

STATE OF NEW YORK

5827

2007-2008 Regular Sessions

IN SENATE

May 14, 2007

Introduced by Sen. DeFRANCISCO -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing amendments to article 6 of the constitution, in relation to the composition of judicial departments and the restructuring of the unified court system, and the repeal of sections 9, 10, 11, 12, 13, 14, 16, 34, 35, 36, 36-a, 36-c and 37 and subdivision j of section 22 of article 6 of the constitution relating thereto

- 1 Section 1. Resolved (if the Assembly concur), That section 1 of arti-
2 cle 6 of the constitution be amended to read as follows:
3 Section 1. a. There shall be a unified court system for the state. The
4 state-wide courts shall consist of the court of appeals~~[,]~~ and the
5 supreme court including the appellate divisions and the appellate terms
6 thereof~~[, the court of claims, the county court, the surrogate's court~~
7 ~~and the family court,]~~ as hereinafter provided. ~~[The legislature shall~~
8 ~~establish in and for the city of New York, as part of the unified court~~
9 ~~system for the state, a single, city-wide court of civil jurisdiction~~
10 ~~and a single, city-wide court of criminal jurisdiction, as hereinafter~~
11 ~~provided, and may upon the request of the mayor and the local legisla-~~
12 ~~tive body of the city of New York, merge the two courts into one city-~~
13 ~~wide court of both civil and criminal jurisdiction.]~~ The unified court
14 system for the state shall also include the district, town~~[, city]~~ and
15 village courts ~~[outside the city of New York,]~~ as hereinafter provided.
16 b. The court of appeals, the supreme court including the appellate
17 divisions and the appellate terms thereof, ~~[the court of claims, the~~
18 ~~county court, the surrogate's court, the family court, the courts or~~
19 ~~court of civil and criminal jurisdiction of the city of New York,]~~ the
20 district courts and such other courts as the legislature may determine
21 shall be courts of record.
22 c. All processes, warrants and other mandates of the court of
23 appeals~~[,]~~ and the supreme court including the appellate divisions and

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

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1 the appellate terms thereof [~~the court of claims, the county court, the~~
2 ~~surrogate's court and the family court~~] may be served and executed in
3 any part of the state. All processes, warrants and other mandates of the
4 district courts [~~or court of civil and criminal jurisdiction of the city~~
5 ~~of New York~~] may, subject to such limitation as may be prescribed by the
6 legislature provided it applies uniformly to all district courts, be
7 served and executed in any part of the state. The legislature may
8 provide that processes, warrants and other mandates of [~~the district~~
9 ~~court may be served and executed in any part of the state and that proc-~~
10 ~~esses, warrants and other mandates of~~] town[,] and village [~~and city~~]
11 courts [~~outside the city of New York~~] may be served and executed in any
12 part of the county in which such courts are located or in any part of
13 any adjoining county.

14 § 2. Resolved (if the Assembly concur), That subdivision a of section
15 2 of article 6 of the constitution be amended to read as follows:

16 a. The court of appeals is continued. It shall consist of [~~the~~] a
17 chief judge and [~~the~~] six [~~elected~~] associate judges [~~now in office, who~~
18 ~~shall hold their offices until the expiration of their respective terms,~~
19 ~~and their successors~~], and such justices of the supreme court as may be
20 designated for service in said court as hereinafter provided. The offi-
21 cial terms of the chief judge and the six associate judges shall be
22 fourteen years.

23 Five members of the court shall constitute a quorum, and the concur-
24 rence of four shall be necessary to a decision; but no more than seven
25 judges shall sit in any case. In case of the temporary absence or
26 inability to act of any judge of the court of appeals, the court may
27 designate any justice of the supreme court to serve as associate judge
28 of the court during such absence or inability to act. The court shall
29 have power to appoint and to remove its clerk. The powers and jurisdic-
30 tion of the court shall not be suspended for want of appointment when
31 the number of judges is sufficient to constitute a quorum.

32 § 3. Resolved (if the Assembly concur), That subdivisions a, b, c, d
33 and e of section 4 of article 6 of the constitution be amended to read
34 as follows:

35 a. [~~The~~] (1) Except as provided in paragraph two of this subdivision,
36 the state shall be divided into four judicial departments. The first
37 department shall consist of the counties within the first and twelfth
38 judicial [~~district~~] districts of the state. The second department shall
39 consist of the counties within the second, ninth, tenth and eleventh
40 judicial districts of the state. The third department shall consist of
41 the counties within the third, fourth and sixth judicial districts of
42 the state. The fourth department shall consist of the counties within
43 the fifth, seventh and eighth judicial districts of the state. [~~Each~~
44 ~~department shall be bounded by the lines of judicial districts.~~]

45 (2) On or after September first, two thousand ten, the legislature
46 shall divide the state into five judicial departments and, in the event
47 it shall not do so by September first, two thousand eleven, the chief
48 administrator of the courts, after consultation with the presiding
49 justices of the judicial departments, and not later than January thir-
50 ty-first, two thousand twelve, shall submit to the legislature a plan
51 for the division of the state into five judicial departments, which plan
52 shall become effective one year following submission unless the legisla-
53 ture shall sooner divide the state into five judicial departments. Once
54 every ten years thereafter, the legislature may [~~alter the~~] further
55 adjust the number or boundaries of the judicial departments[, ~~but with-~~
56 ~~out changing the number thereof~~]. Upon any adjustment hereunder, each

1 department shall be bounded by the lines of judicial districts, and the
2 justices of each appellate division affected by such adjustment may be
3 re-apportioned by the chief judge, and appeals in their respective
4 courts transferred, as provided by subdivision h of section twenty-seven
5 of this article.

6 b. The appellate divisions of the supreme court are continued[7] and
7 shall consist of [~~seven justices of the supreme court in each of the~~
8 ~~first and second departments, and five justices in each of the other~~
9 ~~departments~~] such number of justices as may be authorized by law, except
10 that the aggregate number of justices in the appellate divisions shall
11 not be less than the number on August thirty-first, two thousand ten.
12 Once every twelve months thereafter, the appellate divisions may certify
13 to the governor that one or more justices are needed for the speedy
14 disposition of the business before it. Upon such certification, the
15 governor may designate one or more additional justices to each judicial
16 department making such certification. When the need for such justice or
17 justices shall no longer exist, the appellate division shall so certify
18 to the governor. In each appellate division, four justices shall consti-
19 tute a quorum, and the concurrence of three shall be necessary to a
20 decision. No more than five justices shall sit in any case.

21 c. The governor shall designate the presiding justice of each appel-
22 late division, who shall act as such during his or her term of office
23 and shall be a resident of the department. The other justices of the
24 appellate divisions shall be designated by the governor, from all the
25 justices [~~selected to~~] of the supreme court other than those appointed to
26 fill a vacancy pursuant to subdivision a of section fifteen of this
27 article, for terms of five years or the unexpired portions of their
28 respective terms of office, if less than five years; provided, however,
29 that justices designated by the governor upon certification of need by
30 the appellate divisions shall serve for the length of the need, if less
31 than five years.

32 d. The [~~justices heretofore designated shall continue to sit in the~~
33 ~~appellate divisions until the terms of their respective designations~~
34 ~~shall expire. From time to time as the terms of the designations expire,~~
35 ~~or vacancies occur, the governor shall make new designations. The]~~
36 governor may [~~also~~], on request of any appellate division, make tempo-
37 rary designations in case of the absence or inability to act of any
38 justice in such appellate division, for service only during such absence
39 or inability to act.

40 e. [~~In case any appellate division shall certify to the governor that~~
41 ~~one or more additional justices are needed for the speedy disposition of~~
42 ~~the business before it, the governor may designate an additional justice~~
43 ~~or additional justices; but when the need for such additional justice or~~
44 ~~justices shall no longer exist, the appellate division shall so certify~~
45 ~~to the governor, and thereupon service under such designation or desig-~~
46 ~~nations shall cease.~~] Subject to the provisions of this article,
47 justices serving in the appellate divisions on August thirty-first, two
48 thousand ten, shall continue to serve on the appellate divisions for
49 terms of five years from the effective date of their designation or the
50 unexpired portion of their respective terms of office if less than five
51 years; provided, however, that those justices who were designated by the
52 governor based upon a certification of need by an appellate division and
53 who have served for five years or more may remain justices in the appel-
54 late divisions until August thirty-first, two thousand eleven, or for
55 the unexpired portion of their respective terms of office if such term
56 expires prior to August thirty-first, two thousand eleven. Presiding

1 justices serving in the appellate divisions on August thirty-first, two
2 thousand ten shall continue to serve on the appellate divisions for the
3 remainder of their respective terms of office.

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

6 § 6. a. The state shall be divided into ~~[eleven]~~ twelve judicial
7 districts. The first judicial district shall consist of the ~~[counties]~~
8 county of [Bronx and] New York. The second judicial district shall
9 consist of the counties of Kings and Richmond. The third judicial
10 district shall consist of the counties of Albany, Columbia, Greene,
11 Rensselaer, Schoharie, Sullivan, and Ulster. The fourth judicial
12 district shall consist of the counties of Clinton, Essex, Franklin,
13 Fulton, Hamilton, Montgomery, St. Lawrence, Saratoga, Schenectady,
14 Warren and Washington. The fifth judicial district shall consist of the
15 counties of Herkimer, Jefferson, Lewis, Oneida, Onondaga, and Oswego.
16 The sixth judicial district shall consist of the counties of Broome,
17 Chemung, Chenango, Cortland, Delaware, Madison, Otsego, Schuyler, Tioga
18 and Tompkins. The seventh judicial district shall consist of the coun-
19 ties of Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne and
20 Yates. The eighth judicial district shall consist of the counties of
21 Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and
22 Wyoming. The ninth judicial district shall consist of the counties of
23 Dutchess, Orange, Putnam, Rockland and Westchester. The tenth judicial
24 district shall consist of the counties of Nassau and Suffolk. The elev-
25 enth judicial district shall consist of the county of Queens. The
26 twelfth judicial district shall consist of the county of Bronx.

27 b. Once every ten years the legislature may ~~[increase or decrease]~~
28 adjust the number or boundaries of judicial districts ~~[or alter the~~
29 ~~composition of judicial districts]~~ and thereupon re-apportion the
30 justices to be thereafter ~~[elected]~~ selected in the ~~[judicial]~~
31 so [altered] adjusted. Each judicial district shall be bounded by county
32 lines.

33 c. ~~[The]~~ Except as otherwise provided in this article, the justices of
34 the supreme court shall be chosen by the electors of the judicial
35 district in which they are to serve ~~[- The]~~ for terms of [justices of the
36 ~~supreme court shall be]~~ fourteen years from and including the first day
37 of January next after [their] election.

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

53 (1) the number in any judicial district shall not be less than the
54 number of justices of the supreme court authorized by law in such judi-
55 cial district on [the effective date of this article] August thirty-
56 first, two thousand ten; and (2) there shall be at least one justice of

1 the supreme court in each county outside the city of New York chosen by
2 the electors thereof.

3 e. The clerks of the several counties shall be clerks of the supreme
4 court, with such powers and duties as shall be prescribed by law.

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

7 § 7. a. The supreme court and any division thereof shall have general
8 original jurisdiction in law and equity, including the jurisdiction of
9 the former court of claims subject, however, to such power as the legis-
10 lature had to withdraw jurisdiction from the court of claims on August
11 thirty-first, two thousand ten; the appellate jurisdiction of the former
12 county court, except that the legislature may provide, in accordance
13 with section eight of this article, that one or more appellate terms
14 shall exercise any or all of such appellate jurisdiction instead of the
15 supreme court; and [the] such other appellate jurisdiction as herein
16 provided. [In the city of New York, it] Except as the legislature may
17 otherwise provide pursuant to paragraph four of subdivision a of section
18 ten of this article, the supreme court shall have exclusive jurisdiction
19 over crimes prosecuted by indictment[, provided, however, that the
20 legislature may grant to the city-wide court of criminal jurisdiction of
21 the city of New York jurisdiction over misdemeanors prosecuted by
22 indictment and to the family court in the city of New York jurisdiction
23 over crimes and offenses by or against minors or between spouses or
24 between parent and child or between members of the same family or house-
25 hold].

26 b. If the legislature shall create new classes of actions and
27 proceedings, the supreme court shall have jurisdiction over such classes
28 of actions and proceedings, but the legislature may provide that another
29 court or other courts shall also have jurisdiction and that actions and
30 proceedings of such classes may be originated in such other court or
31 courts.

32 c. Except as the chief administrator of the courts may otherwise
33 provide, the supreme court shall have the following divisions:

34 (1) a family division, for actions and proceedings for marital sepa-
35 ration, divorce, annulment of marriage and dissolution of marriage, and
36 actions and proceedings within the jurisdiction of the former family
37 court on August thirty-first, two thousand ten;

38 (2) a probate division, for actions and proceedings within the juris-
39 isdiction of the former surrogate's court on August thirty-first, two
40 thousand ten;

41 (3) a criminal division, for crimes and other violations of law;

42 (4) a state claims division, for actions and proceedings within the
43 jurisdiction of the former court of claims on August thirty-first, two
44 thousand ten;

45 (5) a commercial division, for civil actions and proceedings as may be
46 provided by law or by the chief administrator; and

47 (6) a general division, for all other actions and proceedings in the
48 supreme court.

49 To the extent practicable, justices assigned to any such divisions
50 shall be experienced in the business coming before them.

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

54 d. If so directed by the appellate division of the supreme court
55 establishing an appellate term, an appellate term shall have jurisdic-
56 tion to hear and determine appeals ~~[now or hereafter authorized by law]~~

1 ~~to be taken to the supreme court or to the appellate division other than~~
2 ~~appeals from the supreme court, a surrogate's court, the family court or~~
3 ~~appeals in criminal cases prosecuted by indictment or by information as~~
4 ~~provided in section six of article one] from the district court in the~~
5 ~~city of New York.~~

6 e. As may be provided by law, an appellate term shall have jurisdic-
7 tion to hear and determine appeals from ~~[the district]~~ a district court
8 outside the city of New York or from a town~~[7]~~ or village ~~[or city]~~
9 court ~~[outside the city of New York]~~.

10 § 7. Resolved (if the Assembly concur), That sections 9, 10, 11, 12,
11 13, 14, 16, 34, 35, 36, 36-a, 36-c and 37 and subdivision j of section
12 22 of article 6 of the constitution be REPEALED.

13 § 8. Resolved (if the Assembly concur), That sections 15, 17, 18, 19,
14 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 of article 6
15 of the constitution be renumbered sections 9, 11, 12, 13, 14, 15, 16,
16 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 28.

17 § 9. Resolved (if the Assembly concur), That section 9 of article 6 of
18 the constitution, as renumbered by section eight of this resolution, be
19 amended to read as follows:

20 § 9. a. The ~~[legislature shall by law establish a single court of~~
21 ~~city-wide civil jurisdiction and a single court of city-wide criminal~~
22 ~~jurisdiction in and for the city of New York and the legislature may,~~
23 ~~upon the request of the mayor and the local legislative body of the city~~
24 ~~of New York, merge the two courts into one city-wide court of both civil~~
25 ~~and criminal jurisdiction. The said city-wide courts] district court~~
26 ~~system is hereby established.~~

27 b. There shall be a district court in the city of New York. Effective
28 September first, two thousand ten, it shall consist of such number of
29 judges as may be ~~[provided]~~ authorized by law. The judges of the
30 district court ~~[of city-wide civil jurisdiction]~~ in the city of New York
31 shall be residents of such city and, except as otherwise provided in
32 this article, shall be ~~[chosen]~~ selected in the manner provided by law
33 for terms of ten years ~~[by the electors of the counties included within~~
34 ~~the city of New York from districts within such counties established by~~
35 ~~law. The judges of the court of city-wide criminal jurisdiction shall be~~
36 ~~residents of such city and shall be appointed for terms of ten years by~~
37 ~~the mayor of the city of New York.~~

38 b. The court of city-wide civil jurisdiction of the city of New York
39 shall have jurisdiction over the following classes of actions and
40 proceedings which shall be originated in such court in the manner
41 provided by law: actions and proceedings for the recovery of money,
42 actions and proceedings for the recovery of chattels and actions and
43 proceedings for the foreclosure of mechanics liens and liens on personal
44 property where the amount sought to be recovered or the value of the
45 property does not exceed twenty-five thousand dollars exclusive of
46 interest and costs, or such smaller amount as may be fixed by law; over
47 summary proceedings to recover possession of real property and to remove
48 tenants therefrom and over such other actions and proceedings, not with-
49 in the exclusive jurisdiction of the supreme court, as may be provided
50 by law. The court of city-wide civil jurisdiction shall further exercise
51 such equity jurisdiction as may be provided by law and its jurisdiction
52 to enter judgment upon a counterclaim for the recovery of money only
53 shall be unlimited.

54 c. The court of city-wide criminal jurisdiction of the city of New
55 York shall have jurisdiction over crimes and other violations of law,
56 other than those prosecuted by indictment, provided, however, that the

~~legislature may grant to said court jurisdiction over misdemeanors prosecuted by indictment; and over such other actions and proceedings, not within the exclusive jurisdiction of the supreme court, as may be provided by law.~~

~~d. The provisions of this section shall in no way limit or impair the jurisdiction of the supreme court as set forth in section seven of this article]. Where a term of office prescribed hereunder is elective, it shall be from and including the first day of January next after election.~~

c. Outside the city of New York there shall be district courts as follows:

(1) The legislature may, at the request of the board of supervisors or other elective governing body of any county outside the city of New York, establish a district court for the entire area of such county or for a portion of such county consisting of one or more cities, or one or more towns which are contiguous, or of a combination of such cities and such towns provided at least one of such cities is contiguous to one of such towns; provided that: (i) no law establishing a district court hereunder for an entire county shall become effective unless approved at a general election on the question of the approval of such law by a majority of the votes cast thereon by the electors within the area of any cities in the county considered as one unit and by a majority of the votes cast thereon by the electors within the area outside of cities in the county considered as one unit; and (ii) no law establishing a district court hereunder for a portion of a county shall become effective unless approved at a general election on the question of the approval of such law by a majority of the votes cast thereon by the electors within the area of any cities included in such portion of the county considered as one unit and by majority of the votes cast thereon by the electors within the area outside of cities included in such portion of the county considered as one unit.

(2) Unless the legislature shall otherwise provide, a district court shall be established for the area of each city outside the city of New York.

The judges of a district court outside the city of New York shall be residents of the county or portion thereof for which such court has been established and shall be chosen by the electors of such county or portion thereof for terms of six years; except that judges of a district court established pursuant to paragraph two of this subdivision shall be residents of the city for which such court is established unless otherwise provided by law, and shall be chosen in such manner and for such terms as shall be provided by law. Where a term of office prescribed hereunder is elective, it shall be from and including the first day of January next after election.

d. The legislature may create districts of a district court outside the city of New York established pursuant to paragraph one of subdivision c of this section which shall consist of an entire county or of an area less than a county; and may discontinue any district of such a district court. The judges of a district court for which districts have been created hereunder shall be apportioned among such districts as may be provided by law and, to the extent practicable, in accordance with the population and the volume of judicial business.

e. Each district court outside the city of New York shall consist of such number of judges as may be authorized by law, provided there shall be at least one judge for each district court and, for each district

1 court in which districts have been created hereunder, at least one judge
2 for each of such districts.

3 § 10. Resolved (if the Assembly concur), That article 6 of the consti-
4 tution be amended by adding a new section 10 to read as follows:

5 § 10. a. The jurisdiction of the district courts shall be uniform
6 statewide and shall include:

7 (1) actions and proceedings for the recovery of money, actions and
8 proceedings for the recovery of chattels, and actions and proceedings
9 for the foreclosure of mechanics liens and liens on personal property,
10 where the amount sought to be recovered or the value of the property
11 does not exceed fifty thousand dollars exclusive of interest and costs
12 or such smaller amount as may be fixed by law; provided, however, that
13 the jurisdiction of the district court to enter judgement upon a coun-
14 terclaim for the recovery of money only shall be unlimited;

15 (2) actions and proceedings in law and equity involving the enforce-
16 ment of state and local laws for the establishment and maintenance of
17 housing standards, and summary proceedings to recover possession of real
18 property and to remove tenants therefrom;

19 (3) such other equity jurisdiction as may be provided by law;

20 (4) jurisdiction over crimes and other violations of law, other than
21 those prosecuted by indictment; provided, however, that the legislature
22 may grant to the district courts jurisdiction over misdemeanors prose-
23 cuted by indictment; and

24 (5) any other jurisdiction of the former city-wide courts of the civil
25 and criminal jurisdiction for the city of New York on August thirty-
26 first, two thousand ten not otherwise provided herein and, where it is
27 provided by law after such date, such further jurisdiction as those
28 courts might have exercised on such date had such jurisdiction then been
29 provided by law.

30 b. The district court in the city of New York shall have a housing
31 division, for actions and proceedings specified in paragraph two of
32 subdivision a of this section.

33 c. The provisions of this section shall in no way limit or impair the
34 jurisdiction of the supreme court as set forth in section seven of this
35 article.

36 § 11. Resolved (if the Assembly concur), That section 11 of article 6
37 of the constitution, as renumbered by section eight of this resolution,
38 be amended to read as follows:

39 § 11. a. Courts for towns[~~7~~] and villages [~~and cities outside the city~~
40 ~~of New York~~] are continued and shall have the jurisdiction prescribed by
41 the legislature but not in any respect greater than the jurisdiction of
42 [~~the district~~] a district court as provided in section [~~sixteen~~] ten of
43 this article.

44 b. The legislature may regulate such courts[~~7~~, ~~establish uniform jurie-~~
45 ~~dition, practice and procedure for city courts outside the city of New~~
46 ~~York~~] and may discontinue any village [~~or city~~] court [~~outside the city~~
47 ~~of New York~~] existing on the effective date of this article. The legis-
48 lature may discontinue any town court existing on the effective date of
49 this article only with the approval of a majority of the total votes
50 cast at a general election on the question of a proposed discontinuance
51 of the court in each such town affected thereby.

52 c. The legislature may abolish the legislative functions on town
53 boards of justices of the peace and provide that members of the town
54 [~~councilmen~~] council be elected in their stead.

55 d. The number of [~~the judges~~] justices of each of such town[~~7~~] and
56 village [~~and city~~] courts and the classification and duties of [~~the~~

1 ~~judges~~] such justices shall be prescribed by the legislature. The terms,
2 method of selection and method of filling vacancies for the [~~judges~~]
3 justices of such courts shall be prescribed by the legislature[~~7~~];
4 provided, however, that the justices of town courts shall be chosen by
5 the electors of the town for terms of four years from and including the
6 first day of January next after their election.

7 § 12. Resolved (if the Assembly concur), That section 13 of article 6
8 of the constitution, as renumbered by section eight of this resolution,
9 be amended to read as follows:

10 § 13. a. The supreme court may transfer any action or proceeding,
11 except one over which it shall have exclusive jurisdiction which does
12 not depend upon the monetary amount sought, to any other court having
13 jurisdiction of the subject matter within the judicial department
14 provided that such other court has jurisdiction over the classes of
15 persons named as parties. As may be provided by law, the supreme court
16 may transfer to itself any action or proceeding originated or pending in
17 another court within the judicial department [~~other than the court of~~
18 ~~claims~~] upon a finding that such a transfer will promote the adminis-
19 tration of justice.

20 b. ~~The [county court shall transfer to the supreme court or surro-~~
21 ~~gate's court or family court any action or proceeding which has not been~~
22 ~~transferred to it from the supreme court or surrogate's court or family~~
23 ~~court and over which the county court has no jurisdiction. The county~~
24 ~~court may transfer any action or proceeding, except a criminal action or~~
25 ~~proceeding involving a felony prosecuted by indictment or an action or~~
26 ~~proceeding required by this article to be dealt with in the surrogate's~~
27 ~~court or family court, to any court, other than the supreme court,~~
28 ~~having jurisdiction of the subject matter within the county provided~~
29 ~~that such other court has jurisdiction over the classes of persons named~~
30 ~~as parties.~~

31 c. ~~As may be provided by law, the supreme court or the county court~~
32 ~~may transfer to the county court any action or proceeding originated or~~
33 ~~pending in the district court or a town, village or city court outside~~
34 ~~the city of New York upon a finding that such a transfer will promote~~
35 ~~the administration of justice.~~

36 d. ~~The surrogate's court shall transfer to the supreme court or the~~
37 ~~county court or the family court or the courts for the city of New York~~
38 ~~established pursuant to section fifteen of this article any action or~~
39 ~~proceeding which has not been transferred to it from any of said courts~~
40 ~~and over which the surrogate's court has no jurisdiction.~~

41 e. ~~The family court shall transfer to the supreme court or the surro-~~
42 ~~gate's court or the county court or the courts for the city of New York~~
43 ~~established pursuant to section fifteen of this article any action or~~
44 ~~proceeding which has not been transferred to it from any of said courts~~
45 ~~and over which the family court has no jurisdiction.~~

46 f. ~~The courts for~~ district court in the city of New York [~~established~~
47 ~~pursuant to section fifteen of this article~~] shall transfer to the
48 supreme court [~~or the surrogate's court or the family court~~] any action
49 or proceeding which has not been transferred to [~~them~~] it from [~~any of~~
50 ~~said courts~~] the supreme court and over which the [~~said courts for the~~
51 ~~city of New York have~~] district court has no jurisdiction.

52 [~~g.~~] c. As may be provided by law, the supreme court shall transfer
53 any action or proceeding to any other court having jurisdiction of the
54 subject matter in any other judicial district or county provided that
55 such other court has jurisdiction over the classes of persons named as
56 parties.

1 ~~[h.]~~ d. As may be provided by law, the ~~[county]~~ district court ~~[, the~~
2 ~~surrogate's court, the family court and the courts for]~~ in the city of
3 New York ~~[established pursuant to section fifteen of this article]~~ may
4 transfer any action or proceeding, other than one which has previously
5 been transferred to it, to any other court, except the supreme court,
6 having jurisdiction of the subject matter in any other judicial district
7 or county provided that such other court has jurisdiction over the
8 classes of persons named as parties.

9 ~~[i.]~~ e. As may be provided by law, ~~[the district]~~ a district court
10 outside the city of New York or a town~~[,]~~ or village ~~[or city]~~ court
11 ~~[outside the city of New York]~~ may transfer any action or proceeding,
12 other than one which has previously been transferred to it, to any
13 court, ~~[other than]~~ except the ~~[county court or the surrogate's court or~~
14 ~~the family court or the]~~ supreme court, having jurisdiction of the
15 subject matter in the same or an adjoining county provided that such
16 other court has jurisdiction over the classes of persons named as
17 parties.

18 ~~[j.]~~ f. Each court shall exercise jurisdiction over any action or
19 proceeding transferred to it pursuant to this section.

20 ~~[k.]~~ g. The legislature may provide that the verdict or judgment in
21 actions and proceedings so transferred shall not be subject to the limi-
22 tation of monetary jurisdiction of the court to which the actions and
23 proceedings are transferred if that limitation be lower than that of the
24 court in which the actions and proceedings were originated.

25 § 13. Resolved (if the Assembly concur), That section 14 of article 6
26 of the constitution, as renumbered by section eight of this resolution,
27 be amended to read as follows:

28 § 14. a. No person~~[, other than one who holds such office at the~~
29 ~~effective date of this article,]~~ may assume the office of judge of the
30 court of appeals~~[,]~~ or justice of the supreme court~~[, or judge of the~~
31 ~~court of claims]~~ unless he or she has been admitted to practice law in
32 this state at least ten years. No person~~[, other than one who holds such~~
33 ~~office at the effective date of this article,]~~ may assume the office of
34 judge of ~~[the county court, surrogate's court, family court, a court for~~
35 ~~the city of New York established pursuant to section fifteen of this~~
36 ~~article, district]~~ a district court ~~[or city court outside the city of~~
37 ~~New York]~~ unless he or she has been admitted to practice law in this
38 state at least five years or such greater number of years as the legis-
39 lature may determine.

40 b. A judge of the court of appeals, justice of the supreme court~~[,~~
41 ~~judge of the court of claims, judge of a county court, judge of the~~
42 ~~surrogate's court, judge of the family court]~~ or judge of ~~[a]~~ the
43 district court ~~[for]~~ in the city of New York ~~[established pursuant to~~
44 ~~section fifteen of this article who is elected or appointed after the~~
45 ~~effective date of this article]~~ may not:

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

53 (2) be eligible to be a candidate for any public office other than
54 judicial office or member of a constitutional convention, unless he or
55 she resigns from judicial office; in the event a judge or justice does
56 not so resign from judicial office within ten days after his or her

1 acceptance of the nomination of such other office, his or her judicial
2 office shall become vacant and the vacancy shall be filled in the manner
3 provided in this article;

4 (3) hold any office or assume the duties or exercise the powers of any
5 office of any political organization or be a member of any governing or
6 executive agency thereof;

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

11 Judges and justices of the courts specified in this subdivision shall
12 also be subject to such rules of conduct as may be promulgated by the
13 chief administrator of the courts with the approval of the court of
14 appeals.

15 c. Qualifications for and restrictions upon the judges of ~~[district,~~
16 ~~district courts outside the city of New York and justices of town[.] and~~
17 ~~village [or city] courts [outside the city of New York],~~ other than such
18 qualifications and restrictions specifically set forth in subdivision a
19 of this section, shall be prescribed by the legislature[.]; provided,
20 however, that the legislature shall require a course of training and
21 education to be completed by justices of town and village courts
22 ~~[selected after the effective date of this article]~~ who have not been
23 admitted to practice law in this state. Judges and justices of such
24 courts shall also be subject to such rules of conduct not inconsistent
25 with laws as may be promulgated by the chief administrator of the courts
26 with the approval of the court of appeals.

27 § 14. Resolved (if the Assembly concur), That section 15 of article 6
28 of the constitution, as renumbered by section eight of this resolution,
29 be amended to read as follows:

30 § 15. a. When a vacancy shall occur, otherwise than by expiration of
31 term, in the office of an elective justice of the supreme court~~[, of~~
32 ~~judge of the county court, of judge of the surrogate's court or judge of~~
33 ~~the family court outside the city of New York]~~, it shall be filled for a
34 full term at the next general election held not less than three months
35 after such vacancy occurs and, until the vacancy shall be so filled, the
36 governor by and with the advice and consent of the senate, if the senate
37 shall be in session, or, if the senate not be in session, the governor
38 may fill such vacancy by ~~[an]~~ appointment ~~[which]~~; except that, where
39 the vacancy is in the office of a justice who was a judge of the city-
40 wide court of civil jurisdiction of the city of New York who became a
41 justice of the supreme court pursuant to paragraph one of subdivision c
42 of section twenty-seven of this article, or his or her successor in
43 office, the mayor of the city of New York shall fill such vacancy by
44 appointment. Each appointment pursuant to this subdivision shall contin-
45 ue until and including the last day of December next after the election
46 at which the vacancy shall be filled.

47 b. When a vacancy shall occur, otherwise than by expiration of term,
48 in the office of ~~[judge of the court of claims]~~ an appointive justice of
49 the supreme court, it shall be filled for the unexpired term in the same
50 manner as an original appointment.

51 c. When a vacancy shall occur, otherwise than by expiration of term,
52 in the office of judge elected to the ~~[city-wide]~~ district court ~~[of~~
53 ~~civil jurisdiction of]~~ in the city of New York, it shall be filled for a
54 full term at the next general election held not less than three months
55 after such vacancy occurs and, until the vacancy shall be so filled, the
56 mayor of the city of New York may fill such vacancy by ~~[an]~~ appointment

1 which shall continue until and including the last day of December next
2 after the election at which the vacancy shall be filled. When a vacancy
3 shall occur, otherwise than by expiration of term on the last day of
4 December of any year, in the office of judge appointed to the ~~[family~~
5 ~~court within the city of New York or the city-wide]~~ district court ~~[of~~
6 ~~criminal jurisdiction of]~~ in the city of New York, the mayor of the city
7 of New York shall fill such vacancy by ~~[an]~~ appointment for the unex-
8 pired term; except that, where the vacancy is in the office of a judge
9 who was a housing judge who became a judge of the district court pursu-
10 ant to paragraph one of subdivision c of section twenty-seven of this
11 article, or his or her successor in office, the mayor shall fill such
12 vacancy by appointment for the unexpired term on the recommendation of a
13 commission established by law.

14 d. When a vacancy shall occur, otherwise than by expiration of term,
15 in the office of judge of ~~[the district]~~ a district court outside the
16 city of New York established pursuant to paragraph one of subdivision c
17 of section nine of this article, it shall be filled for a full term at
18 the next general election held not less than three months after such
19 vacancy occurs and, until the vacancy shall be so filled, the board of
20 supervisors or the supervisor or supervisors of the ~~[affected district]~~
21 area for which the court was established if such ~~[district]~~ area
22 consists of a portion of a county or, in counties with an elected county
23 executive officer, such county executive officer may, subject to confir-
24 mation by the board of supervisors or the supervisor or supervisors of
25 such ~~[district]~~ area, fill such vacancy by an appointment which shall
26 continue until and including the last day of December next after the
27 election at which the vacancy shall be filled.

28 e. When a vacancy shall occur, otherwise than by expiration of term,
29 in the office of judge of a district court outside the city of New York
30 established pursuant to paragraph two of subdivision c of section nine
31 of this article, it shall be filled in the manner provided by law.

32 § 15. Resolved (if the Assembly concur), That section 17 of article 6
33 of the constitution, as renumbered by section eight of this resolution,
34 be amended to read as follows:

35 § 17. a. Judges of the court of appeals and justices of the supreme
36 court may be removed by concurrent resolution of both houses of the
37 legislature, if two-thirds of all the members elected to each house
38 concur therein.

39 b. Judges of ~~[the court of claims, the county court, the surrogate's~~
40 ~~court, the family court, the courts for the city of New York established~~
41 ~~pursuant to section fifteen of this article,]~~ the district court and
42 such other courts as the legislature may determine may be removed by the
43 senate, on the recommendation of the governor, if two-thirds of all the
44 members elected to the senate concur therein.

45 c. No judge or justice shall be removed by virtue of this section
46 except for cause, which shall be entered on the journals, nor unless he
47 or she shall have been served with a statement of the cause alleged, and
48 shall have had an opportunity to be heard. On the question of removal,
49 the yeas and nays shall be entered on the journal.

50 § 16. Resolved (if the Assembly concur), That section 19 of article 6
51 of the constitution, as renumbered by section eight of this resolution,
52 be amended to read as follows:

53 § 19. a. The compensation of a judge of the court of appeals, a
54 justice of the supreme court, a judge of ~~[the]~~ a district court ~~[of~~
55 ~~claims, a judge of the county court, a judge of the surrogate's court, a~~
56 ~~judge of the family court, a judge of a court for the city of New York~~

1 ~~established pursuant to section fifteen of this article, a judge of the~~
2 ~~district court or of]~~ and a retired judge or justice shall be estab-
3 lished by law and shall not be diminished during the term of office for
4 which he or she was ~~[elected or appointed. Any judge or justice of a~~
5 ~~court abolished by section thirty-five of this article, who pursuant to~~
6 ~~that section becomes a judge or justice of a court established or~~
7 ~~continued by this article, shall receive without interruption or diminu-~~
8 ~~tion for the remainder of the term for which he or she was elected or~~
9 ~~appointed to the abolished court the compensation he or she had been~~
10 ~~receiving upon the effective date of this article together with any~~
11 ~~additional compensation that may be proscribed by law] selected.~~

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

39 ~~a. The provisions of this section shall also be applicable to any~~
40 ~~judge or justice who has not reached the age of seventy-six and to whom~~
41 ~~it would otherwise have been applicable but for the fact that he or she~~
42 ~~reached the age of seventy and retired before the effective date of this~~
43 ~~article.]~~

44 § 17. Resolved (if the Assembly concur), That section 20 of article 6
45 of the constitution, as renumbered by section eight of this resolution,
46 be amended to read as follows:

47 § 20. a. A justice of the supreme court may perform the duties of
48 office or hold court in any county and may be temporarily assigned to
49 the supreme court in any judicial district ~~[or to the court of claims].~~
50 A justice of the supreme court ~~[in the city of New York]~~ may be ~~[tempe-~~
51 ~~rarily]~~ assigned to ~~[the family court in the city of New York or to the~~
52 ~~surrogate's court in any county within the city of New York when~~
53 ~~required to dispose of the business.]~~ any division or divisions of such
54 court.

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

4 c. ~~A judge of the county court may perform the duties of office or~~
5 ~~hold court in any county and may be temporarily assigned to the supreme~~
6 ~~court in the judicial department of his or her residence or to the coun-~~
7 ~~ty court or the family court in any county or to the surrogate's court~~
8 ~~in any county outside the city of New York or to a court for the city of~~
9 ~~New York established pursuant to section fifteen of this article.]~~

10 d. ~~A judge of the surrogate's court in any county within the city of~~
11 ~~New York may perform the duties of office or hold court in any county~~
12 ~~and may be temporarily assigned to the supreme court in the judicial~~
13 ~~department of his or her residence.]~~

14 e. ~~A judge of the surrogate's court in any county outside the city of~~
15 ~~New York may perform the duties of office or hold court in any county~~
16 ~~and may be temporarily assigned to the supreme court in the judicial~~
17 ~~department of his or her residence or to the county court or the family~~
18 ~~court in any county or to a court for the city of New York established~~
19 ~~pursuant to section fifteen of this article.]~~

20 f. ~~A judge of the family court may perform the duties of office or~~
21 ~~hold court in any county and may be temporarily assigned to the supreme~~
22 ~~court in the judicial department of his or her residence or to the coun-~~
23 ~~ty court or the family court in any county or to the surrogate's court~~
24 ~~in any county outside of the city of New York or to a court for the city~~
25 ~~of New York established pursuant to section fifteen of this article.]~~

26 g. ~~A judge of a court for the city of New York established pursuant to~~
27 ~~section fifteen of this article may perform the duties of office or hold~~
28 ~~court in any county and may be temporarily assigned to the supreme court~~
29 ~~in the judicial department of his or her residence or to the county~~
30 ~~court or the family court in any county or to the other court for the~~
31 ~~city of New York established pursuant to section fifteen of this arti-~~
32 ~~cle.]~~

33 h. ~~A judge of [the district] a district court [in any county] may~~
34 ~~perform the duties of office or hold court in any county [and], may be~~
35 ~~[temporarily] assigned to [the county court in the judicial department]~~
36 ~~any district of his or her [residence or to a] court [for the city of~~
37 ~~New York established pursuant to section fifteen of this article or] and~~
38 ~~may be temporarily assigned to [the district] any district, town or~~
39 ~~village court in [any county] the judicial department of his or her~~
40 ~~residence. Housing judges of the city-wide court of civil jurisdiction~~
41 ~~who became judges of the district court in the city of New York pursuant~~
42 ~~to paragraph one of subdivision c of section twenty-seven of this arti-~~
43 ~~cle and their successors in office, and such other judges of the~~
44 ~~district court in the city of New York who are selected to office in the~~
45 ~~same manner as such judges, shall be assigned to the housing division of~~
46 ~~such district court but may be temporarily assigned in the same manner~~
47 ~~and to the same courts as any other district court judge. Any other~~
48 ~~judge of the district court in the city of New York may be assigned to~~
49 ~~such housing division.]~~

50 i. ~~Temporary assignments of all the foregoing judges or justices~~
51 ~~listed in this section, and of judges of the city courts pursuant to~~
52 ~~paragraph two of subdivision j of this section, shall be made by the~~
53 ~~chief administrator of the courts in accordance with standards and~~
54 ~~administrative policies established pursuant to section twenty-eight of~~
55 ~~this article.]~~

1 ~~j. (1)~~ c. The legislature may provide for temporary assignments with-
2 in the county of residence or any adjoining county~~[.]~~ of ~~[judges]~~
3 justices of town~~[.]~~ and village ~~[or city]~~ courts ~~[outside the city of~~
4 ~~New York]~~. Such assignments may include temporary assignment to a
5 district court outside the city of New York provided the justice so
6 assigned is permitted to practice law.

7 ~~[(2) In addition to any temporary assignments to which a judge of a~~
8 ~~city court may be subject pursuant to paragraph one of this subdivision,~~
9 ~~such judge also may be temporarily assigned by the chief administrator~~
10 ~~of the courts to the county court, the family court or the district~~
11 ~~court within his or her county of residence or any adjoining county~~
12 ~~provided he or she is not permitted to practice law.~~

13 ~~k.]~~ d. Temporary assignments of all the foregoing judges and justices
14 listed in this section shall be made by the chief administrator of the
15 courts in accordance with standards and administrative policies estab-
16 lished pursuant to section twenty-two of this article.

17 e. While temporarily assigned pursuant to the provisions of this
18 section, any judge or justice shall have the powers, duties and juris-
19 diction of a judge or justice of the court to which assigned. After the
20 expiration of any temporary assignment, as provided in this section, the
21 judge or justice assigned shall have all the powers, duties and juris-
22 diction of a judge or justice of the court to which he or she was
23 assigned with respect to matters pending before him or her during the
24 term of such temporary assignment.

25 § 18. Resolved (if the Assembly concur), That subdivision a of section
26 23 of article 6 of the constitution, as renumbered by section eight of
27 this resolution, be amended to read as follows:

28 a. The legislature shall provide for the allocation of the cost of
29 operating and maintaining the court of appeals, the appellate division
30 of the supreme court in each judicial department, the appellate terms,
31 the supreme court~~[.]~~ and the ~~[court of claims, the county court, the~~
32 ~~surrogate's court, the family court, the courts for the city of New York~~
33 ~~established pursuant to section fifteen of this article and the]~~
34 district ~~[court,]~~ courts among the state, the counties, the city of New
35 York and other political subdivisions.

36 § 19. Resolved (if the Assembly concur), That article 6 of the consti-
37 tution be amended by adding a new section 27 to read as follows:

38 § 27. a. The court of claims, the county court, the family court and
39 the surrogate's court shall be abolished on September first, two thou-
40 sand ten. Upon the abolition of such courts, their seals, records,
41 papers and documents shall, unless otherwise provided by law, be depos-
42 ited in the offices of the clerks of the supreme court of the several
43 counties in which these courts now exist. Each of the judges of these
44 courts in office on the date of their abolition shall, for the remainder
45 of the term of office for which he or she was selected to the abolished
46 court, be a justice of the supreme court in and for the judicial
47 district in which he or she was elected to such term or, if appointed,
48 in which he or she resided on such date. Thereafter, his or her office
49 shall be an office of justice of the supreme court, to be filled in the
50 same manner and for the same term as provided by this article on August
51 thirty-first, two thousand ten for the office he or she held on such
52 date.

53 b. The justices of the supreme court in office on August thirty-first,
54 two thousand ten shall, for the remainder of the terms for which they
55 were selected, be justices of the supreme court in and for the judicial
56 district in which they were elected or for which they were appointed.

1 Retired judges and justices who, prior to August thirty-first, two thou-
2 sand ten, were authorized to perform the duties of a justice of the
3 supreme court pursuant to certification in accordance with the
4 provisions of subdivision b of former section twenty-five of this arti-
5 cle, shall be certificated justices of the supreme court for the remain-
6 der of the terms for which they were certificated and thereafter shall
7 be eligible for further certification in accordance with subdivision b
8 of section nineteen of this article.

9 c. Effective September first, two thousand ten:

10 (1) The city-wide courts of civil and criminal jurisdiction for the
11 city of New York, as authorized by former section fifteen of this arti-
12 cle, shall be merged and continued as the district court in the city of
13 New York. Each of the judges of such city-wide courts in office on the
14 date of such merger shall, for the remainder of the term of office for
15 which he or she was selected to the merged court, be a judge of such
16 district court. Thereafter, his or her office shall be an office of
17 judge of the district court in the city of New York, to be filled in the
18 same manner and for the same term as provided by this article on August
19 thirty-first, two thousand ten for the office he or she held on such
20 date. Notwithstanding the foregoing, each judge of a court merged pursu-
21 ant to this subdivision who, on August thirty-first, two thousand ten,
22 was temporarily assigned to the supreme court pursuant to former section
23 twenty-six of this article shall, for the remainder of the term of
24 office for which he or she was selected to the merged court, be a
25 justice of the supreme court in and for the judicial district in which
26 he or she was elected to such term or, if appointed, in which he or she
27 resided on such date and, thereafter, his or her office shall be an
28 office of justice of the supreme court, to be filled in the same manner
29 and for the same term as provided by this article on August thirty-
30 first, two thousand ten for the office he or she held on such date. For
31 purposes of this paragraph, housing judges of the city-wide court of
32 civil jurisdiction on August thirty-first, two thousand ten shall be
33 deemed judges of such city-wide court of civil jurisdiction; provided,
34 however, that successors in office to such judges shall be residents of
35 such city and shall be appointed for terms of ten years by the mayor of
36 such city on the recommendation of a commission established by law.

37 (2) The district courts, as authorized by former section sixteen of
38 this article, shall be continued as district courts outside the city of
39 New York established pursuant to paragraph one of subdivision c of
40 section nine of this article and the judges of such courts in office on
41 August thirty-first, two thousand ten shall, for the remainder of the
42 terms for which they were selected, be judges of such district courts.

43 (3) The city courts outside the city of New York, as authorized by
44 former section seventeen of this article, shall be continued as district
45 courts established pursuant to paragraph two of subdivision c of section
46 nine of this article and the judges of such courts in office on August
47 thirty-first, two thousand ten shall, for the remainder of the terms for
48 which they were selected, be judges of such district courts.

49 d. Effective September first, two thousand ten:

50 (1) Each action and proceeding pending in the supreme court, the court
51 of claims, the county court, the family court or the surrogate's court
52 on August thirty-first, two thousand ten shall be deemed pending in the
53 supreme court in the county in which such action or proceeding was pend-
54 ing on such date, or otherwise as may be provided by law.

55 (2) Each action and proceeding pending in the city-wide court of civil
56 or criminal jurisdiction for the city of New York, a district court or a

1 city court outside the city of New York on August thirty-first, two
2 thousand ten shall be deemed pending in the district court that is the
3 successor to such former court pursuant to subdivision c of this
4 section.

5 e. In the event that a judgment or order was entered before the effec-
6 tive date of this section and a right of appeal existed and notice of
7 appeal therefrom is filed after such effective date, such appeal shall
8 be taken to such court as it might have been taken before the effective
9 date of this section, except such an appeal from a city, town or village
10 court in the third or fourth judicial department shall be taken to any
11 appellate term that has been established if, prior to September first,
12 two thousand ten, such appeal could have been taken thereto or, other-
13 wise, to the supreme court. Further appeal from a decision of an appel-
14 late court in an action subject to this paragraph shall be as provided
15 by law, consistent with this article.

16 f. In the event that an appeal was decided by a county court before
17 the effective date of this section and a further appeal could be taken
18 as of right and notice of appeal therefrom is filed after such effective
19 date, such appeal may be taken to any appellate court to which such an
20 appeal could have been taken prior to August thirty-first, two thousand
21 ten. Further appeal from a decision of such appellate court shall be
22 governed by the provisions of this article. If a further appeal could
23 not be taken as of right, such appeal shall be governed by the
24 provisions of this article.

25 g. As may be provided by law, the nonjudicial personnel of the courts
26 abolished by this section in office on the date of abolition shall, to
27 the extent practicable, be continued without decrease in salaries and
28 with the same status and rights in the courts established or continued
29 by this article; and especially skilled, experienced and trained person-
30 nel shall, to the extent practicable, be assigned to like functions in
31 the district court and the supreme court. If the abolition of such
32 courts shall require or make possible a reduction in the number of
33 nonjudicial personnel, or in the number of certain categories of such
34 personnel, such reduction shall be made, to the extent practicable, by
35 provision that the death, resignation, removal or retirement of an
36 employee shall not create a vacancy until the reduced number of person-
37 nel has been reached.

38 h. Notwithstanding any provision of this article to the contrary, when
39 there is an adjustment in the number of the judicial departments of the
40 state or in the boundaries of such departments pursuant to paragraph two
41 of subdivision a of section four of this article:

42 (1) The chief judge shall provide for the transfer of appeals then
43 pending in the appellate division or in an appellate term in each
44 department so adjusted to the appellate division or an appellate term,
45 respectively, for the department in which such appeals could have been
46 taken had such adjustment been effective on the date such appeal was
47 taken, or if no appellate term has been established therefor, to the
48 supreme court.

49 (2) The chief judge may re-apportion, among the departments so
50 adjusted, the justices theretofore designated to the appellate divisions
51 thereof, provided that: (i) the presiding justice of any judicial
52 department affected by such adjustment shall be the presiding justice of
53 the department that includes the county of his or her residence for the
54 remainder of his or her term of office, unless there already is a
55 presiding justice in such department, in which event he or she shall
56 serve as a justice in such department for the duration of the term of

1 office for which he or she was designated as presiding justice; and
2 (iii) each other justice designated pursuant to subdivision c of section
3 four of this article to the appellate division of any department so
4 adjusted shall, for the remainder of the term for which he or she was so
5 designated, be a justice designated pursuant to such subdivision in the
6 department to which he or she is re-apportioned.

7 (3) Where compliance with paragraph two of this subdivision is incon-
8 sistent with the provisions of section four of this article as to a
9 judicial department affected by such adjustment, until such time as
10 there is compliance with such provisions all subsequent designations of
11 justices by the governor to the appellate division of such department
12 shall be as provided by law.

13 (4) If a department is abolished, the legislature shall provide for
14 the deposit of the seals, records, papers and documents of the appellate
15 division thereof, as appropriate.

16 § 20. Resolved (if the Assembly concur), That article 6 of the consti-
17 tution be amended by adding a new section 29 to read as follows:

18 § 29. a. Except as provided in subdivision b of this section, this
19 article and all amendments thereto, as heretofore approved and ratified
20 by the people, shall remain in full force and effect.

21 b. The amendments to sections one, two, four, six, seven, eight, nine,
22 eleven, thirteen, fourteen, fifteen, seventeen, nineteen, twenty and
23 twenty-three, and the addition of new sections ten, twenty-seven and
24 twenty-nine to this article, as first proposed by a concurrent resol-
25 ution passed by the legislature in the year two thousand seven, entitled
26 "CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY proposing amendments
27 to article 6 of the constitution, in relation to the composition of
28 judicial departments and the restructuring of the unified court system,
29 and the repeal of sections 9, 10, 11, 12, 13, 14, 16, 34, 35, 36, 36-a,
30 36-c and 37 and subdivision j of section 22 of article 6 of the consti-
31 tution relating thereto", shall become a part of the constitution on the
32 first day of January next after the approval and ratification of such
33 amendments by the people but the provisions thereof shall not become
34 operative until the first day of September next thereafter which date
35 shall be deemed the effective date of such provisions.

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