

STATE OF NEW YORK

4541

2021-2022 Regular Sessions

IN SENATE

February 5, 2021

Introduced by Sen. HELMING -- 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 9 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 5 of the constitution, in relation 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, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Living-

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

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1 ston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario,
2 Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Saratoga, Schenec-
3 tady, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Sullivan,
4 Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming, and Yates.

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

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

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

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

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

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

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

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

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

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

53 (f) Each Regional Legislature shall hold its regular session in months
54 of January, February, and March of each year adjourning no later than
55 March 20th. Each Regional senator shall have one vote in their Regional

1 senate. Each Regional assemblyperson shall have one vote in their
2 Regional assembly.

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

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

ture'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

1 special prosecutor in a manner defined by regional law. The region may
2 by regional law reassign types of cases where there might exist a
3 conflict of interest with their regional attorney general.

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

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

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

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

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

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

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

54 (f) Taxes and revenue for the state shall be limited only to a sales
55 tax which may not exceed a maximum of four (4) percent. After January 1,
56 ten years after the regional governors take office for the first time it

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

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

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

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

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

49 (c) Each Regional governor shall nominate, and by and with the Advice
50 and Consent of the Regional Senate for his/her Region, shall appoint
51 Regional Commissioners, other public Ministers and Consuls, Authorities,
52 and other government controlled Public Corporations board members,
53 Regional Education Commissioner, Justices of the Appellate divisions in
54 his or her Region from elected Supreme Court Justices in their Region
55 for the remainder of their elected term, and all other Regional Offi-
56 cers, whose Appointments are not herein otherwise provided for, and

1 which shall be established by law. Those appointed by Regional governor
2 without a fixed term may be removed by the appropriate regional gover-
3 nor; but the Regional legislature may by Regional law vest the Appoint-
4 ment of such inferior Officers, as they think proper, in their Regional
5 governor alone, in the Courts of Law, or in the Heads of Departments.
6 The appropriate regional governor shall be empowered to seek a warrant
7 in a Regional supreme court to hand over a criminal fugitive from anothe-
8 er state or Region to the agents of the Governor of the State of New
9 York to allow for the fugitive's return to the location the fugitive
10 committed the alleged crime. This power can be regulated by Regional
11 law. Each regional governor shall be empowered to pardon for civil and
12 criminal offenses of state, regional law or local law that occurred
13 within his/her region.

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

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

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

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

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

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

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

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

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

53 (e) The Division of State Police is abolished and its employees shall
54 be divided between the Capital Police under the State (which shall not
55 have more 50 officers), the New Amsterdam Regional Police Division,
56 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

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

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

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

1 occurs in the Montauk Regional Superior Court or a Montauk Regional
2 supreme court and the Regional senate is not in session the Montauk
3 Regional governor shall call it back in a special session to fill the
4 vacancy.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 office in any political party. No member of the judicial nominating
2 commission shall be eligible for appointment to judicial office in any
3 court of the state during the member's period of service or within one
4 year thereafter.

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

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

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

43 (ix) The jurisdiction of the Court of Appeals shall be limited to the
44 review of questions of law on appeal from a Regional Superior Court
45 except where the judgment is of death. The Court of Appeals will only
46 hear those appeals where at least two-thirds (2/3) of Court of Appeals
47 judges vote to hear the case. The Court of Appeals shall continue to
48 have the final say in interpreting New York State law and whether New
49 York State laws are Constitutional when hearing appeals on New York
50 State law from the appellate divisions. All appeals from the appellate
51 divisions on regional law, local law, regional charter, regional regu-
52 lation, or local regulation must first be heard by the appropriate
53 Regional Superior Court before being appealed to the Court of Appeals.
54 The Court of Appeals may only reverse a Regional Superior Court ruling
55 or a lower court ruling that a Regional Superior Court has let stand if
56 at least three-quarters (3/4) of Court of Appeals judges vote to reverse

1 the ruling. The Court of Appeals shall have original jurisdiction of
2 actions of one region against another region.

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

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

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

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

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

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

54 (xvi) The provisions of this section shall in no way limit or impair
55 the jurisdiction of the regional supreme court as set forth in section
56 seven of this article. All proceedings of the family court shall be

1 open to the public, however the court may require that only the first
2 names of the minors and their parents or their relatives be used in its
3 proceedings and shall prohibit video and photo(s) of its proceedings.

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

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

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

1 appointed thereafter for a term of four years. A vacancy shall be
2 filled by the appointing officer for the remainder of the term.

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

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

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

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

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

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

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

54 § 8. This new article XX shall supersede any part of the New York
55 State Constitution it conflicts with. If any part of this amendment is

1 found to be unconstitutional by a court of competent jurisdiction the
2 remainder shall remain in effect.

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

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

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

35 § 2-b. In the New Amsterdam region and Montauk Region the fiscal year
36 of any county, city, town, village or other district excluding school
37 and library districts shall be from December 1st to November 30th of the
38 following year. Whenever a proposed budget increase shall exceed two
39 percent (2%) from the previous year's budget or a proposed property tax
40 rate increase shall exceed two percent (2%) from the previous year's
41 property tax rate; the proposed budget and/or property tax rate
42 increased shall be submitted to their voters for a yes or no vote, on
43 Election Day in November. Sixty (60) percent of voters voting on it must
44 vote yes for it to be approved. If approved the budget shall take effect
45 at the start of fiscal year and property taxes will be collected as
46 defined by law; however if defeated or no budget/property tax rate vote
47 was held, the budget that county, city, town, village or other district
48 excluding school districts must have a budget increase of less than two
49 percent (2%) and the property tax rate increase must be less than two
50 percent (2%). Regional laws may be enacted to enforce this section.

51 § 2-c. In the New Amsterdam region and Montauk Region the fiscal year
52 of all school and library districts shall be from July 1st to June 30th
53 of the following year. The school budget shall be submitted to the
54 voters, for a yes or no vote, on a day in May or June that is selected
55 by law and any primaries held during May or June will occur on the same
56 day at same election district polling places with the same poll hours

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

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

15 § 2. At the general election to be held in the year nineteen hundred
16 fifty-seven, and every twentieth year thereafter, and also at such times
17 as the legislature may by law provide, the question "Shall there be a
18 convention to revise the constitution and amend the same?" shall be
19 submitted to and decided by the electors of the state; and in case a
20 majority of the electors voting thereon shall decide in favor of a
21 convention for such purpose, the electors of every [~~senate district of~~
22 ~~the state, as then organized, shall elect three delegates~~] regional
23 senate district of the state, as then organized, shall elect three
24 delegates and their votes shall be weighed by the population of the
25 delegate's Regional Senate District at the next ensuing general
26 election[~~, and the electors of the state voting at the same election~~
27 ~~shall elect fifteen delegates at-large~~]. The delegates so elected shall
28 convene at the capitol on the first Tuesday of April next ensuing after
29 their election, and shall continue their session until the business of
30 such convention shall have been completed. Every delegate shall receive
31 for his or her services the same compensation as shall then be annually
32 payable to the members of the assembly and be reimbursed for actual
33 traveling expenses, while the convention is in session, to the extent
34 that a member of the assembly would then be entitled thereto in the case
35 of a session of the legislature. A majority of the convention shall
36 constitute a quorum for the transaction of business, and no amendment to
37 the constitution shall be submitted for approval to the electors as
38 hereinafter provided, unless by the assent of a majority of all the
39 delegates elected to the convention, the ayes and noes being entered on
40 the journal to be kept. The convention shall have the power to appoint
41 such officers, employees and assistants as it may deem necessary, and
42 fix their compensation and to provide for the printing of its documents,
43 journal, proceedings and other expenses of said convention. The conven-
44 tion shall determine the rules of its own proceedings, choose its own
45 officers, and be the judge of the election, returns and qualifications
46 of its members. In case of a vacancy, by death, resignation or other
47 cause, of any district delegate elected to the convention, such vacancy
48 shall be filled by a vote of the remaining delegates representing the
49 district in which such vacancy occurs. If such vacancy occurs in the
50 office of a delegate-at-large, such vacancy shall be filled by a vote of
51 the remaining delegates-at-large. Any proposed constitution or constitu-
52 tional amendment which shall have been adopted by such convention, shall
53 be submitted to a vote of the electors of the state at the time and in
54 the manner provided by such convention, at an election which shall be
55 held not less than six weeks after the adjournment of such convention.
56 Upon the approval of such constitution or constitutional amendments, in

1 the manner provided in the last preceding section, such constitution or
2 constitutional amendment, shall go into effect on the first day of Janu-
3 ary next after such approval.

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

6 ARTICLE XI
7 EDUCATION

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

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

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

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

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

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

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

53 § 9. Resolved (if the Assembly concur), That the foregoing amendment
54 be referred to the first regular legislative session convening after the
55 next succeeding general election of members of the assembly, and, in

1 conformity with section 1 of article 19 of the constitution, be
2 published for 3 months previous to the time of such election.