

1614

2009-2010 Regular Sessions

I N   S E N A T E

February 3, 2009

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Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the legislative law, in relation to apportionment of congressional, senate and assembly districts; and to repeal section 83-m of such 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:

1     Section 1. Subdivision 3 of section 5-a of the legislative law, as  
2 added by chapter 630 of the laws of 1998, the opening paragraph as  
3 amended by section 1 of part Z of chapter 56 of the laws of 2008, is  
4 amended to read as follows:

5     3. Any member of the assembly serving in a special capacity in a posi-  
6 tion set forth in the following schedule shall be paid the allowance set  
7 forth in such schedule only for the legislative term commencing January  
8 first, two thousand nine and terminating December thirty-first, two  
9 thousand ten:

10                                    ASSEMBLYMEN SERVING IN SPECIAL CAPACITY

11	Chairman of legislative commission on public management	
12	systems .....	12,500
13	Chairman of legislative commission on science and	
14	technology .....	12,500
15	Co-chairman of the legislative commission on water	
16	resource needs of New York state and Long Island .....	no allowance
17	[Co-chairman of the legislative task force on	
18	demographic research and reapportionment .....	15,000]
19	Chairman of the assembly task force on farm,	

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

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1 food and nutrition ..... 12,500  
2 Ranking minority member of the assembly task force  
3 on farm, food and nutrition ..... 9,000  
4 Chairman of the legislative commission on skills  
5 development and career education ..... 12,500  
6 Vice-Chairman of the legislative commission on the  
7 development of rural resources ..... 12,500

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

10 5. Notwithstanding any provision of law to the contrary, services and  
11 expenses of the legislative health service, legislative library, legis-  
12 lative messenger service, legislative ethics committee, [joint oper-  
13 ations of the legislative task force on demographic research and reap-  
14 portionment] APPORTIONMENT COMMISSION, and contributions to the national  
15 conference of state legislatures shall be payable after audit by and on  
16 the warrant of the comptroller upon vouchers certified by the temporary  
17 president of the senate or his or her designee and the speaker of the  
18 assembly or his or her designee.

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

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

22 ARTICLE 6-A

23 APPORTIONMENT OF CONGRESSIONAL  
24 AND STATE LEGISLATIVE DISTRICTS

25 SECTION 93. LEGISLATIVE INTENT.

26 94. APPORTIONMENT NOMINATIONS COMMITTEE.

27 95. POWERS AND DUTIES OF COMMITTEE.

28 96. APPORTIONMENT COMMISSION.

29 97. POWERS AND DUTIES OF COMMISSION.

30 98. APPORTIONMENT.

31 99. APPLICATION OF ARTICLE.

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

34 1. THERE IS A NEED FOR INTENSIVE AND THOROUGH STUDY, RESEARCH AND  
35 INQUIRY INTO THE TECHNIQUES AND METHODOLOGY TO BE USED BY THE BUREAU OF  
36 THE CENSUS OF THE UNITED STATES COMMERCE DEPARTMENT IN CARRYING OUT THE  
37 DECENNIAL FEDERAL CENSUS;

38 2. A TECHNICAL PLAN WILL BE NEEDED TO MEET THE REQUIREMENTS OF A  
39 LEGISLATIVE TIMETABLE FOR A REAPPORTIONMENT OF THE SENATE AND ASSEMBLY  
40 DISTRICTS AND THE CONGRESSIONAL DISTRICTS OF THE STATE BASED ON SUCH  
41 CENSUS; AND

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

45 S 94. APPORTIONMENT NOMINATIONS COMMITTEE. 1. ON OR BEFORE THE FIRST  
46 OF DECEMBER OF EACH YEAR, THERE SHALL BE ESTABLISHED AN APPORTIONMENT  
47 NOMINATIONS COMMITTEE TO SELECT THOSE PERSONS WHO SHALL BE ELIGIBLE TO  
48 BE APPOINTED AS MEMBERS OF THE APPORTIONMENT COMMISSION CREATED IN  
49 SECTION NINETY-SIX OF THIS ARTICLE. EACH SUCH COMMITTEE SHALL REMAIN IN  
50 EXISTENCE UNTIL ITS DUTIES PURSUANT TO SECTION NINETY-FIVE OF THIS ARTI-  
51 CLE HAVE BEEN COMPLETED.

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

54 (A) ONE MEMBER SHALL BE APPOINTED BY THE PRESIDING JUDGE OF THE COURT  
55 OF APPEALS;

56 (B) ONE MEMBER SHALL BE APPOINTED BY THE ATTORNEY GENERAL;

(C) ONE MEMBER SHALL BE APPOINTED BY THE STATE COMPTROLLER;

(D) ONE MEMBER SHALL BE APPOINTED BY THE GOVERNOR;

(E) ONE MEMBER SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE;

(F) ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

(G) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

(H) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY.

3. THE APPORTIONMENT NOMINATIONS COMMITTEE SHALL DESIGNATE ITS CHAIR FROM AMONG ITS MEMBERS BY A SIMPLE MAJORITY VOTE OF ALL MEMBERS, PROVIDED THAT IN THE EVENT OF A TIE VOTE, THE PRESIDING JUDGE OF THE COURT OF APPEALS SHALL DESIGNATE THE CHAIR OF SUCH COMMITTEE FROM AMONG ITS MEMBERS.

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

(A) HOLD OR HAVE HELD WITHIN THE PREVIOUS TWO YEARS AN ELECTED GOVERNMENTAL OFFICE;

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

(C) BE EMPLOYED OR HAVE BEEN EMPLOYED WITHIN THE PREVIOUS TWO YEARS IN ANY OTHER POSITION BY THE UNITED STATES CONGRESS, THE STATE LEGISLATURE OR THE EXECUTIVE CHAMBER;

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

(E) BE THE SPOUSE OF ANY MEMBER OF THE UNITED STATES CONGRESS, THE STATE LEGISLATURE OR THE EXECUTIVE CHAMBER; OR

(F) BE RELATED WITHIN THE THIRD DEGREE OF CONSANGUINITY TO ANY MEMBER OF THE UNITED STATES CONGRESS, THE STATE LEGISLATURE OR THE EXECUTIVE CHAMBER, OR TO THE SPOUSE OF ANY SUCH PERSON.

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

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

S 95. POWERS AND DUTIES OF COMMITTEE. 1. THE APPORTIONMENT NOMINATIONS COMMITTEE SHALL HAVE THE POWER AND DUTY TO ANNUALLY, ON OR BEFORE THE FIRST OF MARCH, ESTABLISH A LIST OF FORTY PERSONS WHO SHALL BE ELIGIBLE TO BE APPOINTED AS MEMBERS OF THE APPORTIONMENT COMMISSION. SUCH LIST SHALL HEREINAFTER BE REFERRED TO IN THIS ARTICLE AS THE "NOMINATIONS POOL".

2. THE MEMBERS OF THE APPORTIONMENT NOMINATIONS COMMITTEE SHALL BY MAJORITY VOTE SELECT EACH PERSON TO BE INCLUDED IN THE NOMINATIONS POOL. UPON COMPLETION OF SUCH POOL, SUCH COMMITTEE SHALL SUBMIT A COPY OF THE NOMINATIONS POOL TO THE PRESIDING JUDGE OF THE COURT OF APPEALS, THE ATTORNEY GENERAL, THE STATE COMPTROLLER, THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY.

3. THE NOMINATIONS POOL SHALL INCLUDE:

(A) FIFTEEN PERSONS WHO ARE ENROLLED AS DEMOCRATS;

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

(C) TEN PERSONS WHO ARE NOT ENROLLED AS EITHER DEMOCRATS OR REPUBLICANS.

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

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

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

7 (C) BE EMPLOYED OR HAVE BEEN EMPLOYED WITHIN THE PREVIOUS TWO YEARS IN  
8 ANY OTHER POSITION BY THE UNITED STATES CONGRESS, THE STATE LEGISLATURE  
9 OR THE EXECUTIVE CHAMBER;

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

12 (E) BE THE SPOUSE OF ANY MEMBER OF THE UNITED STATES CONGRESS, THE  
13 STATE LEGISLATURE OR THE EXECUTIVE CHAMBER; OR

14 (F) BE RELATED WITHIN THE THIRD DEGREE OF CONSANGUINITY TO ANY MEMBER  
15 OF THE UNITED STATES CONGRESS, THE STATE LEGISLATURE OR THE EXECUTIVE  
16 CHAMBER, OR TO THE SPOUSE OF ANY SUCH PERSON.

17 5. (A) THE NOMINATIONS POOL SHALL INCLUDE PERSONS FROM EACH OF THE  
18 FOLLOWING REGIONS OF THE STATE:

19 (I) LONG ISLAND;

20 (II) NEW YORK CITY;

21 (III) HUDSON VALLEY;

22 (IV) NORTHERN;

23 (V) CENTRAL;

24 (VI) SOUTHERN TIER; AND

25 (VII) WESTERN.

26 (B) FOR THE PURPOSES OF THIS SUBDIVISION, THE FOLLOWING REGIONS SHALL  
27 BE COMPOSED OF THE FOLLOWING COUNTIES:

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

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

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

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

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

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

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

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

46 S 96. APPORTIONMENT COMMISSION. 1. THERE SHALL BE CREATED AN APPOR-  
47 TIONMENT COMMISSION TO ASSIST THE LEGISLATURE IN THE REAPPORTIONMENT OF  
48 CONGRESSIONAL, SENATE AND ASSEMBLY DISTRICTS BASED ON THE ENSUING FEDER-  
49 AL CENSUS, PURSUANT TO SECTION TWO OF ARTICLE ONE OF THE UNITED STATES  
50 CONSTITUTION AND SECTIONS FOUR AND FIVE OF ARTICLE THREE OF THE STATE  
51 CONSTITUTION.

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

54 (A) TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE  
55 SENATE;

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

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

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

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

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

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

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

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

3. (A) NO MORE THAN FOUR MEMBERS OF THE APPORTIONMENT COMMISSION SHALL 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 MEMBERS OF THE APPORTIONMENT COMMISSION SHALL SERVE AT THE PLEASURE OF THE OFFICIAL WHO APPOINTED THEM, PURSUANT TO SUBDIVISION TWO OF THIS SECTION. 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;

1 3. REQUEST, RECEIVE AND UTILIZE SUCH FACILITIES, RESOURCES AND DATA OF  
2 ANY DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION OR AGENCY OF THE  
3 STATE OR ANY POLITICAL SUBDIVISION THEREOF AS IT MAY REASONABLY REQUEST  
4 TO PROPERLY CARRY OUT ITS POWERS AND DUTIES PURSUANT TO THIS ARTICLE;

5 4. ACQUIRE AND UTILIZE ALL MATERIALS AND EQUIPMENT NECESSARY TO ESTAB-  
6 LISH APPORTIONMENT PLANS PURSUANT TO SECTION NINETY-EIGHT OF THIS ARTI-  
7 CLE;

8 5. PREPARE THE NECESSARY DESCRIPTIONS FOR THE GEOGRAPHIC UNITS OF THE  
9 STATE FOR USE BY THE FEDERAL CENSUS BUREAU IN REPORTING DECENNIAL FEDER-  
10 AL CENSUS DATA;

11 6. ENGAGE IN SUCH RESEARCH STUDIES AND OTHER ACTIVITIES AS NECESSARY  
12 OR APPROPRIATE IN THE PREPARATION AND FORMULATION OF A REAPPORTIONMENT  
13 PLAN FOR THE NEXT ENSUING REAPPORTIONMENT OF SENATE AND ASSEMBLY  
14 DISTRICTS AND CONGRESSIONAL DISTRICTS OF THE STATE AND IN THE UTILIZA-  
15 TION OF CENSUS AND OTHER DEMOGRAPHIC AND STATISTICAL DATA FOR POLICY  
16 ANALYSIS, PROGRAM DEVELOPMENT AND PROGRAM EVALUATION PURPOSES FOR THE  
17 LEGISLATURE;

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

26 8. PREPARE MAPS OF CITIES, TOWNS AND COUNTIES OF THE STATE FOR  
27 DESCRIBING CONGRESSIONAL, SENATE AND ASSEMBLY DISTRICTS, AND PREPARE  
28 APPORTIONMENT PLANS AND LEGISLATION;

29 9. PROMULGATE AND MAKE AVAILABLE TO THE PUBLIC, IN PRINT FORM AND IN  
30 ELECTRONIC FORM ON THE INTERNET, ALL RULES AND REGULATIONS ESTABLISHING  
31 THE PROCEDURES AND STANDARDS FOR DETERMINING THE COMPETITIVENESS OF  
32 PROPOSED DISTRICTS; AND

33 10. MAKE AVAILABLE TO THE PUBLIC IN PRINT FORM AND IN ELECTRONIC FORM  
34 ON THE INTERNET ALL APPORTIONMENT PLANS, INFORMATION ON THE MEMBERS OF  
35 THE APPORTIONMENT COMMISSION AND ALL OTHER RELEVANT INFORMATION DERIVED  
36 FROM THE OPERATION OF THIS ARTICLE.

37 S 98. APPORTIONMENT. 1. THE APPORTIONMENT COMMISSION, SHALL UPON  
38 RECEIPT OF THE FEDERAL DECENNIAL CENSUS FOR THE STATE, BEGIN TO ESTAB-  
39 LISH A PLAN FOR THE APPORTIONMENT OF CONGRESSIONAL, SENATE AND ASSEMBLY  
40 DISTRICTS IN THE STATE.

41 2. THE APPORTIONMENT COMMISSION SHALL PREPARE APPORTIONMENT PLANS IN  
42 ACCORDANCE WITH SECTION TWO OF ARTICLE ONE OF THE UNITED STATES CONSTI-  
43 TUTION, SECTIONS FOUR AND FIVE OF ARTICLE THREE OF THE STATE CONSTITU-  
44 TION AND IN A MANNER THAT ENSURES THE FAIR AND EFFECTIVE REPRESENTATION  
45 OF RACIAL AND LANGUAGE MINORITY GROUPS COVERED BY THE FEDERAL VOTING  
46 RIGHTS ACT OF 1965. THE CONGRESSIONAL DISTRICTS AND STATE LEGISLATIVE  
47 DISTRICTS SHALL:

48 (A) BE OF SUBSTANTIAL EQUALITY OF POPULATION WITH OTHER CONGRESSIONAL,  
49 SENATE AND ASSEMBLY DISTRICTS, PROVIDED THAT, FOR SENATE AND ASSEMBLY  
50 DISTRICTS, NO SUCH DEVIATION SHALL EXCEED ONE PERCENT OF THE AVERAGE  
51 POPULATION OF ALL SENATE OR ASSEMBLY DISTRICTS;

52 (B) BE COMPOSED OF COMPACT AND CONTIGUOUS TERRITORY, PROVIDED THAT  
53 LAND AREAS SEPARATED BY A WATERWAY SHALL NOT BE INCLUDED WITHIN THE SAME  
54 DISTRICT UNLESS SUCH WATERWAY IS TRAVERSED BY A HIGHWAY BRIDGE OR TUNNEL  
55 WHICH BEGINS AND TERMINATES WITHIN THE SAME SUCH DISTRICT, EXCEPT THAT,  
56 POPULATION PERMITTING, ISLANDS NOT CONNECTED TO THE MAINLAND OR ANOTHER

ISLAND BY A HIGHWAY BRIDGE OR TUNNEL SHALL BE IN THE SAME DISTRICT AS THE NEAREST LAND AREA WITHIN THE SAME POLITICAL SUBDIVISION;

(C) BE DRAWN SUCH THAT THE NUMBER OF COUNTIES WHOSE TERRITORY IS DIVIDED AMONG MORE THAN ONE DISTRICT SHALL BE AS SMALL AS POSSIBLE AND, WITHIN COUNTIES SO DIVIDED, THE NUMBER OF TOWNS AND CITIES DIVIDED AMONG MORE THAN ONE DISTRICT SHALL BE AS SMALL AS POSSIBLE;

(D) TO THE EXTENT PRACTICABLE, COINCIDE WITH CITY, TOWN AND COUNTY BOUNDARIES;

(E) TO THE EXTENT PRACTICABLE, EACH ASSEMBLY DISTRICT SHALL BE ENTIRELY WITHIN A SINGLE SENATE DISTRICT, AND TO THE EXTENT CONSISTENT WITH THE PROVISIONS OF PARAGRAPH (C) OF THIS SUBDIVISION, NO ASSEMBLY DISTRICT SHALL BE WITHIN MORE THAN TWO SENATE DISTRICTS;

(F) TO THE EXTENT CONSISTENT WITH THE PROVISIONS OF PARAGRAPH (C) OF THIS SUBDIVISION, NO SENATE DISTRICT SHALL INCLUDE MORE THAN THREE ASSEMBLY DISTRICTS;

(G) NOT BE DRAWN WITH AN INTENT TO FAVOR OR OPPOSE ANY POLITICAL PARTY, OR ANY INCUMBENT FEDERAL OR STATE LEGISLATOR;

(H) TO THE EXTENT PRACTICABLE WITHOUT SIGNIFICANTLY UNDERMINING THE PROVISIONS OF PARAGRAPHS (A) THROUGH (G) OF THIS SUBDIVISION, BE DRAWN TO KEEP INTACT WITHIN A SINGLE DISTRICT THOSE NEIGHBORHOODS AND COMMUNITIES WITH ESTABLISHED TIES OF COMMON INTEREST AND ASSOCIATION, WHETHER HISTORICAL, RACIAL, ECONOMIC, ETHNIC, RELIGIOUS OR OTHER; AND

(I) TO THE EXTENT PRACTICABLE WITHOUT SIGNIFICANTLY UNDERMINING THE PROVISIONS OF PARAGRAPHS (A) THROUGH (G) OF THIS SUBDIVISION, BE DRAWN TO ENCOURAGE COMPETITIVE DISTRICTS, AS DEFINED IN THE REGULATIONS OF THE APPORTIONMENT COMMISSION.

3. DURING THE PREPARATION OF THE APPORTIONMENT PLAN, THE APPORTIONMENT COMMISSION SHALL CONDUCT NOT LESS THAN ONE PUBLIC HEARING ON PROPOSALS FOR THE APPORTIONMENT OF CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS IN EACH OF THE FOLLOWING (A) CITIES: ALBANY, BUFFALO, SYRACUSE, ROCHESTER, GLEN COVE, AND WHITE PLAINS; AND (B) COUNTIES: BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND. PUBLIC NOTICE OF ALL SUCH HEARINGS SHALL BE WIDELY PUBLISHED BY THE APPORTIONMENT COMMISSION IN ADVANCE THROUGH ALL AVAILABLE MEANS. TO THE EXTENT PRACTICABLE, ALL SUCH HEARINGS AND THE PROCEEDINGS OF THE APPORTIONMENT COMMISSION SHALL BE TELEVISED. THE APPORTIONMENT COMMISSION SHALL REPORT THE FINDINGS OF ALL SUCH HEARINGS TO THE LEGISLATURE UPON SUBMISSION OF THE APPORTIONMENT PLAN PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION.

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

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

(C) THE LEGISLATION INTRODUCED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE VOTED UPON, WITHOUT AMENDMENT, BY BOTH SUCH HOUSES OF THE LEGISLATURE WITHIN SEVEN DAYS AFTER THE APPORTIONMENT COMMISSION REPORTS THE FINDINGS OF ITS PUBLIC HEARING TO THE LEGISLATURE.

1 5. IF EITHER HOUSE SHALL FAIL TO APPROVE THE LEGISLATION SUBMITTED  
2 PURSUANT TO SUBDIVISION FOUR OF THIS SECTION, OR IF THE GOVERNOR SHALL  
3 VETO SUCH LEGISLATION AND THE LEGISLATURE SHALL FAIL TO OVERRIDE SUCH  
4 VETO, THE LEGISLATURE SHALL IMMEDIATELY TRANSMIT TO THE APPORTIONMENT  
5 COMMISSION A LIST OF REASONS THAT SUCH LEGISLATION DID NOT BECOME LAW.  
6 WITHIN TWENTY-ONE DAYS OF THE DISAPPROVAL OF SUCH LEGISLATION, THE  
7 APPORTIONMENT COMMISSION SHALL ESTABLISH AND SUBMIT TO THE LEGISLATURE A  
8 SECOND APPORTIONMENT PLAN AND THE NECESSARY IMPLEMENTING LEGISLATION FOR  
9 SUCH PLAN. UPON RECEIPT OF SUCH SECOND PLAN, THE IMPLEMENTING LEGIS-  
10 LATION THEREFOR SHALL BE INTRODUCED IN BOTH HOUSES OF THE LEGISLATURE  
11 WITHOUT ANY AMENDMENTS. SUCH LEGISLATION SHALL BE VOTED UPON, WITHOUT  
12 AMENDMENT, BY BOTH SUCH HOUSES WITHIN TWENTY-ONE DAYS, BUT NOT SOONER  
13 THAN SEVEN DAYS, AFTER ITS INTRODUCTION.

14 6. IF EITHER HOUSE SHALL FAIL TO APPROVE THE LEGISLATION SUBMITTED  
15 PURSUANT TO SUBDIVISION FIVE OF THIS SECTION, OR IF THE GOVERNOR SHALL  
16 VETO SUCH LEGISLATION AND THE LEGISLATURE FAILS TO OVERRIDE SUCH VETO,  
17 THE LEGISLATURE SHALL IMMEDIATELY TRANSMIT TO THE APPORTIONMENT COMMIS-  
18 SION A LIST OF THE REASONS THAT SUCH LEGISLATION DID NOT BECOME LAW.  
19 WITHIN TWENTY-ONE DAYS OF THE DISAPPROVAL OF SUCH LEGISLATION, THE  
20 APPORTIONMENT COMMISSION SHALL ESTABLISH AND SUBMIT TO THE LEGISLATURE A  
21 THIRD APPORTIONMENT PLAN AND THE NECESSARY IMPLEMENTING LEGISLATION FOR  
22 SUCH PLAN. UPON RECEIPT OF SUCH THIRD PLAN, THE IMPLEMENTING LEGISLATION  
23 WITH ANY AMENDMENTS THE LEGISLATURE SHALL DEEM NECESSARY SHALL BE INTRO-  
24 DUCED IN BOTH HOUSES OF THE LEGISLATURE. ALL SUCH AMENDMENTS SHALL  
25 COMPLY WITH THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION. SUCH  
26 LEGISLATION SHALL BE VOTED UPON BY BOTH SUCH HOUSES WITHIN TWENTY-ONE  
27 DAYS, BUT NOT SOONER THAN SEVEN DAYS, AFTER ITS INTRODUCTION.

28 7. UPON THE FAILURE OF EITHER HOUSE OF THE LEGISLATURE TO APPROVE SUCH  
29 LEGISLATION, OR UPON THE VETO OF SUCH LEGISLATION BY THE GOVERNOR, THE  
30 COURT OF APPEALS SHALL IMMEDIATELY REVIEW ALL LEGISLATION SUBMITTED  
31 PURSUANT TO THIS SECTION TO DETERMINE WHICH APPORTIONMENT PLAN SHOULD BE  
32 ENACTED INTO LAW.

33 S 99. APPLICATION OF ARTICLE. THE PROCESS FOR APPORTIONMENT OF  
34 CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS ESTABLISHED BY THIS ARTI-  
35 CLE SHALL BE THE EXCLUSIVE MEANS BY WHICH SUCH APPORTIONMENT SHALL BE  
36 COMPLETED IN THIS STATE. EVERY APPORTIONMENT OF CONGRESSIONAL OR STATE  
37 LEGISLATIVE DISTRICTS PERFORMED IN VIOLATION OF THE PROVISIONS OF THIS  
38 ARTICLE SHALL BE VOID. IN ANY PROCEEDING RELATING TO APPORTIONMENT OF  
39 CONGRESSIONAL OR STATE LEGISLATIVE DISTRICTS, THE COURT SHALL IMPLEMENT  
40 THE PLAN THAT BEST SERVES THE REQUIREMENTS OF SUBDIVISION TWO OF SECTION  
41 NINETY-EIGHT OF THIS ARTICLE.

42 S 5. This act shall take effect immediately.