

## Amendment to divide NY State into Upstate, Downstate and Montauk Regions

**Preamble:** While approval of both Congress and State Legislature is needed to divide NY into two states. An amendment to our New York state constitution is all that is needed to divide our state into two completely autonomous Regions which is almost the same as being separate states. Since Congress is unlikely give the Northeast two more US Senate seats; the two autonomous Regions plan, with a token state government, is more likely to succeed.

A new article XXI Regions to New York State Constitution will be created by this amendment.

**§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 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, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, St Lawrence, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming, and Yates.

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

**D)** Any new counties not listed above shall be assigned by state law to the correct Region.

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

**§2** **Regional Legislatures.**

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

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

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

**D) Assembly sizes**

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

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

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

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

**E)** Each Regional Legislature shall hold its regular session in months of January, February, and March of each year adjourning no later than March 20th. Each Regional senator shall have one vote in their Regional senate. . Each Regional assemblyperson shall have one vote in their Regional assembly.

**F)** The fiscal year of each Region will be from March 1 to last day of February of the following year. After January 1, three years after the regional governors take office for the first time, if at noon on the date a new fiscal year starts; all the appropriate region's budget appropriation bills and revenue bills have not been

enacted into law. That region previous fiscal year's budget shall become that region's default budget; once a regional default budget takes effect no part of the appropriate proposed regional Executive budget shall be enacted into law. The appropriations shall remain the same as the previous fiscal year's appropriation laws; the appropriations given to each county, city, town, village or school district shall also remain the same as the as that region's previous fiscal year; no moneys may be transferred between appropriation laws or other changes to default budget may be enacted, unless approved by new supplemental regional appropriation bill(s) which are enacted into law; any appropriations that were designed to be one time shall be dropped from the default regional budget. Supplemental regional appropriation bill(s) voted on between April 1 thru Dec 31 of any calendar year shall require at least three-fifths (3/5) vote of both of the appropriate regional legislature's houses with the ayes and nays entered on the journal, to be enacted. The default regional budget shall be treated as a regular regional budget and expire at the end of the fiscal year. Supplemental regional appropriation bill(s) are any appropriation bill created by the appropriate regional legislature.

**G)** The following types of New York State laws shall be become the Regional laws of each Region: Abandoned Property, Agriculture & Markets, Alcoholic Beverage Control, Alternative County Government, Arts and Cultural Affairs, Banking, Benevolent Orders, Boxing Sparring & Wrestling, Business Corporation, Canal, Civil Practice Law & Rules, Civil Rights, Civil Service (Regional & local), Cooperative Corporations, Correction, County, Criminal Procedure, Debtor & Creditor, Domestic Relations, Economic Development Law, Education, Elder, Election(Regional & Local), Eminent Domain Procedure, Employers' Liability, Energy, Environmental Conservation, Estates Powers & Trusts, Executive, Financial Services Law, General Associations, General Business, General City, General Construction, General Municipal, General Obligations, Highway, Insurance, Judiciary(Superior, Appellate, Supreme, County & Local) Labor, Legislative (Regional & Local), Lien, Limited Liability Company Law, Local Finance, Mental Hygiene, Military, Multiple Dwelling, Multiple Residence, Municipal Home Rule, Navigation, New York State Printing and Public Documents, Not-For-Profit Corporation, Parks, recreation and historic preservation, Partnership, Penal, Personal Property, Private Housing Finance, Public Authorities, Public Buildings, Public Health, Public Housing, Public Lands, Public Officers, Public Service, Racing, Pari-Mutuel Wagering and Breeding Law, Railroad, Rapid Transit, Real Property, Real Property Actions & Proceedings, Real Property Tax, Religious Corporations, Rural Electric Cooperative, Second Class Cities, Social Services, Soil

& Water Conservation Districts, State, State Administrative Procedure Act, State Finance, State Technology, Statute of Local Governments, Tax (except it may not enact or collect any Regional sales taxes), Town, Transportation, Transportation Corporations, Uniform Commercial Code, Vehicle & Traffic, Village, Volunteer Ambulance Workers' Benefit, Volunteer Firefighters' Benefit, Workers' Compensation, Family Court, Surrogate's Court Procedure, Uniform City Court, Uniform District Court, Uniform Justice Court, and any other types of laws not listed in State Legislature's list in §3 below; 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.

Criminal penalties: 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 above or in State Legislature changes section 3 below shall expire on July 1<sup>st</sup>, five years after the regional governors take office for the first time unless reenacted as a Regional Law. All local laws, local rules, local, laws, local ordinances and/or local 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 zone laws all such local laws, local rules, local, laws, local ordinances and/or local regulations shall expire ten years after they are filed, those that were pre-existing to this amendment will expire on January 1, three years after the regional governors take office for the first time, unless reenacted and refiled.

**H) Payments:** 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 at an office at the Regional capital. The same amount shall be given to each Assemblyperson to pay for staff that 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 that amount shall be set by Regional law.

**I) Impeachment or reassignment of duties:**The Regional Legislature may impeach for crimes and remove from office an Regional governor Regional lieutenant governor and Regional Secretary of State, local elected officials or appointed Regional officers in its Region by a two-thirds (2/3) vote of each Regional house. The state or Regional governor or any other official may not remove from office any elective sheriff, county clerk, district attorney or other elective local official; they may only be removed mid-term by impeachment or conviction of a felony. A regional governor may supersede a district attorney in his/her region for specific case(s) by appointing a special prosecutor in a manor defined by regional law. The region may by regional law reassign types of cases where public might believe a district attorney has a conflict of interest to their regional attorney general.

**J) Procedures:** A majority of each Regional house shall constitute a quorum to do business. Each Regional house shall determine the rules of its own proceedings, and is the judge of the elections, returns and qualifications of its own members; shall choose its own officers; and each Regional senate shall choose a temporary president and each Regional assembly shall choose a speaker. No person shall serve as both a State and Regional temporary senate president, nor anyone serve as a both state and Regional speaker. Each Regional house of the each Regional legislature shall keep a journal of its proceedings, and publish the same on the internet, except such parts as two-thirds (2/3) of its members agree require secrecy; at request of one fifth (1/5) of its members the ayes and nays shall be entered on the journal. The doors of each Regional house shall be kept open, except when the public welfare shall require secrecy. Neither house in a Regional legislature shall, without the consent of the other, adjourn for more

than two days. Any bill may originate in either house of the Regional legislature, and all bills passed by one house may be amended by the other. No bill shall be passed or become a law unless it shall have been printed and placed on the internet, in its final form, at least seven calendar days prior to its final passage, unless the appropriate regional governor, or the appropriate acting regional governor, shall have certified, under his or her hand and the seal of the state or Region, the facts which in his or her opinion necessitate an immediate vote thereon, in which case the law must expire ten calendar days after passage, unless it is re-passed a second time after been on the internet for seven days; nor shall any bill be passed or become a law, except by the assent of a majority of the members elected to each branch of a Regional legislature; and upon the last reading of a bill, no amendment thereof shall be allowed, and the question upon its final passage shall be taken immediately thereafter, and the ayes and nays entered on the journal. Pre-existing tax or revenue laws shall expire on July 1<sup>st</sup> five years after this amendment takes effect. Every law or bill which imposes, continues or revives a tax or raises revenue shall require at least three fifths (3/5) vote of both Regional houses to pass the ayes and nays entered on the journals and must distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object; all such laws must expire on July 1<sup>st</sup> five years after being passed. Any law or bill that will mandate that any county, district, or other municipality must spend its own funds to comply with such law shall require at least three fifths (3/5) vote of both Regional houses to pass the ayes and nays entered on the journals, all such laws must expire on July 1<sup>st</sup> ten years after being passed; Any policy, rule or regulation that will mandate that any county, district, or other municipality must spend its own funds to comply with it must be ratified by at least three fifths (3/5) vote of both Regional houses the ayes and nays entered on the journal, before it takes effect and must expire on July 1<sup>st</sup> ten years after being ratified; Pre-existing mandates that require county or other municipality must spend its own funds to comply with shall expire on July 1<sup>st</sup> one year and 7 months after the regional governors take office for the first time. Medical costs for the needy shall NOT be delegated by the State or by a Region to counties or other municipalities, and shall be paid by the Region up to limits set by Regional law. A Region may by Regional law contract debts in anticipation of the receipt of taxes and revenues, direct or indirect, for the purposes and within the amounts of appropriations theretofore made. Notes or other obligations for the moneys so borrowed shall be issued as may be provided by law, and shall with the interest thereon be paid from such taxes and revenues within one year from

the date of issue. Except for anticipation debt listed above no Regional debt shall be hereafter contracted by or in behalf of the Region, unless such debt shall be authorized by law, for some single work or purpose, to be distinctly specified therein. No such debt law shall take effect until it shall, at a November general election, have been submitted to the people of that Region, and have received a majority of all the votes cast for and against it at such election; any such Regional debt voted on must be paid off within twenty years. The Regional legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of its Region may be educated.

**§3 State Legislative changes:**

**A)** The office of State Senator is abolished; Regional Senators shall replace state senators. When meeting as the State Senate each Regional Senators vote shall be weighed by the population of his/her Regional Senate District.

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

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

Article III §6 of preexisting Constitution is deleted.

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

**E)** State Legislature power to enact laws shall be limited only to the following types of laws: Election(for state wide offices/issues and United States offices only), Executive(for the state only), Indian, Judiciary(Court of Appeals, Court of Claims, Judicial Conduct only), Legislative(for the state only), Military (National Guard and Naval only), Retirement & Social Security, State Administrative Procedure Act(for the state only), State Finance(for the state only), Tax but limited to sales taxes only, Court of Claims, Civil Service(state employees only), relations with the federal government, relations with other states or Canada for connecting roads bridges & other reasons, and connecting roads & bridges between Regions. No criminal penalties greater than a misdemeanor with a maximum one year in jail may be enacted by the state or local governments. Felonies can only be enacted under Regional law; National Guard felonies

will be prosecuted under Regional military law. Any other types of laws not listed in this section shall become Regional laws for each Region and be deleted from State code on July 1<sup>st</sup> following the date of the Regional governors take office for the first time.

**F)** Taxes and revenue for the state shall be limited only to a sales tax which may not exceed a maximum of four (4) percent; after January 1, ten years after the regional governors take office for the first time it may not exceed a maximum of three (3) percent. The sales tax for the state and local governments' shall be defined as a tax on sales, on the receipts from sales and/or receipts from hotel/motel room rentals, leases or rentals of moveable goods, and/or any taxable services; this includes a use tax on items over one thousand dollars in value that are used within the state by a permanent resident, but were bought elsewhere, and which are thus not originally subject to the sales tax; the sales taxes shall never be applied to medicines, food unless served in a restaurant, fuel, real property, sale of buildings, and/or nonalcoholic beverages. The state shall give 25 percent of its sales tax revenue to the regions divided in proportion each region's population, until January 1, ten years after the regional governors take office for the first time which shall be paid on the 15<sup>th</sup> of every month for previous months revenue. The maximum combined state and local sales taxes may not exceed 8 percent; after January 1, ten years after the regional governors take office for the first time the maximum combined sales tax may not exceed 7 percent. ARTICLE VII is amended as follows: The state may no longer contact any debt other than in anticipation of the receipt of taxes and revenues which must be paid back within one year.

§4 **Regional Executive**

**A)** The executive power in each Region shall be vested in the Regional governor, who shall hold office for four years starting at noon on December 1st after his/her election; the Regional lieutenant governor shall be chosen at the same time, and for the same term. The Regional governors, Regional lieutenant governors, and Regional secretary of states shall be elected by the people of their respective Regions; they must be a United States citizen and been a resident of their respective Region for at least five years or a resident of their respective Region at time of its creation. Each Regional governor shall have power to convene his/her Region's legislature, or his/her Region's senate only, on extraordinary occasions; for a special session which may last no longer than two weeks; no such special session may be called within six weeks of the end of another special session. In case of the removal of the Regional governor from office or of his or her death or resignation, the Regional lieutenant-governor for that Region shall become Regional governor for the remainder of the term. In case the Regional governor is otherwise unable to discharge the powers and duties of his/her office the Regional lieutenant-governor for that Region shall act as Regional governor until the inability shall



cease or until the term of the Regional governor shall expire. If both Regional governor and Regional lieutenant governor offices for a Region are vacant or otherwise unable to discharge the powers and duties of their offices, that Region's Regional Secretary of State shall become governor automatically resigning as a Regional Secretary of State upon taking the oath as Regional governor; if all three offices are vacant that Region's temporary senate president will become governor automatically resigning as a senator and temporary senate president upon taking the oath as Regional governor. Each Region shall by Regional law determine how and who shall become acting Regional governor; if Regional governor Regional lieutenant governor, Regional Secretary of State and temporary senate president offices all are vacant or all are otherwise unable to discharge the powers and duties of their offices. The Regional lieutenant-governor shall be the president of the Regional senate for his/her Region but shall have only a vote if they be equally divided. The election law petition requirements for getting on the ballot, for Regional governor Regional lieutenant governor or Regional Secretary of State shall be the same or less strict than are for State Comptroller any party conventions shall be held by Region for these Regional offices. The salaries of Regional governor Regional lieutenant governor and Regional Secretary of State shall by Regional law; after the salary is set no law varying their compensation shall take effect until an election of Regional governor shall have intervened.

**B) Regional Bill Procedures:** Every bill which shall have passed the Regional senate and assembly shall, before it becomes a law, be presented to the Regional governor for that Region; if the appropriate regional governor approve, he or she shall sign it; but if not, he or she shall return it with his or her objections to the Regional house in which it shall have originated, which shall enter the objections at large on the journal, and proceed to reconsider it; in either case he/she shall place a copy of his/her actions on the internet. If after such reconsideration, two-thirds of the members voting in that Regional house shall agree to pass the bill, it shall be sent together with the objections, to the other Regional house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members voting in that house, it shall become a regional law notwithstanding the objections of the appropriate regional governor. In all such cases the votes in both Regional houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each Regional house respectively. If any bill shall not be returned by the appropriate regional governor within ten days (Sundays excepted) after it shall have been presented to him or her, the same shall be a law in like manner as if he or she had signed it, unless the legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the appropriate regional governor. No bill shall become a law after the final adjournment of the Regional legislature, unless approved by the governor

within thirty days after such adjournment. If any bill presented to the appropriate regional governor contains several items of appropriation of money, the appropriate regional governor may object to one or more of such items while approving of the other portion of the bill; if a single item appropriation of money shall exceed \$250,000 the appropriate regional governor may reduce the amount appropriated with his/her objections. In such cases the appropriate regional governor shall append to the bill, at the time of signing it, a statement of the items to which he or she objects; and the appropriation so objected to shall not take effect and place on the internet. If the Regional legislature be in session, he or she shall transmit to the Regional house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If on reconsideration one or more of such items be approved by two-thirds of the members voting in each appropriate Regional house, the same shall be part of the law, notwithstanding the objections of the appropriate Regional governor. All the provisions of this section, in relation to bills not approved by the appropriate Regional governor, shall apply in cases in which he or she shall withhold approval from any item or items contained in a bill appropriating money.

**C)** Each Regional governor shall nominate, and by and with the Advice and Consent of Regional Senate for his/her Region, shall appoint Regional Commissioners other public Ministers and Consuls, Authorities, and other government controlled Public Corporations board members, Regional Education Commissioner, Justices of the Appellate divisions in his or her Region from elected the Supreme Court Justices in their Region for the remainder of their elected term, and all other Regional Officers, whose Appointments are not herein otherwise provided for, and which shall be established by law those appointed by Regional governor without a fixed term may be removed by the appropriate regional governor; but the Regional legislature may by Regional law vest the Appointment of such inferior Officers, as they think proper, in their Regional governor alone, in the Courts of Law, or in the Heads of Departments. The appropriate regional governor shall be empowered to seek a warrant in a Regional supreme court to hand over a criminal fugitive from another state or Region to the agents of the Governor of the State of New York to allow for the fugitives return to location the fugitive committed the alleged crime; this power can be regulated by Regional law. Each regional governor shall be empowered to pardon for civil and criminal offenses of state, regional law or local law that occurred within his/her region.

**D) Budget:** Annually, on or before the first Monday of January each Regional governor shall place on the internet and submit to his/her Regional legislature a budget containing a complete plan of expenditures proposed to be made before the close of the ensuing fiscal year and all moneys and revenues estimated to be available therefor, together with an explanation of the basis of such estimates and recommendations as to

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

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

**F) The Regional Board of Elections** for each region shall regulate all elections with the local boards of elections in its region. The State Board of Elections shall coordinate and fund elections for state wide offices/issues and United States offices with regional Boards of Elections; ballots for state wide offices/issues and United States offices shall be a separate ballot sheet, from regional offices/issues and Local Offices/issues ballot sheet(s). In the New Amsterdam and Montauk regions each County shall continue to fund a county Board of Elections; Starting on July 1<sup>st</sup> , after the regional governors take office for the first time The New Amsterdam and Montauk Regional Board of Elections and the County Boards of Elections shall conduct all regional, local, school district, village, fire district and other local district elections in a manner set by New Amsterdam or Montauk regional law.

§5 **State Executive Changes:** After the regional governors take office for the first time. The governors' panel shall consist of the State Governor and the Regional Governors; the governors' panel shall meet weekly to divide departments, transfer employees, property, assets, as defined in this amendment by majority vote, and debts as defined in

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

**A)** The Office of State Attorney-General is abolished and all its powers & duties given to the Regional Attorney-Generals. Department of Law and Office of State Attorney-General employees & duties shall be divided between the Regional Attorney-Generals' Departments of Law.

In addition the words "attorney-general" are replaced by "appropriate regional attorney-general" wherever it appears in pre-existing constitution.

**B)** The **State Comptroller** shall have the power to audit each Region and charge the Regions the reasonable costs related to performing the audits. The State Comptroller other powers and duties of his or her office shall NOT be affected by this Article of Amendment.

ARTICLE V §1 is replaced with this text: In elections held after the regional governors take office for the first time the state comptroller shall be elected for a term office of five years, and shall possess the qualifications provided in section 2 of article IV. The legislature shall provide for filling vacancies in the office of comptroller The comptroller shall be required: (1) To audit all vouchers before payment and all official accounts; (2) to audit the accrual and collection of all revenues and receipts; and (3) to prescribe such methods of accounting as are necessary for the performance of the foregoing duties.

The payment of any money of the state, or of any money under its control, or the

refund of any money paid to the state, except upon audit by the comptroller, shall be void, and may be restrained upon the suit of any taxpayer with the consent of the supreme court in appellate division on notice to the appropriate regional attorney-general. In such respect the appropriate regional legislature only shall define the powers and duties and may also assign to him or her: (1) supervision of the accounts of any political subdivision of their region; and (2) powers and duties pertaining to or connected with the assessment and taxation of real estate, including determination of ratios which the assessed valuation of taxable real property bears to the full valuation thereof, but not including any of those powers and duties reserved to officers of a county, city, town or village by virtue of sections seven and eight of article nine of this constitution. The appropriate regional legislature shall assign to him or her no administrative duties, excepting such as may be incidental to the performance of these functions, any other provision of this constitution to the contrary notwithstanding. The state legislature may also assign to him or her: (1) supervision of the accounts of the state. The office of comptroller shall also calculate annually the medium annual income of individuals in the state.

**C)** The Board of Regents is abolished and all its powers & duties given to the Regional Education Departments. Education Department employees shall be divided between the Regional Education Departments.

**D)** The Office of General Services, Department of Civil Service, and State Board of Elections employees shall be divided in four some remaining under the state and the rest being transferred to each Region. Department, of Tax and Finance employees shall also be divided in four ; those working on sales taxes shall remain under the Governor and the rest shall be divided between the Regional Departments, of Tax and Finance.

**E)** The Division of State Police is abolished and its employees shall be divided between The Capital Police under the State (which shall not have more 50 officers), the New Amsterdam Regional Police Division, Montauk Regional Police Division, and New York Regional Police Division.

**F)** The following Departments, Corporations, or Authorities are exempted and will remain part of New York State government: Court of Appeals, Court of Claims, Office of State Comptroller (Department of Audit & Control, NYS & 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 exempted or otherwise defined in this Amendment 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 amendment appointments for departments, offices,

agencies, that used to be made by the governor and now have been abolished and/or moved to the Regions shall now be made by the appropriate regional governors instead. Appointments for vacant local offices that used to be made by the governor shall now be made by the appropriate Regional governor instead.

**H) 1.** Authorities, and other Public Corporations, who have some of their board members appointed by Governor or other New York State officials, and exist in only one region shall now 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 more than one region shall be divided into regional Authorities, or regional government controlled Public Corporations, **by July 1<sup>st</sup>** 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 each region's population; they shall now 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 official(s) each local official may only appoint board members of new regional Authorities or regional government controlled Public Corporations in the region that official serves.

**2.** School, Library, 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 are divided in proportion each new district's/village's assessed value. The State Comptroller shall assign employee(s) to help the districts/villages divide.

**I)** The State University of New York shall be divided **by July 1<sup>st</sup>** 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 or Montauk Region shall pay at least \$8,000 every six months for their Region residents who are 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 Montauk Regional Governor with advice and consent of the Montauk Regional Senate The New York or New Amsterdam Region shall

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

**J)** New York State owned assets, roads & bridges, property, revenue, taxes (other than state sales taxes), and leases shall, **by April 1** after first election of Regional governors, now become the assets, roads & bridges, property, revenue, taxes, and leases of the Region of which they are located, earned, or person from which they collected resides; with the following exception in case of income taxes if a person earns the income in one Region an resides in another Region; the Region he earns the income in shall give him a tax credit for the amount of income taxes the person paid in their home Region on that income. The following buildings and associated land will remain state owned: The State Capital building, the Legislative Office building, the Governor Alfred E Smith building, State Comptroller's building 110 State St, State Comptroller's building Parking Garage, Sheridan Hollow Parking Garage, and The Governor's Executive Mansion all in Albany, the Adam Clayton Powell Jr. State Office Building in Harlem. New York State debts one half of debt, that pre-dates, this amendment's effective date shall remain a state obligation; the rest will become regional debt and shall be divided in proportion each region's population; Any payments for retirees of the New York State & Local Retirement System and Teachers' Retirement System shall remain a state obligation. The governors' panel shall designate two correctional facilities (prisons) for males and one correctional facility (prison) for females located in the New Amsterdam Region to be owned, rented, or leased by New Amsterdam Region. The remaining correctional facilities (prisons) located in the New Amsterdam Region shall be designated to be owned rented, or leased by the New York Region or the Montauk Region; the employees in these correctional facilities shall become New York Region employees or Montauk Region employees. Inmates in correctional facilities shall be divided so that those who committed their crimes New York Region shall serve their time in correctional facilities owned, rented, or leased by New York Region; while those who committed their crimes New Amsterdam Region shall serve their time in correctional facilities owned, rented, or leased by the New Amsterdam Region; while those who committed their crimes in the Montauk Region shall serve their time in correctional

facilities owned, rented, or leased by the Montauk Region. Inmates shall be transferred to appropriate correctional facilities by February 1, two years after the regional governors take office for the first time, after that date a region holding inmate(s) that should be transferred may charge the appropriate region for cost of holding the inmate(s) in their correctional facility. Patients or Residents in Mental Hospitals, Developmental Centers or Group Homes who are currently paid for by the state and whose original home address is in a different region than Mental Hospital, Developmental Center or Group Home is located shall have their costs paid by their original home region.

**K)** The Office of Court Administration shall be divided in four some employees remaining under the chief judge of the Court of Appeals and the rest being transfer to each Region. The division of Military and Naval Affairs' New York National guard and employees will remain state 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, property owned or leased for use of Division of Military & Naval Affairs will be divided appropriately.

**ARTICLE XII §1** the word "legislature" is replaced by "applicable regional legislature".

§6 **Regional Judicial**

**A)** The New York Regional Governor shall appoint, with the advice and consent New York Regional Senate, county judges and/or Supreme Court Justices in 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 Chief Justice and four associate justices on 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 say in interpreting what New York Regional laws or local laws mean 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 New Amsterdam Regional Senate, county judges and/or Supreme Court Justices in New Amsterdam Region; to serve the remainder of their term of office as Chief Justice or associate justice on New Amsterdam Regional Superior Court. There shall be Chief Justice and four associate justices on 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 say in interpreting what New Amsterdam Regional laws or local laws mean 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 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 Montauk Regional Superior Court. There shall be Chief Justice and four associate justices on 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 say in interpreting what Montauk Regional laws or local laws mean 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 Region law. When a vacancy occurs in the Montauk Regional Superior Court or a Montauk Regional supreme court and the Regional senate is not in session the Montauk Regional governor shall call it back in a special session to fill the vacancy.

**D)** Justices of the Appellate Division First and Second judicial departments of shall now be appointed by New York Regional Governor instead of the Governor.

**E)** Justices of the Appellate Division Third and Fourth judicial departments of shall now be appointed by New Amsterdam Regional Governor instead of the Governor.

**F)** Justices of the Appellate Division Fifth and Sixth judicial departments of shall now be appointed by Montauk Regional Governor instead of the Governor.

**G)** The jurisdiction of each Regional Superior Court shall be limited to the review of questions of applicable United States law, state law, regional law, local laws, rules, charters, laws, ordinances or regulations; when hearing appeals from appellate divisions; except where the judgment is of death where appeal will be to the Court of Appeals, or where the appellate division within its Region, on reversing or modifying a final or interlocutory judgment in an action or a final or interlocutory order in a special proceeding, finds new facts and a final judgment or a final order pursuant thereto is entered; but the right to appeal shall not depend upon the amount involved. The applicable Regional Superior Court shall adopt and from time to time may amend a rule to permit the court to answer questions of Regional law certified to it by the Supreme Court of the United States, a Court of Appeals of the United States or an appellate court of last resort of another state, which may be determinative of the cause then pending in

the certifying court and which in the opinion of the certifying court are not controlled by precedent in the decisions of the courts of that Region.

Each region may by regional law set up a regional court of claims, which shall have at least five judges the actual number of judges shall be set by regional law The term of office shall be ten years; terms set up so an equal number as possible of judges terms expire on every December 31 of even numbered years. At least three judges must hear each case. The judges shall be appointed by the appropriate regional governor but must be confirmed by appropriate regional Senate. The court shall have jurisdiction to hear and determine claims against that region or by that region against the claimant or between conflicting claimants as the regional legislature may by regional law provide. Regional law may also give its regional court of claims the power to hear claims against any county, district, or other municipality over a dollar amount set by regional law. Jury trials shall not be allowed at a regional court of claims; any appeals may be heard by the applicable Regional Superior Court.

The Chief Justice of the applicable Regional Superior Court shall be the Chief Justice of that Region's courts and shall be the chief judicial officer of that region's unified court. In each Region there shall be an administrative board of the courts which shall consist of the Chief Justice of the applicable Regional Superior Court as chairperson and the presiding justice of the appellate division of the supreme court of each judicial department within that Region. The Chief Justice shall, with the advice and consent of the administrative board of the courts, appoint a chief administrator of the courts in that Region who shall serve at the pleasure of that Regional Chief Justice.

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

**H) A Fourteenth Judicial District** shall be created consisting of Dutchess, Orange, Putnam counties. This 14<sup>th</sup> Judicial District shall be part of Third Judicial Department. A **fifteenth Judicial District** shall be created consisting of Nassau County. A **Fifth Judicial Department** shall be created consisting of the remaining parts of the **tenth Judicial District**, and the **fifteenth Judicial District**. A **Sixth Judicial Department** shall be created consisting of remaining parts of **ninth Judicial District**.

§7 **State Judicial Changes**

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

**B) Article VI** the word “legislature” is replaced by “applicable regional legislature” anywhere in occurs within preexisting text in all sections of Article VI except §4a, §4b, §4c, §6a, §6b, §9, §22 and §23. The word “governor” is replaced by “applicable regional governor” anywhere in occurs within preexisting text in all sections of Article VI except §4a, §4b, §4c, §6a, §6b, §9, §22 and §23. Article VI §22 the phrase: “unified court system” is replaced by “state or regional unified court system” wherever it occurs in §22.

**Article VI §1a** is replaced with this text: There shall be a unified court system for each Region of the state. The state-wide courts shall consist of the Court of Appeals, and the court of claims. The Region wide courts of each Region shall consist of each Region’s Regional superior court, supreme courts including the appellate divisions thereof, the county court, the surrogate's court and the family court, as hereinafter provided. The unified court system for each Region shall also include the district, town, city and village courts outside the city of New York, within each Region as hereinafter provided. The New York Regional legislature shall establish in and for the city of New York, as part of the unified court system for the for its region, a single, citywide court of civil jurisdiction and a single, city-wide court of criminal jurisdiction, as hereinafter provided, and may upon the request of the mayor and the local legislative body of the city of New York, merge the two courts into one citywide court of both civil and criminal jurisdiction.

**Article VI §1b** is replaced with this text: The Court of Appeals, the Regional superior courts, supreme courts including the appellate divisions thereof, the court(s) of claims, the county court, the surrogate's court, the family court, the courts or court of civil and criminal jurisdiction of the city of New York, and such other courts as the applicable Regional legislature may determine shall be courts of record.

**Article VI §1c** is replaced with this text: All processes, warrants and other mandates of the Court of Appeals, and , the court of claims may be served and executed in any part of the state. All processes, warrants and other mandates of the Regional superior court, supreme courts including the appellate divisions thereof, the county court, the

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

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

**Article VI §2b is deleted**

**Article VI §2d. (1)** is replaced with this text: The commission on judicial nomination members shall be replaced and shall be chosen as follows four shall be appointed by each regional governor, four by the chief judge of the court of appeals, one by the

regional speaker of each regional assembly, one by regional temporary president of each regional senate, one by regional minority leader of each regional senate, and one by regional minority leader of each regional assembly. Of the four members appointed by each of the regional governors, no more than two shall be enrolled in the same political party, two shall be members of the bar of the state or region, and two shall not be members of the bar of the state or region. Of the four members appointed by the chief judge of the court of appeals, no more than two shall be enrolled in the same political party, two shall be members of the bar of the state or region, and two shall not be members of the bar of the state or region. No member of the commission shall hold or have held any judicial office or hold any elected public office for which he or she receives compensation during his or her period of service, except that the governor and the chief judge may each appoint no more than one former judge or justice of the state or regional court system to such commission. No member of the commission shall hold any office in any political party. No member of the judicial nominating commission shall be eligible for appointment to judicial office in any court of the state during the member's period of service or within one year thereafter.

**Article VI §2d (2)** is replaced with this text: The members appointed by the state governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and shall be removed from the commission on December 1<sup>st</sup> after the regional governors are elected for the first time. The members first appointed by each regional governor shall have respectively one, two, three and four year terms as that regional governor shall designate; each subsequent appointment by a regional governor shall be for a term of four years and those appointed by the chief judge shall be for a term of four years; the other members shall have a term of two years. Appointments to fill a vacancy shall only be for the remainder of the term.

**Article VI §2d (4)** is replaced with this text: The commission shall consider the qualifications of candidates for appointment to the offices of judge and chief judge of the court of appeals and, whenever a vacancy in those offices occurs, shall prepare a written report and recommend to the appropriate regional governor or state governor at least seven persons who are well qualified for those judicial offices.

**Article VI §2e** is replaced with this text: The appropriate regional governor shall appoint, with the advice and consent of his/her regional senate, from among list of those recommended by the judicial nominating commission, a person to fill the office of Court of Appeals judge, whenever a vacancy occurs in a court of appeals in a seat in the class assigned to his/her region. the appropriate regional governor shall transmit to his/her regional senate the written report of the commission on judicial nomination relating to the nominee.; provided, however, that no person may be appointed a judge of the court of appeals by a regional governor unless such person is a resident of that governor's

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

**Article VI §2f is deleted.**

**Article VI §2g is deleted.**

**Article VI §3** the words “appellate division” or “appellate division of the supreme court” are replaced by “Regional Superior Court” wherever it occurs within §3.

**Article VI §3a** is replaced with this text: The jurisdiction of the Court of Appeals shall be limited to the review of questions of appeal questions from a Regional Superior Court except where the judgment is of death. The Court of Appeals will only hear those appeals where at least two-thirds (2/3) of Court of Appeals judges vote to hear the case. The Court of Appeals shall continue to have the final say of interpreting New York State law and whether New York State laws are Constitutional when hearing appeals on New York State law from the appellate divisions. All appeals from the appellate divisions on regional law, local law, regional charter regional regulation, or local regulation must first be heard by the appropriate Regional Superior Court before being appealed to the Court of Appeals; the Court of Appeals may only reverse a Regional Superior Court ruling or a lower court ruling that a Regional Superior Court has let stand if at least three-quarters (3/4) of Court of Appeals judges vote to reverse the ruling. The Court of Appeals shall have original jurisdiction of actions of one region against another region.

**Article VI §3g is deleted.**

**Article VI §4.** The word governor is replaced by appropriate Regional governor wherever it occurs within preexisting text of §4.

**Article VI §4a** is replaced with this text: The state shall be divided into six judicial departments. The first department shall consist of the counties within the first and twelfth judicial districts of the state. The second department shall consist of the counties within the second, ninth, eleventh and thirteenth judicial districts of the state. The third department shall consist of the counties within the third, fourth, sixth and fourteenth judicial districts of the state. The fourth department shall consist of the counties within the fifth, seventh and eighth judicial districts of the state. The fifth department shall consist of the counties within the tenth, and fifteenth judicial districts of the state. A Sixth Judicial Department shall be created consisting of remaining parts

of ninth Judicial District Rockland and Westchester counties. Each department shall be bounded by the lines of judicial districts. Once every ten years the applicable regional legislature may alter the boundaries of the judicial departments in its region, but without changing the number thereof and No judicial department may be drawn in such a way to have counties from more than a single Region.

**Article VI §4b** is replaced with this text: Each of the justices appellate divisions of the supreme court are continued as justices and shall serve in the department and region they reside; appellate divisions of the supreme court shall have name of its region added in front word appellate, and shall consist of at least five justices of the supreme court but the exact number in each department shall be set by applicable region's law, In each appellate division, four justices shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case.

**Article VI §4c** is replaced with this text: The justices of each appellate divisions shall be designated by the appropriate regional governor, from all the justices elected to the supreme court for terms of five years or the unexpired portions of their respective terms of office, if less than five years, and each justice during his or her term of office shall be a resident of the department. The justices of each appellate division shall elect the presiding justice of their appellate division, for a two year term; until an election is held the appropriate regional governor shall designate an acting presiding justice.

**Article VI §6a** is replaced with this text: The state shall be divided into judicial districts. Unless otherwise stated in this article of amendment all judicial districts shall continue to keep the same bounties that existed prior to the adoption of this article of amendment unless modified according to Article VI §6b. If any judicial district exists in more one region it shall be divided into separate districts along the regional boundary.

**Article VI §6b** is replaced with this text: Once every ten years the applicable regional legislature may increase or decrease the number of judicial districts or alter the composition of judicial districts and thereupon re-apportion the justices to be thereafter elected in the judicial districts so altered and/or assign judicial districts to a different judicial department. Each judicial district shall be bounded by county lines. No judicial district may be drawn in such a way to have counties from more than a single region or be assigned to judicial department not contained within its' region.

**Article VI §7a.** Add the following at end: Each supreme court shall have the name of its region added to the beginning of its title.

**Article VI §13d** is replaced with this text: The provisions of this section shall in no way limit or impair the jurisdiction of the regional supreme court as set forth in section seven of this article. All proceedings of family court of the shall be open to the public however the court may require that only the first names of the minors and their parents or their relatives be used in its' proceedings and shall prohibit video, and photo(s) of its'

proceedings.

**Article VI §18b.** is replaced with this text: The state legislature may provide for the manner of trial of actions and proceedings involving claims against the state. The appropriate regional legislature may provide by regional law what claims against its' region or local governments may be heard by its' regional court of claims and whether a jury trial will be allowed.

**Article VI §18j.** is replaced with this text: Each court shall exercise jurisdiction over any action or proceeding transferred to it pursuant to this section but no action or proceeding shall ever be transferred out of its original region.

**Article VI §22. a.** is replaced with this text: There shall be a commission on judicial conduct. The commission on judicial conduct shall receive, initiate, investigate and hear complaints with respect to the conduct, qualifications, fitness to perform or performance of official duties of any judge or justice of the unified court system, in the manner provided by law; and, in accordance with subdivision d of this section, may determine that a judge or justice be admonished, censured or removed from office for cause, including, but not limited to, misconduct in office, persistent failure to perform his or her duties, habitual intemperance, and conduct, on or off the bench, prejudicial to the administration of justice, or that a judge or justice be retired for mental or physical disability preventing the proper performance of his or her judicial duties. The commission shall transmit such determination to the chief judge of the court of appeals who shall cause written notice of such determination to be given to the judge or justice involved. Such judge or justice may either accept the commission's determination or make written request to the chief judge of court of appeals if part of state unified court system or chief justice of the appropriate Regional Superior Court if part of regional unified court system, within thirty days after receipt of such notice, for a review of such determination by court of appeals or the appropriate Regional Superior Court. Any complaint about a justice who is a member of a regional Superior Court shall be referred to the all members of the applicable regional senate committee(s) for investigation and appropriate action(s); Any complaint about a judge who is a member of the Court of Appeals shall be referred to all members of the applicable state senate committee(s) for investigation and appropriate action(s); as this commission on judicial conduct shall have no jurisdiction over them

**Article VI §22b** is replaced with this text: b. (1) The commission on judicial conduct members shall be replaced and shall be chosen as follows, four shall be appointed by each regional governor, one by each regional temporary president of the regional senates, one by the minority leader of each of the regional senates, one by each speaker of the regional assemblies, one by the minority leader of each of the regional assemblies and three by the chief judge of the court of appeals. Of the members appointed by the



regional governors none shall be a member of the bar of the state or region nor a judge or justice. Of the members appointed by the chief judge all shall be members of the bar of the state or region. None of the persons to be appointed by the legislative leaders shall be justices or judges or retired justices or judges. The chief judge of court of appeals shall break any tie votes of the commission within three days.

(2) The persons first appointed by each regional governor shall have respectively one, two, three, and four-year terms as applicable regional governor shall designate. The chief judge of the court of appeals shall designate remaining terms of members of commission in such a way that no more that (1/4) one quarter of persons appointed shall have their term expire in any given year. Each member of the commission shall be appointed thereafter for a term of four years. A vacancy shall be filled by the appointing officer for the remainder of the term.

**Article VI §23 a.** is replaced with this text: Judges of the court of appeals and Judges of the court of claims may be removed by concurrent resolution of both houses of the state legislature, if three-fifths of all the members elected to each house concur therein.

**Article VI §23b.** is replaced with this text: Justices of the Regional Superior Court, Justices of the supreme court, judges of the regional court of claims, the county court, the surrogate's court, the family court, the courts for the city of New York established pursuant to section fifteen of this article, the district court and such other courts as the legislature may determine may be removed by the applicable regional senate, on the recommendation of the applicable regional governor, if three-fifths of all the members elected to the regional senate concur therein.

**Article VI §26b is deleted**

**Article VI §26i.** is replaced with this text: Temporary assignments of all the foregoing judges or justices listed in this section, and of judges of the city courts pursuant to paragraph two of subdivision j of this section, shall be made by the appropriate regional chief administrator of the courts in accordance with established regional standards and administrative policies, but no judge or justice shall be assigned outside his/her region.

**Article VI §27 is deleted.**

**Article VI §28a** is replaced with this text:

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

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

**Article VI §29a** is replaced with this text: The state legislature shall provide for the allocation of the cost of operating and maintaining the court of appeals, the court of claims, the judicial nominating commission, and the State Commission on Judicial Conduct. Each region shall fund its own courts; the Regional Superior Court, the appellate division of the supreme court in each judicial department, the supreme courts, the county courts, the surrogate's courts, the family courts, the courts for the city of New York established pursuant to section fifteen of this article and the district courts, among the state, the counties, the city of New York and other political subdivisions.

**I)** Full Faith and Credit shall be given in each Region to the public Acts, Records, licenses, permits, and judicial Proceedings of the other Region. And the State Legislature may by state Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof. Licenses, and Permits previously issued by the state shall remain in effect till their expiration date, when they then may be renewed with the Region.

§8 **Other Changes:**

**A)** Amend ARTICLE XIII the word "legislature" is replaced by "legislature or applicable Regional legislature" wherever it appears in ARTICLE XIII; and the word "state" is replaced by "state or Region" wherever it appears in ARTICLE XIII. Amend ARTICLE VI the word "legislature" is replaced by "legislature or applicable Regional legislature" wherever it appears in ARTICLE VI. Amend ARTICLE XV the word "legislature" is replaced by "applicable Regional legislature" wherever it appears in ARTICLE XV. Amend ARTICLE XVI the word "legislature" is replaced by "legislature or applicable Regional legislature" wherever it appears in ARTICLE XVI; and the word "state" is replaced by "state or Region" wherever it appears in ARTICLE XVI. Amend ARTICLE XVII the word "legislature" is replaced by "applicable Regional legislature" wherever it appears in ARTICLE XVII; and the word "state" is replaced by " Region" wherever it appears in ARTICLE XVII. Amend ARTICLE XVIII the word "legislature" is replaced by "applicable Regional legislature" wherever it appears in ARTICLE XVIII. Article IX add §4 Owners of parcels of land that are adjacent to each other or only separated by a road, highway, railroad, body of water, and/or a watercourse; within a single county may separate from any city(cities) and/or town(s) whose jurisdiction the land is currently under, and incorporate a new town; First

the owners must draw up a map and prepare a charter of the proposed town and have one fifth (1/5) of the owners of land in the proposed new town sign a petition agreeing to the map and charter; the proposed town must have at least two thousand (2000) people residing in it; the charter they draft shall describe how any special district(s) will be affected and when charter will take effect and when the special election to fill offices for created for the first time created under charter will be held; Second the map, charter and petition must be filed with the county board of elections where the proposed town will exist before Sept 1<sup>st</sup> of any year; the county board of elections shall then schedule a vote on proposed town on next election day in November; Only voters who reside within the proposed town may vote on creating it if a majority of those voting approve it the new town will be created and will cease to be part of the municipality or municipalities it separates from thirty days after the new town's officials' take office; The new town and the municipality or municipalities it separates from should negotiate fair prices for water, sewer or other services that must continue to be shared; if an agreement cannot be reached either may petition the Appellate Division of Supreme Court to set the prices for up to four years at a time; Should anyone go to court to block the creation of the new town and not prevail they shall pay the reasonable legal fees and court costs of those trying to create the new town. Create an ARTICLE VIII §2G 1 In the New Amsterdam region and Montauk Region: The fiscal year of all county, city, town, village or other district excluding school and library districts shall be from December 1<sup>st</sup> to November 30<sup>th</sup> of the following year. Whenever a proposed budget increase shall exceed two percent (2%) from the previous year's budget or a proposed property tax rate increase shall exceed two percent (2%) from the previous year's property tax rate; the proposed budget and/or property tax rate increased shall be submitted to their voters for a yes or no vote, on Election Day in November; sixty (60) percent of voters voting on it must vote yes for it to be approved; if approved the budget shall take effect at the start of fiscal year and property taxes will be collected as defined by law; however if defeated or no budget/property tax rate vote was held; the budget that county, city, town, village or other district excluding school districts must have a budget increase of less than two percent (2%) and the property tax rate increase must be less than two percent (2%). Regional laws may be enacted to enforce this section. Create an ARTICLE VIII §2G 2 In the New Amsterdam region and Montauk Region: The fiscal year of all school and library districts shall be from July 1<sup>st</sup> to June 30<sup>th</sup> of the following year. The school budget shall be submitted to the voters, for a yes or no vote, on a day in May or June that is selected by law and any primaries held during May or June will occur on the same day at same election district polling places with the same poll hours statewide; if proposed budget increase shall exceed two percent (2%) from the previous year's budget or a proposed property tax rate increase shall exceed two

percent (2%) from the previous year's property tax rate, sixty (60) percent of voters voting must vote yes for it to be approved; If the budget is approved it will take effect as defined by law; if a school district budget is defeated a contingency budget will be adopted the amount of any contingency budget increase shall be less than two percent (2%), per enrolled student as of July 1<sup>st</sup>. If a library district budget is defeated the district must have a budget increase of less than two percent (2%) and the property tax rate increase must be less than two percent (2%). Regional laws may be enacted to enforce this section. Amend ARTICLE XIX §2 The phrase "the electors of every senate district of the state, as then organized, shall elect three delegates" is amended to read: "the electors of every Regional senate district of the state, as then organized, shall elect three delegates and their votes shall be weighed by the population of delegate's Regional Senate District". The following phrase is deleted: "and the electors of the state voting at the same election shall elect fifteen delegates-at-large". ARTICLE XI §1, §2 and §3 shall be deleted and replaced with the following: ARTICLE XI Education §1 Each Regional legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated; shall provide for a Regional education department, and the legislature may provide for the transportation of children to and from any school or institution of learning. Add to ARTICLE XIX a new §4 as follows after this article of amendment is approved: No future amendment or new New York State constitution can be approved unless at least 55 percent of the voters voting on it in the New Amsterdam Region, 55 percent of the voters voting on it in the Montauk Region and at least 55 percent of the voters voting on it in the New York Region all approve the changes.

**B)** On Election Day in November of year immediately following the year this Amendment is approved by the state voters, registered voters in County of Richmond shall elect a seven member at large charter commission to draft a new County of Richmond Charter and Richmond county wide City of Staten Island charter; the commissioners shall take office immediately the charters they draft shall contain an elected County of Richmond Sheriff, when charters' take effect and when the special election to fill offices for created for the first time created under charters' will be held. The charters may define which City of New York employees can transfer to the County of Richmond or the City of Staten Island; and which City of New York owned assets roads, bridges, property, revenue that exist in the County of Richmond will be become the assets, roads & bridges, property, revenue of the County of Richmond or the City of Staten Island. The question placed on County of Richmond ballots by the charter commission on an Election Day in November shall read "Shall the charters' creating a City of Staten Island, changing the government of Richmond County and requiring the region to create a separate Staten Island city school district be approved Yes or No". If the charters are

approved County of Richmond will cease to be part of the City of New York thirty days after the City of Staten Island officials take office and the New York Region shall create a Staten Island city school district including all of County of Richmond at end of the school year when the City of Staten Island officials are first elected; The county charter may also transfer Richmond County from the New York Region to the Montauk Region If does transfer it shall assign the county to one of the Montauk's judicial departments and fix the date of the transfer takes effect. Richmond County shall take ownership of the Staten Island Ferries and all their docks; the City of Staten Island and the City of New York should negotiate fair prices for water, sewer or other services that must continue to be shared; if an agreement cannot be reached either city may ask the Appellate Division of Supreme Court to set the prices for up to four years at a time.

**C)** On Election Day in November of year immediately following the year this Amendment is approved by the state voters, a vote on creating a County of Peconic out of the Towns of East Hampton, Riverhead, Shelter Island, Southampton and Southold, and the Shinnecock Indian Reservation in County of Suffolk shall be held; only registered voters of the towns and the reservation listed above will allowed to vote on the following; the question on ballot shall read "Should a new County of Peconic be created Yes or No"; on same date an election for County of Peconic Sheriff, County of Peconic Clerk, County of Peconic District Attorney, and County Comptroller for three year terms will be held, also on same date limited to voters of the Shinnecock Indian Reservation an election for a County of Peconic supervisor will be held, if the new county is created they shall take office immediately if the new county is rejected their election is void. The Supervisors of the Towns of East Hampton, Riverhead, Shelter Island, Southampton and Southold, and the Shinnecock Indian Reservation Supervisor shall serve as the County of Peconic Board of Supervisors, the town Supervisor votes shall be weighed by the population of their towns minus the population of anyone who lives within the Shinnecock Indian Reservation but within their town's boundaries; the Shinnecock Indian Reservation County of Peconic Supervisor's vote will be weighed by population of the Reservation; the most recent federal decennial census population numbers shall be used. If the new County is approved , the County of Peconic Board of Supervisors shall hold its' first meeting in that November and as soon as possible set a County of Peconic budget and tax rate for the new year. If the new county is created the following shall happen in the year immediately after the November that the new county is approved the County of Suffolk shall remove County of Peconic towns and Reservation from its tax rolls on January 1<sup>st</sup> but will continue to provide services to these towns until March 1<sup>st</sup> ; the County of Peconic towns and Reservation shall cease to part of County of Suffolk on March 1st and County of Suffolk owned assets roads, bridges, property, revenue that exist in the County of Peconic will be become the assets, roads & bridges, property,

revenue of the County of County of Peconic ; the Suffolk courts will continue to cover County of Peconic until County of Peconic court judges are elected in a special election which shall be held February and take office; the County of Peconic shall have at least two County Court Judges. The County of Peconic will remain in the same region as the County of Suffolk.

**D)** On Election Day in November of year immediately following the year this Amendment is approved by the state voters, registered voters in County of Kings shall elect a seven member at large charter commission to draft a new County of Kings Charter and Kings county wide City of Brooklyn charter; the commissioners shall take office immediately the charters they draft shall contain an elected County of Kings Sheriff, when charters' take effect and when the special election to fill offices for created for the first time created under charters' will be held. The charters may define which City of New York employees can transfer to the County of Kings or the City of Brooklyn; and which City of New York owned assets roads, bridges, property, revenue that exist in the County of Kings will be become the assets, roads & bridges, property, revenue of the County of Kings or the City of Brooklyn. The question placed on County of Kings ballots by the charter commission on an Election Day in November shall read "Shall the charters' creating a City of Brooklyn, changing the government of Kings County and requiring the region to create a separate Brooklyn city school district be approved Yes or No". If the charters are approved County of Kings will cease to be part of the City of New York thirty days after the City of Brooklyn officials take office and the New York Region shall create a Brooklyn city school district including all of County of Kings at end of the school year when the City of Brooklyn officials are first elected. The City of Brooklyn and the City of New York should negotiate fair prices for water, sewer or other services that must continue to be shared; if an agreement cannot be reached either city may ask the Appellate Division of Supreme Court to set the prices for up to four years at a time.

**E)** On Election Day in November of year immediately following the year this Amendment is approved by the state voters, registered voters in County of Queens shall elect a seven member at large charter commission to draft a new County of Queens Charter and Queens county wide City of Queens Heights charter; the commissioners shall take office immediately the charters they draft shall contain an elected County of Queens Sheriff, when charters' take effect and when the special election to fill offices for created for the first time created under charters' will be held. The charters may define which City of New York employees can transfer to the County of Queens or the City of Queens Heights; and which City of New York owned assets roads, bridges, property, revenue that exist in the County of Queens will be become the assets, roads & bridges, property, revenue of the County of Queens or the City of Queens Heights. The question

placed on County of Queens ballots by the charter commission on an Election Day in November shall read “Shall the charters’ creating a City of Queens Heights, changing the government of Queens County and requiring the region to create a separate Queens Heights city school district be approved Yes or No”. If the charters are approved County of Queens will cease to be part of the City of New York thirty days after the City of Queens Heights officials take office and the New York Region shall create a Queens Heights city school district including all of County of Queens at end of the school year when the City of Queens Heights officials are first elected. The City of Queens Heights and the City of New York should negotiate fair prices for water, sewer or other services that must continue to be shared; if an agreement cannot be reached either city may ask the Appellate Division of Supreme Court to set the prices for up to four years at a time.

**F)** Charter commissions in this article shall serve a two year term. If a charter commission shall fail to submit to the voters charter(s) for the voters’ to approve or reject in November, by September of the second year of their term; a new charter commission shall be elected that November but no member of the old charter commission may stand for reelection. Charter commission members shall be paid the same by their county as the regional assemblypersons in their region.

§9 This new ARTICLE XXI created by this amendment will supersede any part of the New York State Constitution it conflicts with. If any part of this amendment is found to be unconstitutional by a court of competent jurisdiction the remainder shall remain in effect. This amendment shall supersede any part of any other amendment presented to voters that conflicts with it, that is voted on by the voters the same year.

§10 After January 1, Seven years after the regional governors take office for the first time or later, a Regional charter may be proposed to be created or amendments proposed to an existing charter by the a (3/5) three-fifths vote of both houses of that Region’s Regional legislature the charter or amendments it will then be placed on the next November ballot; voters may also place proposed amendments to an existing charter or an proposition to repeal an existing charter directly on the next November ballot, by a petition containing at least (1) one percent of the voters that voted in that Region’s last Regional executive elections, that is submitted to that Region’s secretary of state, unless another official is stated by a charter, before June 15 of any year. Voters shall be allowed to vote, yes or no, on the charter/amendment. If approved by (55) percent of the voters, voting on the charter/amendment it will then take effect. Regional charters may change or abolish the laws established by article XXI, §2, and §4, except for §2G including creating new offices, changing or merging the titles duties terms, for that Region officials contained in this article; but the Regional legislature must be two houses which correspond to the state assembly and state senate, so they may also serve in the

state legislative and the terms of Regional legislature may never exceed two years. Anything not covered in a charter shall follow continue the rules of this article.

§11 **Effective dates:** The parts of this Amendment that require drawing new regional districts as defined in this amendment and regional elections shall take effect on January 1<sup>st</sup> after the vote for ratification; the districts will be set up in time for that year's November elections. During the month of December, January, February, March, and April immediately after the Regional Governors take office for the first time eighty percent of taxes and revenue collected for the state will be held by State Comptroller to be given to the appropriate region, in proportion each region's population, on January 7<sup>th</sup>, February 7<sup>th</sup>, March 7<sup>th</sup>, April 7<sup>th</sup>, and May 7<sup>th</sup> respectively; from June on each region and state shall support themselves. The terms of the State Attorney-General, State Senators, and State Assemblymen shall end at noon on December 1<sup>st</sup> one year after the vote for ratification. Unless otherwise stated in this Amendment, the rest of this Amendment shall take effect on December 1<sup>st</sup> one year after the vote for ratification.