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

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

ARTICLE XX
REGIONS

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

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

(b) The New Amsterdam Region shall consist of the counties of Albany, 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

Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming, and Yates.

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

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

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

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

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

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

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

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

(iii) The number of Montauk Regional Assembly members shall be calculated by dividing the population of Montauk Region by 125,000 and rounded upward to the nearest odd whole number.

(e) Each federal census taken decennially 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 the assembly and readjustment or alteration of Regional senate and assembly districts next occurring in so far as such census and the tabulation thereof purport to give the information necessary therefor. The first year after this Article takes effect the Court of Appeals shall draw the Regional Senate and Assembly districts; thereafter each Regional Legislature shall by Regional law draw contiguous Senate and Assembly districts of roughly equal population for that Region; however one Assembly district and one Senate district may include parts of Westchester and Nassau counties if needed to keep districts roughly equal in population. Regional Assemblypersons and Regional Senators terms will be two years. The term shall start at noon on December 1st following their election and end two years later at noon on December 1st. No town shall have more than one assemblyperson unless its population exceeds the population required for a Regional assembly district.

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

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

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

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

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

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

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

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

(k) A majority of each Regional house shall constitute a quorum to do business. Each Regional house shall determine the rules of its own proceedings and is the judge of the elections, returns and qualifications of its own members; shall choose its own officers; and each Regional senate shall choose a temporary president and each Regional assembly shall choose a speaker. No person shall serve as both a State and Regional temporary senate president, nor anyone serve as both a state and Regional speaker. Each Regional house of each Regional legislature shall keep a journal of its proceedings, and publish the same on the internet, except such parts as two-thirds (2/3) of its members agree require secrecy. At request of one fifth (1/5) of its members, the ayes and nays shall be entered on the journal. The doors of each Regional house shall be kept open, except when the public welfare shall require secrecy. Neither house in a Regional legislature shall, without the consent of the other, adjourn for more than two days. Any bill may originate in either house of the Regional legislature, and all bills passed by one house may be amended by the other. No bill shall be passed or become a law unless it shall have been printed and placed on the internet, in its final form, at least seven calendar days prior to its final passage, unless the appropriate regional governor, or the appropriate acting regional governor, shall have certified, under his or her hand and the seal of the state or Region, the facts which in his or her opinion necessitate an immediate vote thereon, in which case the law must expire ten calendar days after passage, unless it is re-passed a second time after it has been on the internet for seven days; nor shall any bill be passed or become a law, except by the assent of a majority of the members elected to each branch of a Regional legislature; and upon the last reading of a bill, no amendment thereof shall be allowed, and the question upon its final passage shall be taken immediately thereafter, and the ayes and nays entered on the journal. Pre-existing tax or revenue laws shall expire on July 1st five years after this article takes effect. Every law or bill which imposes, continues or revives a tax or raises revenue shall require at least three fifths (3/5) vote of both Regional houses to pass, the ayes and nays entered on the journals, and must distinctly state the tax and the object to which it is to be applied. It shall not be sufficient to refer to any other law to fix such tax or object; all such laws must expire on July 1st five years after being passed. Any law or bill that will mandate that any county, district, or other municipality must spend its own funds to comply with such law shall require at least three fifths (3/5) vote of both Regional houses to pass, the ayes and nays entered on the journals, all such laws must expire on July 1st ten years after being passed. Any policy, rule or regulation that will mandate that any county, district, or other municipality must spend its own funds to comply with it must be ratified by at least three fifths (3/5) vote of both Regional houses, the ayes and nays entered on the journal, before it takes effect and must expire on July 1st ten years after being ratified. Pre-existing mandates that require a county or other municipality to spend its own funds to comply with shall expire on July 1st one year and 7 months after the regional governors take office for the first time. Medical costs for the needy shall not be delegated by the State or by a Region to counties or other municipalities, and shall be paid by the Region up to limits set by

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

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

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

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

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

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

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

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

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

§ 4. Regional Executive. (a) The executive power in each Region shall be vested in the Regional governor, who shall hold office for four years starting at noon on December 1st after his/her election. The Regional lieutenant governor shall be chosen at the same time, and for the same term. The Regional governors, Regional lieutenant governors, and Regional secretary of states shall be elected by the people of their respective Regions. They must be a United States citizen and have been a resident of their respective Region for at least five years or a resident of their respective Region at time of its creation. Each Regional governor shall have power to convene his/her Region's legislature, or his/her Region's senate only, on extraordinary occasions; for a special session which may last no longer than two weeks. No such special session may be called within six weeks of the end of another special session. In case of the removal of the Regional governor from office or of his or her death or resignation, the Regional lieutenant-governor for that Region shall become Regional governor for the remainder of the term. In case the Regional governor is otherwise unable to discharge the powers and duties of his/her office the Regional lieutenant-governor for that Region shall act as Regional governor until the inability shall cease or until the term of the Regional governor shall expire. If both the Regional governor and Regional lieutenant governor offices for a Region are vacant or otherwise unable to discharge the powers and duties of their offices, that Region's Regional Secretary of State shall become governor, automatically resigning as a Regional Secretary of State upon taking the oath as Regional governor. If all three offices are vacant that Region's temporary senate president will become governor automatically resigning as a senator and temporary senate president upon taking the oath as Regional governor. Each Region shall by Regional law determine how and who shall become acting Regional governor if the Regional governor, Regional lieutenant governor, Regional Secretary of State and temporary senate president offices all are vacant or all are otherwise unable to discharge the powers and duties of their offices. The Regional lieutenant-governor shall be the president of the Regional senate for his/her Region but shall have only a vote if they be equally divided. The election law petition requirements for getting on the ballot for

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

(b) Every bill which shall have passed the Regional senate and assembly shall, before it becomes a law, be presented to the Regional governor for that Region. If the appropriate regional governor approve, he or she shall sign it; but if not, he or she shall return it with his or her objections to the Regional house in which it shall have originated, which shall enter the objections at large on the journal, and proceed to reconsider it. In either case he/she shall place a copy of his/her actions on the internet. If after such reconsideration, two-thirds of the members voting in that Regional house shall agree to pass the bill, it shall be sent together with the objections, to the other Regional house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members voting in that house, it shall become a regional law notwithstanding the objections of the appropriate regional governor. In all such cases the votes in both Regional houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each Regional house respectively. If any bill shall not be returned by the appropriate regional governor within ten days (Sundays excepted) after it shall have been presented to him or her, the same shall be a law in like manner as if he or she had signed it, unless the legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the appropriate regional governor. No bill shall become a law after the final adjournment of the Regional legislature, unless approved by the governor within thirty days after such adjournment. If any bill presented to the appropriate regional governor contains several items of appropriation of money, the appropriate regional governor may object to one or more of such items while approving of the other portion of the bill. If a single item of appropriation shall exceed $250,000 the appropriate regional governor may reduce the amount appropriated with his/her objections. In such cases the appropriate regional governor shall append to the bill, at the time of signing it, a statement of the items to which he or she objects; and the appropriation so objected to shall not take effect. If the Regional legislature be in session, he or she shall transmit to the Regional house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If on reconsideration one or more of such items be approved by two-thirds of the members voting in each appropriate Regional house, the same shall be part of the law, notwithstanding the objections of the appropriate Regional governor. All the provisions of this paragraph, in relation to bills not approved by the appropriate Regional governor, shall apply in cases in which he or she shall withhold approval from any item or items contained in a bill appropriating money.

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

cers, whose Appointments are not herein otherwise provided for, and which shall be established by law. Those appointed by Regional governor without a fixed term may be removed by the appropriate regional governor; but the Regional legislature may by Regional law vest the Appointment of such inferior Officers, as they think proper, in their Regional governor alone, in the Courts of Law, or in the Heads of Departments. The appropriate regional governor shall be empowered to seek a warrant in a Regional supreme court to hand over a criminal fugitive from another state or Region to the agents of the Governor of the State of New York to allow for the fugitive's return to the location the fugitive committed the alleged crime. This power can be regulated by Regional law. Each regional governor shall be empowered to pardon for civil and criminal offenses of state, regional law or local law that occurred within his/her region.

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

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

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

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

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

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

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

(c) The Board of Regents is abolished and all its powers and duties transferred to the Regional Education Departments. Department of education employees shall be divided between the Regional Education Departments.

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

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

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

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

(g) Unless otherwise stated in this article, appointments for departments, offices and agencies shall be made by the appropriate regional governors. Appointments for vacant local offices shall be made by the appropriate Regional governor.

(h) (i) Authorities, and other Public Corporations, who have some of their board members appointed by the Governor or other New York State officials, and exist in only one region shall have their board members appointed by that Region's Regional Governor. Authorities and other government controlled Public Corporations who have some of their board members appointed by Governor or other New York State officials and exist in more than one region shall be divided into regional Authorities, or regional government controlled Public Corporations, by July 1st after first time the regional governors take office. Each of new regional Authorities or regional government controlled Public Corporations shall take over the ownership of the assets, property, and leases in their region. Equipment, media, and vehicles shall be divided equitably, while debts are divided in proportion to each region's population. They shall have their board members appointed by that Region's Regional Governor. If some or all of the board members of these divided Authorities and other government controlled Public Corporations are appointed by local officials, each local official may only appoint board members of new regional Authorities or regional government controlled Public Corporations in the region that official serves.

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

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

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

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

(ii) One half of state debt, incurred prior to the effective date of this article shall remain a state obligation; the rest will become regional debt and shall be divided in proportion each region's population. Any payments for retirees of the New York State and Local Retirement System and Teachers' Retirement System shall remain a state obligation. The governors' panel shall designate two correctional facilities for males and one correctional facility for females located in the New Amsterdam Region to be owned, rented, or leased by New Amsterdam Region. The remaining correctional facilities located in the New Amsterdam Region shall be designated to be owned, rented, or leased by the New York Region or the Montauk Region. The employees in these correctional facilities shall become New York Region employees or Montauk Region employees. Inmates in correctional facilities shall be divided so that those who committed their crimes in the New York Region shall serve their time in correctional facilities owned, rented, or leased by the New York Region; while those who committed their crimes in the New Amsterdam Region shall serve their time in correctional facilities owned, rented, or leased by the New Amsterdam Region and while those who committed their crimes in the Montauk Region shall serve their time in correctional facilities owned, rented, or leased by the Montauk Region. Inmates shall be transferred to appropriate correctional facilities by February 1, two years after the regional governors take office for the first time. After that date a region holding inmate(s) that should be transferred may charge the appropriate region for costs of holding the inmate(s) in their correctional facility. Patients or residents in Mental Hospitals, Developmental Centers or Group Homes who are currently paid for by the state and whose original home address is in a different

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

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

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

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

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

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

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

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

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

(g) The jurisdiction of each Regional Superior Court shall be limited to the review of questions of applicable United States law, state law, regional law, local laws, rules, charters, ordinances or regulations, when hearing appeals from appellate divisions; except where the judgment is of death where appeal will be to the Court of Appeals, or where the appellate division within its Region, on reversing or modifying a final or interlocutory judgment in an action or a final or interlocutory order in a special proceeding, finds new facts and a final judgment or a final order pursuant thereto is entered. The right to appeal shall not depend upon the amount involved. The applicable Regional Superior Court shall adopt and from time to time may amend a rule to permit the court to answer questions of Regional law certified to it by the Supreme Court of the United States, a Court of Appeals of the United States or an appellate court of last resort of another state, which may be determinative of the cause then pending in the certifying court and which in the opinion of the certifying court are not controlled by precedent in the decisions of the courts of that Region. Each region may by regional law set up a regional court of claims, which shall have at least five judges the actual number of judges shall be set by regional law. The term of office shall be ten years. The terms shall be staggered so an equal number of judges terms expire on every December 31st of even numbered years. At least three judges must hear each case. The judges shall be appointed by the appropriate regional governor but must be confirmed by the appropriate regional Senate. The court shall have jurisdiction to hear and determine claims against that region or by that region against the claimant or between conflicting claimants as the regional legislature may by regional law provide. Regional law may also give its regional court of claims the power to hear claims against any county, district, or other municipality over a dollar amount set by regional law. Jury trials shall not be allowed at a regional court of claims. Any appeals may be heard by the applicable Regional Superior Court. The Chief Justice of the applicable Regional Superior Court shall be the Chief Justice of that Region's courts and shall be the chief judicial officer of that region's unified court. In each Region there shall be an administrative board of the courts which shall consist of the Chief Justice of the applicable Regional Superior Court as chairperson and the presiding justice of the appellate division of the supreme court of each judicial department within that Region. The Chief Justice shall, with the advice and consent of the administrative board of the courts, appoint a chief administrator of the courts in that Region who shall serve at the pleasure of that Regional Chief Justice. The Regional chief administrator, on behalf of the Chief Justice, shall supervise the administration and operation of the unified Regional court system. In the exercise of such responsibility, the Regional chief administrator of

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

(h) A Fourteenth Judicial District shall be created consisting of Dutchess, Orange, and Putnam counties. This 14th Judicial District shall be part of the Third Judicial Department. A fifteenth Judicial District shall be created consisting of Nassau County. A fifth Judicial Department shall be created consisting of the remaining parts of the tenth Judicial District and the fifteenth Judicial District. A Sixth Judicial Department shall be created consisting of the remaining parts of the ninth Judicial District.

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

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

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

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

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

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

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

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

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

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

(viii) The appropriate regional governor shall appoint, with the advice and consent of his/her regional senate, from among list of those recommended by the judicial nominating commission, a person to fill the office of Court of Appeals judge, whenever a vacancy occurs in a court of appeals in a seat in the class assigned to his/her region. The appropriate regional governor shall transmit to his/her regional senate the written report of the commission on judicial nomination relating to the nominee; provided, however, that no person may be appointed a judge of the court of appeals by a regional governor unless such person is a resident of that governor's region and has been admitted to the practice of law in that region or in this state. The state governor shall appoint, with the advice and consent of the state senate, from among those recommended by the judicial nominating commission, a person to fill the office of of Court of Appeals judge whenever a vacancy occurs in a court of appeals in seat in first class assigned to the state governor; provided, however, that no person may be appointed a judge of the court of appeals by the state governor unless such person is a resident of the state and has been admitted to the practice of law in this state or a region within this state for at least ten years. The governor shall transmit to the senate the written report of the commission on judicial nomination relating to the nominee.

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

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

(x) The state shall be divided into six judicial departments. The first department shall consist of the counties within the first and twelfth judicial districts of the state. The second department shall consist of the counties within the second, ninth, eleventh and thirteenth judicial districts of the state. The third department shall consist of the counties within the third, fourth, sixth and fourteenth judicial districts of the state. The fourth department shall consist of the counties within the fifth, seventh and eighth judicial districts of the state. The fifth department shall consist of the counties within the tenth and fifteenth judicial districts of the state. A Sixth Judicial Department shall be created consisting of remaining parts of ninth Judicial District in Rockland and Westchester counties. Each department shall be bounded by the lines of judicial districts. Once every ten years the applicable regional legislature may alter the boundaries of the judicial departments in its region, but without changing the number thereof and no judicial department may be drawn in such a way to have counties from more than a single Region.

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

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

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

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

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

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

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

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

(xix) There shall be a commission on judicial conduct. The commission on judicial conduct shall receive, initiate, investigate and hear complaints with respect to the conduct, qualifications, fitness to perform or performance of official duties of any judge or justice of the unified court system, in the manner provided by law; and may determine that a judge or justice be admonished, censured or removed from office for cause, including, but not limited to, misconduct in office, persistent failure to perform his or her duties, habitual intemperance, and conduct, on or off the bench, prejudicial to the administration of justice, or that a judge or justice be retired for mental or physical disability preventing the proper performance of his or her judicial duties. The commission shall transmit such determination to the chief judge of the court of appeals who shall cause written notice of such determination to be given to the judge or justice involved. Such judge or justice may either accept the commission's determination or make written request to the chief judge of the court of appeals if part of state unified court system or chief justice of the appropriate Regional Superior Court if part of regional unified court system, within thirty days after receipt of such notice, for a review of such determination by the court of appeals or the appropriate Regional Superior Court. Any complaint about a justice who is a member of a regional Superior Court shall be referred to the members of the applicable regional senate committee(s) for investigation and appropriate action. Any complaint about a judge who is a member of the Court of Appeals shall be referred to all members of the applicable state senate committee(s) for investigation and appropriate action, as this commission on judicial conduct shall have no jurisdiction over them. The commission on judicial conduct members shall be replaced and shall be chosen as follows: four shall be appointed by each regional governor, one by each regional temporary president of the regional senates, one by the minority leader of each of the regional senates, one by each speaker of the regional assemblies, one by the minority leader of each of the regional assemblies and three by the chief judge of the court of appeals. Of the members appointed by the regional governors none shall be a member of the bar of the state or region nor a judge or justice. Of the members appointed by the chief judge all shall be members of the bar of the state or region. None of the persons to be appointed by the legislative leaders shall be justices or judges or retired justices or judges. The chief judge of court of appeals shall break any tie votes of the commission within three days. The persons first appointed by each regional governor shall have respectively one, two, three, and four-year terms as the applicable regional governor shall designate. The chief judge of the court of appeals shall

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

held not less than six weeks after the adjournment of such convention. Upon the approval of such constitution or constitutional amendments, in the manner provided in the last preceding section, such constitution or constitutional amendment, shall go into effect on the first day of January next after such approval.

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

ARTICLE XI
EDUCATION

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

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

§ 4. No future amendment or new state constitution can be approved unless at least 55 percent of the voters voting on it in the New Amsterdam Region, 55 percent of the voters voting on it in the Montauk Region and at least 55 percent of the voters voting on it in the New York Region all approve the changes.

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

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

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

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

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