

# STATE OF NEW YORK

5416

2019-2020 Regular Sessions

## IN SENATE

April 30, 2019

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

### CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing the addition of a new article 20 to the constitution, in relation to dividing New York state into three autonomous regions; proposing an amendment to article 8 of the constitution, in relation to local, school and special district budgets; proposing an amendment to article 19 of the constitution in relation to formation of new towns; proposing an amendment to section 2 of article 19 of the constitution, in relation to the constitutional convention; proposing an amendment to article 11 of the constitution, in relation to public education; proposing an amendment to article 19 of the constitution, in relation to limiting voting on a new constitution; proposing an amendment to article 3 of the constitution, in relation to the state legislature; proposing an amendment to article 5 of the constitution, relating to officers and civil departments; repealing article 11 of the constitution relating to education; repealing section 6 of article 3 of the constitution relating to the state legislature; and repealing section 1 of article 5 of the constitution relating to officers and civil departments

1 Section 1. Resolved (if the Assembly concur), That article 20 of the  
2 constitution be renumbered article 21 and a new article 20 be added to  
3 read as follows:

4 ARTICLE XX  
5 REGIONS

6 Section 1. The state of New York shall be divided into three Regions:  
7 the New Amsterdam Region, the New York Region and the Montauk Region.

8 (a) The New York Region shall consist of the counties of Bronx, Kings,  
9 New York, Queens and Richmond.

10 (b) The New Amsterdam Region shall consist of the counties of Albany,  
11 Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango,

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

LBD89094-02-9

1 Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin,  
2 Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Living-  
3 ston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario,  
4 Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Saratoga, Schenec-  
5 tady, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Sullivan,  
6 Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming, and Yates.

7 (c) The Montauk Region shall consist of the counties of Nassau,  
8 Suffolk, Rockland, and Westchester.

9 (d) Any new counties not listed shall be assigned by state law to the  
10 correct Region.

11 (e) The New Amsterdam Regional capital shall be within Albany County  
12 unless the New Amsterdam Region by Regional law picks a different  
13 location. The New York Regional capital shall be within Richmond County  
14 unless the New York Region by Regional law picks a different location.  
15 The Montauk Regional capital shall be within Westchester County unless  
16 the Montauk Region by Regional law picks a different location.

17 § 2. (a) The legislative power of each Region shall be vested in two  
18 houses; a Regional Senate and a Regional Assembly, whose members shall  
19 be elected by the United States citizens who are 18 years of age or  
20 older and reside in their respective districts. Regional Assemblyper-  
21 sons and Regional Senators must be a United States citizen and be a  
22 resident of the respective district or reside within seven miles of  
23 their respective district.

24 (b) Regional Senators will also serve in the New York State Senate;  
25 Regional Assemblypersons also will serve in the New York State Assembly.

26 (c) New Amsterdam Regional Senate shall have 24 Senators, the Montauk  
27 Region shall have 12 Senators, and the New York Regional Senate shall  
28 have 34 Senators.

29 (d) (i) The number of New Amsterdam Regional Assembly members shall be  
30 calculated by dividing the population of the New Amsterdam Region by  
31 125,000 and rounded upward to the nearest odd whole number.

32 (ii) The number of New York Regional Assembly members shall be calcu-  
33 lated by dividing the population of the New York Region by 125,000 and  
34 rounded upward to the nearest odd whole number.

35 (iii) The number of Montauk Regional Assembly members shall be calcu-  
36 lated by dividing the population of Montauk Region by 125,000 and round-  
37 ed upward to the nearest odd whole number.

38 (e) Each federal census taken decennially shall be controlling as to  
39 the number of inhabitants in the state or any part thereof for the  
40 purposes of the apportionment of members of the assembly and readjust-  
41 ment or alteration of Regional senate and assembly districts next occur-  
42 ring in so far as such census and the tabulation thereof purport to give  
43 the information necessary therefor. The first year after this Article  
44 takes effect the Court of Appeals shall draw the Regional Senate and  
45 Assembly districts; thereafter each Regional Legislature shall by  
46 Regional law draw contiguous Senate and Assembly districts of roughly  
47 equal population for that Region; however one Assembly district and one  
48 Senate district may include parts of Westchester and Nassau counties if  
49 needed to keep districts roughly equal in population. Regional Assembly-  
50 persons and Regional Senators terms will be two years. The term shall  
51 start at noon on December 1st following their election and end two years  
52 later at noon on December 1st. No town shall have more than one assem-  
53 blyperson unless its population exceeds the population required for a  
54 Regional assembly district.

55 (f) Each Regional Legislature shall hold its regular session in months  
56 of January, February, and March of each year adjourning no later than

1 March 20th. Each Regional senator shall have one vote in their Regional  
2 senate. Each Regional assemblyperson shall have one vote in their  
3 Regional assembly.

4 (g) The fiscal year of each Region will be from March 1 to last day of  
5 February of the following year. If at noon on the date a new fiscal  
6 year starts all the appropriate region's budget appropriation bills and  
7 revenue bills have not been enacted into law, then that region's previ-  
8 ous fiscal year's budget shall become that region's default budget. Once  
9 a regional default budget takes effect, no part of the appropriate  
10 proposed regional executive budget shall be enacted into law. The appro-  
11 priations shall remain the same as the previous fiscal year's appropri-  
12 ation laws. The appropriations given to each county, city, town, village  
13 or school district shall also remain the same as that region's previous  
14 fiscal year. No moneys may be transferred between appropriation laws or  
15 other changes to default budget may be enacted, unless approved by new  
16 supplemental regional appropriation bill(s) which are enacted into law.  
17 Any appropriations that were designed to be non-recurring appropriations  
18 shall be dropped from the default regional budget. Supplemental regional  
19 appropriation bill(s) voted on between April 1st and December 31st of  
20 any calendar year shall require at least three-fifths (3/5) vote of both  
21 of the appropriate regional legislature's houses with the ayes and nays  
22 entered on the journal, to be enacted. The default regional budget shall  
23 be treated as a regular regional budget and expire at the end of the  
24 fiscal year. Supplemental regional appropriation bill(s) are any appro-  
25 priation bill created by the appropriate regional legislature.

26 (h) The following consolidated chapters of New York State law shall  
27 become the Regional laws of each Region: Abandoned Property, Agriculture  
28 and Markets, Alcoholic Beverage Control, Alternative County Government,  
29 Arts and Cultural Affairs, Banking, Benevolent Orders, Boxing Sparring  
30 and Wrestling, Business Corporation, Canal, Civil Practice Law and  
31 Rules, Civil Rights, Civil Service (Regional and Local), Cooperative  
32 Corporations, Correction, County, Criminal Procedure, Debtor and Creditor,  
33 Domestic Relations, Economic Development Law, Education, Elder,  
34 Election (Regional and Local), Eminent Domain Procedure, Employer's  
35 Liability, Energy, Environmental Conservation, Estates Powers and  
36 Trusts, Executive, Financial Services Law, General Associations, General  
37 Business, General City, General Construction, General Municipal, General  
38 Obligations, Highway, Insurance, Judiciary (Superior, Appellate,  
39 Supreme, County and Local) Labor, Legislative (Regional and Local),  
40 Lien, Limited Liability Company Law, Local Finance, Mental Hygiene,  
41 Military, Multiple Dwelling, Multiple Residence, Municipal Home Rule,  
42 Navigation, New York State Printing and Public Documents, Not-For-Profit  
43 Corporation, Parks, Recreation and Historic Preservation, Partnership,  
44 Penal, Personal Property, Private Housing Finance, Public Authorities,  
45 Public Buildings, Public Health, Public Housing, Public Lands, Public  
46 Officers, Public Service, Racing, Pari-Mutuel Wagering and Breeding Law,  
47 Railroad, Rapid Transit, Real Property, Real Property Actions and  
48 Proceedings, Real Property Tax, Religious Corporations, Rural Electric  
49 Cooperative, Second Class Cities, Social Services, Soil and Water  
50 Conservation Districts, State, State Administrative Procedure Act, State  
51 Finance, State Technology, Statute of Local Governments, Tax (except it  
52 may not enact or collect any Regional sales taxes), Town, Transporta-  
53 tion, Transportation Corporations, Uniform Commercial Code, Vehicle and  
54 Traffic, Village, Volunteer Ambulance Workers' Benefit, Volunteer Fire-  
55 fighters' Benefit, Workers' Compensation, Family Court, Surrogate's  
56 Court Procedure, Uniform City Court, Uniform District Court, Uniform

1 Justice Court, and any other types of laws not listed in State Legisla-  
2 ture's list in section 3 of this article. Regional laws for these types  
3 of laws shall be supreme over state and local laws. Any state law  
4 changed by this section to a Regional law shall have any mention of the  
5 Court of Appeals changed to that Region's Superior Court. No person can  
6 be imprisoned for any number of civil offenses for more than six months  
7 in any calendar year. New York City Civil Court, New York City Criminal  
8 Court law will become New York Regional law. Each Regional Legislature  
9 may amend, repeal, or create new laws, but any changes will only apply  
10 to that Region. No offense greater than a misdemeanor with a maximum  
11 penalty less than or equal to one year in jail may be enacted by local  
12 governments. Felonies with a maximum penalty greater than one year in  
13 jail can only be enacted under Regional law. Misdemeanors may also be  
14 enacted under Regional law. Asset forfeiture shall be allowed only if  
15 the person(s) who own the asset is/are convicted of a felony and asset  
16 was used in the crime and/or was obtained as result of the crime. The  
17 election law requirements for getting on the ballot, for Regional Assem-  
18 blyperson shall be the same or less strict than they were for a state  
19 Assemblyman; for Regional Senator shall be the same or less strict than  
20 they were for state Senator. Any other laws that are not listed in this  
21 paragraph or in section 3 of this article shall expire on July 1st, five  
22 years after the regional governors take office for the first time unless  
23 reenacted as a Regional Law. All local laws, rules, ordinances and  
24 regulations must be filed with the appropriate regional secretary of  
25 state before they can take effect or be enforced. In the New Amsterdam  
26 region; except for local land use zoning laws all such local laws,  
27 rules, ordinances and/or regulations shall expire ten years after they  
28 are filed. Those that were pre-existing to this article will expire on  
29 January 1, three years after the regional governors take office for the  
30 first time, unless reenacted and refiled.

31 (i) All Regional Senators and Regional Assemblypersons shall receive  
32 the same salary set by their Regional law. They shall not receive any  
33 additional compensation from the Region other than reimbursement for  
34 traveling and lodging expenses if they live more than 20 miles from the  
35 Regional capital. However, the Regional Speakers and the Regional senate  
36 temporary senate presidents shall receive the same salary as their  
37 Regional lieutenant governor. After the salary is set, no law varying  
38 the compensation of Regional Senators or Regional Assemblypersons shall  
39 take effect until an election of Regional Assemblypersons shall have  
40 intervened. Each Regional Assemblyperson shall be provided a district  
41 office of approximately the same square footage in his or her district  
42 and an office at the Regional capital. The same amount shall be given to  
43 each Assemblyperson to pay for staff. Such amount shall be set by  
44 Regional law. Each Regional Senator shall be provided two district  
45 offices totaling approximately the same square footage, in his or her  
46 district and an office at the Regional capital. The same amount shall be  
47 given to each Regional Senator to pay for staff. Such amount shall be  
48 set by Regional law.

49 (j) The Regional Legislature may impeach for crimes and remove from  
50 office a Regional governor, Regional lieutenant governor, Regional  
51 Secretary of State, local elected officials or appointed Regional offi-  
52 cers in its Region by a two-thirds (2/3) vote of each Regional house.  
53 The state or Regional governor or any other official may not remove from  
54 office any elective sheriff, county clerk, district attorney or other  
55 elective local official; they may only be removed mid-term by impeach-  
56 ment or conviction of a felony. A regional governor may supersede a

1 district attorney in his/her region for specific case(s) by appointing a  
2 special prosecutor in a manner defined by regional law. The region may  
3 by regional law reassign types of cases where there might exist a  
4 conflict of interest with their regional attorney general.

5 (k) A majority of each Regional house shall constitute a quorum to do  
6 business. Each Regional house shall determine the rules of its own  
7 proceedings and is the judge of the elections, returns and qualifica-  
8 tions of its own members; shall choose its own officers; and each  
9 Regional senate shall choose a temporary president and each Regional  
10 assembly shall choose a speaker. No person shall serve as both a State  
11 and Regional temporary senate president, nor anyone serve as both a  
12 state and Regional speaker. Each Regional house of each Regional legis-  
13 lature shall keep a journal of its proceedings, and publish the same on  
14 the internet, except such parts as two-thirds (2/3) of its members agree  
15 require secrecy. At request of one fifth (1/5) of its members, the ayes  
16 and nays shall be entered on the journal. The doors of each Regional  
17 house shall be kept open, except when the public welfare shall require  
18 secrecy. Neither house in a Regional legislature shall, without the  
19 consent of the other, adjourn for more than two days. Any bill may orig-  
20 inate in either house of the Regional legislature, and all bills passed  
21 by one house may be amended by the other. No bill shall be passed or  
22 become a law unless it shall have been printed and placed on the inter-  
23 net, in its final form, at least seven calendar days prior to its final  
24 passage, unless the appropriate regional governor, or the appropriate  
25 acting regional governor, shall have certified, under his or her hand  
26 and the seal of the state or Region, the facts which in his or her opin-  
27 ion necessitate an immediate vote thereon, in which case the law must  
28 expire ten calendar days after passage, unless it is re-passed a second  
29 time after it has been on the internet for seven days; nor shall any  
30 bill be passed or become a law, except by the assent of a majority of  
31 the members elected to each branch of a Regional legislature; and upon  
32 the last reading of a bill, no amendment thereof shall be allowed, and  
33 the question upon its final passage shall be taken immediately thereaft-  
34 er, and the ayes and nays entered on the journal. Pre-existing tax or  
35 revenue laws shall expire on July 1st five years after this article  
36 takes effect. Every law or bill which imposes, continues or revives a  
37 tax or raises revenue shall require at least three fifths (3/5) vote of  
38 both Regional houses to pass, the ayes and nays entered on the journals,  
39 and must distinctly state the tax and the object to which it is to be  
40 applied. It shall not be sufficient to refer to any other law to fix  
41 such tax or object; all such laws must expire on July 1st five years  
42 after being passed. Any law or bill that will mandate that any county,  
43 district, or other municipality must spend its own funds to comply with  
44 such law shall require at least three fifths (3/5) vote of both Regional  
45 houses to pass, the ayes and nays entered on the journals, all such laws  
46 must expire on July 1st ten years after being passed. Any policy, rule  
47 or regulation that will mandate that any county, district, or other  
48 municipality must spend its own funds to comply with it must be ratified  
49 by at least three fifths (3/5) vote of both Regional houses, the ayes  
50 and nays entered on the journal, before it takes effect and must expire  
51 on July 1st ten years after being ratified. Pre-existing mandates that  
52 require a county or other municipality to spend its own funds to comply  
53 with shall expire on July 1st one year and 7 months after the regional  
54 governors take office for the first time. Medical costs for the needy  
55 shall not be delegated by the State or by a Region to counties or other  
56 municipalities, and shall be paid by the Region up to limits set by

1 Regional law. A Region may by Regional law contract debts in antic-  
2 ipation of the receipt of taxes and revenues, direct or indirect, for  
3 the purposes and within the amounts of appropriations theretofore made.  
4 Notes or other obligations for the moneys so borrowed shall be issued as  
5 may be provided by law, and shall with the interest thereon be paid from  
6 such taxes and revenues within one year from the date of issue. Except  
7 for anticipation debt listed above no Regional debt shall be hereafter  
8 contracted by or on behalf of the Region, unless such debt shall be  
9 authorized by law, for some single work or purpose, to be distinctly  
10 specified therein. No such debt law shall take effect until it shall, at  
11 a November general election, have been submitted to the people of that  
12 Region, and have received a majority of all the votes cast for and  
13 against it at such election. Any such Regional debt voted on must be  
14 paid off within twenty years. The Regional legislature shall provide  
15 for the maintenance and support of a system of free common schools,  
16 wherein all the children of its Region may be educated.

17 § 3. (a) The office of State Senator is abolished; Regional Senators  
18 shall replace state senators. When meeting as the State Senate each  
19 Regional Senator's vote shall be weighed by the population of his/her  
20 Regional Senate District.

21 (b) The office of State Assemblyman is abolished; Regional Assembly-  
22 persons shall replace state Assemblymen. When meeting as the State  
23 Assembly each Regional Assemblyperson's vote shall be weighed by the  
24 population of his/her Regional Assembly District.

25 (c) The State Legislature shall hold its regular session in the months  
26 of April and May of each year and adjourn its regular session no later  
27 than May 31st. Members of the State Legislature shall not receive more  
28 than fifty dollars a day in compensation from the state for each day  
29 they attend during the regular session and no compensation from the  
30 state during Extraordinary sessions. The State Legislative member may  
31 receive reimbursement when receipts are provided for traveling and lodg-  
32 ing expenses if they live more than 30 miles from a state meeting's  
33 location. No additional compensation shall be provided by the state for  
34 service in the State Legislature.

35 (d) The fiscal year of state will be from May 1 to April 30 of the  
36 following year.

37 (e) State Legislature's power to enact laws shall be limited only to  
38 the following types of laws: Election (for state wide offices/issues and  
39 United States offices only), Executive (for the state only), Indian,  
40 Judiciary (Court of Appeals, Court of Claims, Judicial Conduct only),  
41 Legislative (for the state only), Military (National Guard and Naval  
42 only), Retirement and Social Security, State Administrative Procedure  
43 Act (for the state only), State Finance (for the state only), Tax, but  
44 limited to sales taxes only, Court of Claims, Civil Service (state  
45 employees only), relations with the federal government, relations with  
46 other states or Canada for connecting roads, bridges and other reasons,  
47 and connecting roads and bridges between Regions. No criminal penalties  
48 greater than a misdemeanor with a maximum one year in jail may be  
49 enacted by the state or local governments. Felonies can only be enacted  
50 under Regional law; National Guard felonies will be prosecuted under  
51 Regional military law. Any other types of laws not listed in this  
52 section shall become Regional laws for each Region and be deleted from  
53 State code on July 1st following the date the Regional governors take  
54 office for the first time.

55 (f) Taxes and revenue for the state shall be limited only to a sales  
56 tax which may not exceed a maximum of four (4) percent. After January 1,

1 ten years after the regional governors take office for the first time it  
2 may not exceed a maximum of three (3) percent. The sales tax for the  
3 state and local governments shall be defined as a tax on sales, on the  
4 receipts from sales and/or receipts from hotel/motel room rentals, leas-  
5 es or rentals of moveable goods, and/or any taxable services; including  
6 a use tax on items over one thousand dollars in value that are used  
7 within the state by a permanent resident but which were bought else-  
8 where, and which are thus not originally subject to the sales tax. The  
9 sales taxes shall never be applied to medicines, food unless served in a  
10 restaurant, fuel, real property, sale of buildings, and/or nonalcoholic  
11 beverages. The state shall give 25 percent of its sales tax revenue to  
12 the regions divided in proportion to each region's population, until  
13 January 1, ten years after the regional governors take office for the  
14 first time, which shall be paid on the 15th of every month for previous  
15 month's revenue. The maximum combined state and local sales taxes may  
16 not exceed 8 percent. After January 1, ten years after the regional  
17 governors take office for the first time, the maximum combined sales tax  
18 may not exceed 7 percent.

19 (g) The state may no longer contract any debt other than in antic-  
20 ipation of the receipt of taxes and revenues which must be paid back  
21 within one year.

22 § 4. Regional Executive. (a) The executive power in each Region shall  
23 be vested in the Regional governor, who shall hold office for four years  
24 starting at noon on December 1st after his/her election. The Regional  
25 lieutenant governor shall be chosen at the same time, and for the same  
26 term. The Regional governors, Regional lieutenant governors, and  
27 Regional secretary of states shall be elected by the people of their  
28 respective Regions. They must be a United States citizen and have been a  
29 resident of their respective Region for at least five years or a resi-  
30 dent of their respective Region at time of its creation. Each Regional  
31 governor shall have power to convene his/her Region's legislature, or  
32 his/her Region's senate only, on extraordinary occasions; for a special  
33 session which may last no longer than two weeks. No such special session  
34 may be called within six weeks of the end of another special session. In  
35 case of the removal of the Regional governor from office or of his or  
36 her death or resignation, the Regional lieutenant-governor for that  
37 Region shall become Regional governor for the remainder of the term. In  
38 case the Regional governor is otherwise unable to discharge the powers  
39 and duties of his/her office the Regional lieutenant-governor for that  
40 Region shall act as Regional governor until the inability shall cease or  
41 until the term of the Regional governor shall expire. If both the  
42 Regional governor and Regional lieutenant governor offices for a Region  
43 are vacant or otherwise unable to discharge the powers and duties of  
44 their offices, that Region's Regional Secretary of State shall become  
45 governor, automatically resigning as a Regional Secretary of State upon  
46 taking the oath as Regional governor. If all three offices are vacant  
47 that Region's temporary senate president will become governor automat-  
48 ically resigning as a senator and temporary senate president upon taking  
49 the oath as Regional governor. Each Region shall by Regional law deter-  
50 mine how and who shall become acting Regional governor if the Regional  
51 governor, Regional lieutenant governor, Regional Secretary of State and  
52 temporary senate president offices all are vacant or all are otherwise  
53 unable to discharge the powers and duties of their offices. The Regional  
54 lieutenant-governor shall be the president of the Regional senate for  
55 his/her Region but shall have only a vote if they be equally divided.  
56 The election law petition requirements for getting on the ballot for

1 Regional governor, Regional lieutenant governor or Regional Secretary of  
2 State shall be the same or less strict than are for State Comptroller.  
3 Any party conventions shall be held by Region for these Regional  
4 offices. The salaries of Regional governor, Regional lieutenant governor  
5 and Regional Secretary of State shall be by Regional law. After the  
6 salary is set no law varying their compensation shall take effect until  
7 an election of Regional governor shall have intervened.

8 (b) Every bill which shall have passed the Regional senate and assem-  
9 bly shall, before it becomes a law, be presented to the Regional gover-  
10 nor for that Region. If the appropriate regional governor approve, he  
11 or she shall sign it; but if not, he or she shall return it with his or  
12 her objections to the Regional house in which it shall have originated,  
13 which shall enter the objections at large on the journal, and proceed to  
14 reconsider it. In either case he/she shall place a copy of his/her  
15 actions on the internet. If after such reconsideration, two-thirds of  
16 the members voting in that Regional house shall agree to pass the bill,  
17 it shall be sent together with the objections, to the other Regional  
18 house, by which it shall likewise be reconsidered; and if approved by  
19 two-thirds of the members voting in that house, it shall become a  
20 regional law notwithstanding the objections of the appropriate regional  
21 governor. In all such cases the votes in both Regional houses shall be  
22 determined by yeas and nays, and the names of the members voting shall  
23 be entered on the journal of each Regional house respectively. If any  
24 bill shall not be returned by the appropriate regional governor within  
25 ten days (Sundays excepted) after it shall have been presented to him or  
26 her, the same shall be a law in like manner as if he or she had signed  
27 it, unless the legislature shall, by their adjournment, prevent its  
28 return, in which case it shall not become a law without the approval of  
29 the appropriate regional governor. No bill shall become a law after the  
30 final adjournment of the Regional legislature, unless approved by the  
31 governor within thirty days after such adjournment. If any bill  
32 presented to the appropriate regional governor contains several items of  
33 appropriation of money, the appropriate regional governor may object to  
34 one or more of such items while approving of the other portion of the  
35 bill. If a single item of appropriation shall exceed \$250,000 the appro-  
36 priate regional governor may reduce the amount appropriated with his/her  
37 objections. In such cases the appropriate regional governor shall append  
38 to the bill, at the time of signing it, a statement of the items to  
39 which he or she objects; and the appropriation so objected to shall not  
40 take effect. If the Regional legislature be in session, he or she shall  
41 transmit to the Regional house in which the bill originated a copy of  
42 such statement, and the items objected to shall be separately reconsid-  
43 ered. If on reconsideration one or more of such items be approved by  
44 two-thirds of the members voting in each appropriate Regional house, the  
45 same shall be part of the law, notwithstanding the objections of the  
46 appropriate Regional governor. All the provisions of this paragraph, in  
47 relation to bills not approved by the appropriate Regional governor,  
48 shall apply in cases in which he or she shall withhold approval from any  
49 item or items contained in a bill appropriating money.

50 (c) Each Regional governor shall nominate, and by and with the Advice  
51 and Consent of the Regional Senate for his/her Region, shall appoint  
52 Regional Commissioners, other public Ministers and Consuls, Authorities,  
53 and other government controlled Public Corporations board members,  
54 Regional Education Commissioner, Justices of the Appellate divisions in  
55 his or her Region from elected Supreme Court Justices in their Region  
56 for the remainder of their elected term, and all other Regional Offi-



1 cers, whose Appointments are not herein otherwise provided for, and  
2 which shall be established by law. Those appointed by Regional governor  
3 without a fixed term may be removed by the appropriate regional gover-  
4 nor; but the Regional legislature may by Regional law vest the Appoint-  
5 ment of such inferior Officers, as they think proper, in their Regional  
6 governor alone, in the Courts of Law, or in the Heads of Departments.  
7 The appropriate regional governor shall be empowered to seek a warrant  
8 in a Regional supreme court to hand over a criminal fugitive from anoth-  
9 er state or Region to the agents of the Governor of the State of New  
10 York to allow for the fugitive's return to the location the fugitive  
11 committed the alleged crime. This power can be regulated by Regional  
12 law. Each regional governor shall be empowered to pardon for civil and  
13 criminal offenses of state, regional law or local law that occurred  
14 within his/her region.

15 (d) Annually, on or before the first Monday of January each Regional  
16 governor shall place on the internet and submit to his/her Regional  
17 legislature a budget containing a complete plan of expenditures proposed  
18 to be made before the close of the ensuing fiscal year and all moneys  
19 and revenues estimated to be available therefor, together with an expla-  
20 nation of the basis of such estimates and recommendations as to proposed  
21 Regional legislation, if any, which the appropriate regional governor  
22 may deem necessary to provide moneys and revenues sufficient to meet  
23 such proposed expenditures. It shall also contain such other recommenda-  
24 tions and information as the appropriate regional governor may deem  
25 proper and such additional information as may be required by law. At the  
26 time of submitting the budget to his/her Regional legislature the appro-  
27 priate regional governor shall submit a bill or bills containing all the  
28 proposed appropriations and re-appropriations included in the budget and  
29 the proposed Regional legislation, if any, recommended therein. No money  
30 shall ever be paid out of a Regional treasury or any of its funds, or  
31 any of the funds under its management, except in pursuance of an appro-  
32 priation by law; nor unless such payment be made within two years next  
33 after the passage of such appropriation act; and every such law making a  
34 new appropriation or continuing or reviving an appropriation, shall  
35 distinctly specify the sum appropriated, and the object or purpose to  
36 which it is to be applied; and it shall not be sufficient for such law  
37 to refer to any other law to fix such sum.

38 (e) The Regional Secretary of State for each region shall be elected  
39 at the same general election as the regional governor and hold office  
40 for the same term. The Regional Secretary of State shall run his/her  
41 region's Department of State and shall appoint with the Advice and  
42 Consent of appropriate regional Senate for his/her region the regional  
43 Commissioner of Motor Vehicles and the regional Attorney-General, and  
44 may remove them. Should the office of Regional Secretary of State be  
45 vacant or he/she become regional governor or acting regional governor,  
46 the appropriate regional Senate will elect a Regional Secretary of State  
47 to serve the remainder of the term.

48 (f) The Regional Board of Elections for each region shall regulate all  
49 elections with the local boards of elections in its region. The State  
50 Board of Elections shall coordinate and fund elections for state wide  
51 offices/issues and United States offices with regional Boards of  
52 Elections. Ballots for state wide offices/issues and United States  
53 offices shall be a separate ballot sheet from regional offices/issues  
54 and Local Offices/issues. In the New Amsterdam and Montauk regions each  
55 County shall continue to fund a county Board of Elections. Starting on  
56 July 1st, after the regional governors take office for the first time,

1 the New Amsterdam and Montauk Regional Board of Elections and the County  
2 Boards of Elections shall conduct all regional, local, school district,  
3 village, fire district and other local district elections in a manner  
4 set by New Amsterdam or Montauk regional law.

5 § 5. After the regional governors take office for the first time, the  
6 governors' panel shall consist of the State Governor and the Regional  
7 Governors. The governors' panel shall meet weekly to divide departments,  
8 transfer employees, property, assets as defined in this article by  
9 majority vote, and debts as defined in this article. After August 1st of  
10 the year the regional governors take office for the first time, the  
11 governors' panel shall continue to meet at least once a calendar year.  
12 The Court of Appeals shall have original jurisdiction if a Regional  
13 governor appeals a decision of this governors' panel or to break a tie  
14 vote of this governors' panel. When a department, office or agency is  
15 divided, its employees will become employees of the Region they primari-  
16 ly work in, or whose issues they primarily work on. If a department,  
17 office or agency only works on the issues of a single Region its employ-  
18 ees shall all become employees of that Region. Equipment, media and  
19 vehicles shall be divided equitably. Each member of a state board, or  
20 Commission which is divided shall remain on the boards, Regional author-  
21 ity boards, or Regional Commissions for the remainder of his/her term  
22 only for the Region where he/she is registered to vote (if they are not  
23 registered to vote in New York State their seat shall be vacant in all  
24 Regions). Any vacant seats will be filled according to Regional law. Any  
25 Department/ operations and agency/office whose employees' pay and bene-  
26 fits are fully funded by the federal government may be left under state  
27 by this governors' panel and continue to perform their duties while  
28 under the state governor's chain of command. The governors' panel shall  
29 continue to review whether any changes in federal funding have occurred  
30 that would require it to be divided at a later date. Unless otherwise  
31 stated in this article such divisions shall be completed by April 1st  
32 after the Regional governors take office for the first time.

33 (a) The Office of State Attorney-General is abolished and all its  
34 powers and duties given to the Regional Attorney-Generals. Department of  
35 Law and Office of State Attorney-General employees and duties shall be  
36 divided between the Regional Attorney-Generals' Departments of Law. For  
37 the purposes of this constitution, the term "attorney-general" shall  
38 mean "appropriate regional attorney-general" wherever it appears.

39 (b) The State Comptroller shall have the power to audit each Region  
40 and charge the Regions the reasonable costs related to performing the  
41 audits. The State Comptroller's other powers and duties of his or her  
42 office shall not be affected by the provisions of this article.

43 (c) The Board of Regents is abolished and all its powers and duties  
44 transferred to the Regional Education Departments. Department of educa-  
45 tion employees shall be divided between the Regional Education Depart-  
46 ments.

47 (d) The Office of General Services, Department of Civil Service, and  
48 State Board of Elections employees shall be divided into four sections,  
49 some remaining under the state and the rest being transferred to each  
50 Region. Department of Tax and Finance employees shall also be divided  
51 into four sections; provided that those employees whose duties involve  
52 sales taxes shall remain under the Governor and the rest shall be  
53 divided between the Regional Departments of Tax and Finance.

54 (e) The Division of State Police is abolished and its employees shall  
55 be divided between the Capital Police under the State (which shall not

1 have more 50 officers), the New Amsterdam Regional Police Division,  
2 Montauk Regional Police Division, and New York Regional Police Division.

3 (f) The following departments, corporations or authorities shall  
4 remain part of New York State government: Court of Appeals, Court of  
5 Claims, Office of State Comptroller (Department of Audit and Control,  
6 NYS and Local Retirement System), Governor's Office, Metro-North Commu-  
7 ter Railroad Company and Long Island Rail Road Company whose boards will  
8 be nominated by State Governor and confirmed by State Senate, State  
9 Commission on Judicial Conduct, and Teachers' Retirement System. All  
10 other Executive Departments, offices, or agencies not otherwise set  
11 forth in this article shall be abolished and their duties and employees  
12 shall be divided between the new Regional Departments or offices of the  
13 same name.

14 (g) Unless otherwise stated in this article, appointments for depart-  
15 ments, offices and agencies shall be made by the appropriate regional  
16 governors. Appointments for vacant local offices shall be made by the  
17 appropriate Regional governor.

18 (h) (i) Authorities, and other Public Corporations, who have some of  
19 their board members appointed by the Governor or other New York State  
20 officials, and exist in only one region shall have their board members  
21 appointed by that Region's Regional Governor. Authorities and other  
22 government controlled Public Corporations who have some of their board  
23 members appointed by Governor or other New York State officials and  
24 exist in more than one region shall be divided into regional Authori-  
25 ties, or regional government controlled Public Corporations, by July 1st  
26 after first time the regional governors take office. Each of new  
27 regional Authorities or regional government controlled Public Corpo-  
28 rations shall take over the ownership of the assets, property, and leas-  
29 es in their region. Equipment, media, and vehicles shall be divided  
30 equitably, while debts are divided in proportion to each region's popu-  
31 lation. They shall have their board members appointed by that Region's  
32 Regional Governor. If some or all of the board members of these divided  
33 Authorities and other government controlled Public Corporations are  
34 appointed by local officials, each local official may only appoint board  
35 members of new regional Authorities or regional government controlled  
36 Public Corporations in the region that official serves.

37 (ii) Schools, Libraries, Fire districts or villages that exist in more  
38 than one region shall be divided along the regional boundary within  
39 three years after the first time the regional governors take office. The  
40 divided districts shall take over the ownership of the assets, property  
41 and leases in their region. Equipment, media and vehicles shall be  
42 divided equitably, while debts shall be divided in proportion to each  
43 new district's/village's assessed value. The State Comptroller shall  
44 assign employee(s) to help the districts/villages divide assets and  
45 debts.

46 (i) The State University of New York shall be divided by July 1st  
47 after first election of Regional governors. All campus, locations, and  
48 employees in the New Amsterdam Region shall be part of the University of  
49 New Amsterdam and its board(s) appointed by New Amsterdam Regional  
50 Governor with advice and consent of the New Amsterdam Regional Senate.  
51 The New York and Montauk Regions shall pay at least \$8,000 every six  
52 months for each Regional resident enrolled full time in a Bachelor's  
53 degree program at the University of New Amsterdam, for a maximum of  
54 eight payments, unless they shall by New York or Montauk Regional law  
55 set a higher amount. All campus, locations, and employees in the Montauk  
56 Region shall be part of the University of Montauk and its board(s)

1 appointed by the Montauk Regional Governor with advice and consent of  
2 the Montauk Regional Senate. The New York and New Amsterdam Regions  
3 shall pay at least \$8,000 every six months for each Regional resident  
4 enrolled full time in a Bachelor's degree program at the University of  
5 Montauk, for a maximum of eight payments, unless they shall by New York  
6 or New Amsterdam Regional law set a higher amount. All campus,  
7 locations, and employees in the New York Region including the City  
8 University of New York shall be part of the University of New York and  
9 its board(s) appointed by the New York Regional Governor with advice and  
10 consent of the New York Regional Senate. The New Amsterdam and Montauk  
11 Regions shall pay at least \$8,000 every six months for each Regional  
12 resident enrolled full time in a Bachelor's degree program at the  
13 University of New York, for a maximum of eight payments, unless they  
14 shall by New Amsterdam Regional law set a higher amount.

15 (j) (i) New York State owned assets, roads and bridges, property,  
16 revenue, taxes (other than state sales taxes), and leases shall, by  
17 April 1 after the first election of Regional governors, become the  
18 assets, roads and bridges, property, revenue, taxes, and leases of the  
19 Region of which they are located, earned, or of persons from which they  
20 are collected reside; except that in the case of income taxes, if a  
21 person earns income in one Region and resides in another Region, the  
22 Region he or she earns the income in shall give him a tax credit for the  
23 amount of income taxes paid in their home Region on that income. The  
24 following buildings and associated land will remain state owned: The  
25 State Capitol building, the Legislative Office building, the Governor  
26 Alfred E Smith building, State Comptroller's building at 110 State St,  
27 State Comptroller's building Parking Garage, Sheridan Hollow Parking  
28 Garage, and The Governor's Executive Mansion, all located in Albany, and  
29 the Adam Clayton Powell Jr. State Office Building in Harlem.

30 (ii) One half of state debt, incurred prior to the effective date of  
31 this article shall remain a state obligation; the rest will become  
32 regional debt and shall be divided in proportion each region's popu-  
33 lation. Any payments for retirees of the New York State and Local  
34 Retirement System and Teachers' Retirement System shall remain a state  
35 obligation. The governors' panel shall designate two correctional facil-  
36 ities for males and one correctional facility for females located in the  
37 New Amsterdam Region to be owned, rented, or leased by New Amsterdam  
38 Region. The remaining correctional facilities located in the New Amster-  
39 dam Region shall be designated to be owned, rented, or leased by the New  
40 York Region or the Montauk Region. The employees in these correctional  
41 facilities shall become New York Region employees or Montauk Region  
42 employees. Inmates in correctional facilities shall be divided so that  
43 those who committed their crimes in the New York Region shall serve  
44 their time in correctional facilities owned, rented, or leased by the  
45 New York Region; while those who committed their crimes in the New Amst-  
46 erdam Region shall serve their time in correctional facilities owned,  
47 rented, or leased by the New Amsterdam Region and while those who  
48 committed their crimes in the Montauk Region shall serve their time in  
49 correctional facilities owned, rented, or leased by the Montauk Region.  
50 Inmates shall be transferred to appropriate correctional facilities by  
51 February 1, two years after the regional governors take office for the  
52 first time. After that date a region holding inmate(s) that should be  
53 transferred may charge the appropriate region for costs of holding the  
54 inmate(s) in their correctional facility. Patients or residents in  
55 Mental Hospitals, Developmental Centers or Group Homes who are currently  
56 paid for by the state and whose original home address is in a different

1 region than such Mental Hospital, Developmental Center or Group Home is  
2 located shall have their costs paid by their original home region.

3 (k) The Office of Court Administration shall be divided into four  
4 sections; some employees remaining under the chief judge of the Court of  
5 Appeals and the rest being transferred to each Region. The division of  
6 Military and Naval Affairs' New York National guard and employees will  
7 remain under the New York State governor as commander in chief; the  
8 division of Military and Naval Affairs' New York Guard and employees  
9 shall be divided into Regional guards with each Regional governor as  
10 commander in chief. Employees and property owned or leased for use of  
11 the Division of Military and Naval Affairs will be divided appropriate-  
12 ly.

13 § 6. Regional Judiciary. (a) The New York Regional Governor shall  
14 appoint, with the advice and consent of the New York Regional Senate,  
15 county judges and/or Supreme Court Justices in the New York Region to  
16 serve the remainder of their term of office as Chief Justice or associ-  
17 ate justice on New York Regional Superior Court. There shall be a Chief  
18 Justice and four associate justices on the New York Regional Superior  
19 Court. The New York Regional Superior Court shall hear appeals, in a  
20 manner defined by New York Regional law, from the First and Second judi-  
21 cial departments, on Regional laws or local laws within the Region and  
22 shall have the final determination in interpreting New York Regional  
23 laws or local laws and whether such laws are constitutional. Salaries  
24 and expenses of all courts in the First and Second judicial departments  
25 shall be set and paid in a manner defined by New York Region law. When a  
26 vacancy occurs in the New York Regional Superior Court or a New York  
27 Regional supreme court and the Regional senate is not in session, the  
28 New York regional governor shall call it back in a special session to  
29 fill the vacancy.

30 (b) The New Amsterdam Regional Governor shall appoint, with the advice  
31 and consent of the New Amsterdam Regional Senate, county judges and/or  
32 Supreme Court Justices in the New Amsterdam Region, to serve the remain-  
33 der of their term of office as Chief Justice or associate justice on the  
34 New Amsterdam Regional Superior Court. There shall be a Chief Justice  
35 and four associate justices on the New Amsterdam Regional Superior  
36 Court. The New Amsterdam Regional Superior Court shall hear appeals, in  
37 a manner defined by New Amsterdam Regional law, from the Third and  
38 Fourth judicial departments on Regional laws and shall have the final  
39 determination in interpreting New Amsterdam Regional laws or local laws  
40 and whether such laws are constitutional. Salaries and expenses of all  
41 courts in the Third and Fourth judicial departments shall be set and  
42 paid in a manner defined by New Amsterdam Region law. When a vacancy  
43 occurs in the New Amsterdam Regional Superior Court or a New Amsterdam  
44 Regional supreme court and the Regional senate is not in session the New  
45 Amsterdam regional governor shall call it back in a special session to  
46 fill the vacancy.

47 (c) The Montauk Regional Governor shall appoint, with the advice and  
48 consent of the Montauk Regional Senate, county judges and/or Supreme  
49 Court Justices in Montauk Region; to serve the remainder of their term  
50 of office as Chief Justice or associate justice on the Montauk Regional  
51 Superior Court. There shall be a Chief Justice and four associate  
52 justices on the Montauk Regional Superior Court. The Montauk Regional  
53 Superior Court shall hear appeals, in a manner defined by Montauk  
54 Regional law, from Fifth and Sixth judicial department on Regional laws  
55 and shall have the final determination in interpreting Montauk Regional  
56 laws or local laws and whether such laws are constitutional. Salaries

1 and expenses of all courts in the Fifth judicial departments shall be  
2 set and paid in a manner defined by Montauk Regional law. When a vacancy  
3 occurs in the Montauk Regional Superior Court or a Montauk Regional  
4 supreme court and the Regional senate is not in session the Montauk  
5 Regional governor shall call it back in a special session to fill the  
6 vacancy.

7 (d) Justices of the Appellate Division First and Second judicial  
8 departments shall be appointed by the New York Regional Governor.

9 (e) Justices of the Appellate Division Third and Fourth judicial  
10 departments shall be appointed by the New Amsterdam Regional Governor.

11 (f) Justices of the Appellate Division Fifth and Sixth judicial  
12 departments shall be appointed by the Montauk Regional Governor.

13 (g) The jurisdiction of each Regional Superior Court shall be limited  
14 to the review of questions of applicable United States law, state law,  
15 regional law, local laws, rules, charters, ordinances or regulations,  
16 when hearing appeals from appellate divisions; except where the judgment  
17 is of death where appeal will be to the Court of Appeals, or where the  
18 appellate division within its Region, on reversing or modifying a final  
19 or interlocutory judgment in an action or a final or interlocutory order  
20 in a special proceeding, finds new facts and a final judgment or a final  
21 order pursuant thereto is entered. The right to appeal shall not depend  
22 upon the amount involved. The applicable Regional Superior Court shall  
23 adopt and from time to time may amend a rule to permit the court to  
24 answer questions of Regional law certified to it by the Supreme Court of  
25 the United States, a Court of Appeals of the United States or an appel-  
26 late court of last resort of another state, which may be determinative  
27 of the cause then pending in the certifying court and which in the opin-  
28 ion of the certifying court are not controlled by precedent in the deci-  
29 sions of the courts of that Region. Each region may by regional law set  
30 up a regional court of claims, which shall have at least five judges the  
31 actual number of judges shall be set by regional law. The term of  
32 office shall be ten years. The terms shall be staggered so an equal  
33 number of judges terms expire on every December 31st of even numbered  
34 years. At least three judges must hear each case. The judges shall be  
35 appointed by the appropriate regional governor but must be confirmed by  
36 the appropriate regional Senate. The court shall have jurisdiction to  
37 hear and determine claims against that region or by that region against  
38 the claimant or between conflicting claimants as the regional legisla-  
39 ture may by regional law provide. Regional law may also give its  
40 regional court of claims the power to hear claims against any county,  
41 district, or other municipality over a dollar amount set by regional  
42 law. Jury trials shall not be allowed at a regional court of claims.  
43 Any appeals may be heard by the applicable Regional Superior Court. The  
44 Chief Justice of the applicable Regional Superior Court shall be the  
45 Chief Justice of that Region's courts and shall be the chief judicial  
46 officer of that region's unified court. In each Region there shall be an  
47 administrative board of the courts which shall consist of the Chief  
48 Justice of the applicable Regional Superior Court as chairperson and the  
49 presiding justice of the appellate division of the supreme court of each  
50 judicial department within that Region. The Chief Justice shall, with  
51 the advice and consent of the administrative board of the courts,  
52 appoint a chief administrator of the courts in that Region who shall  
53 serve at the pleasure of that Regional Chief Justice. The Regional chief  
54 administrator, on behalf of the Chief Justice, shall supervise the  
55 administration and operation of the unified Regional court system. In  
56 the exercise of such responsibility, the Regional chief administrator of

1 the courts shall have such powers and duties as may be delegated to him  
2 or her by that Region's Chief Justice and such additional powers and  
3 duties as may be provided by Regional law. The Chief Justice, after  
4 consultation with that Region's administrative board, shall establish  
5 standards and administrative policies for general application throughout  
6 that Region, which shall be submitted by the Chief Justice of that  
7 Region's superior court, together with the recommendations, if any, of  
8 that Region's administrative board. Such standards and administrative  
9 policies shall be promulgated after approval by that Region's superior  
10 court. When a judge is appointed to a Regional Superior Court an addi-  
11 tional new judge position shall be temporarily created in the trial  
12 court for the length of the appointment and filled by election to take  
13 over the vacancy produced by the appointment to the Regional Superior  
14 Court. Each region shall fund its own courts. After January 1, two years  
15 after the regional governors take office for the first time the number  
16 of judges on each Appellate Division shall be set by the applicable  
17 region's law.

18 (h) A Fourteenth Judicial District shall be created consisting of  
19 Dutchess, Orange, and Putnam counties. This 14th Judicial District shall  
20 be part of the Third Judicial Department. A fifteenth Judicial District  
21 shall be created consisting of Nassau County. A fifth Judicial Depart-  
22 ment shall be created consisting of the remaining parts of the tenth  
23 Judicial District and the fifteenth Judicial District. A Sixth Judicial  
24 Department shall be created consisting of the remaining parts of the  
25 ninth Judicial District.

26 (i) The Court of Appeals shall, after each federal census is taken  
27 decennially, also draw U.S. Congressional districts for the next  
28 election, but limit the number of districts crossing regional boundaries  
29 to maximum of three.

30 (j) (i) There shall be a unified court system for each Region of the  
31 state. The state-wide courts shall consist of the Court of Appeals, and  
32 the court of claims. The Region-wide courts of each Region shall  
33 consist of each Region's Regional superior court, supreme courts includ-  
34 ing the appellate divisions thereof, the county court, the surrogate's  
35 court and the family court, as hereinafter provided. The unified court  
36 system for each Region shall also include the district, town, city and  
37 village courts, within each Region as hereinafter provided. The New  
38 York Regional legislature shall establish in and for the city of New  
39 York, as part of the unified court system for its region, a single,  
40 city-wide court of civil jurisdiction and a single, city-wide court of  
41 criminal jurisdiction, as hereinafter provided, and may upon the request  
42 of the mayor and the local legislative body of the city of New York,  
43 merge the two courts into one city-wide court of both civil and criminal  
44 jurisdiction.

45 (ii) The Court of Appeals, the Regional superior courts, supreme  
46 courts including the appellate divisions thereof, the court(s) of  
47 claims, the county court, the surrogate's court, the family court, the  
48 courts or court of civil and criminal jurisdiction of the city of New  
49 York, and such other courts as the applicable Regional legislature may  
50 determine shall be courts of record.

51 (iii) All processes, warrants and other mandates of the Court of  
52 Appeals, and the court of claims may be served and executed in any part  
53 of the state. All processes, warrants and other mandates of the Regional  
54 superior court, supreme courts including the appellate divisions there-  
55 of, the county court, the surrogate's court, the family court and other  
56 Regional courts may be served and executed only in the applicable

1 Region. All processes, warrants and other mandates of the courts or  
2 court of civil and criminal jurisdiction of the city of New York may,  
3 subject to such limitation as may be prescribed by the New York Regional  
4 legislature, be served and executed in any part of the New York Region.  
5 The applicable Regional legislature may provide that processes, warrants  
6 and other mandates of the district court may be served and executed in  
7 any part of the Region and that processes, warrants and other mandates  
8 of town, village and city courts outside the city of New York may be  
9 served and executed in any part of the county in which such courts are  
10 located or in any part of any adjoining county within that Region.

11 (iv) The court of appeals is continued. Effective on December 1st  
12 after the regional governors are elected for the first time, it shall  
13 consist of the eleven judges. Those in office on the effective date of  
14 this article shall continue to hold their offices until the expiration  
15 of their respective terms. The official terms of the court of appeals  
16 chief judge and the associate judges shall be fourteen years. After the  
17 regional governors are elected for the first time, the chief judge shall  
18 assign each associate judge into Classes; the first Class shall be the  
19 current chief judge and one associate judge whose successors will  
20 continue to be nominated by the state governor. The chief judge shall  
21 also create one class for each region with three (3) judgeships in each  
22 class; and assign the remaining associate judges and new or vacant seats  
23 equally among the regional classes; so their successors or new judges  
24 can be nominated by the regional governor of the region of whose class  
25 they were assigned. The court of appeals shall have the power to  
26 appoint from its members its chief judge who will serve at the pleasure  
27 of the court. The court of appeals shall have power to appoint and to  
28 remove its clerk. A majority of the court may decide to hear or reject  
29 appeals from a Regional Superior Court. Two-thirds (2/3) members of the  
30 court shall constitute a quorum, and the concurrence of at least three-  
31 quarters (3/4) of full Court of Appeals judges shall be necessary to a  
32 decision on an appeal from a Regional Superior Court; however when the  
33 Court of Appeals has original jurisdiction only a majority vote will be  
34 needed for a decision. When the Court of Appeals cannot reach a decision  
35 the lower court ruling is upheld, except where the judgment is of death,  
36 where the Court of Appeals must reach a decision or a lower court ruling  
37 allowing death is overturned. The powers and jurisdiction of the court  
38 shall not be suspended for want of appointment when the number of judges  
39 is sufficient to constitute a quorum.

40 (v) The commission on judicial nomination members shall be replaced  
41 and shall be chosen as follows: four shall be appointed by each regional  
42 governor, four by the chief judge of the court of appeals, one by the  
43 regional speaker of each regional assembly, one by regional temporary  
44 president of each regional senate, one by regional minority leader of  
45 each regional senate, and one by regional minority leader of each  
46 regional assembly. Of the four members appointed by each of the regional  
47 governors, no more than two shall be enrolled in the same political  
48 party, two shall be members of the bar of the state or region, and two  
49 shall not be members of the bar of the state or region. Of the four  
50 members appointed by the chief judge of the court of appeals, no more  
51 than two shall be enrolled in the same political party, two shall be  
52 members of the bar of the state or region, and two shall not be members  
53 of the bar of the state or region. No member of the commission shall  
54 hold or have held any judicial office or hold any elected public office  
55 for which he or she receives compensation during his or her period of  
56 service, except that the governor and the chief judge may each appoint



1 no more than one former judge or justice of the state or regional court  
2 system to such commission. No member of the commission shall hold any  
3 office in any political party. No member of the judicial nominating  
4 commission shall be eligible for appointment to judicial office in any  
5 court of the state during the member's period of service or within one  
6 year thereafter.

7 (vi) The members appointed by the state governor, the temporary presi-  
8 dent of the senate, the speaker of the assembly and the minority leader  
9 of the senate shall be removed from the commission on December 1st after  
10 the regional governors are elected for the first time. The members first  
11 appointed by each regional governor shall have respectively one, two,  
12 three and four year terms as that regional governor shall designate.  
13 Each subsequent appointment by a regional governor shall be for a term  
14 of four years and those appointed by the chief judge shall be for a term  
15 of four years. The other members shall have a term of two years.  
16 Appointments to fill a vacancy shall only be for the remainder of the  
17 term.

18 (vii) The commission shall consider the qualifications of candidates  
19 for appointment to the offices of judge and chief judge of the court of  
20 appeals and, whenever a vacancy in those offices occurs, shall prepare a  
21 written report and recommend to the appropriate regional governor or  
22 state governor at least seven persons who are well qualified for those  
23 judicial offices.

24 (viii) The appropriate regional governor shall appoint, with the  
25 advice and consent of his/her regional senate, from among list of those  
26 recommended by the judicial nominating commission, a person to fill the  
27 office of Court of Appeals judge, whenever a vacancy occurs in a court  
28 of appeals in a seat in the class assigned to his/her region. The appro-  
29 priate regional governor shall transmit to his/her regional senate the  
30 written report of the commission on judicial nomination relating to the  
31 nominee; provided, however, that no person may be appointed a judge of  
32 the court of appeals by a regional governor unless such person is a  
33 resident of that governor's region and has been admitted to the practice  
34 of law in that region or in this state. The state governor shall  
35 appoint, with the advice and consent of the state senate, from among  
36 those recommended by the judicial nominating commission, a person to  
37 fill the office of of Court of Appeals judge whenever a vacancy occurs  
38 in a court of appeals in seat in first class assigned to the state  
39 governor; provided, however, that no person may be appointed a judge of  
40 the court of appeals by the state governor unless such person is a resi-  
41 dent of the state and has been admitted to the practice of law in this  
42 state or a region within this state for at least ten years. The governor  
43 shall transmit to the senate the written report of the commission on  
44 judicial nomination relating to the nominee.

45 (ix) The jurisdiction of the Court of Appeals shall be limited to the  
46 review of questions of law on appeal from a Regional Superior Court  
47 except where the judgment is of death. The Court of Appeals will only  
48 hear those appeals where at least two-thirds (2/3) of Court of Appeals  
49 judges vote to hear the case. The Court of Appeals shall continue to  
50 have the final say in interpreting New York State law and whether New  
51 York State laws are Constitutional when hearing appeals on New York  
52 State law from the appellate divisions. All appeals from the appellate  
53 divisions on regional law, local law, regional charter, regional regu-  
54 lation, or local regulation must first be heard by the appropriate  
55 Regional Superior Court before being appealed to the Court of Appeals.  
56 The Court of Appeals may only reverse a Regional Superior Court ruling

1 or a lower court ruling that a Regional Superior Court has let stand if  
2 at least three-quarters (3/4) of Court of Appeals judges vote to reverse  
3 the ruling. The Court of Appeals shall have original jurisdiction of  
4 actions of one region against another region.

5 (x) The state shall be divided into six judicial departments. The  
6 first department shall consist of the counties within the first and  
7 twelfth judicial districts of the state. The second department shall  
8 consist of the counties within the second, ninth, eleventh and thir-  
9 teenth judicial districts of the state. The third department shall  
10 consist of the counties within the third, fourth, sixth and fourteenth  
11 judicial districts of the state. The fourth department shall consist of  
12 the counties within the fifth, seventh and eighth judicial districts of  
13 the state. The fifth department shall consist of the counties within the  
14 tenth and fifteenth judicial districts of the state. A Sixth Judicial  
15 Department shall be created consisting of remaining parts of ninth Judi-  
16 cial District in Rockland and Westchester counties. Each department  
17 shall be bounded by the lines of judicial districts. Once every ten  
18 years the applicable regional legislature may alter the boundaries of  
19 the judicial departments in its region, but without changing the number  
20 thereof and no judicial department may be drawn in such a way to have  
21 counties from more than a single Region.

22 (xi) Each of the justices of the appellate divisions of the supreme  
23 court are continued as justices and shall serve in the department and  
24 region they reside. Appellate divisions of the supreme court shall have  
25 name of its region, and shall consist of at least five justices of the  
26 supreme court but the exact number in each department shall be set by  
27 applicable region's law. In each appellate division, four justices shall  
28 constitute a quorum, and the concurrence of three shall be necessary to  
29 a decision. No more than five justices shall sit in any case.

30 (xii) The justices of each appellate division shall be designated by  
31 the appropriate regional governor, from all the justices elected to the  
32 supreme court for terms of five years or the unexpired portions of their  
33 respective terms of office, if less than five years, and each justice  
34 during his or her term of office shall be a resident of the department.  
35 The justices of each appellate division shall elect the presiding  
36 justice of their appellate division, for a two year term. Until an  
37 election is held the appropriate regional governor shall designate an  
38 acting presiding justice.

39 (xiii) The state shall be divided into judicial districts. Unless  
40 otherwise stated in this article all judicial districts shall continue  
41 to keep the same boundaries that existed prior to the adoption of this  
42 article unless modified according to section 6 of Article VI. If any  
43 judicial district exists in more than one region it shall be divided  
44 into separate districts along the regional boundary.

45 (xiv) Once every ten years the applicable regional legislature may  
46 increase or decrease the number of judicial districts or alter the  
47 composition of judicial districts and thereupon re-apportion the  
48 justices to be thereafter elected in the judicial districts so altered  
49 and/or assign judicial districts to a different judicial department.  
50 Each judicial district shall be bounded by county lines. No judicial  
51 district may be drawn in such a way to have counties from more than a  
52 single region or be assigned to judicial department not contained within  
53 its region.

54 (xv) Each supreme court shall have the name of its region added to the  
55 beginning of its title.

1 (xvi) The provisions of this section shall in no way limit or impair  
2 the jurisdiction of the regional supreme court as set forth in section  
3 seven of this article. All proceedings of the family court shall be  
4 open to the public, however the court may require that only the first  
5 names of the minors and their parents or their relatives be used in its  
6 proceedings and shall prohibit video and photo(s) of its proceedings.

7 (xvii) The state legislature may provide for the manner of trial of  
8 actions and proceedings involving claims against the state. The appro-  
9 priate regional legislature may provide by regional law what claims  
10 against its region or local governments may be heard by its regional  
11 court of claims and whether a jury trial will be allowed.

12 (xviii) Each court shall exercise jurisdiction over any action or  
13 proceeding transferred to it pursuant to this section, but no action or  
14 proceeding shall ever be transferred out of its original region.

15 (xix) There shall be a commission on judicial conduct. The commission  
16 on judicial conduct shall receive, initiate, investigate and hear  
17 complaints with respect to the conduct, qualifications, fitness to  
18 perform or performance of official duties of any judge or justice of the  
19 unified court system, in the manner provided by law; and may determine  
20 that a judge or justice be admonished, censured or removed from office  
21 for cause, including, but not limited to, misconduct in office, persist-  
22 ent failure to perform his or her duties, habitual intemperance, and  
23 conduct, on or off the bench, prejudicial to the administration of  
24 justice, or that a judge or justice be retired for mental or physical  
25 disability preventing the proper performance of his or her judicial  
26 duties. The commission shall transmit such determination to the chief  
27 judge of the court of appeals who shall cause written notice of such  
28 determination to be given to the judge or justice involved. Such judge  
29 or justice may either accept the commission's determination or make  
30 written request to the chief judge of the court of appeals if part of  
31 state unified court system or chief justice of the appropriate Regional  
32 Superior Court if part of regional unified court system, within thirty  
33 days after receipt of such notice, for a review of such determination by  
34 the court of appeals or the appropriate Regional Superior Court. Any  
35 complaint about a justice who is a member of a regional Superior Court  
36 shall be referred to the members of the applicable regional senate  
37 committee(s) for investigation and appropriate action. Any complaint  
38 about a judge who is a member of the Court of Appeals shall be referred  
39 to all members of the applicable state senate committee(s) for investi-  
40 gation and appropriate action, as this commission on judicial conduct  
41 shall have no jurisdiction over them. The commission on judicial conduct  
42 members shall be replaced and shall be chosen as follows: four shall be  
43 appointed by each regional governor, one by each regional temporary  
44 president of the regional senates, one by the minority leader of each of  
45 the regional senates, one by each speaker of the regional assemblies,  
46 one by the minority leader of each of the regional assemblies and three  
47 by the chief judge of the court of appeals. Of the members appointed by  
48 the regional governors none shall be a member of the bar of the state or  
49 region nor a judge or justice. Of the members appointed by the chief  
50 judge all shall be members of the bar of the state or region. None of  
51 the persons to be appointed by the legislative leaders shall be justices  
52 or judges or retired justices or judges. The chief judge of court of  
53 appeals shall break any tie votes of the commission within three days.  
54 The persons first appointed by each regional governor shall have respec-  
55 tively one, two, three, and four-year terms as the applicable regional  
56 governor shall designate. The chief judge of the court of appeals shall

1 designate remaining terms of members of the commission in such a way  
2 that no more than one quarter of persons appointed shall have their term  
3 expire in any given year. Each member of the commission shall be  
4 appointed thereafter for a term of four years. A vacancy shall be  
5 filled by the appointing officer for the remainder of the term.

6 (xx) Judges of the court of appeals and Judges of the court of claims  
7 may be removed by concurrent resolution of both houses of the state  
8 legislature, if three-fifths of all the members elected to each house  
9 concur therein.

10 (xxi) Justices of the Regional Superior Court, Justices of the supreme  
11 court, judges of the regional court of claims, the county court, the  
12 surrogate's court, the family court, the courts for the city of New York  
13 established pursuant to this article, the district court and such other  
14 courts as the legislature may determine, may be removed by the applica-  
15 ble regional senate, on the recommendation of the applicable regional  
16 governor, if three-fifths of all the members elected to the regional  
17 senate concur therein.

18 (xxii) Temporary assignments of all the foregoing judges or justices  
19 listed in this section, and of judges of the city courts, shall be made  
20 by the appropriate regional chief administrator of the courts in accord-  
21 ance with established regional standards and administrative policies,  
22 but no judge or justice shall be assigned outside his/her region.

23 (xxiii) (1) The chief judge of the court of appeals shall be the chief  
24 judge of the state of New York and shall be the chief judicial officer  
25 of the state unified court system consisting of the Court of Appeals,  
26 the Court of Claims and the State Commission on Judicial Conduct. There  
27 shall be an administrative board of the courts which shall consist of  
28 the chief judge of the court of appeals as chairperson and two associate  
29 judges of the court of appeals selected by the court. The chief judge  
30 shall, with the advice and consent of the administrative board of the  
31 courts, appoint a chief administrator of the state courts who shall  
32 serve at the pleasure of the chief judge.

33 (2) The chief administrator of the state courts shall keep an up to  
34 date version of the New York State Constitution, New York State laws,  
35 charters, rules and regulations on the court's website; and links to all  
36 regional chief administrators of regional courts' websites and all  
37 regional secretary of state websites. Each region's secretary of state  
38 shall keep on a regional department of state website up to date versions  
39 of the New York State Constitution, that region's laws, charters, rules  
40 and regulations, local charters, laws, ordinances and rules and regu-  
41 lations within that region.

42 (xxiv) The state legislature shall provide for the allocation of the  
43 cost of operating and maintaining the court of appeals, the court of  
44 claims, the judicial nominating commission, and the State Commission on  
45 Judicial Conduct. Each region shall fund its own courts; the Regional  
46 Superior Court, the appellate division of the supreme court in each  
47 judicial department, the supreme courts, the county courts, the surro-  
48 gate's courts, the family courts, the courts for the city of New York  
49 and the district courts.

50 § 7. Full Faith and Credit shall be given in each Region to the public  
51 acts, records, licenses, permits, and judicial Proceedings of the other  
52 Regions. The State Legislature may by state laws prescribe the manner in  
53 which such acts, records, and proceedings shall be proved, and the  
54 effect thereof. Licenses and permits previously issued by the state  
55 shall remain in effect until their expiration date, when they may be  
56 renewed with the Region.

1 § 8. This new article XX shall supersede any part of the New York  
2 State Constitution it conflicts with. If any part of this amendment is  
3 found to be unconstitutional by a court of competent jurisdiction the  
4 remainder shall remain in effect.

5 § 2. Resolved (if the Assembly concur), That article 9 of the consti-  
6 tution be amended by adding a new section 4 to read as follows:

7 § 4. Owners of parcels of land that are adjacent to each other or only  
8 separated by a road, highway, railroad, body of water, and/or a waterc-  
9 course within a single county may separate from any city (cities) and/or  
10 town(s) whose jurisdiction the land is currently under, and incorporate  
11 a new town. First, the owners must draw up a map and prepare a charter  
12 of the proposed town and have one fifth (1/5) of the owners of land in  
13 the proposed new town sign a petition agreeing to the map and charter.  
14 The proposed town must have at least two thousand (2000) people residing  
15 in it. The charter they draft shall describe how any special district(s)  
16 will be affected and when the charter will take effect and when the  
17 special election to fill offices created for the first time under the  
18 charter will be held. Second the map, charter and petition must be filed  
19 with the county board of elections where the proposed town will exist  
20 before September 1st of any year. The county board of elections shall  
21 then schedule a vote on the proposed town on the next election day in  
22 November. Only voters who reside within the proposed town may vote on  
23 creating it. If a majority of those voting approve it the new town will  
24 be created and will cease to be part of the municipality or municipi-  
25 palities it separates from thirty days after the new town's officials  
26 take office. The new town and the municipality or municipalities it  
27 separates from should negotiate fair prices for water, sewer or other  
28 services that must continue to be shared. If an agreement cannot be  
29 reached either may petition the Appellate Division of Supreme court to  
30 set the prices for up to four years at a time. Should anyone go to  
31 court to block the creation of the new town and not prevail they shall  
32 pay the reasonable legal fees and court costs of those trying to create  
33 the new town.

34 § 3. Resolved (if the Assembly concur), That article 8 of the consti-  
35 tution be amended by adding two new sections 2-b and 2-c to read as  
36 follows:

37 § 2-b. In the New Amsterdam region and Montauk Region the fiscal year  
38 of any county, city, town, village or other district excluding school  
39 and library districts shall be from December 1st to November 30th of the  
40 following year. Whenever a proposed budget increase shall exceed two  
41 percent (2%) from the previous year's budget or a proposed property tax  
42 rate increase shall exceed two percent (2%) from the previous year's  
43 property tax rate; the proposed budget and/or property tax rate  
44 increased shall be submitted to their voters for a yes or no vote, on  
45 Election Day in November. Sixty (60) percent of voters voting on it must  
46 vote yes for it to be approved. If approved the budget shall take effect  
47 at the start of fiscal year and property taxes will be collected as  
48 defined by law; however if defeated or no budget/property tax rate vote  
49 was held, the budget that county, city, town, village or other district  
50 excluding school districts must have a budget increase of less than two  
51 percent (2%) and the property tax rate increase must be less than two  
52 percent (2%). Regional laws may be enacted to enforce this section.

53 § 2-c. In the New Amsterdam region and Montauk Region the fiscal year  
54 of all school and library districts shall be from July 1st to June 30th  
55 of the following year. The school budget shall be submitted to the  
56 voters, for a yes or no vote, on a day in May or June that is selected

1 by law and any primaries held during May or June will occur on the same  
2 day at same election district polling places with the same poll hours  
3 statewide. If a proposed budget increase shall exceed two percent (2%)  
4 from the previous year's budget or a proposed property tax rate increase  
5 shall exceed two percent (2%) from the previous year's property tax  
6 rate, sixty (60) percent of voters voting must vote yes for it to be  
7 approved. If the budget is approved it will take effect as defined by  
8 law. If a school district budget is defeated a contingency budget will  
9 be adopted; the amount of any contingency budget increase shall be less  
10 than two percent (2%), per enrolled student as of July 1st. If a  
11 library district budget is defeated the district must have a budget  
12 increase of less than two percent (2%) and the property tax rate  
13 increase must be less than two percent (2%). Regional laws may be  
14 enacted to enforce this section.

15 § 4. Resolved (if the Assembly concur), That section 2 of article 19  
16 of the constitution be amended to read as follows:

17 § 2. At the general election to be held in the year nineteen hundred  
18 fifty-seven, and every twentieth year thereafter, and also at such times  
19 as the legislature may by law provide, the question "Shall there be a  
20 convention to revise the constitution and amend the same?" shall be  
21 submitted to and decided by the electors of the state; and in case a  
22 majority of the electors voting thereon shall decide in favor of a  
23 convention for such purpose, the electors of every [~~senate district of~~  
24 ~~the state, as then organized, shall elect three delegates~~] regional  
25 senate district of the state, as then organized, shall elect three  
26 delegates and their votes shall be weighed by the population of the  
27 delegate's Regional Senate District at the next ensuing general  
28 election[~~, and the electors of the state voting at the same election~~  
29 ~~shall elect fifteen delegates-at-large~~]. The delegates so elected shall  
30 convene at the capitol on the first Tuesday of April next ensuing after  
31 their election, and shall continue their session until the business of  
32 such convention shall have been completed. Every delegate shall receive  
33 for his or her services the same compensation as shall then be annually  
34 payable to the members of the assembly and be reimbursed for actual  
35 traveling expenses, while the convention is in session, to the extent  
36 that a member of the assembly would then be entitled thereto in the case  
37 of a session of the legislature. A majority of the convention shall  
38 constitute a quorum for the transaction of business, and no amendment to  
39 the constitution shall be submitted for approval to the electors as  
40 hereinafter provided, unless by the assent of a majority of all the  
41 delegates elected to the convention, the ayes and noes being entered on  
42 the journal to be kept. The convention shall have the power to appoint  
43 such officers, employees and assistants as it may deem necessary, and  
44 fix their compensation and to provide for the printing of its documents,  
45 journal, proceedings and other expenses of said convention. The conven-  
46 tion shall determine the rules of its own proceedings, choose its own  
47 officers, and be the judge of the election, returns and qualifications  
48 of its members. In case of a vacancy, by death, resignation or other  
49 cause, of any district delegate elected to the convention, such vacancy  
50 shall be filled by a vote of the remaining delegates representing the  
51 district in which such vacancy occurs. If such vacancy occurs in the  
52 office of a delegate-at-large, such vacancy shall be filled by a vote of  
53 the remaining delegates-at-large. Any proposed constitution or constitu-  
54 tional amendment which shall have been adopted by such convention, shall  
55 be submitted to a vote of the electors of the state at the time and in  
56 the manner provided by such convention, at an election which shall be

1 held not less than six weeks after the adjournment of such convention.  
 2 Upon the approval of such constitution or constitutional amendments, in  
 3 the manner provided in the last preceding section, such constitution or  
 4 constitutional amendment, shall go into effect on the first day of Janu-  
 5 ary next after such approval.

6 § 5. Resolved (if the Assembly concur), That article 11 of the consti-  
 7 tution be REPEALED and a new article 11 be added to read as follows:

8 ARTICLE XI  
 9 EDUCATION

10 Each Regional legislature shall provide for the maintenance and  
 11 support of a system of free common schools, wherein all the children of  
 12 this state may be educated and shall provide for a Regional education  
 13 department. The legislature may provide for the transportation of chil-  
 14 dren to and from any school or institution of learning.

15 § 6. Resolved (if the Assembly concur), That article 19 of the consti-  
 16 tution be amended by adding a new section 4 to read as follows:

17 § 4. No future amendment or new state constitution can be approved  
 18 unless at least 55 percent of the voters voting on it in the New Amster-  
 19 dam Region, 55 percent of the voters voting on it in the Montauk Region  
 20 and at least 55 percent of the voters voting on it in the New York  
 21 Region all approve the changes.

22 § 7. Resolved (if the Assembly concur), That section 1 of article 5 of  
 23 the constitution be REPEALED and a new section 1 be added to read as  
 24 follows:

25 Section 1. (a) In elections held after the regional governors take  
 26 office for the first time the state comptroller shall be elected for a  
 27 term of office of five years, and shall possess the qualifications  
 28 provided in section 2 of article IV. The legislature shall provide for  
 29 filling vacancies in the office of comptroller. The comptroller shall be  
 30 required: (i) to audit all vouchers before payment and all official  
 31 accounts; (ii) to audit the accrual and collection of all revenues and  
 32 receipts; and (iii) to prescribe such methods of accounting as are  
 33 necessary for the performance of the foregoing duties. The payment of  
 34 any moneys of the state, or of any moneys under its control, or the  
 35 refund of any moneys paid to the state, except upon audit by the comp-  
 36 troller, shall be void, and may be restrained upon the suit of any  
 37 taxpayer with the consent of the supreme court in the appellate division  
 38 on notice to the appropriate regional attorney-general.

39 (b) In such respect the appropriate regional legislature only shall  
 40 define the powers and duties and may also assign to him or her: (i)  
 41 supervision of the accounts of any political subdivision of their  
 42 region; and (ii) powers and duties pertaining to or connected with the  
 43 assessment and taxation of real estate, including determination of  
 44 ratios which the assessed valuation of taxable real property bears to  
 45 the full valuation thereof, but not including any of those powers and  
 46 duties reserved to officers of a county, city, town or village by virtue  
 47 of sections seven and eight of article nine of this constitution. The  
 48 appropriate regional legislature shall assign to him or her no adminis-  
 49 trative duties, excepting such as may be incidental to the performance  
 50 of these functions, any other provision of this constitution to the  
 51 contrary notwithstanding. The office of comptroller shall also calculate  
 52 annually the median annual income of individuals in the state.

53 § 8. Resolved (if the Assembly concur), That section 6 of article 3 of  
 54 the constitution be REPEALED.

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