

9284

I N A S S E M B L Y

February 11, 2016

Introduced by M. of A. JOHNS -- read once and referred to the Committee
on Governmental Operations

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing amendments to articles 3, 4, 6, and 19 of the constitution, in
relation to creation of a unicameral legislature

Section 1. Resolved (if the Senate concur), That article 3 of the
constitution be amended to read as follows:

ARTICLE III

Legislature

Section 1. The legislative power of this state shall be vested in the
senate [and assembly].

S 2. The senate shall consist of [fifty] SEVENTY-FIVE members, except
as hereinafter provided. The senators elected in the year one thousand
eight hundred and ninety-five shall hold their offices for three years,
and their successors shall be chosen for two years. [The assembly shall
consist of one hundred and fifty members. The assembly members elected
in the year one thousand nine hundred and thirty-eight, and their
successors, shall be chosen for two years.]

S 3. [The senate districts described in section three of article three
of this constitution as adopted by the people on November sixth, eigh-
teen hundred ninety-four are hereby continued for all of the purposes of
future reapportionments of senate districts pursuant to section four of
this article.

S 4.] (a) Except as herein otherwise provided, the federal census
taken in the year [nineteen hundred thirty] TWO THOUSAND TEN and each
federal census taken decennially thereafter shall be controlling as to
the number of inhabitants in the state or any part thereof for the
purposes of the apportionment of [members of assembly] SENATORS and
readjustment or alteration of [senate and assembly] districts next
occurring, in so far as such census and the tabulation thereof purport
to give the information necessary therefor. The legislature, by law,
shall provide for the making and tabulation by state authorities of an
enumeration of the inhabitants of the entire state to be used for such

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

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1 purposes, instead of a federal census, if the taking of a federal census
2 in any tenth year from the year nineteen hundred thirty be omitted or if
3 the federal census fails to show the number of aliens or Indians not
4 taxed. If a federal census, though giving the requisite information as
5 to the state at large, fails to give the information as to any civil or
6 territorial divisions which is required to be known for such purposes,
7 the legislature, by law, shall provide for such an enumeration of the
8 inhabitants of such parts of the state only as may be necessary, which
9 shall supersede in part the federal census and be used in connection
10 therewith for such purposes. The legislature, by law, may provide in
11 its discretion for an enumeration by state authorities of the inhabit-
12 ants of the state, to be used for such purposes, in place of a federal
13 census, when the return of a decennial federal census is delayed so that
14 it is not available at the beginning of the regular session of the
15 legislature in the second year after the year nineteen hundred thirty or
16 after any tenth year therefrom, or if an apportionment of [members of
17 assembly] SENATORS and readjustment or alteration of [senate] districts
18 is not made at or before such a session. At the regular session [in the
19 year nineteen hundred thirty-two, and at the first regular session]
20 after the year [nineteen hundred forty] TWO THOUSAND TWENTY-ONE and
21 after each tenth year therefrom the [senate] districts shall be read-
22 justed or altered[, but if, in any decade, counting from and including
23 that which begins with the year nineteen hundred thirty-one, such a
24 readjustment or alteration is not made at the time above prescribed, it
25 shall be made at a subsequent session occurring not later than the sixth
26 year of such decade, meaning not later than nineteen hundred thirty-six,
27 nineteen hundred forty-six, nineteen hundred fifty-six, and so on;
28 provided, however, that if such districts shall have been readjusted or
29 altered by law in either of the years nineteen hundred thirty or nine-
30 teen hundred thirty-one, they shall remain unaltered until the first
31 regular session after the year nineteen hundred forty]. No town, except
32 a town having more than a full ratio of apportionment, and no block in a
33 city inclosed by streets or public ways, shall be divided in the forma-
34 tion of [senate] districts. In the reapportionment of senate districts,
35 no district shall contain a greater excess in population over an adjoin-
36 ing district in the same county, than the population of a town or block
37 therein adjoining such district. Counties, towns or blocks which, from
38 their location, may be included in either of two districts, shall be so
39 placed as to make said districts most nearly equal in number of inhabit-
40 ants, excluding aliens.

41 [No county shall have four or more senators unless it shall have a
42 full ratio for each senator. No county shall have more than one-third of
43 all the senators; and no two counties or the territory thereof as now
44 organized, which are adjoining counties, or which are separated only by
45 public waters, shall have more than one-half of all the senators.]

46 (b) The independent redistricting commission established pursuant to
47 section [five-b] FIVE of this article shall prepare a redistricting plan
48 to establish senate[, assembly,] and congressional districts every ten
49 years commencing in two thousand twenty-one, and shall submit to the
50 legislature such plan and the implementing legislation therefor on or
51 before January first or as soon as practicable thereafter but no later
52 than January fifteenth in the year ending in two beginning in two thou-
53 sand twenty-two. The redistricting plans for the [assembly and the]
54 senate shall be contained in and voted upon by the legislature in a
55 single bill, and the congressional district plan may be included in the
56 same bill if the legislature chooses to do so. The implementing legis-

lation shall be voted upon, without amendment, by the senate [or the assembly] and if approved [by the first house voting upon it, such legislation shall be delivered to the other house immediately to be voted upon without amendment. If approved by both houses], such legislation shall be presented to the governor for action.

If [either house] THE SENATE shall fail to approve the legislation implementing the first redistricting plan, or the governor shall veto such legislation and the legislature shall fail to override such veto, [each house] THE SENATE or the governor if he or she vetoes it, shall notify the commission that such legislation has been disapproved. Within fifteen days of such notification and in no case later than February twenty-eighth, the redistricting commission shall prepare and submit to the legislature a second redistricting plan and the necessary implementing legislation for such plan. Such legislation shall be voted upon, without amendment, by the senate [or the assembly] and, if approved [by the first house voting upon it, such legislation shall be delivered to the other house immediately to be voted upon without amendment. If approved by both houses], such legislation shall be presented to the governor for action.

If [either house] THE SENATE shall fail to approve the legislation implementing the second redistricting plan, or the governor shall veto such legislation and the legislature shall fail to override such veto, [each house] THE SENATE shall introduce such implementing legislation with any amendments [each house of the legislature] IT deems necessary. All such amendments shall comply with the provisions of this article. If approved [by both houses], such legislation shall be presented to the governor for action.

All votes by the senate [or assembly] on any redistricting plan legislation pursuant to this article shall be conducted in accordance with the following [rules] RULE:

[(1) In the event that the speaker of the assembly and the temporary president of the senate are members of two different political parties, approval] APPROVAL of legislation submitted by the independent redistricting commission pursuant to subdivision (f) of section [five-b] FIVE of this article shall require the vote in support of its passage by at least a majority of the members elected [to each house.

(2) In the event that the speaker of the assembly and the temporary president of the senate are members of two different political parties, approval of legislation submitted by the independent redistricting commission pursuant to subdivision (g) of section five-b of this article shall require the vote in support of its passage by at least sixty percent of the members elected to each house.

(3) In the event that the speaker of the assembly and the temporary president of the senate are members of the same political party, approval of legislation submitted by the independent redistricting commission pursuant to subdivision (f) or (g) of section five-b of this article shall require the vote in support of its passage by at least two-thirds of the members elected to each house].

(c) Subject to the requirements of the federal constitution and statutes and in compliance with state constitutional requirements, the following principles shall be used in the creation of state senate [and state assembly] districts and congressional districts:

(1) When drawing district lines, the commission shall consider whether such lines would result in the denial or abridgement of racial or language minority voting rights, and districts shall not be drawn to have the purpose of, nor shall they result in, the denial or abridgement

1 of such rights. Districts shall be drawn so that, based on the totality
2 of the circumstances, racial or minority language groups do not have
3 less opportunity to participate in the political process than other
4 members of the electorate and to elect representatives of their choice.

5 (2) To the extent practicable, districts shall contain as nearly as
6 may be an equal number of inhabitants. For each district that deviates
7 from this requirement, the commission shall provide a specific public
8 explanation as to why such deviation exists.

9 (3) Each district shall consist of contiguous territory.

10 (4) Each district shall be as compact in form as practicable.

11 (5) Districts shall not be drawn to discourage competition or for the
12 purpose of favoring or disfavoring incumbents or other particular candi-
13 dates or political parties. The commission shall consider the mainte-
14 nance of cores of existing districts, of pre-existing political subdivi-
15 sions, including counties, cities, and towns, and of communities of
16 interest.

17 (6) In drawing senate districts, towns or blocks which, from their
18 location may be included in either of two districts, shall be so placed
19 as to make said districts most nearly equal in number of inhabitants.
20 The requirements that senate districts not divide counties or towns, as
21 well as the 'block-on-border' and 'town-on-border' rules, shall remain
22 in effect.

23 During the preparation of the redistricting plan, the independent
24 redistricting commission shall conduct not less than one public hearing
25 on proposals for the redistricting of congressional and state legisla-
26 tive districts in each of the following (i) cities: Albany, Buffalo,
27 Syracuse, Rochester, and White Plains; and (ii) counties: Bronx, Kings,
28 New York, Queens, Richmond, Nassau, and Suffolk. Notice of all such
29 hearings shall be widely published using the best available means and
30 media a reasonable time before every hearing. At least thirty days prior
31 to the first public hearing and in any event no later than September
32 fifteenth of the year ending in one or as soon as practicable thereaft-
33 er, the independent redistricting commission shall make widely available
34 to the public, in print form and using the best available technology,
35 its draft redistricting plans, relevant data, and related information.
36 Such plans, data, and information shall be in a form that allows and
37 facilitates their use by the public to review, analyze, and comment upon
38 such plans and to develop alternative redistricting plans for presenta-
39 tion to the commission at the public hearings. The independent redis-
40 tricting commission shall report the findings of all such hearings to
41 the legislature upon submission of a redistricting plan.

42 (d) The ratio for apportioning senators shall always be obtained by
43 dividing the number of inhabitants, excluding aliens, by [fifty] SEVEN-
44 TY-FIVE, and the senate shall always be composed of [fifty] SEVENTY-FIVE
45 members, except that if any county having three or more senators at the
46 time of any apportionment shall be entitled on such ratio to an addi-
47 tional senator or senators, such additional senator or senators shall be
48 given to such county in addition to the [fifty] SEVENTY-FIVE senators,
49 and the whole number of senators shall be increased to that extent.

50 The senate districts, including the present ones, as existing imme-
51 diately before the enactment of a law readjusting or altering the senate
52 districts, shall continue to be the senate districts of the state until
53 the expirations of the terms of the senators then in office, except for
54 the purpose of an election of senators for full terms beginning at such
55 expirations[, and for the formation of assembly districts].

(e) The process for redistricting congressional and state legislative districts established by this section and [sections] SECTION five [and five-b] of this article shall govern redistricting in this state except to the extent that a court is required to order the adoption of, or changes to, a redistricting plan as a remedy for a violation of law.

A reapportionment plan and the districts contained in such plan shall be in force until the effective date of a plan based upon the subsequent federal decennial census taken in a year ending in zero unless modified pursuant to court order.

[S 5. The members of the assembly shall be chosen by single districts and shall be apportioned pursuant to this section and sections four and five-b of this article at each regular session at which the senate districts are readjusted or altered, and by the same law, among the several counties of the state, as nearly as may be according to the number of their respective inhabitants, excluding aliens. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of assembly, and no county shall hereafter be erected unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, entitle it to a member. But the legislature may abolish the said county of Hamilton and annex the territory thereof to some other county or counties.

The quotient obtained by dividing the whole number of inhabitants of the state, excluding aliens, by the number of members of assembly, shall be the ratio for apportionment, which shall be made as follows: One member of assembly shall be apportioned to every county, including Fulton and Hamilton as one county, containing less than the ratio and one-half over. Two members shall be apportioned to every other county. The remaining members of assembly shall be apportioned to the counties having more than two ratios according to the number of inhabitants, excluding aliens. Members apportioned on remainders shall be apportioned to the counties having the highest remainders in the order thereof respectively. No county shall have more members of assembly than a county having a greater number of inhabitants, excluding aliens.

The assembly districts, including the present ones, as existing immediately before the enactment of a law making an apportionment of members of assembly among the counties, shall continue to be the assembly districts of the state until the expiration of the terms of members then in office, except for the purpose of an election of members of assembly for full terms beginning at such expirations.

In any county entitled to more than one member, the board of supervisors, and in any city embracing an entire county and having no board of supervisors, the common council, or if there be none, the body exercising the powers of a common council, shall assemble at such times as the legislature making an apportionment shall prescribe, and divide such counties into assembly districts as nearly equal in number of inhabitants, excluding aliens, as may be, of convenient and contiguous territory in as compact form as practicable, each of which shall be wholly within a senate district formed under the same apportionment, equal to the number of members of assembly to which such county shall be entitled, and shall cause to be filed in the office of the secretary of state and of the clerk of such county, a description of such districts, specifying the number of each district and of the inhabitants thereof, excluding aliens, according to the census or enumeration used as the population basis for the formation of such districts; and such appor-

tionment and districts shall remain unaltered until after the next reapportionment of members of assembly, except that the board of supervisors of any county containing a town having more than a ratio of apportionment and one-half over may alter the assembly districts in a senate district containing such town at any time on or before March first, nineteen hundred forty-six. In counties having more than one senate district, the same number of assembly districts shall be put in each senate district, unless the assembly districts cannot be evenly divided among the senate districts of any county, in which case one more assembly district shall be put in the senate district in such county having the largest, or one less assembly district shall be put in the senate district in such county having the smallest number of inhabitants, excluding aliens, as the case may require. Nothing in this section shall prevent the division, at any time, of counties and towns and the erection of new towns by the legislature.

An apportionment by the legislature, or other body, shall be subject to review by the supreme court, at the suit of any citizen, under such reasonable regulations as the legislature may prescribe; and any court before which a cause may be pending involving an apportionment, shall give precedence thereto over all other causes and proceedings, and if said court be not in session it shall convene promptly for the disposition of the same. The court shall render its decision within sixty days after a petition is filed. In any judicial proceeding relating to redistricting of congressional or state legislative districts, any law establishing congressional or state legislative districts found to violate the provisions of this article shall be invalid in whole or in part. In the event that a court finds such a violation, the legislature shall have a full and reasonable opportunity to correct the law's legal infirmities.

S 5-a.] S 4. For the purpose of apportioning [senate and assembly] districts pursuant to the foregoing provisions of this article, the term "inhabitants, excluding aliens" shall mean the whole number of persons.

S [5-b]5. (a) On or before February first of each year ending with a zero and at any other time a court orders that congressional or state legislative districts be amended, an independent redistricting commission shall be established to determine the district lines for congressional and state legislative offices. The independent redistricting commission shall be composed of ten members, appointed as follows:

(1) two members shall be appointed by the temporary president of the senate;

(2) two members shall be appointed by the [speaker of the assembly] DEPUTY MAJORITY LEADER OF THE SENATE;

(3) two members shall be appointed by the minority leader of the senate;

(4) two members shall be appointed by the DEPUTY minority leader of the [assembly] SENATE;

(5) two members shall be appointed by the eight members appointed pursuant to paragraphs (1) through (4) of this subdivision by a vote of not less than five members in favor of such appointment, and these two members shall not have been enrolled in the preceding five years in either of the two political parties that contain the largest or second largest number of enrolled voters within the state;

(6) one member shall be designated chair of the commission by a majority of the members appointed pursuant to paragraphs (1) through (5) of this subdivision to convene and preside over each meeting of the commission.

(b) The members of the independent redistricting commission shall be registered voters in this state. No member shall within the last three years:

(1) be or have been a member of the New York state legislature or United States Congress or a statewide elected official;

(2) be or have been a state officer or employee or legislative employee as defined in section seventy-three of the public officers law;

(3) be or have been a registered lobbyist in New York state;

(4) be or have been a political party chairman, as defined in paragraph (k) of subdivision one of section seventy-three of the public officers law;

(5) be the spouse of a statewide elected official or of any member of the United States Congress, or of the state legislature.

(c) To the extent practicable, the members of the independent redistricting commission shall reflect the diversity of the residents of this state with regard to race, ethnicity, gender, language, and geographic residence and to the extent practicable the appointing authorities shall consult with organizations devoted to protecting the voting rights of minority and other voters concerning potential appointees to the commission.

(d) Vacancies in the membership of the commission shall be filled within thirty days in the manner provided for in the original appointments.

(e) The legislature shall provide by law for the compensation of the members of the independent redistricting commission, including compensation for actual and necessary expenses incurred in the performance of their duties.

(f) A minimum of five members of the independent redistricting commission shall constitute a quorum for the transaction of any business or the exercise of any power of such commission prior to the appointment of the two commission members appointed pursuant to paragraph (5) of subdivision (a) of this section, and a minimum of seven members shall constitute a quorum after such members have been appointed, and no exercise of any power of the independent redistricting commission shall occur without the affirmative vote of at least a majority of the members, provided that, in order to approve any redistricting plan and implementing legislation, the following [rules] RULE shall apply:

[(1) In the event that the speaker of the assembly and the temporary president of the senate are members of the same political party, approval] APPROVAL of a redistricting plan and implementing legislation by the commission for submission to the legislature shall require the vote in support of its approval by at least seven members including at least one member appointed by each of the legislative leaders.

[(2) In the event that the speaker of the assembly and the temporary president of the senate are members of two different political parties, approval of a redistricting plan by the commission for submission to the legislature shall require the vote in support of its approval by at least seven members including at least one member appointed by the speaker of the assembly and one member appointed by the temporary president of the senate.]

(g) In the event that the commission is unable to obtain seven votes to approve a redistricting plan on or before January first in the year ending in two or as soon as practicable thereafter, the commission shall submit to the legislature that redistricting plan and implementing legislation that garnered the highest number of votes in support of its approval by the commission with a record of the votes taken. In the

1 event that more than one plan received the same number of votes for
2 approval, and such number was higher than that for any other plan, then
3 the commission shall submit all plans that obtained such number of
4 votes. The legislature shall consider and vote upon such implementing
5 legislation in accordance with the voting rules set forth in subdivision
6 (b) of section four of this article.

7 (h) (1) The independent redistricting commission shall appoint two
8 co-executive directors by a majority vote of the commission in accord-
9 ance with the following procedure:

10 [(i) In the event that the speaker of the assembly and the temporary
11 president of the senate are members of two different political parties,
12 the co-executive directors shall be approved by a majority of the
13 commission that includes at least one appointee by the speaker of the
14 assembly and at least one appointee by the temporary president of the
15 senate.

16 (ii) In the event that the speaker of the assembly and the temporary
17 president of the senate are members of the same political party, the
18 THE co-executive directors shall be approved by a majority of the
19 commission that includes at least one appointee by each of the legisla-
20 tive leaders.

21 (2) One of the co-executive directors shall be enrolled in the poli-
22 tical party with the highest number of enrolled members in the state and
23 one shall be enrolled in the political party with the second highest
24 number of enrolled members in the state. The co-executive directors
25 shall appoint such staff as are necessary to perform the commission's
26 duties, except that the commission shall review a staffing plan prepared
27 and provided by the co-executive directors which shall contain a list of
28 the various positions and the duties, qualifications, and salaries asso-
29 ciated with each position.

30 (3) In the event that the commission is unable to appoint one or both
31 of the co-executive directors within forty-five days of the establish-
32 ment of a quorum of seven commissioners, the following procedure shall
33 be followed:

34 [(i) In the event that the speaker of the assembly and the temporary
35 president of the senate are members of two different political parties,
36 within ten days the speaker's appointees on the commission shall appoint
37 one co-executive director, and the temporary president's appointees on
38 the commission shall appoint the other co-executive director. Also with-
39 in ten days the minority leader of the assembly shall select a co-deputy
40 executive director, and the minority leader of the senate shall select
41 the other co-deputy executive director.

42 (ii) In the event that the speaker of the assembly and the temporary
43 president of the senate are members of the same political party, within
44 WITHIN ten days the [speaker's and] temporary president's AND THE DEPUTY
45 MAJORITY LEADER'S appointees on the commission shall together appoint
46 one co-executive director, and the two minority leaders' appointees on
47 the commission shall together appoint the other co-executive director.

48 (4) In the event of a vacancy in the offices of co-executive director
49 or co-deputy executive director, the position shall be filled within ten
50 days of its occurrence by the same appointing authority or authorities
51 that appointed his or her predecessor.

52 (i) The state budget shall include necessary appropriations for the
53 expenses of the independent redistricting commission, provide for
54 compensation and reimbursement of expenses for the members and staff of
55 the commission, assign to the commission any additional duties that the
56 legislature may deem necessary to the performance of the duties stipu-

lated in this article, and require other agencies and officials of the state of New York and its political subdivisions to provide such information and assistance as the commission may require to perform its duties.

S 6. Each member of the legislature shall receive for his or her services a like annual salary, to be fixed by law. He or she shall also be reimbursed for his or her actual traveling expenses in going to and returning from the place in which the legislature meets, not more than once each week while the legislature is in session. [Senators, when the senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachments, and such members of the assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional per diem allowance, to be fixed by law.] Any member, while serving as an officer of [his or her house] THE SENATE or in any other special capacity therein or directly connected therewith not hereinbefore in this section specified, may also be paid and receive, in addition, any allowance which may be fixed by law for the particular and additional services appertaining to or entailed by such office or special capacity. Neither the salary of any member nor any other allowance so fixed may be increased or diminished during, and with respect to, the term for which he or she shall have been elected, nor shall he or she be paid or receive any other extra compensation. The provisions of this section and laws enacted in compliance therewith shall govern and be exclusively controlling, according to their terms. Members shall continue to receive such salary and additional allowance as heretofore fixed and provided in this section, until changed by law pursuant to this section.

S 7. No person shall serve as a member of the legislature unless he or she is a citizen of the United States and has been a resident of the state of New York for five years, and, except as hereinafter otherwise prescribed, of the [assembly or senate] district for the twelve months immediately preceding his or her election[; if elected a senator or member of assembly at the first election next ensuing after a readjustment or alteration of the senate or assembly districts becomes effective, a person, to be eligible to serve as such, must have been a resident of the county in which the senate or assembly district is contained for the twelve months immediately preceding his or her election. No member of the legislature shall, during the time for which he or she was elected, receive any civil appointment from the governor, the governor and the senate, the legislature or from any city government, to an office which shall have been created, or the emoluments whereof shall have been increased during such time]. If a member of the legislature be elected to congress, or appointed to any office, civil or military, under the government of the United States, the state of New York, or under any city government except as a member of the national guard or naval militia of the state, or of the reserve forces of the United States, his or her acceptance thereof shall vacate his or her seat in the legislature, providing, however, that a member of the legislature may be appointed commissioner of deeds or to any office in which he or she shall receive no compensation.

S 8. The elections of senators [and members of assembly], pursuant to the provisions of this constitution, shall be held on the Tuesday succeeding the first Monday of November, unless otherwise directed by the legislature.

S 9. A majority of [each house] THE SENATE shall constitute a quorum to do business. [Each house] THE SENATE shall determine the rules of

1 its own proceedings, and be the judge of the elections, returns and
2 qualifications of its own members; shall choose its own officers; and
3 [the senate] shall choose a temporary president [and the assembly shall
4 choose a speaker].

5 S 10. [Each house of the legislature] THE SENATE shall keep a journal
6 of its proceedings, and publish the same, except such parts as may
7 require secrecy. The doors of [each house] THE SENATE shall be kept
8 open, except when the public welfare shall require secrecy. [Neither
9 house] THE SENATE shall[, without the consent of the other,] NOT adjourn
10 for more than two days.

11 S 11. For any speech or debate in [either house of] the [legislature]
12 SENATE, the members shall not be questioned in any other place.

13 [S 12. Any bill may originate in either house of the legislature, and
14 all bills passed by one house may be amended by the other.]

15 S [13] 12. The enacting clause of all bills shall be "The People of
16 the State of New York, represented in Senate [and Assembly], do enact as
17 follows," and no law shall be enacted except by bill.

18 S [14] 13. No bill shall be passed or become a law unless it shall
19 have been printed and upon the desks of the members, in its final form,
20 at least three calendar legislative days prior to its final passage,
21 unless the governor, or the acting governor, shall have certified, under
22 his or her hand and the seal of the state, the facts which in his or her
23 opinion necessitate an immediate vote thereon, in which case it must
24 nevertheless be upon the desks of the members in final form, not neces-
25 sarily printed, before its final passage; nor shall any bill be passed
26 or become a law, except by the assent of a majority of the members
27 elected to [each branch of] the legislature; and upon the last reading
28 of a bill, no amendment thereof shall be allowed, and the question upon
29 its final passage shall be taken immediately thereafter, and the ayes
30 and nays entered on the journal.

31 For purposes of this section, a bill shall be deemed to be printed and
32 upon the desks of the members if: it is set forth in a legible electron-
33 ic format by electronic means, and it is available for review in such
34 format at the desks of the members. For purposes of this section "elec-
35 tronic means" means any method of transmission of information between
36 computers or other machines designed for the purpose of sending and
37 receiving such transmissions and which: allows the recipient to
38 reproduce the information transmitted in a tangible medium of
39 expression; and does not permit additions, deletions or other changes to
40 be made without leaving an adequate record thereof.

41 S [15] 14. No private or local bill, which may be passed by the
42 legislature, shall embrace more than one subject, and that shall be
43 expressed in the title.

44 S [16] 15. No act shall be passed which shall provide that any exist-
45 ing law, or any part thereof, shall be made or deemed a part of said
46 act, or which shall enact that any existing law, or part thereof, shall
47 be applicable, except by inserting it in such act.

48 S [17] 16. The legislature shall not pass a private or local bill in
49 any of the following cases:

50 Changing the names of persons.

51 Laying out, opening, altering, working or discontinuing roads, high-
52 ways or alleys, or for draining swamps or other low lands. Locating or
53 changing county seats.

54 Providing for changes of venue in civil or criminal cases.

55 Incorporating villages.

56 Providing for election of members of boards of supervisors.

1 Selecting, drawing, summoning or empaneling grand or petit jurors.

2 Regulating the rate of interest on money.

3 The opening and conducting of elections or designating places of
4 voting.

5 Creating, increasing or decreasing fees, percentages or allowances of
6 public officers, during the term for which said officers are elected or
7 appointed.

8 Granting to any corporation, association or individual the right to
9 lay down railroad tracks.

10 Granting to any private corporation, association or individual any
11 exclusive privilege, immunity or franchise whatever.

12 Granting to any person, association, firm or corporation, an exemption
13 from taxation on real or personal property.

14 Providing for the building of bridges, except over the waters forming
15 a part of the boundaries of the state, by other than a municipal or
16 other public corporation or a public agency of the state.

17 S [18] 17. The members of the legislature shall be empowered, upon the
18 presentation to the temporary president of the senate [and the speaker
19 of the assembly] of a petition signed by two-thirds of the [members]
20 elected [to each house of the legislature] SENATORS, to convene the
21 legislature on extraordinary occasions to act upon the subjects enumer-
22 ated in such petition.

23 S [19] 18. The legislature shall neither audit nor allow any private
24 claim or account against the state, but may appropriate money to pay
25 such claims as shall have been audited and allowed according to law.

26 No claim against the state shall be audited, allowed or paid which, as
27 between citizens of the state, would be barred by lapse of time. But if
28 the claimant shall be under legal disability the claim may be presented
29 within two years after such disability is removed.

30 S [20] 19. The assent of two-thirds of the members elected to [each
31 branch of] the legislature shall be requisite to every bill appropriat-
32 ing the public moneys or property for local or private purposes.

33 S [21] 20. Sections [15, 16, and 17] 14, 15, AND 16 of this article
34 shall not apply to any bill, or the amendments to any bill, which shall
35 be recommended to the legislature by commissioners or any public agency
36 appointed or directed pursuant to law to prepare revisions, consol-
37 idations or compilations of statutes. But a bill amending an existing
38 law shall not be excepted from the provisions of sections [15, 16 and
39 17] 14, 15, AND 16 of this article unless such amending bill shall
40 itself be recommended to the legislature by such commissioners or public
41 agency.

42 S [22] 21. Every law which imposes, continues or revives a tax shall
43 distinctly state the tax and the object to which it is to be applied,
44 and it shall not be sufficient to refer to any other law to fix such tax
45 or object.

46 Notwithstanding the foregoing or any other provision of this constitu-
47 tion, the legislature, in any law imposing a tax or taxes on, in respect
48 to or measured by income, may define the income on, in respect to or by
49 which such tax or taxes are imposed or measured, by reference to any
50 provision of the laws of the United States as the same may be or become
51 effective at any time or from time to time, and may prescribe exceptions
52 or modifications to any such provision.

53 S [23] 22. On the final passage[, in either house of the legislature,]
54 of any act which imposes, continues or revives a tax, or creates a debt
55 or charge, or makes, continues or revives any appropriation of public or
56 trust money or property, or releases, discharges or commutes any claim

1 or demand of the state, the question shall be taken by yeas and nays,
2 which shall be duly entered upon the journals, and three-fifths of all
3 the members elected to [either house] THE SENATE shall, in all such
4 cases, be necessary to constitute a quorum therein.

5 S [24] 23. The legislature shall, by law, provide for the occupation
6 and employment of prisoners sentenced to the several state prisons,
7 penitentiaries, jails and reformatories in the state; and no person in
8 any such prison, penitentiary, jail or reformatory, shall be required or
9 allowed to work, while under sentence thereto, at any trade, industry or
10 occupation, wherein or whereby his or her work, or the product or profit
11 of his or her work, shall be farmed out, contracted, given or sold to
12 any person, firm, association or corporation, provided that the legisla-
13 ture may provide by law that such prisoners may voluntarily perform work
14 for nonprofit organizations. As used in this section, the term "nonpro-
15 fit organization" means an organization operated exclusively for reli-
16 gious, charitable, or educational purposes, no part of the net earnings
17 of which inures to the benefit of any private shareholder or individual.
18 This section shall not be construed to prevent the legislature from
19 providing that convicts may work for, and that the products of their
20 labor may be disposed of to, the state or any political division there-
21 of, or for or to any public institution owned or managed and controlled
22 by the state, or any political division thereof.

23 S [25] 24. Notwithstanding any other provision of this constitution,
24 the legislature, in order to insure continuity of state and local
25 governmental operations in periods of emergency caused by enemy attack
26 or by disasters (natural or otherwise), shall have the power and the
27 immediate duty (1) to provide for prompt and temporary succession to the
28 powers and duties of public offices, of whatever nature and whether
29 filled by election or appointment, the incumbents of which may become
30 unavailable for carrying on the powers and duties of such offices, and
31 (2) to adopt such other measures as may be necessary and proper for
32 insuring the continuity of governmental operations.

33 Nothing in this article shall be construed to limit in any way the
34 power of the state to deal with emergencies arising from any cause.

35 S 2. Resolved (if the Senate concur), That sections 3, 6, and 7 of
36 article 4 of the constitution be amended to read as follows:

37 S 3. The governor shall be commander-in-chief of the military and
38 naval forces of the state. The governor shall have power to convene the
39 legislature[, or the senate only,] on extraordinary occasions. At
40 extraordinary sessions convened pursuant to the provisions of this
41 section no subject shall be acted upon, except such as the governor may
42 recommend for consideration. The governor shall communicate by message
43 to the legislature at every session the condition of the state, and
44 recommend such matters to it as he or she shall judge expedient. The
45 governor shall expedite all such measures as may be resolved upon by the
46 legislature, and shall take care that the laws are faithfully executed.
47 The governor shall receive for his or her services an annual salary to
48 be fixed by [joint] resolution of the senate [and assembly], and there
49 shall be provided for his or her use a suitable and furnished executive
50 residence.

51 S 6. The lieutenant-governor shall possess the same qualifications of
52 eligibility for office as the governor. [The lieutenant-governor shall
53 be the president of the senate but shall have only a casting vote there-
54 in.] The lieutenant-governor shall receive for his or her services an
55 annual salary to be fixed by [joint] resolution of the senate [and
56 assembly].

1 In case of vacancy in the offices of both governor and lieutenant-gov-
2 ernor, a governor and lieutenant-governor shall be elected for the
3 remainder of the term at the next general election happening not less
4 than three months after both offices shall have become vacant. No
5 election of a lieutenant-governor shall be had in any event except at
6 the time of electing a governor.

7 In case of vacancy in the offices of both governor and lieutenant-gov-
8 ernor or if both of them shall be impeached, absent from the state or
9 otherwise unable to discharge the powers and duties of the office of
10 governor, the temporary president of the senate shall act as governor
11 until the inability shall cease or until a governor shall be elected.

12 In case of vacancy in the office of lieutenant-governor alone, or if
13 the lieutenant-governor shall be impeached, absent from the state or
14 otherwise unable to discharge the duties of office, the temporary presi-
15 dent of the senate shall perform all the duties of lieutenant-governor
16 during such vacancy or inability.

17 [If, when the duty of acting as governor devolves upon the temporary
18 president of the senate, there be a vacancy in such office or the tempo-
19 rary president of the senate shall be absent from the state or otherwise
20 unable to discharge the duties of governor, the speaker of the assembly
21 shall act as governor during such vacancy or inability.]

22 The legislature may provide for the devolution of the duty of acting
23 as governor in any case not provided for in this article.

24 S 7. Every bill which shall have passed the senate [and assembly]
25 shall, before it becomes a law, be presented to the governor; if the
26 governor approve, he or she shall sign it; but if not, he or she shall
27 return it with his or her objections to the [house in which it shall
28 have originated] SENATE, which shall enter the objections at large on
29 the journal, and proceed to reconsider it. If after such reconsider-
30 ation, two-thirds of the members elected to [that house] THE SENATE
31 shall agree to pass the bill, [it shall be sent together with the
32 objections, to the other house, by which it shall likewise be reconsid-
33 ered; and if approved by two-thirds of the members elected to that
34 house,] it shall become a law notwithstanding the objections of the
35 governor. In all such cases the votes [in both houses] shall be deter-
36 mined by yeas and nays, and the names of the members voting shall be
37 entered on the journal of [each house respectively] THE SENATE. If any
38 bill shall not be returned by the governor within ten days (Sundays
39 excepted) after it shall have been presented to him or her, the same
40 shall be a law in like manner as if he or she had signed it, unless the
41 legislature shall, by [their] ITS adjournment, prevent its return, in
42 which case it shall not become a law without the approval of the gover-
43 nor. No bill shall become a law after the final adjournment of the
44 legislature, unless approved by the governor within thirty days after
45 such adjournment. If any bill presented to the governor contain several
46 items of appropriation of money, the governor may object to one or more
47 of such items while approving of the other portion of the bill. In such
48 case the governor shall append to the bill, at the time of signing it, a
49 statement of the items to which he or she objects; and the appropriation
50 so objected to shall not take effect. If the legislature be in session,
51 he or she shall transmit [to the house in which the bill originated] a
52 copy of such statement, and the items objected to shall be separately
53 reconsidered. If on reconsideration one or more of such items be
54 approved by two-thirds of the members elected to [each house] THE
55 SENATE, the same shall be part of the law, notwithstanding the
56 objections of the governor. All the provisions of this section, in

1 relation to bills not approved by the governor, shall apply in cases in
2 which he or she shall withhold approval from any item or items contained
3 in a bill appropriating money.

4 S 3. Resolved (if the Senate concur), That subdivision d of section 2
5 and sections 22 and 24 of article 6 of the constitution be amended to
6 read as follows:

7 d. (1) The commission on judicial nomination shall consist of twelve
8 members of whom four shall be appointed by the governor, four by the
9 chief judge of the court of appeals, and [one each] FOUR by the [speaker
10 of the assembly,] the temporary president of the senate[, the minority
11 leader of the senate, and the minority leader of the assembly]. Of the
12 four members appointed by the governor, no more than two shall be
13 enrolled in the same political party, two shall be members of the bar of
14 the state, and two shall not be members of the bar of the state. Of the
15 four members appointed by the chief judge of the court of appeals, no
16 more than two shall be enrolled in the same political party, two shall
17 be members of the bar of the state, and two shall not be members of the
18 bar of the state. No member of the commission shall hold or have held
19 any judicial office or hold any elected public office for which he or
20 she receives compensation during his or her period of service, except
21 that the governor and the chief judge may each appoint no more than one
22 former judge or justice of the unified court system to such commission.
23 No member of the commission shall hold any office in any political
24 party. No member of the judicial nominating commission shall be eligi-
25 ble for appointment to judicial office in any court of the state during
26 the member's period of service or within one year thereafter.

27 (2) The members first appointed by the governor shall have respective-
28 ly one, two, three and four year terms as the governor shall designate.
29 The members first appointed by the chief judge of the court of appeals
30 shall have respectively one, two, three and four year terms as the chief
31 judge shall designate. The [member] MEMBERS first appointed by the
32 temporary president of the senate shall have a [one-year] FOUR-YEAR
33 term. [The member first appointed by the minority leader of the senate
34 shall have a two-year term. The member first appointed by the speaker of
35 the assembly shall have a four-year term. The member first appointed by
36 the minority leader of the assembly shall have a three-year term. Each
37 subsequent appointment shall be for a term of four years.]

38 (3) The commission shall designate one of their number to serve as
39 chairperson.

40 (4) The commission shall consider the qualifications of candidates for
41 appointment to the offices of judge and chief judge of the court of
42 appeals and, whenever a vacancy in those offices occurs, shall prepare a
43 written report and recommend to the governor persons who are well quali-
44 fied for those judicial offices.

45 S 22. a. There shall be a commission on judicial conduct. The commis-
46 sion on judicial conduct shall receive, initiate, investigate and hear
47 complaints with respect to the conduct, qualifications, fitness to
48 perform or performance of official duties of any judge or justice of the
49 unified court system, in the manner provided by law; and, in accordance
50 with subdivision d of this section, may determine that a judge or
51 justice be admonished, censured or removed from office for cause,
52 including, but not limited to, misconduct in office, persistent failure
53 to perform his or her duties, habitual intemperance, and conduct, on or
54 off the bench, prejudicial to the administration of justice, or that a
55 judge or justice be retired for mental or physical disability preventing
56 the proper performance of his or her judicial duties. The commission

1 shall transmit [an] ANY such determination to the chief judge of the
2 court of appeals who shall cause written notice of such determination to
3 be given to the judge or justice involved. Such judge or justice may
4 either accept the commission's determination or make written request to
5 the chief judge, within thirty days after receipt of such notice, for a
6 review of such determination by the court of appeals.

7 b. (1) The commission on judicial conduct shall consist of eleven
8 members, of whom four shall be appointed by the governor, [one] FOUR by
9 the temporary president of the senate[, one by the minority leader of
10 the senate, one by the speaker of the assembly, one by the minority
11 leader of the assembly] and three by the chief judge of the court of
12 appeals. Of the members appointed by the governor one person shall be a
13 member of the bar of the state but not a judge or justice, two shall not
14 be members of the bar, justices or judges or retired justices or judges
15 of the unified court system, and one shall be a judge or justice of the
16 unified court system. Of the members appointed by the chief judge one
17 person shall be a justice of the appellate division of the supreme court
18 and two shall be judges or justices of a court or courts other than the
19 court of appeals or appellate divisions. None of the persons to be
20 appointed by the [legislative leaders] TEMPORARY PRESIDENT OF THE SENATE
21 shall be justices or judges or retired justices or judges.

22 (2) The persons first appointed by the governor shall have respective-
23 ly one, two, three, and four-year terms as the governor shall designate.
24 The persons first appointed by the chief judge of the court of appeals
25 shall have respectively two, three, and four-year terms as the governor
26 shall designate. The [person] PERSONS first appointed by the temporary
27 president of the senate shall have [a one-year term. The person first
28 appointed by the minority leader of the senate shall have a two-year
29 term. The person first appointed by the speaker of the assembly shall
30 have a four-year term. The person first appointed by the minority leader
31 of the assembly shall have a three-year term] RESPECTIVELY ONE, TWO,
32 THREE AND FOUR-YEAR TERMS AS HE OR SHE SHALL DESIGNATE. Each member of
33 the commission shall be appointed thereafter for a term of four years.
34 Commission membership of a judge or justice appointed by the governor or
35 the chief judge shall terminate if such member ceases to hold the judi-
36 cial position which qualified him or her for such appointment. Member-
37 ship shall also terminate if a member attains a position which would
38 have rendered him or her ineligible for appointment at the time of
39 appointment. A vacancy shall be filled by the appointing officer for the
40 remainder of the term.

41 c. The organization and procedure of the commission on judicial
42 conduct shall be as provided by law. The commission on judicial conduct
43 may establish its own rules and procedures not inconsistent with law.
44 Unless the legislature shall provide otherwise, the commission shall be
45 empowered to designate one of its members or any other person as a
46 referee to hear and report concerning any matter before the commission.

47 d. In reviewing a determination of the commission on judicial conduct,
48 the court of appeals may admonish, censure, remove or retire, for the
49 reasons set forth in subdivision a of this section, any judge of the
50 unified court system. In reviewing a determination of the commission on
51 judicial conduct, the court of appeals shall review the commission's
52 findings of fact and conclusions of law on the record of the proceedings
53 upon which the commission's determination was based. The court of
54 appeals may impose a less or more severe sanction prescribed by this
55 section than the one determined by the commission, or impose no sanc-
56 tion.

1 e. The court of appeals may suspend a judge or justice from exercising
2 the powers of his or her office while there is pending a determination
3 by the commission on judicial conduct for his or her removal or retire-
4 ment, or while the judge or justice is charged in this state with a
5 felony by an indictment or an information filed pursuant to section six
6 of article one. The suspension shall continue upon conviction and, if
7 the conviction becomes final, the judge or justice shall be removed from
8 office. The suspension shall be terminated upon reversal of the
9 conviction and dismissal of the accusatory instrument. Nothing in this
10 subdivision shall prevent the commission on judicial conduct from deter-
11 mining that a judge or justice be admonished, censured, removed, or
12 retired pursuant to subdivision a of this section.

13 f. Upon the recommendation of the commission on judicial conduct or on
14 its own motion, the court of appeals may suspend a judge or justice from
15 office when he or she is charged with a crime punishable as a felony
16 under the laws of this state, or any other crime which involves moral
17 turpitude. The suspension shall continue upon conviction and, if the
18 conviction becomes final, the judge or justice shall be removed from
19 office. The suspension shall be terminated upon reversal of the
20 conviction and dismissal of the accusatory instrument. Nothing in this
21 subdivision shall prevent the commission on judicial conduct from deter-
22 mining that a judge or justice be admonished, censured, removed, or
23 retired pursuant to subdivision a of this section.

24 g. A judge or justice who is suspended from office by the court of
25 appeals shall receive his or her judicial salary during such period of
26 suspension, unless the court directs otherwise. If the court has so
27 directed and such suspension is thereafter terminated, the court may
28 direct that the judge or justice shall be paid his or her salary for
29 such period of suspension.

30 h. A judge or justice retired by the court of appeals shall be consid-
31 ered to have retired voluntarily. A judge or justice removed by the
32 court of appeals shall be ineligible to hold other judicial office.

33 i. Notwithstanding any other provision of this section, the legisla-
34 ture may provide by law for review of determinations of the commission
35 on judicial conduct with respect to justices of town and village courts
36 by an appellate division of the supreme court. In such event, all refer-
37 ences in this section to the court of appeals and the chief judge there-
38 of shall be deemed references to an appellate division and the presiding
39 justice thereof, respectively.

40 j. If a court on the judiciary shall have been convened before the
41 effective date of this section and the proceeding shall not be concluded
42 by that date, the court on the judiciary shall have continuing jurisdic-
43 tion beyond the effective date of this section to conclude the proceed-
44 ing. All matters pending before the former commission on judicial
45 conduct on the effective date of this section shall be disposed of in
46 such manner as shall be provided by law.

47 S 24. The [assembly] SENATE shall have the power of impeachment by a
48 vote of a majority of all the members elected thereto. [The court for
49 the trial of impeachments shall be composed of the president of the
50 senate, the senators, or the major part of them, and the judges of the
51 court of appeals, or the major part of them. On the trial of an impeach-
52 ment against the governor or lieutenant-governor, neither the lieuten-
53 ant-governor nor the temporary president of the senate shall act as a
54 member of the court.] No judicial officer shall exercise his or her
55 office after articles of impeachment against him or her shall have been
56 preferred to the senate, until he or she shall have been acquitted.

1 Before the trial of an impeachment, the members of the court shall take
2 an oath or affirmation truly and impartially to try the impeachment
3 according to the evidence, and no person shall be convicted without the
4 concurrence of two-thirds of the members present. Judgment in cases of
5 impeachment shall not extend further than to removal from office, or
6 removal from office and disqualification to hold and enjoy any public
7 office of honor, trust, or profit under this state; but the party
8 impeached shall be liable to indictment and punishment according to law.

9 S 4. Resolved (if the Senate concur), That sections 1 and 2 of article
10 19 of the constitution be amended to read as follows:

11 Section 1. Any amendment or amendments to this constitution may be
12 proposed in the senate [and assembly] whereupon such amendment or amend-
13 ments shall be referred to the attorney-general whose duty it shall be
14 within twenty days thereafter to render an opinion in writing to the
15 senate [and assembly] as to the effect of such amendment or amendments
16 upon other provisions of the constitution. Upon receiving such opinion,
17 if the amendment or amendments as proposed or as amended shall be agreed
18 to by a majority of the members elected [to each of the two houses],
19 such proposed amendment or amendments shall be entered on [their jour-
20 nals] ITS JOURNAL, and the ayes and noes taken thereon, and referred to
21 the next regular legislative session convening after the succeeding
22 general election of members of the [assembly] SENATE, and shall be
23 published for three months previous to the time of making such choice;
24 and if in such legislative session, such proposed amendment or amend-
25 ments shall be agreed to by a majority of all the members elected [to
26 each house], then it shall be the duty of the legislature to submit each
27 proposed amendment or amendments to the people for approval in such
28 manner and at such times as the legislature shall prescribe; and if the
29 people shall approve and ratify such amendment or amendments by a major-
30 ity of the electors voting thereon, such amendment or amendments shall
31 become a part of the constitution on the first day of January next after
32 such approval. Neither the failure of the attorney-general to render an
33 opinion concerning such a proposed amendment nor his or her failure to
34 do so timely shall affect [th] THE validity of such proposed amendment
35 or legislative action thereon.

36 S 2. At the general election to be held in the year nineteen hundred
37 fifty-seven, and every twentieth year thereafter, and also at such times
38 as the legislature may by law provide, the question "Shall there be a
39 convention to revise the constitution and amend the same?" shall be
40 submitted to and decided by the electors of the state; and in case a
41 majority of the electors voting thereon shall decide in favor of a
42 convention for such purpose, the electors of every senate district of
43 the state, as then organized, shall elect three delegates at the next
44 ensuing general election, and the electors of the state voting at the
45 same election shall elect fifteen delegates-at-large. The delegates so
46 elected shall convene at the capitol on the first Tuesday of April next
47 ensuing after their election, and shall continue their session until the
48 business of such convention shall have been completed. Every delegate
49 shall receive for his or her services the same compensation as shall
50 then be annually payable to the members of the [assembly] SENATE and be
51 reimbursed for actual traveling expenses, while the convention is in
52 session, to the extent that a member of the [assembly] SENATE would then
53 be entitled thereto in the case of a session of the legislature. A
54 majority of the convention shall constitute a quorum for the transaction
55 of business, and no amendment to the constitution shall be submitted for
56 approval to the electors as hereinafter provided, unless by the assent

1 of a majority of all the delegates elected to the convention, the ayes
2 and noes being entered on the journal to be kept. The convention shall
3 have the power to appoint such officers, employees and assistants as it
4 may deem necessary, and fix their compensation and to provide for the
5 printing of its documents, journal, proceedings and other expenses of
6 said convention. The convention shall determine the rules of its own
7 proceedings, choose its own officers, and be the judge of the election,
8 returns and qualifications of its members. In case of a vacancy, by
9 death, resignation or other cause, of any district delegate elected to
10 the convention, such vacancy shall be filled by a vote of the remaining
11 delegates representing the district in which such vacancy occurs. If
12 such vacancy occurs in the office of a delegate-at-large, such vacancy
13 shall be filled by a vote of the remaining delegates-at-large. Any
14 proposed constitution or constitutional amendment which shall have been
15 adopted by such convention, shall be submitted to a vote of the electors
16 of the state at the time and in the manner provided by such convention,
17 at an election which shall be held not less than six weeks after the
18 adjournment of such convention. Upon the approval of such constitution
19 or constitutional amendments, in the manner provided in the last preced-
20 ing section, such constitution or constitutional amendment, shall go
21 into effect on the first day of January next after such approval.

22 S 5. Resolved (if the Senate concur), That the foregoing amendments be
23 referred to the first regular legislative session convening after the
24 next succeeding general election of members of the legislature, and, in
25 conformity with section 1 of article 19 of the constitution, be
26 published for 3 months previous to the time of such election.