

# STATE OF NEW YORK

3506

2023-2024 Regular Sessions

## IN SENATE

January 31, 2023

Introduced by Sens. SKOUFIS, MANNION, MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

### CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 5 of article 3, section 1 of article 5, sections 1, 2, 3, 4, 6, 7, 8, 11, 12, 13, 15, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 34, 35 and 36-a of article 6, section 1 of article 7, sections 5, 7 and 7-a of article 8, section 1 of article 9, section 13 of article 13, section 5 of article 14 and section 4 of article 18 of the constitution, in relation to renaming the supreme court the superior court and the court of appeals the supreme court

1 Section 1. Resolved (if the Assembly concur), That the closing para-  
2 graph of section 5 of article 3 of the constitution be amended to read  
3 as follows:

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

18 § 2. Resolved (if the Assembly concur), That section 1 of article 5 of  
19 the constitution be amended to read as follows:

20 Section 1. The comptroller and attorney-general shall be chosen at the  
21 same general election as the governor and hold office for the same term,

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

LBD89069-01-3

1 and shall possess the qualifications provided in section 2 of article  
2 IV. The legislature shall provide for filling vacancies in the office of  
3 comptroller and of attorney-general. No election of a comptroller or an  
4 attorney-general shall be had except at the time of electing a governor.  
5 The comptroller shall be required: (1) to audit all vouchers before  
6 payment and all official accounts; (2) to audit the accrual and  
7 collection of all revenues and receipts; and (3) to prescribe such meth-  
8 ods of accounting as are necessary for the performance of the foregoing  
9 duties. The payment of any money of the state, or of any money under its  
10 control, or the refund of any money paid to the state, except upon audit  
11 by the comptroller, shall be void, and may be restrained upon the suit  
12 of any taxpayer with the consent of the [~~supreme~~] superior court in  
13 appellate division on notice to the attorney-general. In such respect  
14 the legislature shall define the powers and duties and may also assign  
15 to him or her: (1) supervision of the accounts of any political subdivi-  
16 sion of the state; and (2) powers and duties pertaining to or connected  
17 with the assessment and taxation of real estate, including determination  
18 of ratios which the assessed valuation of taxable real property bears to  
19 the full valuation thereof, but not including any of those powers and  
20 duties reserved to officers of a county, city, town or village by virtue  
21 of sections seven and eight of article nine of this constitution. The  
22 legislature shall assign to him or her no administrative duties, except-  
23 ing such as may be incidental to the performance of these functions, any  
24 other provision of this constitution to the contrary notwithstanding.

25 § 3. Resolved (if the Assembly concur), That section 1 of article 6 of  
26 the constitution be amended to read as follows:

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

40 b. The ~~supreme~~ court [~~of appeals~~], the [~~supreme~~] superior court  
41 including the appellate divisions thereof, the court of claims, the  
42 county court, the surrogate's court, the family court, the courts or  
43 court of civil and criminal jurisdiction of the city of New York, and  
44 such other courts as the legislature may determine shall be courts of  
45 record.

46 c. All processes, warrants and other mandates of the ~~supreme~~ court [~~of~~  
47 ~~appeals~~], the [~~supreme~~] superior court including the appellate divisions  
48 thereof, the court of claims, the county court, the surrogate's court  
49 and the family court may be served and executed in any part of the  
50 state. All processes, warrants and other mandates of the courts or court  
51 of civil and criminal jurisdiction of the city of New York may, subject  
52 to such limitation as may be prescribed by the legislature, be served  
53 and executed in any part of the state. The legislature may provide that  
54 processes, warrants and other mandates of the district court may be  
55 served and executed in any part of the state and that processes,  
56 warrants and other mandates of town, village and city courts outside the

1 city of New York may be served and executed in any part of the county in  
2 which such courts are located or in any part of any adjoining county.

3 § 4. Resolved (if the Assembly concur), That section 2 of article 6 of  
4 the constitution be amended to read as follows:

5 § 2. a. The supreme court [~~of appeals~~] is continued. It shall consist  
6 of the chief judge and the six elected associate judges now in office,  
7 who shall hold their offices until the expiration of their respective  
8 terms, and their successors, and such justices of the [~~supreme~~] superior  
9 court as may be designated for service in said court as hereinafter  
10 provided. The official terms of the chief judge and the six associate  
11 judges shall be fourteen years.

12 Five members of the court shall constitute a quorum, and the concur-  
13 rence of four shall be necessary to a decision; but no more than seven  
14 judges shall sit in any case. In case of the temporary absence or  
15 inability to act of any judge of the supreme court [~~of appeals~~], the  
16 court may designate any justice of the [~~supreme~~] superior court to serve  
17 as associate judge of the court during such absence or inability to act.  
18 The court shall have power to appoint and to remove its clerk. The  
19 powers and jurisdiction of the court shall not be suspended for want of  
20 appointment when the number of judges is sufficient to constitute a  
21 quorum.

22 b. Whenever and as often as the supreme court [~~of appeals~~] shall  
23 certify to the governor that the court is unable, by reason of the accu-  
24 mulation of causes pending therein, to hear and dispose of the same with  
25 reasonable speed, the governor shall designate such number of justices  
26 of the [~~supreme~~] superior court as may be so certified to be necessary,  
27 but not more than four, to serve as associate judges of the supreme  
28 court [~~of appeals~~]. The justices so designated shall be relieved, while  
29 so serving, from their duties as justices of the [~~supreme~~] superior  
30 court, and shall serve as associate judges of the supreme court [~~of~~  
31 ~~appeals~~] until the court shall certify that the need for the services of  
32 any such justices no longer exists, whereupon they shall return to the  
33 [~~supreme~~] superior court. The governor may fill vacancies among such  
34 designated judges. No such justices shall serve as associate judge of  
35 the supreme court [~~of appeals~~] except while holding the office of  
36 justice of the [~~supreme~~] superior court. The designation of a justice of  
37 the [~~supreme~~] superior court as an associate judge of the supreme court  
38 [~~of appeals~~] shall not be deemed to affect his or her existing office  
39 any longer than until the expiration of his or her designation as such  
40 associate judge, nor to create a vacancy.

41 c. There shall be a commission on judicial nomination to evaluate the  
42 qualifications of candidates for appointment to the supreme court [~~of~~  
43 ~~appeals~~] and to prepare a written report and recommend to the governor  
44 those persons who by their character, temperament, professional aptitude  
45 and experience are well qualified to hold such judicial office. The  
46 legislature shall provide by law for the organization and procedure of  
47 the judicial nominating commission.

48 d. (1) The commission on judicial nomination shall consist of twelve  
49 members of whom four shall be appointed by the governor, four by the  
50 chief judge of the supreme court [~~of appeals~~], and one each by the  
51 speaker of the assembly, the temporary president of the senate, the  
52 minority leader of the senate, and the minority leader of the assembly.  
53 Of the four members appointed by the governor, no more than two shall be  
54 enrolled in the same political party, two shall be members of the bar of  
55 the state, and two shall not be members of the bar of the state. Of the  
56 four members appointed by the chief judge of the supreme court [~~of~~

1 ~~appeals~~], no more than two shall be enrolled in the same political  
2 party, two shall be members of the bar of the state, and two shall not  
3 be members of the bar of the state. No member of the commission shall  
4 hold or have held any judicial office or hold any elected public office  
5 for which he or she receives compensation during his or her period of  
6 service, except that the governor and the chief judge may each appoint  
7 no more than one former judge or justice of the unified court system to  
8 such commission. No member of the commission shall hold any office in  
9 any political party. No member of the judicial nominating commission  
10 shall be eligible for appointment to judicial office in any court of the  
11 state during the member's period of service or within one year thereaft-  
12 er.

13 (2) The members first appointed by the governor shall have respective-  
14 ly one, two, three and four year terms as the governor shall designate.  
15 The members first appointed by the chief judge of the supreme court [~~of~~  
16 ~~appeals~~] shall have respectively one, two, three and four year terms as  
17 the chief judge shall designate. The member first appointed by the  
18 temporary president of the senate shall have a one-year term. The member  
19 first appointed by the minority leader of the senate shall have a two-  
20 year term. The member first appointed by the speaker of the assembly  
21 shall have a four-year term. The member first appointed by the minority  
22 leader of the assembly shall have a three-year term. Each subsequent  
23 appointment shall be for a term of four years.

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

26 (4) The commission shall consider the qualifications of candidates for  
27 appointment to the offices of judge and chief judge of the supreme court  
28 [~~of-appeals~~] and, whenever a vacancy in those offices occurs, shall  
29 prepare a written report and recommend to the governor persons who are  
30 well qualified for those judicial offices.

31 e. The governor shall appoint, with the advice and consent of the  
32 senate, from among those recommended by the judicial nominating commis-  
33 sion, a person to fill the office of chief judge or associate judge, as  
34 the case may be, whenever a vacancy occurs in the supreme court [~~of~~  
35 ~~appeals~~]; provided, however, that no person may be appointed a judge of  
36 the supreme court [~~of-appeals~~] unless such person is a resident of the  
37 state and has been admitted to the practice of law in this state for at  
38 least ten years. The governor shall transmit to the senate the written  
39 report of the commission on judicial nomination relating to the nominee.

40 f. When a vacancy occurs in the office of chief judge or associate  
41 judge of the supreme court [~~of-appeals~~] and the senate is not in session  
42 to give its advice and consent to an appointment to fill the vacancy,  
43 the governor shall fill the vacancy by interim appointment upon the  
44 recommendation of a commission on judicial nomination as provided in  
45 this section. An interim appointment shall continue until the senate  
46 shall pass upon the governor's selection. If the senate confirms an  
47 appointment, the judge shall serve a term as provided in subdivision a  
48 of this section commencing from the date of his or her interim appoint-  
49 ment. If the senate rejects an appointment, a vacancy in the office  
50 shall occur sixty days after such rejection. If an interim appointment  
51 to the supreme court [~~of-appeals~~] be made from among the justices of the  
52 [~~supreme~~] superior court or the appellate divisions thereof, that  
53 appointment shall not affect the justice's existing office, nor create a  
54 vacancy in the [~~supreme~~] superior court, or the appellate division ther-  
55 eof, unless such appointment is confirmed by the senate and the appoint-  
56 ee shall assume such office. If an interim appointment of chief judge of

1 the supreme court [~~of appeals~~] be made from among the associate judges,  
2 an interim appointment of associate judge shall be made in like manner;  
3 in such case, the appointment as chief judge shall not affect the exist-  
4 ing office of associate judge, unless such appointment as chief judge is  
5 confirmed by the senate and the appointee shall assume such office.

6 g. The provisions of subdivisions c, d, e and f of this section shall  
7 not apply to temporary designations or assignments of judges or  
8 justices.

9 § 5. Resolved (if the Assembly concur), That section 3 of article 6 of  
10 the constitution be amended to read as follows:

11 § 3. a. The jurisdiction of the supreme court [~~of appeals~~] shall be  
12 limited to the review of questions of law except where the judgment is  
13 of death, or where the appellate division, on reversing or modifying a  
14 final or interlocutory judgment in an action or a final or interlocutory  
15 order in a special proceeding, finds new facts and a final judgment or a  
16 final order pursuant thereto is entered; but the right to appeal shall  
17 not depend upon the amount involved.

18 b. Appeals to the supreme court [~~of appeals~~] may be taken in the  
19 classes of cases hereafter enumerated in this section;

20 In criminal cases, directly from a court of original jurisdiction  
21 where the judgment is of death, and in other criminal cases from an  
22 appellate division or otherwise as the legislature may from time to time  
23 provide.

24 In civil cases and proceedings as follows:

25 (1) As of right, from a judgment or order entered upon the decision of  
26 an appellate division of the [~~supreme~~] superior court which finally  
27 determines an action or special proceeding wherein is directly involved  
28 the construction of the constitution of the state or of the United  
29 States, or where one or more of the justices of the appellate division  
30 dissents from the decision of the court, or where the judgment or order  
31 is one of reversal or modification.

32 (2) As of right, from a judgment or order of a court of record of  
33 original jurisdiction which finally determines an action or special  
34 proceeding where the only question involved on the appeal is the validi-  
35 ty of a statutory provision of the state or of the United States under  
36 the constitution of the state or of the United States; and on any such  
37 appeal only the constitutional question shall be considered and deter-  
38 mined by the court.

39 (3) As of right, from an order of the appellate division granting a  
40 new trial in an action or a new hearing in a special proceeding where  
41 the appellant stipulates that, upon affirmance, judgment absolute or  
42 final order shall be rendered against him or her.

43 (4) From a determination of the appellate division of the [~~supreme~~]  
44 superior court in any department, other than a judgment or order which  
45 finally determines an action or special proceeding, where the appellate  
46 division allows the same and certifies that one or more questions of law  
47 have arisen which, in its opinion, ought to be reviewed by the supreme  
48 court [~~of appeals~~], but in such case the appeal shall bring up for  
49 review only the question or questions so certified; and the supreme  
50 court [~~of appeals~~] shall certify to the appellate division its determi-  
51 nation upon such question or questions.

52 (5) From an order of the appellate division of the [~~supreme~~] superior  
53 court in any department, in a proceeding instituted by or against one or  
54 more public officers or a board, commission or other body of public  
55 officers or a court or tribunal, other than an order which finally  
56 determines such proceeding, where the supreme court [~~of appeals~~] shall

1 allow the same upon the ground that, in its opinion, a question of law  
2 is involved which ought to be reviewed by it, and without regard to the  
3 availability of appeal by stipulation for final order absolute.

4 (6) From a judgment or order entered upon the decision of an appellate  
5 division of the [~~supreme~~] superior court which finally determines an  
6 action or special proceeding but which is not appealable under paragraph  
7 (1) of this subdivision where the appellate division or the supreme  
8 court [~~of appeals~~] shall certify that in its opinion a question of law  
9 is involved which ought to be reviewed by the supreme court [~~of~~  
10 ~~appeals~~]. Such an appeal may be allowed upon application (a) to the  
11 appellate division, and in case of refusal, to the supreme court [~~of~~  
12 ~~appeals~~], or (b) directly to the supreme court [~~of appeals~~]. Such an  
13 appeal shall be allowed when required in the interest of substantial  
14 justice.

15 (7) No appeal shall be taken to the supreme court [~~of appeals~~] from a  
16 judgment or order entered upon the decision of an appellate division of  
17 the [~~supreme~~] superior court in any civil case or proceeding where the  
18 appeal to the appellate division was from a judgment or order entered in  
19 an appeal from another court, including an appellate or special term of  
20 the [~~supreme~~] superior court, unless the construction of the constitu-  
21 tion of the state or of the United States is directly involved therein,  
22 or unless the appellate division of the [~~supreme~~] superior court shall  
23 certify that in its opinion a question of law is involved which ought to  
24 be reviewed by the supreme court [~~of appeals~~].

25 (8) The legislature may abolish an appeal to the supreme court [~~of~~  
26 ~~appeals~~] as of right in any or all of the cases or classes of cases  
27 specified in paragraph (1) of this subdivision wherein no question  
28 involving the construction of the constitution of the state or of the  
29 United States is directly involved, provided, however, that appeals in  
30 any such case or class of cases shall thereupon be governed by paragraph  
31 (6) of this subdivision.

32 (9) The supreme court [~~of appeals~~] shall adopt and from time to time  
33 may amend a rule to permit the court to answer questions of New York law  
34 certified to it by the Supreme Court of the United States, a court of  
35 appeals of the United States or an appellate court of last resort of  
36 another state, which may be determinative of the cause then pending in  
37 the certifying court and which in the opinion of the certifying court  
38 are not controlled by precedent in the decisions of the courts of New  
39 York.

40 § 6. Resolved (if the Assembly concur), That subdivisions b, c, h, j  
41 and k of section 4 of article 6 of the constitution be amended to read  
42 as follows:

43 b. The appellate divisions of the [~~supreme~~] superior court are contin-  
44 ued, and shall consist of seven justices of the [~~supreme~~] superior court  
45 in each of the first and second departments, and five justices in each  
46 of the other departments. In each appellate division, four justices  
47 shall constitute a quorum, and the concurrence of three shall be neces-  
48 sary to a decision. No more than five justices shall sit in any case.

49 c. The governor shall designate the presiding justice of each appel-  
50 late division, who shall act as such during his or her term of office  
51 and shall be a resident of the department. The other justices of the  
52 appellate divisions shall be designated by the governor, from all the  
53 justices elected to the [~~supreme~~] superior court, for terms of five  
54 years or the unexpired portions of their respective terms of office, if  
55 less than five years.

1 h. A justice of the appellate division of the [~~supreme~~] superior court  
2 in any department may be temporarily designated by the presiding justice  
3 of his or her department to the appellate division in another judicial  
4 department upon agreement by the presiding justices of the appellate  
5 division of the departments concerned.

6 j. No justice of the appellate division shall, within the department  
7 to which he or she may be designated to perform the duties of an appel-  
8 late justice, exercise any of the powers of a justice of the [~~supreme~~]  
9 superior court, other than those of a justice out of court, and those  
10 pertaining to the appellate division, except that the justice may decide  
11 causes or proceedings theretofore submitted, or hear and decide motions  
12 submitted by consent of counsel, but any such justice, when not actually  
13 engaged in performing the duties of such appellate justice in the  
14 department to which he or she is designated, may hold any term of the  
15 [~~supreme~~] superior court and exercise any of the powers of a justice of  
16 the [~~supreme~~] superior court in any judicial district in any other  
17 department of the state.

18 k. The appellate divisions of the [~~supreme~~] superior court shall have  
19 all the jurisdiction possessed by them on the effective date of this  
20 article and such additional jurisdiction as may be prescribed by law,  
21 provided, however, that the right to appeal to the appellate divisions  
22 from a judgment or order which does not finally determine an action or  
23 special proceeding may be limited or conditioned by law.

24 § 7. Resolved (if the Assembly concur), That subdivisions c, d and e  
25 of section 6 of article 6 of the constitution be amended to read as  
26 follows:

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

31 d. The [~~supreme~~] superior court is continued. It shall consist of the  
32 number of justices of the [~~supreme~~] superior court including the  
33 justices designated to the appellate divisions of the [~~supreme~~] superior  
34 court, judges of the county court of the counties of Bronx, Kings,  
35 Queens and Richmond and judges of the court of general sessions of the  
36 county of New York authorized by law on the thirty-first day of August  
37 next after the approval and ratification of this amendment by the  
38 people, all of whom shall be justices of the [~~supreme~~] superior court  
39 for the remainder of their terms. The legislature may increase the  
40 number of justices of the [~~supreme~~] superior court in any judicial  
41 district, except that the number in any district shall not be increased  
42 to exceed one justice for fifty thousand, or fraction over thirty thou-  
43 sand, of the population thereof as shown by the last federal census or  
44 state enumeration. The legislature may decrease the number of justices  
45 of the [~~supreme~~] superior court in any judicial district, except that  
46 the number in any district shall not be less than the number of justices  
47 of the [~~supreme~~] superior court authorized by law on the effective date  
48 of this article.

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

52 § 8. Resolved (if the Assembly concur), That section 7 of article 6 of  
53 the constitution be amended to read as follows:

54 § 7. a. The [~~supreme~~] superior court shall have general original  
55 jurisdiction in law and equity and the appellate jurisdiction herein  
56 provided. In the city of New York, it shall have exclusive jurisdiction

1 over crimes prosecuted by indictment, provided, however, that the legis-  
2 lature may grant to the city-wide court of criminal jurisdiction of the  
3 city of New York jurisdiction over misdemeanors prosecuted by indictment  
4 and to the family court in the city of New York jurisdiction over crimes  
5 and offenses by or against minors or between spouses or between parent  
6 and child or between members of the same family or household.

7 b. If the legislature shall create new classes of actions and  
8 proceedings, the [~~supreme~~] superior court shall have jurisdiction over  
9 such classes of actions and proceedings, but the legislature may provide  
10 that another court or other courts shall also have jurisdiction and that  
11 actions and proceedings of such classes may be originated in such other  
12 court or courts.

13 § 9. Resolved (if the Assembly concur), That section 8 of article 6 of  
14 the constitution be amended to read as follows:

15 § 8. a. The appellate division of the [~~supreme~~] superior court in each  
16 judicial department may establish an appellate term in and for such  
17 department or in and for a judicial district or districts or in and for  
18 a county or counties within such department. Such an appellate term  
19 shall be composed of not less than three nor more than five justices of  
20 the [~~supreme~~] superior court who shall be designated from time to time  
21 by the chief administrator of the courts with the approval of the  
22 presiding justice of the appropriate appellate division, and who shall  
23 be residents of the department or of the judicial district or districts  
24 as the case may be and the chief administrator of the courts shall  
25 designate the place or places where such appellate terms shall be held.

26 b. Any such appellate term may be discontinued and re-established as  
27 the appellate division of the [~~supreme~~] superior court in each depart-  
28 ment shall determine from time to time and any designation to service  
29 therein may be revoked by the chief administrator of the courts with the  
30 approval of the presiding justice of the appropriate appellate division.

31 c. In each appellate term no more than three justices assigned thereto  
32 shall sit in any action or proceeding. Two of such justices shall  
33 constitute a quorum and the concurrence of two shall be necessary to a  
34 decision.

35 d. If so directed by the appellate division of the [~~supreme~~] superior  
36 court establishing an appellate term, an appellate term shall have  
37 jurisdiction to hear and determine appeals now or hereafter authorized  
38 by law to be taken to the [~~supreme~~] superior court or to the appellate  
39 division other than appeals from the [~~supreme~~] superior court, a surro-  
40 gate's court, the family court or appeals in criminal cases prosecuted  
41 by indictment or by information as provided in section six of article  
42 one.

43 e. As may be provided by law, an appellate term shall have jurisdic-  
44 tion to hear and determine appeals from the district court or a town,  
45 village or city court outside the city of New York.

46 § 10. Resolved (if the Assembly concur), That section 11 of article 6  
47 of the constitution be amended to read as follows:

48 § 11. a. The county court shall have jurisdiction over the following  
49 classes of actions and proceedings which shall be originated in such  
50 county court in the manner provided by law, except that actions and  
51 proceedings within the jurisdiction of the district court or a town,  
52 village or city court outside the city of New York may, as provided by  
53 law, be originated therein: actions and proceedings for the recovery of  
54 money, actions and proceedings for the recovery of chattels and actions  
55 and proceedings for the foreclosure of mechanics liens and liens on  
56 personal property where the amount sought to be recovered or the value



1 of the property does not exceed twenty-five thousand dollars exclusive  
2 of interest and costs; over all crimes and other violations of law; over  
3 summary proceedings to recover possession of real property and to remove  
4 tenants therefrom; and over such other actions and proceedings, not  
5 within the exclusive jurisdiction of the [~~supreme~~] superior court, as  
6 may be provided by law.

7 b. The county court shall exercise such equity jurisdiction as may be  
8 provided by law and its jurisdiction to enter judgment upon a counter-  
9 claim for the recovery of money only shall be unlimited.

10 c. The county court shall have jurisdiction to hear and determine all  
11 appeals arising in the county in the following actions and proceedings:  
12 as of right, from a judgment or order of the district court or a town,  
13 village or city court which finally determines an action or proceeding  
14 and, as may be provided by law, from a judgment or order of any such  
15 court which does not finally determine an action or proceeding. The  
16 legislature may provide, in accordance with the provisions of section  
17 eight of this article, that any or all of such appeals be taken to an  
18 appellate term of the [~~supreme~~] superior court instead of the county  
19 court.

20 d. The provisions of this section shall in no way limit or impair the  
21 jurisdiction of the [~~supreme~~] superior court as set forth in section  
22 seven of this article.

23 § 11. Resolved (if the Assembly concur), That subdivisions d and f of  
24 section 12 of article 6 of the constitution be amended to read as  
25 follows:

26 d. The surrogate's court shall have jurisdiction over all actions and  
27 proceedings relating to the affairs of decedents, probate of wills,  
28 administration of estates and actions and proceedings arising thereunder  
29 or pertaining thereto, guardianship of the property of minors, and such  
30 other actions and proceedings, not within the exclusive jurisdiction of  
31 the [~~supreme~~] superior court, as may be provided by law.

32 f. The provisions of this section shall in no way limit or impair the  
33 jurisdiction of the [~~supreme~~] superior court as set forth in section  
34 seven of this article.

35 § 12. Resolved (if the Assembly concur), That subdivisions c and d of  
36 section 13 of article 6 of the constitution be amended to read as  
37 follows:

38 c. The family court shall also have jurisdiction to determine, with  
39 the same powers possessed by the [~~supreme~~] superior court, the following  
40 matters when referred to the family court from the [~~supreme~~] superior  
41 court: habeas corpus proceedings for the determination of the custody of  
42 minors; and in actions and proceedings for marital separation, divorce,  
43 annulment of marriage and dissolution of marriage, applications to fix  
44 temporary or permanent support and custody, or applications to enforce  
45 judgments and orders of support and of custody, or applications to modi-  
46 fy judgments and orders of support and of custody which may be granted  
47 only upon the showing to the family court that there has been a subse-  
48 quent change of circumstances and that modification is required.

49 d. The provisions of this section shall in no way limit or impair the  
50 jurisdiction of the [~~supreme~~] superior court as set forth in section  
51 seven of this article.

52 § 13. Resolved (if the Assembly concur), That subdivisions b, c and d  
53 of section 15 of article 6 of the constitution be amended to read as  
54 follows:

55 b. The court of city-wide civil jurisdiction of the city of New York  
56 shall have jurisdiction over the following classes of actions and

1 proceedings which shall be originated in such court in the manner  
2 provided by law: actions and proceedings for the recovery of money,  
3 actions and proceedings for the recovery of chattels and actions and  
4 proceedings for the foreclosure of mechanics liens and liens on personal  
5 property where the amount sought to be recovered or the value of the  
6 property does not exceed fifty thousand dollars exclusive of interest  
7 and costs, or such smaller amount as may be fixed by law; over summary  
8 proceedings to recover possession of real property and to remove tenants  
9 therefrom and over such other actions and proceedings, not within the  
10 exclusive jurisdiction of the [~~supreme~~] superior court, as may be  
11 provided by law. The court of city-wide civil jurisdiction shall further  
12 exercise such equity jurisdiction as may be provided by law and its  
13 jurisdiction to enter judgment upon a counterclaim for the recovery of  
14 money only shall be unlimited.

15 c. The court of city-wide criminal jurisdiction of the city of New  
16 York shall have jurisdiction over crimes and other violations of law,  
17 other than those prosecuted by indictment, provided, however, that the  
18 legislature may grant to said court jurisdiction over misdemeanors pros-  
19 ecuted by indictment; and over such other actions and proceedings, not  
20 within the exclusive jurisdiction of the [~~supreme~~] superior court, as  
21 may be provided by law.

22 d. The provisions of this section shall in no way limit or impair the  
23 jurisdiction of the [~~supreme~~] superior court as set forth in section  
24 seven of this article.

25 § 14. Resolved (if the Assembly concur), That section 19 of article 6  
26 of the constitution be amended to read as follows:

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

37 b. The county court shall transfer to the [~~supreme~~] superior court or  
38 surrogate's court or family court any action or proceeding which has not  
39 been transferred to it from the [~~supreme~~] superior court or surrogate's  
40 court or family court and over which the county court has no jurisdic-  
41 tion. The county court may transfer any action or proceeding, except a  
42 criminal action or proceeding involving a felony prosecuted by indict-  
43 ment or an action or proceeding required by this article to be dealt  
44 with in the surrogate's court or family court, to any court, other than  
45 the [~~supreme~~] superior court, having jurisdiction of the subject matter  
46 within the county provided that such other court has jurisdiction over  
47 the classes of persons named as parties.

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

53 d. The surrogate's court shall transfer to the [~~supreme~~] superior  
54 court or the county court or the family court or the courts for the city  
55 of New York established pursuant to section fifteen of this article any

1 action or proceeding which has not been transferred to it from any of  
2 said courts and over which the surrogate's court has no jurisdiction.

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

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

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

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

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

34 j. Each court shall exercise jurisdiction over any action or proceed-  
35 ing transferred to it pursuant to this section.

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

41 § 15. Resolved (if the Assembly concur), That section 20 of article 6  
42 of the constitution be amended to read as follows:

43 § 20. a. No person, other than one who holds such office at the effec-  
44 tive date of this article, may assume the office of judge of the supreme  
45 court [~~of appeals~~], justice of the [~~supreme~~ superior] court, or judge of  
46 the court of claims unless he or she has been admitted to practice law  
47 in this state at least ten years. No person, other than one who holds  
48 such office at the effective date of this article, may assume the office  
49 of judge of the county court, surrogate's court, family court, a court  
50 for the city of New York established pursuant to section fifteen of this  
51 article, district court or city court outside the city of New York  
52 unless he or she has been admitted to practice law in this state at  
53 least five years or such greater number of years as the legislature may  
54 determine.

55 b. A judge of the supreme court [~~of appeals~~], justice of the [~~supreme~~]  
56 superior court, judge of the court of claims, judge of a county court,

1 judge of the surrogate's court, judge of the family court or judge of a  
2 court for the city of New York established pursuant to section fifteen  
3 of this article who is elected or appointed after the effective date of  
4 this article may not:

5 (1) hold any other public office or trust except an office in relation  
6 to the administration of the courts, member of a constitutional conven-  
7 tion or member of the armed forces of the United States or of the state  
8 of New York in which latter event the legislature may enact such legis-  
9 lation as it deems appropriate to provide for a temporary judge or  
10 justice to serve during the period of the absence of such judge or  
11 justice in the armed forces;

12 (2) be eligible to be a candidate for any public office other than  
13 judicial office or member of a constitutional convention, unless he or  
14 she resigns from judicial office; in the event a judge or justice does  
15 not so resign from judicial office within ten days after his or her  
16 acceptance of the nomination of such other office, his or her judicial  
17 office shall become vacant and the vacancy shall be filled in the manner  
18 provided in this article;

19 (3) hold any office or assume the duties or exercise the powers of any  
20 office of any political organization or be a member of any governing or  
21 executive agency thereof;

22 (4) engage in the practice of law, act as an arbitrator, referee or  
23 compensated mediator in any action or proceeding or matter or engage in  
24 the conduct of any other profession or business which interferes with  
25 the performance of his or her judicial duties.

26 Judges and justices of the courts specified in this subdivision shall  
27 also be subject to such rules of conduct as may be promulgated by the  
28 chief administrator of the courts with the approval of the supreme court  
29 [~~of appeals~~].

30 c. Qualifications for and restrictions upon the judges of district,  
31 town, village or city courts outside the city of New York, other than  
32 such qualifications and restrictions specifically set forth in subdivi-  
33 sion a of this section, shall be prescribed by the legislature,  
34 provided, however, that the legislature shall require a course of train-  
35 ing and education to be completed by justices of town and village courts  
36 selected after the effective date of this article who have not been  
37 admitted to practice law in this state. Judges of such courts shall also  
38 be subject to such rules of conduct not inconsistent with laws as may be  
39 promulgated by the chief administrator of the courts with the approval  
40 of the supreme court [~~of appeals~~].

41 § 16. Resolved (if the Assembly concur), That subdivision a of section  
42 21 of article 6 of the constitution be amended to read as follows:

43 a. When a vacancy shall occur, otherwise than by expiration of term,  
44 in the office of justice of the [~~supreme~~] superior court, of judge of  
45 the county court, of judge of the surrogate's court or judge of the  
46 family court outside the city of New York, it shall be filled for a full  
47 term at the next general election held not less than three months after  
48 such vacancy occurs and, until the vacancy shall be so filled, the  
49 governor by and with the advice and consent of the senate, if the senate  
50 shall be in session, or, if the senate not be in session, the governor  
51 may fill such vacancy by an appointment which shall continue until and  
52 including the last day of December next after the election at which the  
53 vacancy shall be filled.

54 § 17. Resolved (if the Assembly concur), That section 22 of article 6  
55 of the constitution be amended to read as follows:

1 § 22. a. There shall be a commission on judicial conduct. The commis-  
2 sion on judicial conduct shall receive, initiate, investigate and hear  
3 complaints with respect to the conduct, qualifications, fitness to  
4 perform or performance of official duties of any judge or justice of the  
5 unified court system, in the manner provided by law; and, in accordance  
6 with subdivision d of this section, may determine that a judge or  
7 justice be admonished, censured or removed from office for cause,  
8 including, but not limited to, misconduct in office, persistent failure  
9 to perform his or her duties, habitual intemperance, and conduct, on or  
10 off the bench, prejudicial to the administration of justice, or that a  
11 judge or justice be retired for mental or physical disability preventing  
12 the proper performance of his or her judicial duties. The commission  
13 shall transmit [~~an~~ any] such determination to the chief judge of the  
14 supreme court [~~of appeals~~] who shall cause written notice of such deter-  
15 mination to be given to the judge or justice involved. Such judge or  
16 justice may either accept the commission's determination or make written  
17 request to the chief judge, within thirty days after receipt of such  
18 notice, for a review of such determination by the supreme court [~~of~~  
19 appeals].

20 b. (1) The commission on judicial conduct shall consist of eleven  
21 members, of whom four shall be appointed by the governor, one by the  
22 temporary president of the senate, one by the minority leader of the  
23 senate, one by the speaker of the assembly, one by the minority leader  
24 of the assembly and three by the chief judge of the supreme court [~~of~~  
25 appeals]. Of the members appointed by the governor one person shall be a  
26 member of the bar of the state but not a judge or justice, two shall not  
27 be members of the bar, justices or judges or retired justices or judges  
28 of the unified court system, and one shall be a judge or justice of the  
29 unified court system. Of the members appointed by the chief judge one  
30 person shall be a justice of the appellate division of the [~~supreme~~  
31 superior] court and two shall be judges or justices of a court or courts  
32 other than the supreme court [~~of appeals~~] or appellate divisions. None  
33 of the persons to be appointed by the legislative leaders shall be  
34 justices or judges or retired justices or judges.

35 (2) The persons first appointed by the governor shall have respective-  
36 ly one, two, three, and four-year terms as the governor shall designate.  
37 The persons first appointed by the chief judge of the supreme court [~~of~~  
38 appeals] shall have respectively two, three, and four-year terms as the  
39 governor shall designate. The person first appointed by the temporary  
40 president of the senate shall have a one-year term. The person first  
41 appointed by the minority leader of the senate shall have a two-year  
42 term. The person first appointed by the speaker of the assembly shall  
43 have a four-year term. The person first appointed by the minority leader  
44 of the assembly shall have a three-year term. Each member of the commis-  
45 sion shall be appointed thereafter for a term of four years. Commission  
46 membership of a judge or justice appointed by the governor or the chief  
47 judge shall terminate if such member ceases to hold the judicial posi-  
48 tion which qualified him or her for such appointment. Membership shall  
49 also terminate if a member attains a position which would have rendered  
50 him or her ineligible for appointment at the time of appointment. A  
51 vacancy shall be filled by the appointing officer for the remainder of  
52 the term.

53 c. The organization and procedure of the commission on judicial  
54 conduct shall be as provided by law. The commission on judicial conduct  
55 may establish its own rules and procedures not inconsistent with law.  
56 Unless the legislature shall provide otherwise, the commission shall be

1 empowered to designate one of its members or any other person as a  
2 referee to hear and report concerning any matter before the commission.

3 d. In reviewing a determination of the commission on judicial conduct,  
4 the supreme court [~~of appeals~~] may admonish, censure, remove or retire,  
5 for the reasons set forth in subdivision a of this section, any judge of  
6 the unified court system. In reviewing a determination of the commission  
7 on judicial conduct, the supreme court [~~of appeals~~] shall review the  
8 commission's findings of fact and conclusions of law on the record of  
9 the proceedings upon which the commission's determination was based. The  
10 supreme court [~~of appeals~~] may impose a less or more severe sanction  
11 prescribed by this section than the one determined by the commission, or  
12 impose no sanction.

13 e. The supreme court [~~of appeals~~] may suspend a judge or justice from  
14 exercising the powers of his or her office while there is pending a  
15 determination by the commission on judicial conduct for his or her  
16 removal or retirement, or while the judge or justice is charged in this  
17 state with a felony by an indictment or an information filed pursuant to  
18 section six of article one. The suspension shall continue upon  
19 conviction and, if the conviction becomes final, the judge or justice  
20 shall be removed from office. The suspension shall be terminated upon  
21 reversal of the conviction and dismissal of the accusatory instrument.  
22 Nothing in this subdivision shall prevent the commission on judicial  
23 conduct from determining that a judge or justice be admonished,  
24 censured, removed, or retired pursuant to subdivision a of this section.

25 f. Upon the recommendation of the commission on judicial conduct or on  
26 its own motion, the supreme court [~~of appeals~~] may suspend a judge or  
27 justice from office when he or she is charged with a crime punishable as  
28 a felony under the laws of this state, or any other crime which involves  
29 moral turpitude. The suspension shall continue upon conviction and, if  
30 the conviction becomes final, the judge or justice shall be removed from  
31 office. The suspension shall be terminated upon reversal of the  
32 conviction and dismissal of the accusatory instrument. Nothing in this  
33 subdivision shall prevent the commission on judicial conduct from deter-  
34 mining that a judge or justice be admonished, censured, removed, or  
35 retired pursuant to subdivision a of this section.

36 g. A judge or justice who is suspended from office by the supreme  
37 court [~~of appeals~~] shall receive his or her judicial salary during such  
38 period of suspension, unless the court directs otherwise. If the court  
39 has so directed and such suspension is thereafter terminated, the court  
40 may direct that the judge or justice shall be paid his or her salary for  
41 such period of suspension.

42 h. A judge or justice retired by the supreme court [~~of appeals~~] shall  
43 be considered to have retired voluntarily. A judge or justice removed by  
44 the supreme court [~~of appeals~~] shall be ineligible to hold other judi-  
45 cial office.

46 i. Notwithstanding any other provision of this section, the legisla-  
47 ture may provide by law for review of determinations of the commission  
48 on judicial conduct with respect to justices of town and village courts  
49 by an appellate division of the [~~supreme~~] superior court. In such event,  
50 all references in this section to the supreme court [~~of appeals~~] and the  
51 chief judge thereof shall be deemed references to an appellate division  
52 and the presiding justice thereof, respectively.

53 j. If a court on the judiciary shall have been convened before the  
54 effective date of this section and the proceeding shall not be concluded  
55 by that date, the court on the judiciary shall have continuing jurisdic-  
56 tion beyond the effective date of this section to conclude the proceed-

1 ing. All matters pending before the former commission on judicial  
2 conduct on the effective date of this section shall be disposed of in  
3 such manner as shall be provided by law.

4 § 18. Resolved (if the Assembly concur), That subdivisions a and b of  
5 section 23 of article 6 of the constitution be amended to read as  
6 follows:

7 a. Judges of the supreme court [~~of appeals~~] and justices of the  
8 [~~supreme~~] superior court may be removed by concurrent resolution of both  
9 houses of the legislature, if two-thirds of all the members elected to  
10 each house concur therein.

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

17 § 19. Resolved (if the Assembly concur), That section 24 of article 6  
18 of the constitution be amended to read as follows:

19 § 24. The assembly shall have the power of impeachment by a vote of a  
20 majority of all the members elected thereto. The court for the trial of  
21 impeachments shall be composed of the president of the senate, the  
22 senators, or the major part of them, and the judges of the supreme court  
23 [~~of appeals~~], or the major part of them. On the trial of an impeachment  
24 against the governor or lieutenant-governor, neither the lieutenant-gov-  
25 ernor nor the temporary president of the senate shall act as a member of  
26 the court. No judicial officer shall exercise his or her office after  
27 articles of impeachment against him or her shall have been preferred to  
28 the senate, until he or she shall have been acquitted. Before the trial  
29 of an impeachment, the members of the court shall take an oath or affir-  
30 mation truly and impartially to try the impeachment according to the  
31 evidence, and no person shall be convicted without the concurrence of  
32 two-thirds of the members present. Judgment in cases of impeachment  
33 shall not extend further than to removal from office, or removal from  
34 office and disqualification to hold and enjoy any public office of  
35 honor, trust, or profit under this state; but the party impeached shall  
36 be liable to indictment and punishment according to law.

37 § 20. Resolved (if the Assembly concur), That subdivisions a and b of  
38 section 25 of article 6 of the constitution be amended to read as  
39 follows:

40 a. The compensation of a judge of the supreme court [~~of appeals~~], a  
41 justice of the [~~supreme~~] superior court, a judge of the court of claims,  
42 a judge of the county court, a judge of the surrogate's court, a judge  
43 of the family court, a judge of a court for the city of New York estab-  
44 lished pursuant to section fifteen of this article, a judge of the  
45 district court or of a retired judge or justice shall be established by  
46 law and shall not be diminished during the term of office for which he  
47 or she was elected or appointed. Any judge or justice of a court abol-  
48 ished by section thirty-five of this article, who pursuant to that  
49 section becomes a judge or justice of a court established or continued  
50 by this article, shall receive without interruption or diminution for  
51 the remainder of the term for which he or she was elected or appointed  
52 to the abolished court the compensation he or she had been receiving  
53 upon the effective date of this article together with any additional  
54 compensation that may be prescribed by law.

55 b. Each judge of the supreme court [~~of appeals~~], justice of the  
56 [~~supreme~~] superior court, judge of the court of claims, judge of the

1 county court, judge of the surrogate's court, judge of the family court,  
2 judge of a court for the city of New York established pursuant to  
3 section fifteen of this article and judge of the district court shall  
4 retire on the last day of December in the year in which he or she  
5 reaches the age of seventy. Each such former judge of the supreme court  
6 [~~of—appeals~~] and justice of the [~~supreme~~] superior court may thereafter  
7 perform the duties of a justice of the [~~supreme~~] superior court, with  
8 power to hear and determine actions and proceedings, provided, however,  
9 that it shall be certificated in the manner provided by law that the  
10 services of such judge or justice are necessary to expedite the business  
11 of the court and that he or she is mentally and physically able and  
12 competent to perform the full duties of such office. Any such certif-  
13 ication shall be valid for a term of two years and may be extended as  
14 provided by law for additional terms of two years. A retired judge or  
15 justice shall serve no longer than until the last day of December in the  
16 year in which he or she reaches the age of seventy-six. A retired judge  
17 or justice shall be subject to assignment by the appellate division of  
18 the [~~supreme~~] superior court of the judicial department of his or her  
19 residence. Any retired justice of the [~~supreme~~] superior court who had  
20 been designated to and served as a justice of any appellate division  
21 immediately preceding his or her reaching the age of seventy shall be  
22 eligible for designation by the governor as a temporary or additional  
23 justice of the appellate division. A retired judge or justice shall not  
24 be counted in determining the number of justices in a judicial district  
25 for purposes of subdivision d of section six of this article.

26 § 21. Resolved (if the Assembly concur), That subdivisions a, b, c, d,  
27 e, f and g of section 26 of article 6 of the constitution be amended to  
28 read as follows:

29 a. A justice of the [~~supreme~~] superior court may perform the duties of  
30 office or hold court in any county and may be temporarily assigned to  
31 the [~~supreme~~] superior court in any judicial district or to the court of  
32 claims. A justice of the [~~supreme~~] superior court in the city of New  
33 York may be temporarily assigned to the family court in the city of New  
34 York or to the surrogate's court in any county within the city of New  
35 York when required to dispose of the business of such court.

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

39 c. A judge of the county court may perform the duties of office or  
40 hold court in any county and may be temporarily assigned to the  
41 [~~supreme~~] superior court in the judicial department of his or her resi-  
42 dence or to the county court or the family court in any county or to the  
43 surrogate's court in any county outside the city of New York or to a  
44 court for the city of New York established pursuant to section fifteen  
45 of this article.

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

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



1 f. A judge of the family court may perform the duties of office or  
2 hold court in any county and may be temporarily assigned to the  
3 [~~supreme~~] superior court in the judicial department of his or her resi-  
4 dence or to the county court or the family court in any county or to the  
5 surrogate's court in any county outside of the city of New York or to a  
6 court for the city of New York established pursuant to section fifteen  
7 of this article.

8 g. A judge of a court for the city of New York established pursuant to  
9 section fifteen of this article may perform the duties of office or hold  
10 court in any county and may be temporarily assigned to the [~~supreme~~]  
11 superior court in the judicial department of his or her residence or to  
12 the county court or the family court in any county or to the other court  
13 for the city of New York established pursuant to section fifteen of this  
14 article.

15 § 22. Resolved (if the Assembly concur), That section 27 of article 6  
16 of the constitution be amended to read as follows:

17 § 27. The governor may, when in his or her opinion the public interest  
18 requires, appoint extraordinary terms of the [~~supreme~~] superior court.  
19 The governor shall designate the time and place of holding the term and  
20 the justice who shall hold the term. The governor may terminate the  
21 assignment of the justice and may name another justice in his or her  
22 place to hold the term.

23 § 23. Resolved (if the Assembly concur), That subdivisions a and c of  
24 section 28 of article 6 of the constitution be amended to read as  
25 follows:

26 a. The chief judge of the supreme court [~~of appeals~~] shall be the  
27 chief judge of the state of New York and shall be the chief judicial  
28 officer of the unified court system. There shall be an administrative  
29 board of the courts which shall consist of the chief judge of the  
30 supreme court [~~of appeals~~] as chairperson and the presiding justice of  
31 the appellate division of the [~~supreme~~] superior court of each judicial  
32 department. The chief judge shall, with the advice and consent of the  
33 administrative board of the courts, appoint a chief administrator of the  
34 courts who shall serve at the pleasure of the chief judge.

35 c. The chief judge, after consultation with the administrative board,  
36 shall establish standards and administrative policies for general appli-  
37 cation throughout the state, which shall be submitted by the chief judge  
38 to the supreme court [~~of appeals~~], together with the recommendations, if  
39 any, of the administrative board. Such standards and administrative  
40 policies shall be promulgated after approval by the supreme court [~~of~~  
41 ~~appeals~~].

42 § 24. Resolved (if the Assembly concur), That subdivision a of section  
43 29 of article 6 of the constitution be amended to read as follows:

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

52 § 25. Resolved (if the Assembly concur), That subdivisions a and b of  
53 section 34 of article 6 of the constitution be amended to read as  
54 follows:

55 a. The supreme court [~~of appeals~~], the appellate division of the  
56 [~~supreme~~] superior court, the [~~supreme~~] superior court, the court of

1 claims, the county court in counties outside the city of New York, the  
2 surrogate's court and the district court of Nassau county shall hear and  
3 determine all appeals, actions and proceedings pending therein on the  
4 effective date of this article except that the appellate division of the  
5 [~~supreme~~] superior court in the first and second judicial departments or  
6 the appellate term in such departments, if so directed by the appropri-  
7 ate appellate division of the supreme court, shall hear and determine  
8 all appeals pending in the appellate terms of the [~~supreme~~] superior  
9 court in the first and second judicial departments and in the court of  
10 special sessions of the city of New York and except that the county  
11 court or an appellate term shall, as may be provided by law, hear and  
12 determine all appeals pending in the county court or the [~~supreme~~] supe-  
13 rior court other than an appellate term. Further appeal from a decision  
14 of the county court, the appellate term or the appellate division of the  
15 [~~supreme~~] superior court, rendered on or after the effective date of  
16 this article, shall be governed by the provisions of this article.

17 b. The justices of the [~~supreme~~] superior court in office on the  
18 effective date of this article shall hold their offices as justices of  
19 the [~~supreme~~] superior court until the expiration of their respective  
20 terms.

21 § 26. Resolved (if the Assembly concur), That subdivisions b, m and n  
22 of section 35 of article 6 of the constitution be amended to read as  
23 follows:

24 b. The judges of the county court of the counties of Bronx, Kings,  
25 Queens and Richmond and the judges of the court of general sessions of  
26 the county of New York in office on the effective date of this article  
27 shall, for the remainder of the terms for which they were elected or  
28 appointed, be justices of the [~~supreme~~] superior court in and for the  
29 judicial district which includes the county in which they resided on  
30 that date. The salaries of such justices shall be the same as the sala-  
31 ries of the other justices of the [~~supreme~~] superior court residing in  
32 the same judicial district and shall be paid in the same manner. All  
33 actions and proceedings pending in the county court of the counties of  
34 Bronx, Kings, Queens and Richmond and in the court of general sessions  
35 of the county of New York on the effective date of this article shall be  
36 transferred to the [~~supreme~~] superior court in the county in which the  
37 action or proceedings was pending, or otherwise as may be provided by  
38 law.

39 m. In the event that a judgment or order was entered before the effec-  
40 tive date of this article and a right of appeal existed and notice of  
41 appeal therefrom is filed after the effective date of this article, such  
42 appeal shall be taken from the [~~supreme~~] superior court, the county  
43 courts, the surrogate's courts, the children's courts, the court of  
44 general sessions of the county of New York and the domestic relations  
45 court of the city of New York to the appellate division of the [~~supreme~~]  
46 superior court in the judicial department in which such court was  
47 located; from the court of claims to the appellate division of the  
48 [~~supreme~~] superior court in the third judicial department, except for  
49 those claims which arose in the fourth judicial department, in which  
50 case the appeal shall be to the appellate division of the [~~supreme~~]  
51 superior court in the fourth judicial department; from the city court of  
52 the city of New York, the municipal court of the city of New York, the  
53 court of special sessions of the city of New York and the city magis-  
54 trates' courts of the city of New York to the appellate division of the  
55 [~~supreme~~] superior court in the judicial department in which such court  
56 was located, provided, however, that such appellate division of the

1 [~~supreme~~ superior court may transfer any such appeal to an appellate  
2 term, if such appellate term be established; and from the district  
3 court, town, village and city courts outside the city of New York to the  
4 county court in the county in which such court was located, provided,  
5 however, that the legislature may require the transfer of any such  
6 appeal to an appellate term, if such appellate term be established.  
7 Further appeal from a decision of a county court or an appellate term or  
8 the appellate division of the [~~supreme~~ superior court shall be governed  
9 by the provisions of this article. However, if in any action or proceed-  
10 ing decided prior to the effective date of this article, a party had a  
11 right of direct appeal from a court of original jurisdiction to the  
12 supreme court [~~of appeals~~], such appeal may be taken directly to the  
13 supreme court [~~of appeals~~].

14 n. In the event that an appeal was decided before the effective date  
15 of this article and a further appeal could be taken as of right and  
16 notice of appeal therefrom is filed after the effective date of this  
17 article, such appeal may be taken from the appellate division of the  
18 [~~supreme~~ superior court to the supreme court [~~of appeals~~] and from any  
19 other court to the appellate division of the [~~supreme~~ superior court.  
20 Further appeal from a decision of the appellate division of the  
21 [~~supreme~~ superior court shall be governed by the provisions of this  
22 article. If a further appeal could not be taken as of right, such appeal  
23 shall be governed by the provisions of this article.

24 § 27. Resolved (if the Assembly concur), That section 36-a of article  
25 6 of the constitution be amended to read as follows:

26 § 36-a. The amendments to the provisions of sections two, four, seven,  
27 eight, eleven, twenty, twenty-two, twenty-six, twenty-eight, twenty-nine  
28 and thirty of article six and to the provisions of section one of arti-  
29 cle seven, as first proposed by a concurrent resolution passed by the  
30 legislature in the year nineteen hundred seventy-six and entitled  
31 "Concurrent Resolution of the Senate and Assembly proposing amendments  
32 to articles six and seven of the constitution, in relation to the manner  
33 of selecting judges of the supreme court [~~of appeals~~], creation of a  
34 commission on judicial conduct and administration of the unified court  
35 system, providing for the effectiveness of such amendments and the  
36 repeal of subdivision c of section two, subdivision b of section seven,  
37 subdivision b of section eleven, section twenty-two and section twenty-  
38 eight of article six thereof relating thereto", shall become a part of  
39 the constitution on the first day of January next after the approval and  
40 ratification of the amendments proposed by such concurrent resolution by  
41 the people but the provisions thereof shall not become operative and the  
42 repeal of subdivision c of section two, section twenty-two and section  
43 twenty-eight shall not become effective until the first day of April  
44 next thereafter which date shall be deemed the effective date of such  
45 amendments and the chief judge and the associate judges of the supreme  
46 court [~~of appeals~~] in office on such effective date shall hold their  
47 offices until the expiration of their respective terms. Upon a vacancy  
48 in the office of any such judge, such vacancy shall be filled in the  
49 manner provided in section two of article six.

50 § 28. Resolved (if the Assembly concur), That section 1 of article 7  
51 of the constitution be amended to read as follows:

52 Section 1. For the preparation of the budget, the head of each depart-  
53 ment of state government, except the legislature and judiciary, shall  
54 furnish the governor such estimates and information in such form and at  
55 such times as the governor may require, copies of which shall forthwith  
56 be furnished to the appropriate committees of the legislature. The

1 governor shall hold hearings thereon at which the governor may require  
2 the attendance of heads of departments and their subordinates. Desig-  
3 nated representatives of such committees shall be entitled to attend the  
4 hearings thereon and to make inquiry concerning any part thereof.

5 Itemized estimates of the financial needs of the legislature, certi-  
6 fied by the presiding officer of each house, and of the judiciary,  
7 approved by the supreme court [~~of appeals~~] and certified by the chief  
8 judge of the supreme court [~~of appeals~~], shall be transmitted to the  
9 governor not later than the first day of December in each year for  
10 inclusion in the budget without revision but with such recommendations  
11 as the governor may deem proper. Copies of the itemized estimates of  
12 the financial needs of the judiciary also shall forthwith be transmitted  
13 to the appropriate committees of the legislature.

14 § 29. Resolved (if the Assembly concur), That the fourth undesignated  
15 paragraph of subdivision C of section 5 of article 8 of the constitution  
16 be amended to read as follows:

17 Except as otherwise provided herein, the legislature shall prescribe  
18 the method by which and the terms and conditions under which the propor-  
19 tionate amount of any such indebtedness to be so excluded shall be  
20 determined and no proportionate amount of such indebtedness shall be  
21 excluded except in accordance with such determination. The legislature  
22 may provide that the state comptroller shall make such determination or  
23 it may confer appropriate jurisdiction on the appellate division of the  
24 [~~supreme~~] superior court in the judicial departments in which such coun-  
25 ties, cities, towns or villages are located for the purpose of determin-  
26 ing the proportionate amount of any such indebtedness to be so excluded.

27 § 30. Resolved (if the Assembly concur), That subdivision A of section  
28 7 of article 8 of the constitution be amended to read as follows:

29 A. Indebtedness contracted prior to the first day of January, nineteen  
30 hundred ten, for dock purposes proportionately to the extent to which  
31 the current net revenues received by the city therefrom shall meet the  
32 interest on and the annual requirements for the amortization of such  
33 indebtedness. The legislature shall prescribe the method by which and  
34 the terms and conditions under which the amount of any such indebtedness  
35 to be so excluded shall be determined, and no such indebtedness shall be  
36 excluded except in accordance with such determination. The legislature  
37 may confer appropriate jurisdiction on the appellate division of the  
38 [~~supreme~~] superior court in the first judicial department for the  
39 purpose of determining the amount of any such indebtedness to be so  
40 excluded.

41 § 31. Resolved (if the Assembly concur), That the second undesignated  
42 paragraph of subdivision B of section 7-a of article 8 of the constitu-  
43 tion be amended to read as follows:

44 In determining whether indebtedness for transit purposes may be  
45 excluded under this paragraph of this section, there shall first be  
46 deducted from the current net revenue received by the city from such  
47 railroads and facilities and properties used in connection therewith and  
48 rights therein and securities owned by the city: (a) an amount equal to  
49 the interest and amortization requirements on indebtedness for rapid  
50 transit purposes heretofore excluded by order of the appellate division,  
51 which exclusion shall not be terminated by or under any provision of  
52 this section; (b) an amount equal to the interest on indebtedness  
53 contracted pursuant to this section and of the annual requirements for  
54 amortization on any sinking fund bonds and for redemption of any serial  
55 bonds evidencing such indebtedness; (c) an amount equal to the sum of  
56 all taxes and bridge tolls accruing to the city in the fiscal year of

1 the city preceding the acquisition of the railroads or facilities or  
2 properties or rights therein or securities acquired by the city here-  
3 under, from such railroads, facilities and properties; and (d) the  
4 amount of net operating revenue derived by the city from the independent  
5 subway system during such fiscal year. The legislature shall prescribe  
6 the method by which and the terms and conditions under which the amount  
7 of any indebtedness to be excluded hereunder shall be determined, and no  
8 indebtedness shall be excluded except in accordance with the determi-  
9 nation so prescribed. The legislature may confer appropriate jurisdic-  
10 tion on the appellate division of the [~~supreme~~] superior court in the  
11 first judicial department for the purpose of determining the amount of  
12 any debt to be so excluded.

13 § 32. Resolved (if the Assembly concur), That subdivision (d) of  
14 section 1 of article 9 of the constitution be amended to read as  
15 follows:

16 (d) No local government or any part of the territory thereof shall be  
17 annexed to another until the people, if any, of the territory proposed  
18 to be annexed shall have consented thereto by majority vote on a refer-  
19 endum and until the governing board of each local government, the area  
20 of which is affected, shall have consented thereto upon the basis of a  
21 determination that the annexation is in the over-all public interest.  
22 The consent of the governing board of a county shall be required only  
23 where a boundary of the county is affected. On or before July first,  
24 nineteen hundred sixty-four, the legislature shall provide, where such  
25 consent of a governing board is not granted, for adjudication and deter-  
26 mination, on the law and the facts, in a proceeding initiated in the  
27 [~~supreme~~] superior court, of the issue of whether the annexation is in  
28 the over-all public interest.

29 § 33. Resolved (if the Assembly concur), That subdivision (a) of  
30 section 13 of article 13 of the constitution be amended to read as  
31 follows:

32 (a) Except in counties in the city of New York and except as author-  
33 ized in section one of article nine of this constitution, registers in  
34 counties having registers shall be chosen by the electors of the respec-  
35 tive counties once in every three years and whenever the occurring of  
36 vacancies shall require; the sheriff and the clerk of each county shall  
37 be chosen by the electors once in every three or four years as the  
38 legislature shall direct. Sheriffs shall hold no other office. They may  
39 be required by law to renew their security, from time to time; and in  
40 default of giving such new security, their offices shall be deemed  
41 vacant. The governor may remove any elective sheriff, county clerk,  
42 district attorney or register within the term for which he or she shall  
43 have been elected; but before so doing the governor shall give to such  
44 officer a copy of the charges against him or her and an opportunity of  
45 being heard in his or her defense. In each county a district attorney  
46 shall be chosen by the electors once in every three or four years as the  
47 legislature shall direct. The clerk of each county in the city of New  
48 York shall be appointed, and be subject to removal, by the appellate  
49 division of the [~~supreme~~] superior court in the judicial department in  
50 which the county is located. In addition to his or her powers and duties  
51 as clerk of the [~~supreme~~] superior court, he or she shall have power to  
52 select, draw, summon and empanel grand and petit jurors in the manner  
53 and under the conditions now or hereafter prescribed by law, and shall  
54 have such other powers and duties as shall be prescribed by the city  
55 from time to time by local law.

1 § 34. Resolved (if the Assembly concur), That section 5 of article 14  
2 of the constitution be amended to read as follows:

3 § 5. A violation of any of the provisions of this article may be  
4 restrained at the suit of the people or, with the consent of the  
5 [~~supreme~~] superior court in appellate division, on notice to the attor-  
6 ney-general at the suit of any citizen.

7 § 35. Resolved (if the Assembly concur), That the opening paragraph of  
8 section 4 of article 18 of the constitution be amended to read as  
9 follows:

10 To effectuate any of the purposes of this article, the legislature may  
11 authorize any city, town or village to contract indebtedness to an  
12 amount which shall not exceed two per centum of the average assessed  
13 valuation of the real estate of such city, town or village subject to  
14 taxation, as determined by the last completed assessment roll and the  
15 four preceding assessment rolls of such city, town or village, for city,  
16 town or village taxes prior to the contracting of such indebtedness. In  
17 ascertaining the power of a city, or village having a population of five  
18 thousand or more as determined by the last federal census, to contract  
19 indebtedness pursuant to this article there may be excluded any such  
20 indebtedness if the project or projects aided by guarantees representing  
21 such indebtedness or by loans for which such indebtedness was contracted  
22 shall have yielded during the preceding year net revenue to be deter-  
23 mined annually by deducting from the gross revenues, including periodic  
24 subsidies therefor, received from such project or projects, all costs of  
25 operation, maintenance, repairs and replacements, and the interest on  
26 such indebtedness and the amounts required in such year for the payment  
27 of such indebtedness; provided that in the case of guarantees such  
28 interest and such amounts shall have been paid, and in the case of loans  
29 an amount equal to such interest and such amounts shall have been paid  
30 to such city or village. The legislature shall prescribe the method by  
31 which the amount of any such indebtedness to be excluded shall be deter-  
32 mined, and no such indebtedness shall be excluded except in accordance  
33 with such determination. The legislature may confer appropriate juris-  
34 diction on the appellate division of the [~~supreme~~] superior court in the  
35 judicial departments in which such cities or villages are located for  
36 the purpose of determining the amount of any such indebtedness to be so  
37 excluded.

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