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I N S E N A T E

April 27, 2010

Introduced by Sens. DeFRANCISCO, LITTLE -- 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 sections 2 and 4 of article 3 of the constitution, in relation to the number of senators and the apportionment of senate districts

1 Section 1. Resolved (if the Assembly concur), That sections 2 and 4 of
2 article 3 of the constitution be amended to read as follows:
3 S 2. The senate shall consist of [fifty] SIXTY-TWO members[, except as
4 hereinafter provided]. The senators [elected in the year one thousand
5 eight hundred and ninety-five shall hold their offices for three years,
6 and their successors] shall be [chosen] ELECTED for two years. The
7 assembly shall consist of one hundred and fifty members. The assembly
8 members [elected in the year one thousand nine hundred and thirty-eight,
9 and their successors,] shall be [chosen] ELECTED for two years.
10 S 4. Except as herein otherwise provided, the federal census taken in
11 the year nineteen hundred thirty and each federal census taken decenni-
12 ally thereafter shall be controlling as to the number of inhabitants in
13 the state or any part thereof for the purposes of the apportionment of
14 members of assembly and readjustment or alteration of [senate and]
15 assembly districts next occurring, in so far as such census and the
16 tabulation thereof purport to give the information necessary therefor.
17 The legislature, by law, shall provide for the making and tabulation by
18 state authorities of an enumeration of the inhabitants of the entire
19 state to be used for such purposes, instead of a federal census, if the
20 taking of a federal census in any tenth year from the year nineteen
21 hundred thirty be omitted or if the federal census fails to show the
22 number of aliens or Indians not taxed. If a federal census, though
23 giving the requisite information as to the state at large, fails to give
24 the information as to any civil or territorial divisions which is
25 required to be known for such purposes, the legislature, by law, shall
26 provide for such an enumeration of the inhabitants of such parts of the
27 state only as may be necessary, which shall supersede in part the feder-
28 al census and be used in connection therewith for such purposes. The
29 legislature, by law, may provide in its discretion for an enumeration by

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

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1 state authorities of the inhabitants of the state, to be used for such
2 purposes, in place of a federal census, when the return of a decennial
3 federal census is delayed so that it is not available at the beginning
4 of the regular session of the legislature in the second year after the
5 year nineteen hundred thirty or after any tenth year therefrom, or if an
6 apportionment of members of assembly [and readjustment or alteration of
7 senate districts] is not made at or before such a session. [At the regu-
8 lar session in the year nineteen hundred thirty-two, and at the first
9 regular session after the year nineteen hundred forty and after each
10 tenth year therefrom the senate districts shall be readjusted or
11 altered, but if, in any decade, counting from and including that which
12 begins with the year nineteen hundred thirty-one, such a readjustment or
13 alteration is not made at the time above prescribed, it shall be made at
14 a subsequent session occurring not later than the sixth year of such
15 decade, meaning not later than nineteen hundred thirty-six, nineteen
16 hundred forty-six, nineteen hundred fifty-six, and so on; provided,
17 however, that if such districts shall have been readjusted or altered by
18 law in either of the years nineteen hundred thirty or nineteen hundred
19 thirty-one, they shall remain unaltered until the first regular session
20 after the year nineteen hundred forty. Such districts shall be so read-
21 justed or altered that each senate district shall contain as nearly as
22 may be an equal number of inhabitants, excluding aliens, and be in as
23 compact form as practicable, and shall remain unaltered until the first
24 year of the next decade as above defined, and shall at all times consist
25 of contiguous territory, and no county shall be divided in the formation
26 of a senate district except to make two or more senate districts wholly
27 in such county. No town, except a town having more than a full ratio of
28 apportionment, and no block in a city inclosed by streets or public
29 ways, shall be divided in the formation of senate districts; nor shall
30 any district contain a greater excess in population over an adjoining
31 district in the same county, than the population of a town or block
32 therein adjoining such district. Counties, towns or blocks which, from
33 their location, may be included in either of two districts, shall be so
34 placed as to make said districts most nearly equal in number of inhabit-
35 ants, excluding aliens.

36 No county shall have four or more senators unless it shall have a full
37 ratio for each senator. No county shall have more than one-third of all
38 the senators; and no two counties or the territory thereof as now organ-
39 ized, which are adjoining counties, or which are separated only by
40 public waters, shall have more than one-half of all the senators.

41 The ratio for apportioning senators shall always be obtained by divid-
42 ing the number of inhabitants, excluding aliens, by fifty, and the
43 senate shall always be composed of fifty members, except that if any
44 county having three or more senators at the time of any apportionment
45 shall be entitled on such ratio to an additional senator or senators,
46 such additional senator or senators shall be given to such county in
47 addition to the fifty senators, and the whole number of senators shall
48 be increased to that extent.

49 The senate districts, including the present ones, as existing imme-
50 diately before the enactment of a law readjusting or altering the senate
51 districts, shall continue to be the senate districts of the state until
52 the expirations of the terms of the senators then in office, except for
53 the purpose of an election of senators for full terms beginning at such
54 expirations, and for the formation of assembly districts] EACH COUNTY
55 HERETOFORE ESTABLISHED AND SEPARATELY ORGANIZED SHALL BE REPRESENTED BY

1 A SINGLE MEMBER OF THE SENATE, AND EVERY SENATE DISTRICT SHALL BE
2 CONTIGUOUS WITH THE BOUNDARIES OF A COUNTY OF THE STATE.
3 S 2. Resolved (if the Assembly concur), That the foregoing be referred
4 to the first regular legislative session convening after the next
5 succeeding general election of members of the assembly, and, in conform-
6 ity with section 1 of article 19 of the constitution, be published for 3
7 months previous to the time of such election.