

district shall consist of the counties of Nassau and Suffolk. The eleventh judicial district shall consist of the county of Queens. THE TWELFTH JUDICIAL DISTRICT SHALL CONSIST OF THE COUNTY OF BRONX.

b. [Once every ten years the legislature may increase or decrease the number of judicial districts or alter the composition of judicial districts and thereupon re-apportion the justices to be thereafter elected in the judicial districts so altered] THE LEGISLATURE MAY INCREASE OR DECREASE THE NUMBER OF JUDICIAL DISTRICTS OR ALTER THE COMPOSITION OF JUDICIAL DISTRICTS AT ANY TIME WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS SUBDIVISION AND ONCE AFTER EACH FEDERAL DECENNIAL CENSUS. Each judicial district shall be bounded by county lines.

c. [The justices of the supreme court shall be chosen by the electors of the judicial district in which they are to serve.] The terms of justices of the supreme court shall be fourteen years [from and including the first day of January next after their election].

d. The supreme court is continued. It shall consist of the number of justices of the supreme court including the justices designated to the appellate divisions of the supreme court, [judges of the county court of the counties of Bronx, Kings, Queens and Richmond and judges of the court of general sessions of the county of New York authorized by law on the thirty-first day of August next after the approval and ratification of this amendment by the people] AND JUDGES OF THE COURT OF CLAIMS, JUDGES OF THE COUNTY COURT, JUDGES OF THE FAMILY COURT, JUDGES OF THE DISTRICT COURTS AND JUDGES OF THE CITY-WIDE COURT OF CRIMINAL JURISDICTION OF THE CITY OF NEW YORK AND ELECTED JUDGES OF THE CITY-WIDE COURT OF CIVIL JURISDICTION OF THE CITY OF NEW YORK IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWENTY-SEVEN OF THIS ARTICLE, all of whom shall be justices of the supreme court for the remainder of their terms. THE JUDGES OF THE COURT OF CLAIMS IN OFFICE ON THE DATE OF ABOLITION OF THAT COURT IN ACCORDANCE WITH SECTION TWENTY-SEVEN OF THIS ARTICLE, SHALL, FOR THE REMAINDER OF THE TERMS FOR WHICH THEY WERE APPOINTED, BE STATEWIDE JUSTICES OF THE SUPREME COURT. SUCH SUPREME COURT JUSTICES AND THEIR SUCCESSORS IN SUCH OFFICES SHALL BE KNOWN AS STATEWIDE JUSTICES OF THE SUPREME COURT.

E. EXCEPT FOR STATEWIDE JUSTICES OF THE SUPREME COURT AND SUPREME COURT JUSTICES IN OFFICE ON THE EFFECTIVE DATE OF THIS SUBDIVISION, THE JUSTICES OF THE SUPREME COURT SHALL BE RESIDENTS OF THE COUNTY IN WHICH THEY ARE TO SERVE. SUPREME COURT JUSTICES IN OFFICE ON THE EFFECTIVE DATE OF THIS SUBDIVISION SHALL BE RESIDENTS OF THE JUDICIAL DISTRICT IN WHICH THEY ARE TO SERVE. EXCEPT FOR STATEWIDE JUSTICES OF THE SUPREME COURT AND SUPREME COURT JUSTICES WITHIN THE CITY OF NEW YORK, ALL SUPREME COURT JUSTICES SHALL BE APPOINTED BY THE GOVERNOR UPON THE NOMINATION OF THE CHIEF ELECTED OFFICIAL OF THE COUNTY IN WHICH THEY ARE TO SERVE BY AND WITH THE ADVICE AND CONSENT OF THE SENATE AS PROVIDED IN SECTION THIRTEEN OF THIS ARTICLE. STATEWIDE JUSTICES OF THE SUPREME COURT SHALL BE APPOINTED BY THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE AS PROVIDED IN SECTION THIRTEEN OF THIS ARTICLE. SUPREME COURT JUSTICES WITHIN THE CITY OF NEW YORK SHALL BE APPOINTED BY THE GOVERNOR UPON THE NOMINATION OF THE MAYOR OF THE CITY OF NEW YORK BY AND WITH THE ADVICE AND CONSENT OF THE SENATE AS PROVIDED IN SECTION THIRTEEN OF THIS ARTICLE.

F. The legislature may increase OR DECREASE the number of justices of the supreme court in any judicial district, OR THE NUMBER OF STATEWIDE JUSTICES OF THE SUPREME COURT, except that [the number in any district shall not be increased to exceed one justice for fifty thousand, or fraction over thirty thousand, of the population thereof as shown by the

last federal census or state enumeration. The legislature may decrease the number of justices of the supreme court in any judicial district, except that the number in any district shall not be less than the number of justices of the supreme court authorized by law on the effective date of this article] UPON THE ABOLITION OF THE COUNTY COURT PURSUANT TO SECTION TWENTY-SEVEN OF THIS ARTICLE, THERE SHALL BE AT LEAST ONE JUSTICE OF THE SUPREME COURT, OTHER THAN A STATEWIDE JUSTICE OF THE SUPREME COURT, SELECTED FROM EACH COUNTY OF THE STATE, WHO SHALL BE A RESIDENT OF THAT COUNTY.

[e] G. The clerks of the several counties shall be clerks of the supreme court, with such powers and duties as shall be prescribed by law.

S 5. Resolved (if the Senate concur), That section 7 of article 6 of the constitution be amended to read as follows:

S 7. a. The supreme court shall have general original jurisdiction in law and equity, INCLUDING THE JURISDICTION OF THE COURTS ABOLISHED PURSUANT TO SECTION TWENTY-SEVEN OF THIS ARTICLE, and the appellate jurisdiction herein provided. [In the city of New York, it shall have exclusive jurisdiction over crimes prosecuted by indictment, provided, however, that the legislature may grant to the city-wide court of criminal jurisdiction of the city of New York jurisdiction over misdemeanors prosecuted by indictment and to the family court in the city of New York jurisdiction over crimes and offenses by or against minors or between spouses or between parent and child or between members of the same family or household.]

b. IN EACH COUNTY HAVING A POPULATION IN EXCESS OF TWO HUNDRED THOUSAND INHABITANTS AS OF THE MOST RECENT DECENNIAL CENSUS THERE SHALL BE A SEPARATE SURROGATE'S DIVISION OF THE SUPREME COURT WHICH SHALL EXERCISE JURISDICTION OVER ALL ACTIONS AND PROCEEDINGS RELATING TO THE AFFAIRS OF DECEDENTS, PROBATE OF WILLS, ADMINISTRATION OF ESTATES, GUARDIANSHIP OF THE PROPERTY OF MINORS, LIFETIME TRUSTS, CONSERVATORSHIPS, COMMITTEES FOR INCOMPETENTS OR PATIENTS, ACTIONS OR PROCEEDINGS ARISING THEREUNDER OR PERTAINING THERETO AND SUCH OTHER MATTERS AS MAY BE PROVIDED BY LAW. JUDGES WHO HOLD OR ASSUME THE OFFICE OF JUDGE OF THE SURROGATE'S COURT IN ANY SUCH COUNTY ON THE EFFECTIVE DATE OF THIS SUBDIVISION, AND THEIR SUCCESSORS IN OFFICE SHALL BE ASSIGNED BY THE CHIEF ADMINISTRATOR TO THE SURROGATE'S DIVISION.

C. If the legislature shall create new classes of actions and proceedings, the supreme court shall have jurisdiction over such classes of actions and proceedings, but the legislature may provide that another court or other courts shall also have jurisdiction and that actions and proceedings of such classes may be originated in such other court or courts.

S 6. Resolved (if the Senate concur), That subdivisions d and e of section 8 of article 6 of the constitution be amended to read as follows:

d. If so directed by the appellate division of the supreme court establishing an appellate term, an appellate term shall have jurisdiction to hear and determine appeals [now or hereafter] authorized by law to be taken [to the supreme court or] to the appellate division other than [appeals from the supreme court, a surrogate's court, the family court or] appeals in criminal cases prosecuted by indictment or by information as provided in section six of article one.

e. As may be provided by law, an appellate term shall have jurisdiction to hear and determine appeals from [the district court or] a town, village or city court outside the city of New York.

S 7. Resolved (if the Senate concur), That subdivision a of section 9 of article 6 of the constitution, such section as renumbered by section ten of this resolution, be amended to read as follows:

a. Courts for towns, villages and cities outside the city of New York are continued and shall have the jurisdiction prescribed by the legislature [but not in any respect greater than the jurisdiction of the district court as provided in section sixteen of this article] 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 MECHANIC'S LIENS AND LIENS ON PERSONAL PROPERTY WHERE THE AMOUNT SOUGHT TO BE RECOVERED OR THE VALUE OF THE PROPERTY SHALL BE FIXED BY LAW BUT SHALL NOT EXCEED FIFTEEN THOUSAND DOLLARS EXCLUSIVE OF INTEREST AND COSTS, SUMMARY PROCEEDINGS TO RECOVER POSSESSION OF REAL PROPERTY AND TO REMOVE TENANTS THEREFROM, CRIMES AND OTHER VIOLATIONS OF LAW, OTHER THAN THOSE PROSECUTED BY INDICTMENT OR BY INFORMATION AS PROVIDED IN SECTION SIX OF ARTICLE ONE, AND OVER SUCH OTHER ACTIONS AND PROCEEDINGS NOT WITHIN THE EXCLUSIVE JURISDICTION OF THE SUPREME COURT, AS MAY BE PROVIDED BY LAW. THE COURTS SHALL FURTHER EXERCISE SUCH EQUITY JURISDICTION AS MAY BE PROVIDED BY LAW AND THEIR JURISDICTION TO ENTER JUDGMENT UPON A COUNTERCLAIM FOR THE RECOVERY OF MONEY ONLY SHALL BE UNLIMITED, IF PROVIDED BY LAW.

S 8. Resolved (if the Senate concur), That sections 9, 10, 11, 12, 13, 14, 15, 16 and 21 of article 6 of the constitution be renumbered sections 9-a, 10-a, 11-a, 12-a, 13-a, 14-a, 15-a, 16-a and 21-a.

S 9. Resolved (if the Senate concur), That sections 9-a, 10-a, 11-a, 12-a, 13-a, 14-a, 15-a, 16-a and 21-a of article 6 of the constitution, as renumbered by section eight of this resolution, and sections 34, 35, 36, 36-a, 36-c and 37 of article 6 of the constitution be REPEALED.

S 10. Resolved (if the Senate concur), That sections 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 of article 6 of the constitution be renumbered sections 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26.

S 11. Resolved (if the Senate concur), That section 11 of article 6 of the constitution, as renumbered by section ten of this resolution, be amended to read as follows:

S 11. a. The supreme court may transfer any action or proceeding, except one over which it shall have exclusive jurisdiction which does not depend upon the monetary amount sought, to any other court having jurisdiction of the subject matter within the judicial department provided that such other court has jurisdiction over the classes of persons named as parties. As may be provided by law, the supreme court may transfer to itself any action or proceeding originated or pending in another court within the judicial department [other than the court of claims] upon a finding that such a transfer will promote the administration of justice.

b. [The county court shall transfer to the supreme court or surrogate's court or family court any action or proceeding which has not been transferred to it from the supreme court or surrogate's court or family court and over which the county court has no jurisdiction. The county court may transfer any action or proceeding, except a criminal action or proceeding involving a felony prosecuted by indictment or an action or proceeding required by this article to be dealt with in the surrogate's court or family court, to any court, other than the supreme court, having jurisdiction of the subject matter within the county provided that such other court has jurisdiction over the classes of persons named as parties.

c. As may be provided by law, the supreme court or the county court may transfer to the county court any action or proceeding originated or pending in the district court or a town, village or city court outside the city of New York upon a finding that such a transfer will promote the administration of justice.

d. The surrogate's court shall transfer to the supreme court or the county court or the family court or the courts for the city of New York established pursuant to section fifteen of this article any action or proceeding which has not been transferred to it from any of said courts and over which the surrogate's court has no jurisdiction.

e. The family court shall transfer to the supreme court or the surrogate's court or the county court or the courts for the city of New York established pursuant to section fifteen of this article any action or proceeding which has not been transferred to it from any of said courts and over which the family court has no jurisdiction.

f. The courts for the city of New York established pursuant to section fifteen of this article shall transfer to the supreme court or the surrogate's court or the family court any action or proceeding which has not been transferred to them from any of said courts and over which the said courts for the city of New York have no jurisdiction.

g. As may be provided by law, the supreme court shall transfer any action or proceeding to any other court having jurisdiction of the subject matter in any other judicial district or county provided that such other court has jurisdiction over the classes of persons named as parties.

h. As may be provided by law, the county court, the surrogate's court, the family court and the courts for the city of New York established pursuant to section fifteen of this article may transfer any action or proceeding, other than one which has previously been transferred to it, to any other court, except the supreme court, having jurisdiction of the subject matter in any other judicial district or county provided that such other court has jurisdiction over the classes of persons named as parties.

i.] As may be provided by law, [the district court or] a town, village or city court outside the city of New York may transfer any action or proceeding, other than one which has previously been transferred to it, to any court, other than [the county court or the surrogate's court or the family court or] the supreme court, having jurisdiction of the subject matter in the same or an adjoining county provided that such other court has jurisdiction over the classes of persons named as parties.

[j] C. Each court shall exercise jurisdiction over any action or proceeding transferred to it pursuant to this section.

[k] D. The legislature may provide that the verdict or judgment in actions and proceedings so transferred shall not be subject to the limitation of monetary jurisdiction of the court to which the actions and proceedings are transferred if that limitation be lower than that of the court in which the actions and proceedings were originated.

S 12. Resolved (if the Senate concur), That subdivision a, the opening paragraph of subdivision b and subdivision c of section 12 of article 6 of the constitution, such section as renumbered by section ten of this resolution, be amended to read as follows:

a. No person, other than one who holds [such] office at the effective date of SECTION THIRTEEN OF this article, may assume the office of judge of the court of appeals[,] OR justice of the supreme court[, or judge of the court of claims] unless he or she has been admitted to practice law

in this state at least ten years. No person, other than one who holds such office at the effective date of this article, may assume the office of judge of [the county court, surrogate's court, family court, a court for the city of New York established pursuant to section fifteen of this article, district court or] A city court outside the city of New York unless he or she has been admitted to practice law in this state at least five years or such greater number of years as the legislature may determine.

A judge of the court of appeals[,] OR justice of the supreme court, [judge of the court of claims, judge of a county court, judge of the surrogate's court, judge of the family court or judge of a court for the city of New York established pursuant to section fifteen of this article] who is elected or appointed after the effective date of this article, may not:

c. Qualifications for and restrictions upon the judges of [district,] town, village or city courts outside the city of New York, other than such qualifications and restrictions specifically set forth in subdivision a of this section, shall be prescribed by the legislature, provided, however, that the legislature shall require a course of training and education to be completed by justices of town and village courts selected after the effective date of this article who have not been admitted to practice law in this state. Judges of such courts shall also be subject to such rules of conduct not inconsistent with laws as may be promulgated by the chief administrator of the courts with the approval of the court of appeals.

S 13. Resolved (if the Senate concur), That article 6 of the constitution be amended by adding two new sections 13 and 14 to read as follows:

S 13. A. THERE SHALL BE A JUDICIAL NOMINATING COMMISSION FOR EACH JUDICIAL DISTRICT OUTSIDE THE CITY OF NEW YORK TO EVALUATE THE QUALIFICATIONS OF CANDIDATES FOR APPOINTMENT IN SUCH DISTRICT TO THE OFFICE OF JUSTICE OF THE SUPREME COURT OTHER THAN THE OFFICE OF STATEWIDE JUSTICE OF THE SUPREME COURT. THERE SHALL BE ONE CITY-WIDE JUDICIAL NOMINATING COMMISSION TO EVALUATE THE QUALIFICATIONS OF CANDIDATES FOR APPOINTMENT TO THE OFFICE OF JUSTICE OF THE SUPREME COURT WITHIN THE CITY OF NEW YORK, OTHER THAN THE OFFICE OF STATEWIDE JUSTICE OF THE SUPREME COURT. THERE SHALL BE ONE STATEWIDE JUDICIAL NOMINATING COMMISSION TO EVALUATE THE QUALIFICATIONS OF CANDIDATES FOR APPOINTMENT TO THE OFFICE OF STATEWIDE JUSTICE OF THE SUPREME COURT, AND FOR DESIGNATION TO THE OFFICE OF PRESIDING JUSTICE AND JUSTICE OF THE APPELLATE DIVISION.

B. (1) EACH SUCH COMMISSION SHALL CONSIST OF THIRTEEN AT-LARGE MEMBERS OF WHOM FOUR SHALL BE APPOINTED BY THE GOVERNOR, THREE BY THE CHIEF JUDGE OF THE COURT OF APPEALS, ONE EACH BY THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY, AND ONE BY THE PRESIDENT OF THE NEW YORK STATE BAR ASSOCIATION. THE CHIEF ADMINISTRATOR OF THE COURTS SHALL BE A MEMBER OF THE STATEWIDE JUDICIAL NOMINATING COMMISSION. EACH COMMISSION, OTHER THAN THE STATEWIDE JUDICIAL NOMINATING COMMISSION, ALSO SHALL INCLUDE ONE AT-LARGE MEMBER APPOINTED BY THE PRESIDING JUSTICE OF THE APPELLATE DIVISION OF THE DEPARTMENT IN WHICH THE DISTRICT IS LOCATED AND TWO REGIONAL MEMBERS FROM EACH COUNTY IN THE DISTRICT APPOINTED BY THE CHIEF ELECTED OFFICIAL OF THE COUNTY, EXCEPT THAT THERE SHALL BE FOUR REGIONAL MEMBERS APPOINTED FROM EACH COUNTY IN THE CITY OF NEW YORK, TWO OF WHOM SHALL BE APPOINTED BY THE CHIEF ELECTED OFFICIAL OF SUCH COUNTY AND TWO OF WHOM SHALL BE APPOINTED BY THE MAYOR OF SUCH CITY. REGIONAL MEMBERS SHALL SERVE ONLY WHEN THE VACANT OFFICE IS TO BE FILLED BY A RESIDENT OF THEIR COUNTY.

(2) OF THE FOUR MEMBERS OF EACH COMMISSION APPOINTED BY THE GOVERNOR, NOT MORE THAN TWO SHALL BE ENROLLED IN THE SAME POLITICAL PARTY AND AT LEAST TWO SHALL NOT BE MEMBERS OF THE BAR OF THE STATE. OF THE THREE MEMBERS APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS, NOT MORE THAN TWO SHALL BE MEMBERS OF THE BAR OF THE STATE. THE MEMBER APPOINTED BY THE PRESIDING JUSTICE OF THE APPELLATE DIVISION SHALL BE A MEMBER OF THE BAR OF THE STATE. THE TWO REGIONAL MEMBERS FROM EACH COUNTY OUTSIDE THE CITY OF NEW YORK SHALL NOT BE ENROLLED IN THE SAME POLITICAL PARTY AND ONE SHALL NOT BE A MEMBER OF THE BAR OF THE STATE. THE TWO REGIONAL MEMBERS FROM EACH COUNTY IN THE CITY OF NEW YORK APPOINTED BY THE CHIEF ELECTED OFFICIAL OF EACH SUCH COUNTY SHALL NOT BE ENROLLED IN THE SAME POLITICAL PARTY AND ONE SHALL NOT BE A MEMBER OF THE BAR OF THE STATE, AND THE TWO REGIONAL MEMBERS FROM EACH COUNTY IN THE CITY OF NEW YORK APPOINTED BY THE MAYOR OF SUCH CITY SHALL NOT BE ENROLLED IN THE SAME POLITICAL PARTY AND ONE SHALL NOT BE A MEMBER OF THE BAR OF THE STATE. EXCEPT FOR THE CHIEF ADMINISTRATOR OF THE COURTS, NO AT-LARGE OR REGIONAL MEMBER OF ANY COMMISSION SHALL HOLD OR HAVE HELD ANY JUDICIAL OFFICE OR HOLD ANY ELECTED PUBLIC OFFICE FOR WHICH HE OR SHE RECEIVES COMPENSATION DURING HIS OR HER PERIOD OF SERVICE, EXCEPT THAT THE GOVERNOR AND CHIEF JUDGE MAY EACH APPOINT NO MORE THAN ONE FORMER JUDGE OR JUSTICE OF THE UNIFIED COURT SYSTEM TO EACH COMMISSION. NO AT-LARGE OR REGIONAL MEMBER OF ANY COMMISSION SHALL HOLD OFFICE IN ANY POLITICAL PARTY, AND, EXCEPT FOR THE CHIEF ADMINISTRATOR OF THE COURTS, NO MEMBER SHALL BE ELIGIBLE FOR APPOINTMENT TO JUDICIAL OFFICE IN ANY COURT OF THE STATE DURING THE MEMBER'S PERIOD OF SERVICE OR WITHIN ONE YEAR THEREAFTER.

(3) THE MEMBERS OF EACH COMMISSION FIRST APPOINTED BY THE GOVERNOR SHALL HAVE, RESPECTIVELY, ONE, TWO, THREE AND FOUR YEAR TERMS AS HE OR SHE SHALL DESIGNATE. THE MEMBERS FIRST APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS SHALL HAVE, RESPECTIVELY, TWO, THREE AND FOUR YEAR TERMS AS HE OR SHE SHALL DESIGNATE. THE MEMBER FIRST APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE SHALL HAVE A FOUR YEAR TERM. THE MEMBER FIRST APPOINTED BY THE SPEAKER OF THE ASSEMBLY SHALL HAVE A THREE YEAR TERM. THE MEMBER FIRST APPOINTED BY THE MINORITY LEADER OF THE SENATE SHALL HAVE A TWO YEAR TERM. THE MEMBER FIRST APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY SHALL HAVE A ONE YEAR TERM. THE MEMBERS FIRST APPOINTED BY THE PRESIDING JUSTICE OF THE APPELLATE DIVISION AND THE PRESIDENT OF THE NEW YORK STATE BAR ASSOCIATION SHALL HAVE FOUR YEAR TERMS. THE REGIONAL MEMBERS FIRST APPOINTED FROM EACH COUNTY OUTSIDE THE CITY OF NEW YORK SHALL HAVE, RESPECTIVELY, TWO AND FOUR YEAR TERMS AS THE PERSON APPOINTING THEM SHALL DESIGNATE. THE TWO REGIONAL MEMBERS APPOINTED FROM EACH COUNTY WITHIN THE CITY OF NEW YORK BY THE CHIEF ELECTED OFFICIAL OF EACH COUNTY SHALL HAVE, RESPECTIVELY, ONE AND THREE YEAR TERMS AS THE PERSON APPOINTING THEM SHALL DESIGNATE AND THE TWO REGIONAL MEMBERS APPOINTED FROM EACH COUNTY WITHIN THE CITY OF NEW YORK BY THE MAYOR OF SUCH CITY SHALL HAVE, RESPECTIVELY, TWO AND FOUR YEAR TERMS AS THE MAYOR SHALL DESIGNATE. EACH SUBSEQUENT APPOINTMENT SHALL BE FOR A TERM OF FOUR YEARS.

(4) THE GOVERNOR SHALL DESIGNATE A CHAIRPERSON FOR EACH COMMISSION FROM AMONG ITS AT-LARGE MEMBERS.

(5) EACH AT-LARGE MEMBER OF EACH COMMISSION SHALL BE A RESIDENT OF, HAVE AN OFFICE IN OR WORK IN THE JUDICIAL DISTRICT IN WHICH HE OR SHE IS TO SERVE, EXCEPT THAT EACH AT-LARGE MEMBER OF THE CITY-WIDE COMMISSION FOR THE CITY OF NEW YORK SHALL BE A RESIDENT OF, HAVE AN OFFICE IN OR WORK IN SUCH CITY AND EACH AT-LARGE MEMBER OF THE STATEWIDE COMMISSION SHALL BE A RESIDENT OF THE STATE.

C. (1) THE STATEWIDE JUDICIAL NOMINATING COMMISSION SHALL CONSIDER THE QUALIFICATIONS OF ALL CANDIDATES FOR APPOINTMENT TO THE OFFICE OF STATEWIDE JUSTICE OF THE SUPREME COURT AND FOR DESIGNATION TO THE OFFICES OF PRESIDING JUSTICE AND JUSTICE OF THE APPELLATE DIVISION; AND EACH SUCH OTHER DISTRICT COMMISSION SHALL CONSIDER THE QUALIFICATIONS OF CANDIDATES FOR APPOINTMENT OUTSIDE THE CITY OF NEW YORK TO THE OFFICE OF JUSTICE OF THE SUPREME COURT OTHER THAN STATEWIDE JUSTICE OF THE SUPREME COURT. THE CITY-WIDE COMMISSION FOR THE CITY OF NEW YORK SHALL CONSIDER CANDIDATES FOR APPOINTMENT WITHIN SUCH CITY TO THE OFFICE OF JUSTICE OF THE SUPREME COURT OTHER THAN STATEWIDE JUSTICE OF THE SUPREME COURT. WHENEVER ONE OR MORE VACANCIES IN SUCH OFFICES OCCUR, THE APPROPRIATE COMMISSION SHALL PREPARE A WRITTEN REPORT AND RECOMMEND TO THE APPROPRIATE APPOINTING AUTHORITY PERSONS WHO BY THEIR CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE AND EXPERIENCE ARE WELL-QUALIFIED FOR THAT JUDICIAL OFFICE. EXCEPT AS MAY OTHERWISE BE PROVIDED BY LAW, NO PERSON MAY BE RECOMMENDED TO FILL A VACANCY IN THE OFFICE OF JUSTICE OF THE SUPREME COURT, EXCEPT FOR THE OFFICE OF STATEWIDE JUSTICE OF THE SUPREME COURT, UNLESS HE OR SHE IS A RESIDENT OF THE COUNTY IN WHICH THE LAST PERSON TO HOLD SUCH OFFICE RESIDED WHEN HE OR SHE LAST ASSUMED IT.

(2) THE LEGISLATURE SHALL PRESCRIBE BY LAW THE ORGANIZATION AND PROCEDURE OF EACH COMMISSION, PROVIDED, HOWEVER, THAT WHERE THERE IS ONE VACANCY TO BE FILLED, AT LEAST THREE PERSONS AND NOT MORE THAN FIVE PERSONS SHALL BE RECOMMENDED AS PROVIDED HEREIN; WHERE THERE ARE TWO VACANCIES TO BE FILLED BY RESIDENTS OF THE SAME COUNTY OR JUDICIAL DISTRICT, OR IN THE OFFICE OF STATEWIDE JUSTICE OF THE SUPREME COURT, AT LEAST FIVE PERSONS AND NOT MORE THAN EIGHT PERSONS SHALL BE RECOMMENDED; AND, WHERE THERE ARE THREE OR MORE VACANCIES TO BE FILLED BY RESIDENTS OF THE SAME COUNTY OR JUDICIAL DISTRICT, OR IN THE OFFICE OF STATEWIDE JUSTICE OF THE SUPREME COURT, THE NUMBER OF PERSONS RECOMMENDED BY THE APPROPRIATE COMMISSION SHALL BE AT LEAST TWO TIMES THE NUMBER OF VACANCIES AND NOT MORE THAN THREE TIMES THE NUMBER OF VACANCIES. NOTWITHSTANDING THE FOREGOING, WHERE A COMMISSION IS UNABLE TO RECOMMEND AS WELL-QUALIFIED FOR THE OFFICE SUCH NUMBER OF PERSONS AS IS PRESCRIBED HEREIN, IT SHALL RECOMMEND SUCH LESSER NUMBER OF PERSONS WHO ARE WELL-QUALIFIED THEREFOR.

D. (1) FROM AMONG THOSE RECOMMENDED BY THE APPROPRIATE COMMISSION AS PROVIDED IN PARAGRAPH ONE OF SUBDIVISION C OF THIS SECTION, THE GOVERNOR SHALL APPOINT A PERSON TO FILL THE OFFICE OF STATEWIDE JUSTICE OF THE SUPREME COURT, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, AND DESIGNATE A PERSON AS PRESIDING JUSTICE OR JUSTICE OF THE APPELLATE DIVISION; THE GOVERNOR SHALL, UPON THE NOMINATION OF THE MAYOR OF THE CITY OF NEW YORK, APPOINT A PERSON TO FILL THE OFFICE OF JUSTICE OF THE SUPREME COURT WITHIN THE CITY OF NEW YORK, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE; AND THE GOVERNOR SHALL, UPON THE NOMINATION OF THE CHIEF ELECTED OFFICIAL OF THE COUNTY IN WHICH A VACANCY OCCURS, APPOINT A PERSON TO FILL THE OFFICE OF JUSTICE OF THE SUPREME COURT OUTSIDE THE CITY OF NEW YORK, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, WHENEVER A VACANCY OCCURS THEREIN.

(2) IN THE CASE OF EACH APPOINTMENT THAT IS SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE, THE GOVERNOR SHALL TRANSMIT TO THE SENATE THE WRITTEN REPORT OF THE APPROPRIATE COMMISSION RELATING TO THE APPOINTEE.

E. WHEN A VACANCY OCCURS IN THE OFFICE OF JUSTICE OF THE SUPREME COURT AND THE SENATE IS NOT IN SESSION TO GIVE ITS ADVICE AND CONSENT TO AN APPOINTMENT TO FILL THE VACANCY, THE GOVERNOR SHALL FILL THE VACANCY BY INTERIM APPOINTMENT AS PROVIDED IN SUBDIVISION D OF THIS SECTION. AN INTERIM APPOINTMENT SHALL CONTINUE UNTIL THE SENATE SHALL PASS UPON THE

SELECTION. IF THE SENATE CONFIRMS AN APPOINTMENT, THE JUSTICE OR JUDGE SHALL SERVE A TERM AS PROVIDED IN SUBDIVISION C OF SECTION SIX OF THIS ARTICLE FOR JUSTICES OF THE SUPREME COURT, COMMENCING FROM THE DATE OF SUCH AN INTERIM APPOINTMENT. IF THE SENATE REJECTS AN APPOINTMENT, A VACANCY IN THE OFFICE SHALL OCCUR SIXTY DAYS AFTER SUCH REJECTION.

S 14. A. THE RETENTION IN OFFICE OF EVERY JUSTICE OF THE SUPREME COURT APPOINTED PURSUANT TO SECTION SIX OF THIS ARTICLE, OTHER THAN STATEWIDE JUSTICES OF THE SUPREME COURT, SHALL BE SUBJECT TO APPROVAL BY THE ELECTORATE OF THE COUNTY OF THE JUSTICE'S RESIDENCE AT THE TIME HE OR SHE LAST ASSUMED OFFICE, AT THE NEXT GENERAL ELECTION FOLLOWING THE EXPIRATION OF TWO YEARS FROM THE COMMENCEMENT OF HIS OR HER TERM, EXCEPT THAT FOR JUSTICES OF THE SUPREME COURT IN OFFICE ON THE EFFECTIVE DATE OF THIS SECTION, THE RETENTION IN OFFICE AT SUCH TIME SHALL BE SUBJECT TO APPROVAL OF THE ELECTORATE OF THE JUDICIAL DISTRICT OF SUCH JUSTICE'S RESIDENCE AT THE TIME HE OR SHE LAST ASSUMED OFFICE. AT LEAST SIXTY DAYS BEFORE SUCH ELECTION, THE JUDICIAL NOMINATING COMMISSION FOR THE APPROPRIATE JUDICIAL DISTRICT SHALL PUBLISH A WRITTEN REPORT SETTING FORTH THE QUALIFICATIONS OF THE CANDIDATE FOR RETENTION AND THE COMMISSION'S RECOMMENDATION AS TO WHETHER OR NOT THE CANDIDATE IS WELL QUALIFIED FOR RETENTION BY VIRTUE OF HIS OR HER CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE AND EXPERIENCE. THE FOLLOWING QUESTION SHALL BE SUBMITTED TO THE ELECTORATE AT SUCH ELECTION:

"SHALL ..... , A JUSTICE OF THE SUPREME COURT, BE RETAINED IN OFFICE?"

IF A MAJORITY OF THOSE VOTING ON THE QUESTION VOTE "YES," THE JUSTICE SHALL BE CONTINUED IN OFFICE UNTIL THE EXPIRATION OF HIS OR HER TERM. IF A MAJORITY OF THOSE VOTING ON THE QUESTION VOTE "NO," A VACANCY IN THE OFFICE SHALL BE CREATED AS OF THE FIRST DAY OF JANUARY IN THE YEAR FOLLOWING THE ELECTION. THIS SECTION SHALL APPLY TO JUSTICES OF THE SUPREME COURT WHO ARE SERVING ON THE APPELLATE DIVISION AT THE EXPIRATION OF TWO YEARS FROM THE COMMENCEMENT OF THEIR TERM BUT A DESIGNATION TO THE APPELLATE DIVISION SHALL NOT BE SUBMITTED TO THE ELECTORATE FOR APPROVAL.

B. A JUSTICE OF THE SUPREME COURT WHO SHALL DESIRE TO RETAIN SUCH JUDICIAL OFFICE FOR ANOTHER TERM AFTER THE EXPIRATION OF A TERM OF OFFICE, SHALL FILE WITH THE SECRETARY OF STATE AND ALSO SHALL FILE WITH THE APPROPRIATE JUDICIAL NOMINATING COMMISSION, NOT LESS THAN ONE HUNDRED EIGHTY DAYS PRIOR TO THE EXPIRATION OF SUCH TERM, A DECLARATION OF INTENT TO SEEK ANOTHER TERM. PRESIDING JUSTICES AND JUSTICES OF THE APPELLATE DIVISION WHO SHALL DESIRE TO RETAIN SUCH JUDICIAL OFFICE FOR ANOTHER TERM AFTER THE EXPIRATION OF A TERM OF OFFICE ON THE APPELLATE DIVISION, REGARDLESS OF THE EXPIRATION DATE OF ANY SUPREME COURT OFFICE THAT HE OR SHE ALSO HOLDS, SHALL FILE WITH THE SECRETARY OF STATE AND ALSO SHALL FILE WITH THE STATEWIDE JUDICIAL NOMINATING COMMISSION, NOT LESS THAN ONE HUNDRED EIGHTY DAYS PRIOR TO THE EXPIRATION OF SUCH TERM, A DECLARATION OF INTENT TO SEEK ANOTHER TERM. FAILURE TO FILE SUCH A DECLARATION WITHIN THE TIME SPECIFIED SHALL CREATE A VACANCY IN THE OFFICE AT THE END OF SUCH TERM. IF SUCH JUSTICE OF THE SUPREME COURT OR PRESIDING JUSTICE OR JUSTICE OF THE APPELLATE DIVISION IS FOUND BY HIS OR HER CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE AND EXPERIENCE TO BE WELL QUALIFIED FOR REAPPOINTMENT, OR REDESIGNATION IN THE CASE OF A PRESIDING JUSTICE OR JUSTICE OF THE APPELLATE DIVISION, BY THE APPROPRIATE JUDICIAL NOMINATING COMMISSION, SUCH JUSTICE OR PRESIDING JUSTICE, AS THE CASE MAY BE, SHALL CONTINUE IN OFFICE FOR A NEW TERM.

S 14. Resolved (if the Senate concur), That subdivision b of section 16 of article 6 of the constitution, such section as renumbered by section ten of this resolution, be amended to read as follows:

b. Judges of [the court of claims, the county court, the surrogate's court, the family court, the courts for the city of New York established pursuant to section fifteen of this article, the district court and] such other courts as the legislature may determine may be removed by the senate, on the recommendation of the governor, if two-thirds of all the members elected to the senate concur therein.

S 15. Resolved (if the Senate concur), That subdivisions a and b of section 18 of article 6 of the constitution, such section as renumbered by section ten of this resolution, be amended to read as follows:

a. The compensation of a judge of the court of appeals, a justice of the supreme court, a judge of the court of claims, a judge of the county court, [a judge of the surrogate's court, a judge of the family court, a judge of a court for the city of New York established pursuant to section fifteen of this article, a judge of the district court] or of a retired judge or justice shall be established by law and shall not be diminished during the term of office for which he or she was elected or appointed. [Any judge or justice of a court abolished by section thirty-five of this article, who pursuant to that section becomes a judge or justice of a court established or continued by this article, shall receive without interruption or diminution for the remainder of the term for which he or she was elected or appointed to the abolished court the compensation he or she had been receiving upon the effective date of this article together with any additional compensation that may be prescribed by law.]

b. Each judge of the court of appeals[,] AND 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 or she 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 or she 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 judge or justice shall serve no longer than until the last day of December in the year in which he or she reaches the age of seventy-six. A retired judge or justice shall be subject to assignment by the appellate division of the supreme court of the judicial department of his or her residence. Any retired justice of the supreme court who had been designated to and served as a justice of any appellate division immediately preceding his or her reaching the age of seventy shall be eligible for designation by the governor as a temporary or additional justice of the appellate division. A retired judge or justice shall not be counted in determining the number of justices in a judicial district OR COUNTY for purposes of subdivision d of section six of this article.

S 16. Resolved (if the Senate concur), That section 19 of article 6 of the constitution, as renumbered by section ten of this resolution, be amended to read as follows:

S 19. a. A justice of the supreme court may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in any judicial district [or to the court of claims. A justice of the supreme court in the city of New York may be temporarily assigned to the family court in the city of New York or to the surrogate's court in any county within the city of New York when required to dispose of the business of such court].

b. [A judge of the court of claims may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in any judicial district.

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

d. A judge of the surrogate's court in any county within the city of New York may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in the judicial department of his or her residence.

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

f. A judge of the family court may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in the judicial department of his or her 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.

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

h. A judge of the district court in any county may perform the duties of office or hold court in any county and may be temporarily assigned to the county court in the judicial department of his or her residence or to a court for the city of New York established pursuant to section fifteen of this article or to the district court in any county.

i.] Temporary assignments of [all the foregoing judges or justices listed in this section] A JUSTICE OF THE SUPREME COURT, and of judges of the city courts pursuant to paragraph two of subdivision [j] C of this section, shall be made by the chief administrator of the courts in accordance with standards and administrative policies established pursuant to section [twenty-eight] TWENTY-ONE of this article.

[j] C. (1) The legislature may provide for temporary assignments within the county of residence or any adjoining county, of judges of town, village or city courts outside the city of New York.

(2) In addition to any temporary assignments to which a judge of a city court may be subject pursuant to paragraph one of this subdivision, such judge also may be temporarily assigned by the chief administrator

of the courts to the county court, the family court or the district court within his or her county of residence or any adjoining county provided he or she is not permitted to practice law.

[k] D. While temporarily assigned pursuant to the provisions of this section, any judge or justice shall have the powers, duties and jurisdiction of a judge or justice of the court to which assigned. After the expiration of any temporary assignment, as provided in this section, the judge or justice assigned shall have all the powers, duties and jurisdiction of a judge or justice of the court to which he or she was assigned with respect to matters pending before him or her during the term of such temporary assignment.

S 17. Resolved (if the Senate concur), That subdivision a of section 22 of article 6 of the constitution, such section as renumbered by section ten of this resolution, be amended to read as follows:

a. The legislature shall provide for the allocation of the cost of operating and maintaining the court of appeals, the appellate division of the supreme court in each judicial department[,] AND the supreme court, [the court of claims, the county court, the surrogate's court, the family court, the courts for the city of New York established pursuant to section fifteen of this article and the district court,] among the state, the counties, the city of New York and other political subdivisions.

S 18. Resolved (if the Senate concur), That article 6 of the constitution be amended by adding two new sections 27 and 28 to read as follows:

S 27. A. THE COUNTY COURT, THE FAMILY COURT AND THE SURROGATE'S COURT SHALL BE ABOLISHED APRIL FIRST, TWO THOUSAND TWELVE. THE COURT OF CLAIMS SHALL BE ABOLISHED JANUARY FIRST, TWO THOUSAND THIRTEEN. THE CITY-WIDE COURTS OF CIVIL AND CRIMINAL JURISDICTION FOR THE CITY OF NEW YORK AND THE DISTRICT COURT SHALL BE ABOLISHED JANUARY FIRST, TWO THOUSAND TWELVE. THE PROVISIONS OF THIS ARTICLE IN EFFECT ON THE DAY PRECEDING THE EFFECTIVE DATE OF THIS SECTION AND APPLICABLE TO ANY OF THE COURTS ABOLISHED HEREBY OR TO THE JUDGES THEREOF, INCLUDING THE PROVISIONS OF FORMER SECTION TWENTY-SIX, SHALL CONTINUE IN EFFECT UNTIL THE ABOLITION OF THE COURT AS PROVIDED FOR IN THIS SECTION. UPON THE ABOLITION OF THE COURT OF CLAIMS, ITS SEALS, RECORDS, PAPERS AND DOCUMENTS SHALL BE DEPOSITED IN THE OFFICE OF THE CLERK OF THE APPELLATE DEPARTMENT IN WHICH THE COURT IS LOCATED. UPON THE ABOLITION OF THE OTHER COURTS SPECIFIED IN THIS SECTION, THEIR SEALS, RECORDS, PAPERS AND DOCUMENTS SHALL, UNLESS OTHERWISE PROVIDED BY LAW, BE DEPOSITED IN THE OFFICE OF THE CLERKS OF THE SUPREME COURT OF THE SEVERAL COUNTIES IN WHICH THESE COURTS NOW EXIST.

B. THE JUDGES OF THE COURT OF CLAIMS, THE COUNTY COURT, THE FAMILY COURT, THE SURROGATE'S COURT AND THE CITY-WIDE COURTS OF CIVIL AND CRIMINAL JURISDICTION FOR THE CITY OF NEW YORK AND THE DISTRICT COURT IN OFFICE ON THE DATE OF ABOLITION OF THEIR RESPECTIVE COURTS SHALL, FOR THE REMAINDER OF THE TERMS FOR WHICH THEY WERE ELECTED OR APPOINTED, BE JUSTICES OF THE SUPREME COURT IN AND FOR THE COUNTY IN WHICH THEY RESIDED ON THAT DATE. SUCH JUDGES OF THE COURT OF CLAIMS AND THEIR SUCCESSORS IN OFFICE SHALL BE KNOWN AS STATEWIDE JUSTICES OF THE SUPREME COURT. THE NUMBER OF JUSTICES OF THE SUPREME COURT SHALL ALSO INCLUDE THE JUDGES OF THE COURTS ABOLISHED BY THIS SECTION AUTHORIZED BY LAW ON THE EFFECTIVE DATE HEREOF, PROVIDED HOWEVER, THAT SUCH NUMBER SHALL NOT INCLUDE ANY JUDGE TO BE ELECTED FROM A DISTRICT NOT ESTABLISHED BY LAW PRIOR TO DECEMBER THIRTY-FIRST, NINETEEN HUNDRED NINETY-TWO. THE SALARIES OF SUCH JUSTICES SHALL BE THE SAME AS THE SALARIES OF THE OTHER JUSTICES OF THE SUPREME COURT AND SHALL BE PAID IN THE SAME MANNER.

C. ALL ACTIONS AND PROCEEDINGS PENDING IN A COURT ABOLISHED BY THIS SECTION ON THE DATE OF ABOLITION OF SUCH COURT SHALL BE TRANSFERRED TO THE SUPREME COURT IN THE COUNTY IN WHICH THE ACTION OR PROCEEDING WAS PENDING, OR OTHERWISE, AS MAY BE PROVIDED BY LAW.

D. IN THE EVENT THAT A JUDGMENT OR ORDER WAS ENTERED BEFORE THE DATE THIS SECTION BECAME PART OF THIS ARTICLE IN THE MANNER PROVIDED BY SECTION TWENTY-EIGHT OF THIS ARTICLE AND A RIGHT OF APPEAL EXISTED AND NOTICE OF APPEAL THEREFROM IS FILED AFTER THIS SECTION BECAME PART OF THIS ARTICLE IN THE MANNER PROVIDED BY SECTION TWENTY-EIGHT OF THIS ARTICLE, SUCH APPEAL SHALL BE TAKEN FROM THE SUPREME COURT, THE COURT OF CLAIMS, THE COUNTY COURT, THE SURROGATE'S COURT, THE FAMILY COURT, THE CITY-WIDE COURTS OF CIVIL AND CRIMINAL JURISDICTION FOR THE CITY OF NEW YORK AND THE DISTRICT COURT TO THE APPELLATE DIVISION OF THE SUPREME COURT IN THE JUDICIAL DEPARTMENT IN WHICH SUCH COURT WAS LOCATED; PROVIDED HOWEVER, THAT ANY SUCH APPELLATE DIVISION OF THE SUPREME COURT MAY TRANSFER ANY SUCH APPEAL TO AN APPELLATE TERM, IF SUCH APPELLATE TERM BE ESTABLISHED. FURTHER APPEAL FROM A DECISION OF AN APPELLATE TERM OR THE APPELLATE DIVISION OF THE SUPREME COURT SHALL BE AS PROVIDED BY LAW, CONSISTENT WITH THIS ARTICLE.

E. IN THE EVENT THAT AN APPEAL WAS DECIDED BEFORE THE DATE THIS SECTION BECAME PART OF THIS ARTICLE AS PROVIDED BY SECTION TWENTY-EIGHT OF THIS ARTICLE AND A FURTHER APPEAL COULD BE TAKEN AS OF RIGHT AND NOTICE OF APPEAL THEREFROM IS FILED AFTER THE DATE THIS SECTION BECAME PART OF THIS ARTICLE AS PROVIDED BY SECTION TWENTY-EIGHT OF THIS ARTICLE, SUCH APPEAL MAY BE TAKEN FROM THE APPELLATE DIVISION OF THE SUPREME COURT TO THE COURT OF APPEALS AND FROM ANY OTHER COURT TO THE APPELLATE DIVISION OF THE SUPREME COURT. FURTHER APPEAL FROM A DECISION OF THE APPELLATE DIVISION OF THE SUPREME COURT SHALL BE GOVERNED BY THE PROVISIONS OF THIS ARTICLE. IF A FURTHER APPEAL COULD NOT BE TAKEN AS OF RIGHT, SUCH APPEAL SHALL BE GOVERNED BY THE PROVISIONS OF THIS ARTICLE.

F. AS MAY BE PROVIDED BY LAW, THE NONJUDICIAL PERSONNEL OF THE COURTS ABOLISHED BY THIS SECTION IN OFFICE ON THE DATE OF ABOLITION SHALL, TO THE EXTENT PRACTICABLE, BE CONTINUED WITHOUT DECREASE IN SALARIES AND WITH THE SAME STATUS AND RIGHTS IN THE COURTS ESTABLISHED OR CONTINUED BY THIS ARTICLE; AND ESPECIALLY SKILLED, EXPERIENCED AND TRAINED PERSONNEL SHALL, TO THE EXTENT PRACTICABLE, BE ASSIGNED TO LIKE FUNCTIONS IN THE SUPREME COURT. IF THE ABOLITION OF SUCH COURTS SHALL REQUIRE OR MAKE POSSIBLE A REDUCTION IN THE NUMBER OF NONJUDICIAL PERSONNEL, OR IN THE NUMBER OF CERTAIN CATEGORIES OF SUCH PERSONNEL, SUCH REDUCTION SHALL BE MADE, TO THE EXTENT PRACTICABLE, BY PROVISION THAT THE DEATH, RESIGNATION, REMOVAL OR RETIREMENT OF AN EMPLOYEE SHALL NOT CREATE A VACANCY UNTIL THE REDUCED NUMBER OF PERSONNEL HAS BEEN REACHED.

S 28. NOTWITHSTANDING THE PROVISIONS OF SECTION ONE OF ARTICLE NINETEEN OF THIS CONSTITUTION, THE AMENDMENTS TO SUBDIVISION A OF SECTION FOUR, SUBDIVISIONS A AND B OF SECTION SIX, AND THE REPEAL OF SECTIONS TEN-A, ELEVEN-A, TWELVE-A, THIRTEEN-A, FOURTEEN-A, TWENTY-ONE-A, THIRTY-FOUR, THIRTY-FIVE, THIRTY-SIX, THIRTY-SIX-A, THIRTY-SIX-C AND THIRTY-SEVEN OF THIS ARTICLE, AS FIRST PROPOSED BY A CONCURRENT RESOLUTION PASSED BY THE LEGISLATURE IN THE YEAR TWO THOUSAND NINE, ENTITLED "CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY PROPOSING AMENDMENTS TO ARTICLE 6 OF THE CONSTITUTION, IN RELATION TO THE COMPOSITION OF JUDICIAL DEPARTMENTS AND THE ABOLISHMENT OF THE COURT OF CLAIMS, THE COUNTY COURT, THE FAMILY COURTS, THE SURROGATE'S COURT, THE CITY-WIDE COURTS OF CIVIL AND CRIMINAL JURISDICTION FOR THE CITY OF NEW YORK AND THE DISTRICT COURT, MERGING THE JURISDICTION OF SUCH COURTS WITH THAT OF

THE SUPREME COURT, PROVIDING FOR THE MANNER OF SELECTING JUSTICES OF THE SUPREME COURT AND DESIGNATING THE JUSTICES OF THE APPELLATE DIVISIONS, AND THE REPEAL OF SUBDIVISION A OF SECTION 4 AND SECTIONS 9-A, 10-A, 11-A, 12-A, 13-A, 14-A, 15-A, 16-A, 21-A, 34, 35, 36, 36-A, 36-C AND 37 OF ARTICLE 6 THEREOF RELATING THERETO" SHALL TAKE EFFECT ON APRIL FIRST, TWO THOUSAND THIRTEEN; THE REPEAL OF SECTION NINE-A OF THIS ARTICLE, AS PROPOSED IN SUCH CONCURRENT RESOLUTION, SHALL TAKE EFFECT ON JANUARY FIRST, TWO THOUSAND FOURTEEN; AND THE REPEAL OF SECTIONS FIFTEEN-A AND SIXTEEN-A OF THIS ARTICLE, AS PROPOSED IN SUCH CONCURRENT RESOLUTION, SHALL TAKE EFFECT ON JANUARY FIRST, TWO THOUSAND FIFTEEN.

S 19. Resolved (if the Senate concur), That the foregoing amendments be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.