

S. 2543--A

A. 3432--A

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

January 25, 2011

IN SENATE -- Introduced by Sens. GIANARIS, ADAMS, ADDABBO, AVELLA, BRESLIN, DILAN, DUANE, ESPAILLAT, HUNTLEY, KENNEDY, KRUEGER, MONTGOMERY, OPPENHEIMER, PERALTA, PERKINS, RIVERA, SAMPSON, SERRANO, SQUADRON, STAVISKY, STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. JEFFRIES, PAULIN, GALEF, RAMOS, HEVESI, CAMARA, KAVANAGH, KELLNER, MORELLE, ROSENTHAL, GOTTFRIED, CUSICK, MENG, P. RIVERA, MAISEL, BROOK-KRASNY, SIMOTAS, JAFFEE, LIFTON, MILLMAN, THIELE, BRONSON, WEISENBERG, LINARES, WEPRIN, M. MILLER, ORTIZ -- Multi-Sponsored by -- M. of A. BOYLAND, BOYLE, BRAUNSTEIN, BRENNAN, BURLING, CAHILL, CASTELLI, CERETTO, CLARK, COLTON, CONTE, CROUCH, DINOWITZ, DUPREY, FITZPATRICK, GIGLIO, GOODELL, GUNTHER, HANNA, HAWLEY, JOHNS, KATZ, KIRWAN, KOLB, LANCMAN, LATIMER, LAVINE, LENTOL, P. LOPEZ, LUPARDO, MALLIOTAKIS, McLAUGHLIN, MURRAY, OAKS, PALMESANO, PERRY, RABBITT, RAIA, REILLY, SCHIMMINGER, SMARDZ, SWEENEY, TEDISCO, TENNEY, TITONE, TOBACCO, ZEBROWSKI -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the legislative law and the correction law, in relation to apportionment of congressional, senate and assembly districts; and to repeal section 83-m of the legislative law relating to the legislative task force on demographic research and reapportionment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

LBD03505-04-2

Section 1. Subdivision 3 of section 5-a of the legislative law, as added by chapter 630 of the laws of 1998, the opening paragraph as amended by section 1 of part QQ of chapter 56 of the laws of 2010, is amended to read as follows:

3. Any member of the assembly serving in a special capacity in a position set forth in the following schedule shall be paid the allowance set forth in such schedule only for the legislative term commencing January first, two thousand eleven and terminating December thirty-first, two thousand twelve:

ASSEMBLYMEN SERVING IN SPECIAL CAPACITY

Chairman of legislative commission on public management systems	12,500
Chairman of legislative commission on science and technology	12,500
Co-chairman of the legislative commission on water resource needs of New York state and Long Island	no allowance
[Co-chairman of the legislative task force on demographic research and reapportionment	15,000]
Chairman of the assembly task force on farm, food and nutrition	12,500
Ranking minority member of the assembly task force on farm, food and nutrition	9,000
Chairman of the legislative commission on skills development and career education	12,500
Vice-Chairman of the legislative commission on the development of rural resources	12,500

S 2. Subdivision 5 of section 12 of the legislative law, as added by chapter 141 of the laws of 1994, is amended to read as follows:

5. Notwithstanding any provision of law to the contrary, services and expenses of the legislative health service, legislative library, legislative messenger service, legislative ethics committee, [joint operations of the legislative task force on demographic research and reapportionment] APPORTIONMENT COMMISSION, and contributions to the national conference of state legislatures shall be payable after audit by and on the warrant of the comptroller upon vouchers certified by the temporary president of the senate or his or her designee and the speaker of the assembly or his or her designee.

S 3. Section 83-m of the legislative law is REPEALED.

S 4. The legislative law is amended by adding a new article 6-A to read as follows:

ARTICLE 6-A

APPORTIONMENT OF CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS

SECTION 93. LEGISLATIVE INTENT.

94. APPORTIONMENT NOMINATIONS COMMITTEE.

95. POWERS AND DUTIES OF COMMITTEE.

96. APPORTIONMENT COMMISSION.

97. POWERS AND DUTIES OF COMMISSION.

98. APPORTIONMENT.

99. APPLICATION OF ARTICLE.

S 93. LEGISLATIVE INTENT. THE LEGISLATURE HEREBY FINDS AND DECLARES THAT:

1. THERE IS A NEED FOR INTENSIVE AND THOROUGH STUDY, RESEARCH AND INQUIRY INTO THE TECHNIQUES AND METHODOLOGY TO BE USED BY THE BUREAU OF

1 THE CENSUS OF THE UNITED STATES COMMERCE DEPARTMENT IN CARRYING OUT THE
2 DECENNIAL FEDERAL CENSUS;

3 2. A TECHNICAL PLAN WILL BE NEEDED TO MEET THE REQUIREMENTS OF A
4 LEGISLATIVE TIMETABLE FOR A REAPPORTIONMENT OF THE SENATE AND ASSEMBLY
5 DISTRICTS AND THE CONGRESSIONAL DISTRICTS OF THE STATE BASED ON SUCH
6 CENSUS; AND

7 3. THE APPORTIONMENT COMMISSION IS NECESSARY TO ASSIST THE LEGISLATURE
8 IN THE PERFORMANCE OF ITS RESPONSIBILITIES AND IN THE CONDUCT OF LEGIS-
9 LATIVE RESEARCH PROJECTS RELATING THERETO.

10 S 94. APPORTIONMENT NOMINATIONS COMMITTEE. 1. ON OR BEFORE THE FIRST
11 OF DECEMBER OF EACH YEAR ENDING WITH A NINE OR AS SOON AS POSSIBLE AFTER
12 THE EFFECTIVE DATE OF THIS ARTICLE, THERE SHALL BE ESTABLISHED AN APPOR-
13 TIONMENT NOMINATIONS COMMITTEE TO SELECT THOSE PERSONS WHO SHALL BE
14 ELIGIBLE TO BE APPOINTED AS MEMBERS OF THE APPORTIONMENT COMMISSION
15 CREATED IN SECTION NINETY-SIX OF THIS ARTICLE. EACH SUCH COMMITTEE SHALL
16 REMAIN IN EXISTENCE UNTIL ITS DUTIES PURSUANT TO SECTION NINETY-FIVE OF
17 THIS ARTICLE HAVE BEEN COMPLETED.

18 2. THE APPORTIONMENT NOMINATIONS COMMITTEE SHALL BE COMPOSED OF EIGHT
19 MEMBERS, APPOINTED AS FOLLOWS:

20 (A) TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE
21 SENATE;

22 (B) TWO MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

23 (C) TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
24 SENATE; AND

25 (D) TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
26 ASSEMBLY.

27 3. THE APPORTIONMENT NOMINATIONS COMMITTEE SHALL DESIGNATE TWO
28 CO-CHAIRS FROM AMONG ITS MEMBERS BY A SIMPLE MAJORITY VOTE OF ALL
29 MEMBERS.

30 4. THE MEMBERS OF THE APPORTIONMENT NOMINATIONS COMMITTEE SHALL BE
31 REGISTERED VOTERS IN THIS STATE. NO MEMBER OF SUCH COMMITTEE SHALL:

32 (A) HOLD OR HAVE HELD WITHIN THE PREVIOUS TWO YEARS AN ELECTED GOVERN-
33 MENTAL OFFICE;

34 (B) HOLD OR HAVE HELD WITHIN THE PREVIOUS TWO YEARS ANY OTHER
35 APPOINTED GOVERNMENTAL OR POLITICAL PARTY POSITION;

36 (C) BE EMPLOYED OR HAVE BEEN EMPLOYED WITHIN THE PREVIOUS TWO YEARS IN
37 ANY OTHER POSITION BY THE UNITED STATES CONGRESS, THE STATE LEGISLATURE,
38 THE EXECUTIVE CHAMBER, THE UNIFIED COURT SYSTEM OR THE FEDERAL COURT
39 SYSTEM;

40 (D) BE OR HAVE BEEN WITHIN THE PREVIOUS TWO YEARS A REGISTERED LOBBY-
41 IST IN THIS STATE PURSUANT TO ARTICLE ONE-A OF THIS CHAPTER;

42 (E) BE THE SPOUSE OF ANY MEMBER OF THE UNITED STATES CONGRESS, THE
43 STATE LEGISLATURE, THE EXECUTIVE CHAMBER, THE UNIFIED COURT SYSTEM OR
44 THE FEDERAL COURT SYSTEM; OR

45 (F) BE RELATED WITHIN THE THIRD DEGREE OF CONSANGUINITY TO ANY MEMBER
46 OF THE UNITED STATES CONGRESS, THE STATE LEGISLATURE, THE EXECUTIVE
47 CHAMBER, THE UNIFIED COURT SYSTEM OR THE FEDERAL COURT SYSTEM, OR TO THE
48 SPOUSE OF ANY SUCH PERSON.

49 5. THE MEMBERS OF THE APPORTIONMENT NOMINATIONS COMMITTEE SHALL
50 RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR
51 ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
52 DUTIES.

53 6. THE MEMBERS OF THE APPORTIONMENT NOMINATIONS COMMITTEE SHALL BE
54 APPOINTED AND SERVE FOR THE DURATION OF SUCH COMMITTEE. ALL VACANCIES IN
55 THE MEMBERSHIP OF SUCH COMMITTEE SHALL BE FILLED IN THE MANNER PROVIDED
56 FOR ORIGINAL APPOINTMENTS.

1 S 95. POWERS AND DUTIES OF COMMITTEE. 1. THE APPORTIONMENT NOMINATIONS
2 COMMITTEE SHALL HAVE THE POWER AND DUTY TO, ON OR BEFORE THE FIRST OF
3 MARCH IN EACH YEAR ENDING WITH A ZERO OR AS SOON AS POSSIBLE AFTER THE
4 EFFECTIVE DATE OF THIS ARTICLE, ESTABLISH A LIST OF FORTY PERSONS WHO
5 SHALL BE ELIGIBLE TO BE APPOINTED AS MEMBERS OF THE APPORTIONMENT
6 COMMISSION. SUCH LIST SHALL HEREINAFTER BE REFERRED TO IN THIS ARTICLE
7 AS THE "NOMINATIONS POOL".

8 2. THE MEMBERS OF THE APPORTIONMENT NOMINATIONS COMMITTEE SHALL BY
9 MAJORITY VOTE SELECT EACH PERSON TO BE INCLUDED IN THE NOMINATIONS POOL.
10 UPON COMPLETION OF SUCH POOL, SUCH COMMITTEE SHALL SUBMIT A COPY OF THE
11 NOMINATIONS POOL TO THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER
12 OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY
13 LEADER OF THE ASSEMBLY.

14 3. THE NOMINATIONS POOL SHALL INCLUDE:

15 (A) FIFTEEN PERSONS WHO ARE ENROLLED AS DEMOCRATS;

16 (B) FIFTEEN PERSONS WHO ARE ENROLLED AS REPUBLICANS; AND

17 (C) TEN PERSONS WHO ARE NOT ENROLLED AS EITHER DEMOCRATS OR REPUBLI-
18 CANS.

19 4. PERSONS SELECTED TO THE NOMINATIONS POOL SHALL BE REGISTERED VOTERS
20 IN THIS STATE. NO SUCH PERSON SHALL:

21 (A) HOLD OR HAVE HELD WITHIN THE PREVIOUS TWO YEARS AN ELECTED GOVERN-
22 MENTAL OFFICE;

23 (B) HOLD OR HAVE HELD WITHIN THE PREVIOUS TWO YEARS ANY OTHER
24 APPOINTED GOVERNMENTAL OR POLITICAL PARTY POSITION;

25 (C) BE A MEMBER OF THE APPORTIONMENT NOMINATIONS COMMITTEE CREATED IN
26 SECTION NINETY-FOUR OF THIS ARTICLE;

27 (D) BE EMPLOYED OR HAVE BEEN EMPLOYED WITHIN THE PREVIOUS TWO YEARS IN
28 ANY OTHER POSITION BY THE UNITED STATES CONGRESS, THE STATE LEGISLATURE,
29 THE EXECUTIVE CHAMBER, THE UNIFIED COURT SYSTEM OR THE FEDERAL COURT
30 SYSTEM;

31 (E) BE OR HAVE BEEN WITHIN THE PREVIOUS TWO YEARS A REGISTERED LOBBY-
32 IST IN THIS STATE PURSUANT TO ARTICLE ONE-A OF THIS CHAPTER;

33 (F) BE THE SPOUSE OF ANY MEMBER OF THE UNITED STATES CONGRESS, THE
34 STATE LEGISLATURE, THE EXECUTIVE CHAMBER, THE UNIFIED COURT SYSTEM OR
35 THE FEDERAL COURT SYSTEM; OR

36 (G) BE RELATED WITHIN THE THIRD DEGREE OF CONSANGUINITY TO ANY MEMBER
37 OF THE UNITED STATES CONGRESS, THE STATE LEGISLATURE, THE EXECUTIVE
38 CHAMBER, THE UNIFIED COURT SYSTEM OR THE FEDERAL COURT SYSTEM, OR TO THE
39 SPOUSE OF ANY SUCH PERSON.

40 5. (A) THE NOMINATIONS POOL SHALL INCLUDE AT LEAST THREE PERSONS FROM
41 EACH OF THE FOLLOWING REGIONS OF THE STATE, WITH THE REMAINDER TO BE
42 NOMINATED FROM SUCH REGIONS IN PROPORTION TO THE DISTRIBUTION OF THE
43 STATE'S POPULATION IN EACH REGION:

44 (I) LONG ISLAND;

45 (II) NEW YORK CITY;

46 (III) HUDSON VALLEY;

47 (IV) NORTHERN;

48 (V) CENTRAL;

49 (VI) SOUTHERN TIER; AND

50 (VII) WESTERN.

51 (B) FOR THE PURPOSES OF THIS SUBDIVISION, THE FOLLOWING REGIONS SHALL
52 BE COMPOSED OF THE FOLLOWING COUNTIES;

53 (I) LONG ISLAND: THE COUNTIES OF NASSAU AND SUFFOLK;

54 (II) NEW YORK CITY: THE COUNTIES OF BRONX, KINGS, NEW YORK, QUEENS AND
55 RICHMOND;

1 (III) HUDSON VALLEY: THE COUNTIES OF WESTCHESTER, ROCKLAND, PUTNAM,
2 ORANGE, DUTCHESS, ULSTER, COLUMBIA, GREENE, RENSSELAER, ALBANY AND SCHE-
3 NECTADY;

4 (IV) NORTHERN: THE COUNTIES OF SARATOGA, WASHINGTON, WARREN, ESSEX,
5 CLINTON, FRANKLIN, ST. LAWRENCE, HAMILTON, FULTON, HERKIMER, LEWIS AND
6 JEFFERSON;

7 (V) CENTRAL: THE COUNTIES OF SCHOHARIE, MONTGOMERY, OTSEGO, CHENANGO,
8 MADISON, ONEIDA, OSWEGO, CORTLAND, ONONDAGA AND CAYUGA;

9 (VI) SOUTHERN TIER: THE COUNTIES OF SULLIVAN, DELAWARE, BROOME, TIOGA,
10 TOMPKINS, SCHUYLER, STEUBEN, ALLEGANY, CATTARAUGUS AND CHAUTAUQUA; AND

11 (VII) WESTERN: THE COUNTIES OF SENECA, YATES, ONTARIO, WAYNE, MONROE,
12 LIVINGSTON, WYOMING, GENESEE, ORLEANS, NIAGARA AND ERIE.

13 6. TO THE EXTENT PRACTICABLE, THE APPORTIONMENT NOMINATIONS COMMITTEE
14 SHALL ENSURE THAT THE NOMINATIONS POOL REFLECTS THE DIVERSITY OF THE
15 RESIDENTS OF THE STATE WITH REGARD TO RACE, ETHNICITY AND GENDER.

16 S 96. APPORTIONMENT COMMISSION. 1. THERE SHALL BE CREATED AN APPOR-
17 TIONMENT COMMISSION TO ASSIST THE LEGISLATURE IN THE REAPPORTIONMENT OF
18 CONGRESSIONAL, SENATE AND ASSEMBLY DISTRICTS BASED ON THE ENSUING FEDER-
19 AL CENSUS, PURSUANT TO SECTION TWO OF ARTICLE ONE OF THE UNITED STATES
20 CONSTITUTION AND SECTIONS FOUR AND FIVE OF ARTICLE THREE OF THE STATE
21 CONSTITUTION.

22 2. THE APPORTIONMENT COMMISSION SHALL BE COMPOSED OF ELEVEN MEMBERS,
23 APPOINTED FROM THE NOMINATIONS POOL AS FOLLOWS:

24 (A) TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE
25 SENATE;

26 (B) TWO MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

27 (C) TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
28 SENATE;

29 (D) TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
30 ASSEMBLY; AND

31 (E) THREE MEMBERS SHALL BE APPOINTED, ON OR BEFORE THE THIRTIETH DAY
32 AFTER A VACANCY IN ANY SUCH POSITION OCCURS, BY THE EIGHT MEMBERS
33 APPOINTED PURSUANT TO PARAGRAPHS (A) THROUGH (D) OF THIS SUBDIVISION BY
34 A VOTE OF NOT LESS THAN SIX MEMBERS IN FAVOR OF EACH SUCH APPOINTMENT,
35 AND EACH VACANCY IN ANY POSITION FILLED PURSUANT TO THIS PARAGRAPH SHALL
36 BE DEEMED TO CREATE VACANCIES IN ALL THREE POSITIONS HELD BY THE MEMBERS
37 SO APPOINTED; PROVIDED THAT ANY SUCH MEMBER MAY BE REAPPOINTED PURSUANT
38 TO THIS PARAGRAPH. IN THE EVENT THAT THREE MEMBERS ARE NOT APPOINTED ON
39 OR BEFORE THE THIRTIETH DAY AFTER A VACANCY IN ANY SUCH POSITION OCCURS
40 IF:

41 (I) TWO PERSONS ARE APPOINTED WITH THE REQUIRED SIX VOTES AND NO OTHER
42 PERSON RECEIVES SIX VOTES, THE THIRD SUCH MEMBER SHALL BE APPOINTED BY
43 THE CHIEF JUDGE OF THE COURT OF APPEALS WITHIN THIRTY DAYS THEREAFTER;

44 (II) ONE PERSON IS APPOINTED WITH THE REQUIRED SIX VOTES AND NO TWO
45 OTHER PERSONS RECEIVE SIX VOTES, THE TWO PERSONS RECEIVING THE MOST
46 VOTES SHALL BE APPOINTED AS MEMBERS; AND

47 (III) NO THREE PERSONS RECEIVE SIX VOTES, THE TWO PERSONS RECEIVING
48 THE MOST VOTES SHALL BE APPOINTED AS MEMBERS AND THE THIRD MEMBER SHALL
49 BE APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS.

50 (F) THE CHAIR SHALL BE DESIGNATED, FROM AMONG THE THREE MEMBERS
51 APPOINTED PURSUANT TO PARAGRAPH (E) OF THIS SUBDIVISION, BY A SIMPLE
52 MAJORITY VOTE OF ALL MEMBERS OF THE COMMISSION; PROVIDED THAT IF THE
53 COMMISSION FAILS TO DESIGNATE A CHAIR, THE CHAIR SHALL BE DESIGNATED BY
54 THE CHIEF JUDGE OF THE COURT OF APPEALS.

55 3. (A) NO MORE THAN FOUR MEMBERS OF THE APPORTIONMENT COMMISSION SHALL
56 BE ENROLLED IN THE SAME POLITICAL PARTY.

(B) TO THE EXTENT PRACTICABLE, THE MEMBERS OF THE APPORTIONMENT COMMISSION SHALL REFLECT THE DIVERSITY OF THE RESIDENTS OF THIS STATE WITH REGARD TO RACE, ETHNICITY, GENDER AND GEOGRAPHIC RESIDENCE.

4. THE TERMS OF THE MEMBERS OF THE APPORTIONMENT COMMISSION SHALL EXPIRE UPON THE FILING OF ALL APPORTIONMENT PLANS, PURSUANT TO SUBDIVISION FOUR, FIVE AND/OR SIX OF SECTION NINETY-EIGHT OF THIS ARTICLE, THE EXHAUSTION OF ANY JUDICIAL REVIEW OF AN APPORTIONMENT PLAN AND APPORTIONMENT STATUTE, AND THE IMPLEMENTATION OF AN APPORTIONMENT STATUTE. VACANCIES IN THE MEMBERSHIP OF THE COMMISSION SHALL BE FILLED IN THE MANNER PROVIDED FOR ORIGINAL APPOINTMENTS.

5. THE MEMBERS OF THE APPORTIONMENT COMMISSION AND ALL EMPLOYEES THEREOF SHALL BE DEEMED TO BE LEGISLATIVE EMPLOYEES.

6. THE MEMBERS OF THE APPORTIONMENT COMMISSION SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS ARTICLE.

7. A MINIMUM OF EIGHT MEMBERS OF THE APPORTIONMENT COMMISSION SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS OR THE EXERCISE OF ANY POWER OF SUCH COMMISSION, PROVIDED THAT NO EXERCISE OF ANY POWER OF THE APPORTIONMENT COMMISSION SHALL OCCUR WITHOUT THE AFFIRMATIVE VOTE OF SEVEN MEMBERS THEREOF.

S 97. POWERS AND DUTIES OF COMMISSION. THE APPORTIONMENT COMMISSION SHALL HAVE THE POWER AND DUTY TO:

1. EMPLOY AND AT PLEASURE REMOVE SUCH PERSONNEL AS IT MAY DEEM NECESSARY FOR THE PERFORMANCE OF ITS FUNCTIONS AND FIX THEIR COMPENSATION WITHIN THE AMOUNTS MADE AVAILABLE THEREFOR;

2. MEET WITHIN AND WITHOUT THE STATE, HOLD PUBLIC HEARINGS AND HAVE ALL THE POWERS OF A LEGISLATIVE COMMITTEE PURSUANT TO THIS CHAPTER;

3. REQUEST, RECEIVE AND UTILIZE SUCH FACILITIES, RESOURCES AND DATA (INCLUDING, BUT NOT LIMITED TO, HISTORICAL VOTING INFORMATION AND PATTERNS) OF ANY DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION OR AGENCY OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF AS IT MAY REASONABLY REQUEST TO PROPERLY CARRY OUT ITS POWERS AND DUTIES PURSUANT TO THIS ARTICLE;

4. ACQUIRE AND UTILIZE ALL MATERIALS AND EQUIPMENT NECESSARY TO ESTABLISH APPORTIONMENT PLANS PURSUANT TO SECTION NINETY-EIGHT OF THIS ARTICLE;

5. PREPARE THE NECESSARY DESCRIPTIONS FOR THE GEOGRAPHIC UNITS OF THE STATE FOR USE BY THE FEDERAL CENSUS BUREAU IN REPORTING DECENNIAL FEDERAL CENSUS DATA;

6. ENGAGE IN SUCH RESEARCH STUDIES AND OTHER ACTIVITIES AS NECESSARY OR APPROPRIATE IN THE PREPARATION AND FORMULATION OF A REAPPORTIONMENT PLAN FOR THE NEXT ENSUING REAPPORTIONMENT OF SENATE AND ASSEMBLY DISTRICTS AND CONGRESSIONAL DISTRICTS OF THE STATE AND IN THE UTILIZATION OF CENSUS AND OTHER DEMOGRAPHIC AND STATISTICAL DATA FOR POLICY ANALYSIS, PROGRAM DEVELOPMENT AND PROGRAM EVALUATION PURPOSES FOR THE LEGISLATURE;

7. SELL SURVEYS, DATA, COPIES OF TABULATIONS AND OTHER SPECIAL STATISTICAL COMPILATIONS AND MATERIALS TO DEPARTMENTS, AGENCIES AND OTHER ENTITIES OF FEDERAL, STATE OR LOCAL GOVERNMENT, OF FOREIGN COUNTRIES, AND TO PUBLIC BENEFIT CORPORATIONS, OR OTHER PUBLIC, NOT-FOR-PROFIT AND PRIVATE PERSONS AND AGENCIES, UPON PAYMENT OF FEES AT LEAST SUFFICIENT TO PAY THE ACTUAL OR ESTIMATED COST OF SUCH PROJECTS. IN FURTHERANCE OF SUCH SALE, THE APPORTIONMENT COMMISSION MAY EXECUTE CONTRACTS FOR SUCH PURPOSE;

1 8. PREPARE MAPS OF CITIES, TOWNS AND COUNTIES OF THE STATE FOR
2 DESCRIBING CONGRESSIONAL, SENATE AND ASSEMBLY DISTRICTS, AND PREPARE
3 APPORTIONMENT PLANS AND LEGISLATION;

4 9. MAKE AVAILABLE TO THE PUBLIC IN PRINT FORM AND IN ELECTRONIC FORM
5 ON THE INTERNET, USING THE BEST AVAILABLE TECHNOLOGY, ALL APPORTIONMENT
6 PLANS, RELEVANT DATA AND MAPMAKING SOFTWARE USED TO PREPARE SUCH PLANS,
7 INFORMATION ON THE MEMBERS OF THE APPORTIONMENT COMMISSION AND ALL OTHER
8 RELEVANT INFORMATION DERIVED FROM THE OPERATION OF THIS ARTICLE; AND

9 10. (A) SPECIFY THE FORM IN WHICH THE DEPARTMENT OF CORRECTIONS AND
10 COMMUNITY SUPERVISION SHALL PROVIDE SUCH INFORMATION REQUIRED TO BE
11 REPORTED TO THE APPORTIONMENT COMMISSION PURSUANT TO SUBDIVISION EIGHT
12 OF SECTION SEVENTY-ONE OF THE CORRECTION LAW.

13 (B) UPON RECEIPT OF SUCH INFORMATION FOR EACH INCARCERATED PERSON
14 SUBJECT TO THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS AND COMMU-
15 NITY SUPERVISION, THE APPORTIONMENT COMMISSION SHALL DETERMINE THE
16 CENSUS BLOCK CORRESPONDING TO THE STREET ADDRESS OF EACH SUCH PERSON'S
17 RESIDENTIAL ADDRESS PRIOR TO INCARCERATION (IF ANY), AND THE CENSUS
18 BLOCK CORRESPONDING TO THE STREET ADDRESS OF THE CORRECTIONAL FACILITY
19 IN WHICH SUCH PERSON WAS HELD SUBJECT TO THE JURISDICTION OF SUCH
20 DEPARTMENT. UNTIL SUCH TIME AS THE UNITED STATES BUREAU OF THE CENSUS
21 SHALL IMPLEMENT A POLICY OF REPORTING EACH SUCH INCARCERATED PERSON AT
22 SUCH PERSON'S RESIDENTIAL ADDRESS PRIOR TO INCARCERATION, THE APPORTION-
23 MENT COMMISSION SHALL USE SUCH DATA TO DEVELOP A DATABASE IN WHICH ALL
24 INCARCERATED PERSONS SHALL BE, WHERE POSSIBLE, ALLOCATED FOR REDISTRICT-
25 ING PURPOSES, SUCH THAT EACH GEOGRAPHIC UNIT REFLECTS INCARCERATED POPU-
26 LATIONS AT THEIR RESPECTIVE RESIDENTIAL ADDRESSES PRIOR TO INCARCERATION
27 RATHER THAN AT THE ADDRESSES OF SUCH CORRECTIONAL FACILITIES. FOR ALL
28 INCARCERATED PERSONS WHOSE RESIDENTIAL ADDRESS PRIOR TO INCARCERATION
29 WAS OUTSIDE OF THE STATE, OR FOR WHOM THE APPORTIONMENT COMMISSION
30 CANNOT IDENTIFY THEIR PRIOR RESIDENTIAL ADDRESS, AND FOR ALL PERSONS
31 CONFINED IN A FEDERAL CORRECTIONAL FACILITY ON CENSUS DAY, THE APPOR-
32 TIONMENT COMMISSION SHALL CONSIDER THOSE PERSONS TO HAVE BEEN COUNTED AT
33 AN ADDRESS UNKNOWN AND PERSONS AT SUCH UNKNOWN ADDRESS SHALL NOT BE
34 INCLUDED IN SUCH DATA SET CREATED PURSUANT TO THIS PARAGRAPH. THE APPOR-
35 TIONMENT COMMISSION SHALL DEVELOP AND MAINTAIN SUCH AMENDED POPULATION
36 DATA SET AND SHALL MAKE SUCH AMENDED DATA SET AVAILABLE TO LOCAL GOVERN-
37 MENTS, AS DEFINED IN SUBDIVISION EIGHT OF SECTION TWO OF THE MUNICIPAL
38 HOME RULE LAW, AND FOR THE DRAWING OF ASSEMBLY AND SENATE DISTRICTS. THE
39 ASSEMBLY AND SENATE DISTRICTS SHALL BE DRAWN USING SUCH AMENDED POPU-
40 LATION DATA SET.

41 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE INFORMATION
42 REQUIRED TO BE PROVIDED PURSUANT TO SUBDIVISION EIGHT OF SECTION SEVEN-
43 TY-ONE OF THE CORRECTION LAW SHALL BE TREATED AS CONFIDENTIAL AND SHALL
44 NOT BE DISCLOSED BY THE TASK FORCE EXCEPT AS AGGREGATED BY CENSUS BLOCK
45 FOR THE PURPOSE SPECIFIED IN THIS SUBDIVISION.

46 S 98. APPORTIONMENT. 1. THE APPORTIONMENT COMMISSION SHALL, UPON
47 RECEIPT OF THE FEDERAL DECENNIAL CENSUS FOR THE STATE, BEGIN TO ESTAB-
48 LISH A PLAN FOR THE APPORTIONMENT OF CONGRESSIONAL, SENATE AND ASSEMBLY
49 DISTRICTS IN THE STATE.

50 2. THE FOLLOWING REQUIREMENTS AND PRINCIPLES SHALL BE APPLIED IN
51 ESTABLISHING A PLAN FOR SUCH DISTRICTS:

52 (A) ALL CONGRESSIONAL DISTRICTS SHALL BE AS NEARLY EQUAL IN POPULATION
53 AS IS PRACTICABLE.

54 (B) EACH DISTRICT SHALL CONSIST OF CONTIGUOUS TERRITORY; NO DISTRICT
55 SHALL CONSIST OF PARTS ENTIRELY SEPARATED BY THE TERRITORY OF ANOTHER
56 DISTRICT OF THE SAME BODY, WHETHER SUCH TERRITORY BE LAND OR WATER,

1 POPULATED OR UNPOPULATED. A POPULATED CENSUS BLOCK SHALL NOT BE DIVIDED
2 BY A DISTRICT BOUNDARY, UNLESS IT CAN BE DETERMINED THAT THE POPULATED
3 PART OF SUCH BLOCK IS WITHIN A SINGLE DISTRICT.

4 (C) SENATE, ASSEMBLY, OR CONGRESSIONAL DISTRICTS SHALL NOT BE ESTAB-
5 LISHED THAT ARE INTENDED TO OR RESULT IN A DENIAL OR ABRIDGEMENT OF
6 MINORITY VOTING RIGHTS INCLUDING THE OPPORTUNITY OF MINORITY VOTERS TO
7 PARTICIPATE IN THE POLITICAL PROCESS, AND TO ELECT THE CANDIDATES OF
8 THEIR CHOICE.

9 (D) SENATE, ASSEMBLY, OR CONGRESSIONAL DISTRICTS SHALL NOT BE DRAWN
10 WITH AN INTENT TO FAVOR OR OPPOSE ANY POLITICAL PARTY, ANY INCUMBENT
11 FEDERAL OR STATE LEGISLATOR, OR ANY PREVIOUS OR PRESUMED CANDIDATE FOR
12 OFFICE.

13 (E) SUBJECT TO THE REQUIREMENTS OF PARAGRAPHS (A), (B), (C) AND (D) OF
14 THIS SUBDIVISION, THE FOLLOWING PRINCIPLES SHALL BE FOLLOWED IN THE
15 CREATION OF SENATE, ASSEMBLY, AND CONGRESSIONAL DISTRICTS TO THE EXTENT
16 PRACTICABLE. A PRINCIPLE WITH A LOWER NUMBER SHALL HAVE PRECEDENCE OVER
17 A PRINCIPLE WITH A HIGHER NUMBER.

18 (I) THE MOST AND LEAST POPULOUS SENATE DISTRICTS SHALL NOT EXCEED OR
19 BE LOWER THAN THE MEAN POPULATION OF ALL SENATE DISTRICTS BY MORE THAN
20 ONE PERCENT, AND THE MOST AND LEAST POPULOUS ASSEMBLY DISTRICTS SHALL
21 NOT EXCEED OR BE LOWER THAN THE MEAN POPULATION OF ALL ASSEMBLY
22 DISTRICTS BY MORE THAN ONE PERCENT. IN NO EVENT SHALL THE COMMISSION
23 ADVANTAGE ANY REGION OF THE STATE OVER ANY OTHER BY CREATING MULTIPLE
24 DISTRICTS THEREIN EXCEEDING, OR LOWER THAN, THE MEAN POPULATION BY MORE
25 THAN ONE PERCENT.

26 (II) COUNTIES SHALL NOT BE DIVIDED IN THE FORMATION OF DISTRICTS,
27 EXCEPT TO CREATE DISTRICTS WHOLLY WITHIN A COUNTY. WHERE SUCH DIVISION
28 OF COUNTIES IS UNAVOIDABLE, MORE POPULOUS COUNTIES SHALL BE DIVIDED IN
29 PREFERENCE TO THE DIVISION OF LESS POPULOUS COUNTIES.

30 (III) COUNTY SUBDIVISIONS SHALL NOT BE DIVIDED IN THE FORMATION OF
31 DISTRICTS, EXCEPT TO CREATE DISTRICTS WHOLLY WITHIN A COUNTY SUBDIVI-
32 SION. FOR THE PURPOSES OF THIS ARTICLE, A COUNTY SUBDIVISION SHALL BE A
33 CITY, EXCEPT THE CITY OF NEW YORK, A TOWN, OR AN INDIAN RESERVATION
34 WHOSE TERRITORY IS EXCLUSIVE OF THE TERRITORY OF ANY CITY OR TOWN. COUN-
35 TY SUBDIVISIONS WITH LARGER POPULATIONS SHALL BE DIVIDED IN PREFERENCE
36 TO THE DIVISION OF THOSE WITH SMALLER POPULATIONS.

37 (IV) INCORPORATED VILLAGES SHALL NOT BE DIVIDED IN THE FORMATION OF
38 DISTRICTS.

39 (V) THE SENATE, ASSEMBLY, AND CONGRESSIONAL DISTRICTS SHALL BE AS
40 COMPACT IN FORM AS POSSIBLE.

41 (VI) A SENATE, ASSEMBLY, OR CONGRESSIONAL DISTRICT SHALL UNITE COMMU-
42 NITIES DEFINED BY ACTUAL SHARED INTERESTS, TAKING ACCOUNT OF GEOGRAPHIC,
43 SOCIAL, ECONOMIC, AND OTHER FACTORS THAT INDICATE COMMONALITY OF INTER-
44 EST, AND DISTRICTS SHALL BE FORMED SO AS TO PROMOTE THE ORDERLY AND
45 EFFICIENT ADMINISTRATION OF ELECTIONS.

46 3. DURING THE PREPARATION OF THE APPORTIONMENT PLAN, THE APPORTIONMENT
47 COMMISSION SHALL CONDUCT NOT LESS THAN ONE PUBLIC HEARING ON PROPOSALS
48 FOR THE APPORTIONMENT OF CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS
49 IN EACH OF THE FOLLOWING (A) CITIES: ALBANY, BUFFALO, SYRACUSE, ROCHE-
50 TER, GLEN COVE, AND WHITE PLAINS; AND (B) COUNTIES: BRONX, KINGS, NEW
51 YORK, QUEENS AND RICHMOND. PUBLIC NOTICE OF ALL SUCH HEARINGS SHALL BE
52 WIDELY PUBLISHED BY THE APPORTIONMENT COMMISSION IN ADVANCE THROUGH ALL
53 AVAILABLE MEANS. TO THE EXTENT PRACTICABLE, ALL SUCH HEARINGS AND THE
54 PROCEEDINGS OF THE APPORTIONMENT COMMISSION SHALL BE TELEVISED. THE
55 APPORTIONMENT COMMISSION SHALL REPORT THE FINDINGS OF ALL SUCH HEARINGS

1 TO THE LEGISLATURE UPON SUBMISSION OF THE APPORTIONMENT PLAN PURSUANT TO
2 PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION.

3 4. (A) ON OR BEFORE THE THIRTIETH OF MAY IN EACH YEAR ENDING WITH A
4 ONE OR WITHIN SIXTY DAYS OF RECEIVING THE FEDERAL DECENNIAL CENSUS FOR
5 THE STATE, WHICHEVER IS LATER, THE APPORTIONMENT COMMISSION SHALL SUBMIT
6 TO THE LEGISLATURE AND DISSEMINATE TO THE PUBLIC AN APPORTIONMENT PLAN
7 FOR ALL CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS, ALONG WITH THE
8 LEGISLATION NECESSARY TO IMPLEMENT SUCH PLAN. UPON RECEIPT OF SUCH PLAN,
9 THE IMPLEMENTING LEGISLATION THEREFOR SHALL BE INTRODUCED IN BOTH HOUSES
10 OF THE LEGISLATURE WITHOUT ANY AMENDMENTS WITHIN FIVE DAYS.

11 (B) ON OR BEFORE THE FIFTEENTH OF JUNE FOLLOWING THE DISSEMINATION OF
12 THE APPORTIONMENT PLAN TO THE PUBLIC, THE APPORTIONMENT COMMISSION SHALL
13 CONDUCT NOT LESS THAN ONE PUBLIC HEARING ON SUCH APPORTIONMENT PLAN IN
14 EACH OF THE CITIES AND COUNTIES DELINEATED IN PARAGRAPHS (A) AND (B) OF
15 SUBDIVISION THREE OF THIS SECTION, AND SHALL REPORT THE FINDINGS OF ALL
16 SUCH HEARINGS TO THE LEGISLATURE.

17 (C) THE LEGISLATION INTRODUCED PURSUANT TO PARAGRAPH (A) OF THIS
18 SUBDIVISION SHALL BE VOTED UPON, WITHOUT AMENDMENT, BY BOTH SUCH HOUSES
19 OF THE LEGISLATURE WITHIN SEVEN DAYS AFTER THE APPORTIONMENT COMMISSION
20 REPORTS THE FINDINGS OF ITS PUBLIC HEARING TO THE LEGISLATURE. IF
21 APPROVED, THE LEGISLATURE SHALL FORWARD SUCH LEGISLATION TO THE GOVERNOR
22 WITHIN FIVE DAYS.

23 5. IF (A) EITHER HOUSE SHALL FAIL TO APPROVE THE LEGISLATION SUBMITTED
24 PURSUANT TO SUBDIVISION FOUR OF THIS SECTION WITHIN TWENTY-ONE DAYS OF
25 ITS SUBMISSION, OR (B) THE GOVERNOR SHALL VETO SUCH LEGISLATION AND THE
26 LEGISLATURE SHALL FAIL TO OVERRIDE SUCH VETO WITHIN FIFTEEN DAYS OF SUCH
27 VETO, THE APPORTIONMENT COMMISSION SHALL HOLD AN OPEN HEARING WITHIN
28 FIFTEEN DAYS OF SAID FAILURE TO PASS THE LEGISLATION AS IN PARAGRAPH (A)
29 OF THIS SUBDIVISION OR FAILURE TO OVERRIDE THE GOVERNOR'S VETO AS IN
30 PARAGRAPH (B) OF THIS SUBDIVISION AT WHICH THE SPEAKER AND MINORITY
31 LEADER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT AND MINORITY LEADER
32 OF THE SENATE, OR EACH OF THEIR DESIGNEES SHALL TESTIFY AS TO THE
33 REASONS THAT THE LEGISLATION DID NOT BECOME LAW, AND MEMBERS OF THE
34 PUBLIC WILL ALSO BE INVITED TO TESTIFY. WITHIN FIFTEEN DAYS OF SUCH
35 HEARING, THE APPORTIONMENT COMMISSION SHALL ESTABLISH AND SUBMIT TO THE
36 LEGISLATURE A SECOND APPORTIONMENT PLAN AND THE NECESSARY IMPLEMENTING
37 LEGISLATION FOR SUCH PLAN. UPON RECEIPT OF SUCH SECOND PLAN, THE IMPE-
38 MENTING LEGISLATION THEREFOR SHALL BE INTRODUCED IN BOTH HOUSES OF THE
39 LEGISLATURE WITHOUT ANY AMENDMENTS WITHIN FIVE DAYS. SUCH LEGISLATION
40 SHALL BE VOTED UPON, WITHOUT AMENDMENT, BY BOTH SUCH HOUSES WITHIN TWEN-
41 TY-ONE DAYS, BUT NOT SOONER THAN SEVEN DAYS, AFTER ITS INTRODUCTION. IF
42 APPROVED, THE LEGISLATURE SHALL FORWARD SUCH LEGISLATION TO THE GOVERNOR
43 WITHIN FIVE DAYS.

44 6. IF (A) EITHER HOUSE SHALL FAIL TO APPROVE THE LEGISLATION SUBMITTED
45 PURSUANT TO SUBDIVISION FIVE OF THIS SECTION WITHIN TWENTY-ONE DAYS OF
46 ITS SUBMISSION, OR (B) THE GOVERNOR SHALL VETO SUCH LEGISLATION AND THE
47 LEGISLATURE FAILS TO OVERRIDE SUCH VETO THE APPORTIONMENT COMMISSION
48 SHALL HOLD AN OPEN HEARING WITHIN FIFTEEN DAYS OF SAID FAILURE TO PASS
49 THE LEGISLATION AS IN PARAGRAPH (A) OF THIS SUBDIVISION OR FAILURE TO
50 OVERRIDE THE GOVERNOR'S VETO AS IN PARAGRAPH (B) OF THIS SUBDIVISION AT
51 WHICH THE SPEAKER AND MINORITY LEADER OF THE ASSEMBLY AND THE TEMPORARY
52 PRESIDENT AND MINORITY LEADER OF THE SENATE, OR EACH OF THEIR DESIGNEES
53 SHALL TESTIFY AS TO THE REASONS THAT THE LEGISLATION DID NOT BECOME LAW,
54 AND MEMBERS OF THE PUBLIC WILL ALSO BE INVITED TO TESTIFY. WITHIN
55 FIFTEEN DAYS OF SUCH HEARING, THE APPORTIONMENT COMMISSION SHALL ESTAB-
56 LISH AND SUBMIT TO THE LEGISLATURE A THIRD APPORTIONMENT PLAN AND THE

1 NECESSARY IMPLEMENTING LEGISLATION FOR SUCH PLAN. UPON RECEIPT OF SUCH
2 THIRD PLAN, THE IMPLEMENTING LEGISLATION WITH ANY AMENDMENTS THE LEGIS-
3 LATURE SHALL DEEM NECESSARY SHALL BE INTRODUCED IN BOTH HOUSES OF THE
4 LEGISLATURE WITHIN FIVE DAYS. ALL SUCH AMENDMENTS SHALL COMPLY WITH THE
5 PROVISIONS OF SUBDIVISION TWO OF THIS SECTION. SUCH LEGISLATION SHALL BE
6 VOTED UPON BY BOTH SUCH HOUSES WITHIN TWENTY-ONE DAYS, BUT NOT SOONER
7 THAN SEVEN DAYS, AFTER ITS INTRODUCTION. IF APPROVED, THE LEGISLATURE
8 SHALL FORWARD SUCH LEGISLATION TO THE GOVERNOR WITHIN FIVE DAYS.

9 S 99. APPLICATION OF ARTICLE. 1. THE PROCESS FOR APPORTIONMENT OF
10 CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS ESTABLISHED BY THIS ARTI-
11 CLE SHALL BE THE EXCLUSIVE MEANS BY WHICH SUCH APPORTIONMENT SHALL BE
12 COMPLETED IN THIS STATE. EVERY APPORTIONMENT OF CONGRESSIONAL OR STATE
13 LEGISLATIVE DISTRICTS PERFORMED IN VIOLATION OF THE PROVISIONS OF THIS
14 ARTICLE SHALL BE VOID. IN ANY PROCEEDING RELATING TO APPORTIONMENT OF
15 CONGRESSIONAL OR STATE LEGISLATIVE DISTRICTS, THE COURT SHALL IMPLEMENT
16 THE PLAN THAT BEST SERVES THE REQUIREMENTS OF SUBDIVISION TWO OF SECTION
17 NINETY-EIGHT OF THIS ARTICLE.

18 2. AN APPORTIONMENT STATUTE SHALL REMAIN IN FULL FORCE AND EFFECT
19 UNTIL A SUBSEQUENT APPORTIONMENT STATUTE, BASED UPON THE SUCCEEDING
20 DECENNIAL FEDERAL CENSUS, TAKES EFFECT, UNLESS MODIFIED PURSUANT TO
21 COURT ORDER.

22 S 5. Subdivision 8 of section 71 of the correction law, as added by
23 section 1 of part XX of chapter 57 of the laws of 2010, the opening
24 paragraph of paragraph (a) as amended by section 16 of subpart A of part
25 C of chapter 62 of the laws of 2011, is amended to read as follows:

26 8. (a) In each year in which the federal decennial census is taken but
27 in which the United States bureau of the census does not implement a
28 policy of reporting incarcerated persons at each such person's residen-
29 tial address prior to incarceration, the department of corrections and
30 community supervision shall by September first of that same year deliver
31 to the [legislative task force on demographic research and reapportion-
32 ment] APPORTIONMENT COMMISSION the following information for each incar-
33 cerated person subject to the jurisdiction of the department and located
34 in this state on the date for which the decennial census reports popu-
35 lation:

36 (i) A unique identifier, not including the name, for each such person;
37 (ii) The street address of the correctional facility in which such
38 person was incarcerated at the time of such report;
39 (iii) The residential address of such person prior to incarceration
40 (if any); and
41 (iv) Any additional information as the [task force] APPORTIONMENT
42 COMMISSION may specify pursuant to law.

43 (b) The department shall provide the information specified in para-
44 graph (a) of this subdivision in such form as the [legislative task
45 force on demographic research and reapportionment] APPORTIONMENT COMMIS-
46 SION shall specify.

47 S 6. This act shall take effect immediately.