

565

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. GIANARIS, ADAMS, ADDABBO, AVELLA, BRESLIN, DILAN, ESPAILLAT, KENNEDY, KRUEGER, MONTGOMERY, 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

AN ACT to amend the legislative law and the correction law, in relation to apportionment of congressional, senate and assembly districts; to repeal section 83-m of the legislative law relating to the legislative task force on demographic research and reapportionment; and to repeal chapter 17 of the laws of 2012, amending the legislative law relating to redistricting of congressional, senate and assembly districts

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 S of chapter 55 of the laws of 2012, is
4 amended to read as follows:

5 Any member of the assembly serving in a special capacity in a position
6 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 thirteen and terminating December thirty-first, two
9 thousand fourteen:

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	

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

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1 resource needs of New York state and Long Island no allowance
2 [Co-chairman of the legislative task force on
3 demographic research and reapportionment 15,000]
4 Chairman of the assembly task force on farm,
5 food and nutrition 12,500
6 Ranking minority member of the assembly task force
7 on farm, food and nutrition 9,000
8 Chairman of the legislative commission on skills
9 development and career education 12,500
10 Vice-Chairman of the legislative commission on the
11 development of rural resources 12,500

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

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

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

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

26 ARTICLE 6-A

27 APPORTIONMENT OF CONGRESSIONAL
28 AND STATE LEGISLATIVE DISTRICTS

29 SECTION 93. LEGISLATIVE INTENT.

30 94. APPORTIONMENT NOMINATIONS COMMITTEE.

31 95. POWERS AND DUTIES OF COMMITTEE.

32 96. APPORTIONMENT COMMISSION.

33 97. POWERS AND DUTIES OF COMMISSION.

34 98. APPORTIONMENT.

35 99. APPLICATION OF ARTICLE.

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

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

42 2. A TECHNICAL PLAN WILL BE NEEDED TO MEET THE REQUIREMENTS OF A
43 LEGISLATIVE TIMETABLE FOR A REAPPORTIONMENT OF THE SENATE AND ASSEMBLY
44 DISTRICTS AND THE CONGRESSIONAL DISTRICTS OF THE STATE BASED ON SUCH
45 CENSUS; AND

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

49 S 94. APPORTIONMENT NOMINATIONS COMMITTEE. 1. ON OR BEFORE THE FIRST
50 OF DECEMBER OF EACH YEAR ENDING WITH A NINE OR AS SOON AS POSSIBLE AFTER
51 THE EFFECTIVE DATE OF THIS ARTICLE, THERE SHALL BE ESTABLISHED AN APPOR-
52 TIONMENT NOMINATIONS COMMITTEE TO SELECT THOSE PERSONS WHO SHALL BE
53 ELIGIBLE TO BE APPOINTED AS MEMBERS OF THE APPORTIONMENT COMMISSION
54 CREATED IN SECTION NINETY-SIX OF THIS ARTICLE. EACH SUCH COMMITTEE SHALL
55 REMAIN IN EXISTENCE UNTIL ITS DUTIES PURSUANT TO SECTION NINETY-FIVE OF
56 THIS ARTICLE HAVE BEEN COMPLETED.

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

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

(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; AND

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

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

4. THE MEMBERS OF THE APPORTIONMENT NOMINATIONS 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 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, THE EXECUTIVE CHAMBER, THE UNIFIED COURT SYSTEM OR THE FEDERAL COURT SYSTEM;

(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, THE EXECUTIVE CHAMBER, THE UNIFIED COURT SYSTEM OR THE FEDERAL COURT SYSTEM; OR

(F) BE RELATED WITHIN THE THIRD DEGREE OF CONSANGUINITY TO ANY MEMBER OF THE UNITED STATES CONGRESS, THE STATE LEGISLATURE, THE EXECUTIVE CHAMBER, THE UNIFIED COURT SYSTEM OR THE FEDERAL COURT SYSTEM, 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, ON OR BEFORE THE FIRST OF MARCH IN EACH YEAR ENDING WITH A ZERO OR AS SOON AS POSSIBLE AFTER THE EFFECTIVE DATE OF THIS ARTICLE, 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 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

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

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

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

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

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

11 (D) BE EMPLOYED OR HAVE BEEN EMPLOYED WITHIN THE PREVIOUS TWO YEARS IN
12 ANY OTHER POSITION BY THE UNITED STATES CONGRESS, THE STATE LEGISLATURE,
13 THE EXECUTIVE CHAMBER, THE UNIFIED COURT SYSTEM OR THE FEDERAL COURT
14 SYSTEM;

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

17 (F) BE THE SPOUSE OF ANY MEMBER OF THE UNITED STATES CONGRESS, THE
18 STATE LEGISLATURE, THE EXECUTIVE CHAMBER, THE UNIFIED COURT SYSTEM OR
19 THE FEDERAL COURT SYSTEM; OR

20 (G) BE RELATED WITHIN THE THIRD DEGREE OF CONSANGUINITY TO ANY MEMBER
21 OF THE UNITED STATES CONGRESS, THE STATE LEGISLATURE, THE EXECUTIVE
22 CHAMBER, THE UNIFIED COURT SYSTEM OR THE FEDERAL COURT SYSTEM, OR TO THE
23 SPOUSE OF ANY SUCH PERSON.

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

28 (I) LONG ISLAND;

29 (II) NEW YORK CITY;

30 (III) HUDSON VALLEY;

31 (IV) NORTHERN;

32 (V) CENTRAL;

33 (VI) SOUTHERN TIER; AND

34 (VII) WESTERN.

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

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

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

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

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

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

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

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

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

55 S 96. APPORTIONMENT COMMISSION. 1. THERE SHALL BE CREATED AN APPOR-
56 TIONMENT COMMISSION TO ASSIST THE LEGISLATURE IN THE REAPPORTIONMENT OF

1 CONGRESSIONAL, SENATE AND ASSEMBLY DISTRICTS BASED ON THE ENSUING FEDER-
2 AL CENSUS, PURSUANT TO SECTION TWO OF ARTICLE ONE OF THE UNITED STATES
3 CONSTITUTION AND SECTIONS FOUR AND FIVE OF ARTICLE THREE OF THE STATE
4 CONSTITUTION.

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

7 (A) TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE
8 SENATE;

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

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

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

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

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

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

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

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

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

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

43 4. THE TERMS OF THE MEMBERS OF THE APPORTIONMENT COMMISSION SHALL
44 EXPIRE UPON THE FILING OF ALL APPORTIONMENT PLANS, PURSUANT TO SUBDIVI-
45 SION FOUR, FIVE AND/OR SIX OF SECTION NINETY-EIGHT OF THIS ARTICLE, THE
46 EXHAUSTION OF ANY JUDICIAL REVIEW OF AN APPORTIONMENT PLAN AND APPOR-
47 TIONMENT STATUTE, AND THE IMPLEMENTATION OF AN APPORTIONMENT STATUTE.
48 VACANCIES IN THE MEMBERSHIP OF THE COMMISSION SHALL BE FILLED IN THE
49 MANNER PROVIDED FOR ORIGINAL APPOINTMENTS.

50 5. THE MEMBERS OF THE APPORTIONMENT COMMISSION AND ALL EMPLOYEES THER-
51 EOF SHALL BE DEEMED TO BE LEGISLATIVE EMPLOYEES.

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

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

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

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

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

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

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

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

25 6. ENGAGE IN SUCH RESEARCH STUDIES AND OTHER ACTIVITIES AS NECESSARY
26 OR APPROPRIATE IN THE PREPARATION AND FORMULATION OF A REAPPORTIONMENT
27 PLAN FOR THE NEXT ENSUING REAPPORTIONMENT OF SENATE AND ASSEMBLY
28 DISTRICTS AND CONGRESSIONAL DISTRICTS OF THE STATE AND IN THE UTILIZA-
29 TION OF CENSUS AND OTHER DEMOGRAPHIC AND STATISTICAL DATA FOR POLICY
30 ANALYSIS, PROGRAM DEVELOPMENT AND PROGRAM EVALUATION PURPOSES FOR THE
31 LEGISLATURE;

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

40 8. PREPARE MAPS OF CITIES, TOWNS AND COUNTIES OF THE STATE FOR
41 DESCRIBING CONGRESSIONAL, SENATE AND ASSEMBLY DISTRICTS, AND PREPARE
42 APPORTIONMENT PLANS AND LEGISLATION;

43 9. MAKE AVAILABLE TO THE PUBLIC IN PRINT FORM AND IN ELECTRONIC FORM
44 ON THE INTERNET, USING THE BEST AVAILABLE TECHNOLOGY, ALL APPORTIONMENT
45 PLANS, RELEVANT DATA AND MAPMAKING SOFTWARE USED TO PREPARE SUCH PLANS,
46 INFORMATION ON THE MEMBERS OF THE APPORTIONMENT COMMISSION AND ALL OTHER
47 RELEVANT INFORMATION DERIVED FROM THE OPERATION OF THIS ARTICLE; AND

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

52 (B) UPON RECEIPT OF SUCH INFORMATION FOR EACH INCARCERATED PERSON
53 SUBJECT TO THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS AND COMMU-
54 NITY SUPERVISION, THE APPORTIONMENT COMMISSION SHALL DETERMINE THE
55 CENSUS BLOCK CORRESPONDING TO THE STREET ADDRESS OF EACH SUCH PERSON'S
56 RESIDENTIAL ADDRESS PRIOR TO INCARCERATION (IF ANY), AND THE CENSUS

1 BLOCK CORRESPONDING TO THE STREET ADDRESS OF THE CORRECTIONAL FACILITY
2 IN WHICH SUCH PERSON WAS HELD SUBJECT TO THE JURISDICTION OF SUCH
3 DEPARTMENT. UNTIL SUCH TIME AS THE UNITED STATES BUREAU OF THE CENSUS
4 SHALL IMPLEMENT A POLICY OF REPORTING EACH SUCH INCARCERATED PERSON AT
5 SUCH PERSON'S RESIDENTIAL ADDRESS PRIOR TO INCARCERATION, THE APPORTION-
6 MENT COMMISSION SHALL USE SUCH DATA TO DEVELOP A DATABASE IN WHICH ALL
7 INCARCERATED PERSONS SHALL BE, WHERE POSSIBLE, ALLOCATED FOR REDISTRICT-
8 ING PURPOSES, SUCH THAT EACH GEOGRAPHIC UNIT REFLECTS INCARCERATED POPU-
9 LATIONS AT THEIR RESPECTIVE RESIDENTIAL ADDRESSES PRIOR TO INCARCERATION
10 RATHER THAN AT THE ADDRESSES OF SUCH CORRECTIONAL FACILITIES. FOR ALL
11 INCARCERATED PERSONS WHOSE RESIDENTIAL ADDRESS PRIOR TO INCARCERATION
12 WAS OUTSIDE OF THE STATE, OR FOR WHOM THE APPORTIONMENT COMMISSION
13 CANNOT IDENTIFY THEIR PRIOR RESIDENTIAL ADDRESS, AND FOR ALL PERSONS
14 CONFINED IN A FEDERAL CORRECTIONAL FACILITY ON CENSUS DAY, THE APPOR-
15 TIONMENT COMMISSION SHALL CONSIDER THOSE PERSONS TO HAVE BEEN COUNTED AT
16 AN ADDRESS UNKNOWN AND PERSONS AT SUCH UNKNOWN ADDRESS SHALL NOT BE
17 INCLUDED IN SUCH DATA SET CREATED PURSUANT TO THIS PARAGRAPH. THE APPOR-
18 TIONMENT COMMISSION SHALL DEVELOP AND MAINTAIN SUCH AMENDED POPULATION
19 DATA SET AND SHALL MAKE SUCH AMENDED DATA SET AVAILABLE TO LOCAL GOVERN-
20 MENTS, AS DEFINED IN SUBDIVISION EIGHT OF SECTION TWO OF THE MUNICIPAL
21 HOME RULE LAW, AND FOR THE DRAWING OF ASSEMBLY AND SENATE DISTRICTS. THE
22 ASSEMBLY AND SENATE DISTRICTS SHALL BE DRAWN USING SUCH AMENDED POPU-
23 LATION DATA SET.

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

29 S 98. APPORTIONMENT. 1. THE APPORTIONMENT COMMISSION SHALL, UPON
30 RECEIPT OF THE FEDERAL DECENNIAL CENSUS FOR THE STATE, BEGIN TO ESTAB-
31 LISH A PLAN FOR THE APPORTIONMENT OF CONGRESSIONAL, SENATE AND ASSEMBLY
32 DISTRICTS IN THE STATE.

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

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

37 (B) EACH DISTRICT SHALL CONSIST OF CONTIGUOUS TERRITORY; NO DISTRICT
38 SHALL CONSIST OF PARTS ENTIRELY SEPARATED BY THE TERRITORY OF ANOTHER
39 DISTRICT OF THE SAME BODY, WHETHER SUCH TERRITORY BE LAND OR WATER,
40 POPULATED OR UNPOPULATED. A POPULATED CENSUS BLOCK SHALL NOT BE DIVIDED
41 BY A DISTRICT BOUNDARY, UNLESS IT CAN BE DETERMINED THAT THE POPULATED
42 PART OF SUCH BLOCK IS WITHIN A SINGLE DISTRICT.

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

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

52 (E) SUBJECT TO THE REQUIREMENTS OF PARAGRAPHS (A), (B), (C) AND (D) OF
53 THIS SUBDIVISION, THE FOLLOWING PRINCIPLES SHALL BE FOLLOWED IN THE
54 CREATION OF SENATE, ASSEMBLY, AND CONGRESSIONAL DISTRICTS TO THE EXTENT
55 PRACTICABLE. A PRINCIPLE WITH A LOWER NUMBER SHALL HAVE PRECEDENCE OVER
56 A PRINCIPLE WITH A HIGHER NUMBER.

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

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

(III) COUNTY SUBDIVISIONS SHALL NOT BE DIVIDED IN THE FORMATION OF DISTRICTS, EXCEPT TO CREATE DISTRICTS WHOLLY WITHIN A COUNTY SUBDIVISION. FOR THE PURPOSES OF THIS ARTICLE, A COUNTY SUBDIVISION SHALL BE A CITY, EXCEPT THE CITY OF NEW YORK, A TOWN, OR AN INDIAN RESERVATION WHOSE TERRITORY IS EXCLUSIVE OF THE TERRITORY OF ANY CITY OR TOWN. COUNTY SUBDIVISIONS WITH LARGER POPULATIONS SHALL BE DIVIDED IN PREFERENCE TO THE DIVISION OF THOSE WITH SMALLER POPULATIONS.

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

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

(VI) A SENATE, ASSEMBLY, OR CONGRESSIONAL DISTRICT SHALL UNITE COMMUNITIES DEFINED BY ACTUAL SHARED INTERESTS, TAKING ACCOUNT OF GEOGRAPHIC, SOCIAL, ECONOMIC, AND OTHER FACTORS THAT INDICATE COMMONALITY OF INTEREST, AND DISTRICTS SHALL BE FORMED SO AS TO PROMOTE THE ORDERLY AND EFFICIENT ADMINISTRATION OF ELECTIONS.

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 THIRTIETH 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 WITHIN FIVE DAYS.

(B) ON OR BEFORE THE FIFTEENTH 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

1 OF THE LEGISLATURE WITHIN SEVEN DAYS AFTER THE APPORTIONMENT COMMISSION
2 REPORTS THE FINDINGS OF ITS PUBLIC HEARING TO THE LEGISLATURE. IF
3 APPROVED, THE LEGISLATURE SHALL FORWARD SUCH LEGISLATION TO THE GOVERNOR
4 WITHIN FIVE DAYS.

5 5. IF (A) EITHER HOUSE SHALL FAIL TO APPROVE THE LEGISLATION SUBMITTED
6 PURSUANT TO SUBDIVISION FOUR OF THIS SECTION WITHIN TWENTY-ONE DAYS OF
7 ITS SUBMISSION, OR (B) THE GOVERNOR SHALL VETO SUCH LEGISLATION AND THE
8 LEGISLATURE SHALL FAIL TO OVERRIDE SUCH VETO WITHIN FIFTEEN DAYS OF SUCH
9 VETO, THE APPORTIONMENT COMMISSION SHALL HOLD AN OPEN HEARING WITHIN
10 FIFTEEN DAYS OF SAID FAILURE TO PASS THE LEGISLATION AS IN PARAGRAPH (A)
11 OF THIS SUBDIVISION OR FAILURE TO OVERRIDE THE GOVERNOR'S VETO AS IN
12 PARAGRAPH (B) OF THIS SUBDIVISION AT WHICH THE SPEAKER AND MINORITY
13 LEADER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT AND MINORITY LEADER
14 OF THE SENATE, OR EACH OF THEIR DESIGNEES SHALL TESTIFY AS TO THE
15 REASONS THAT THE LEGISLATION DID NOT BECOME LAW, AND MEMBERS OF THE
16 PUBLIC WILL ALSO BE INVITED TO TESTIFY. WITHIN FIFTEEN DAYS OF SUCH
17 HEARING, THE APPORTIONMENT COMMISSION SHALL ESTABLISH AND SUBMIT TO THE
18 LEGISLATURE A SECOND APPORTIONMENT PLAN AND THE NECESSARY IMPLEMENTING
19 LEGISLATION FOR SUCH PLAN. UPON RECEIPT OF SUCH SECOND PLAN, THE IMPE-
20 MENTING LEGISLATION THEREFOR SHALL BE INTRODUCED IN BOTH HOUSES OF THE
21 LEGISLATURE WITHOUT ANY AMENDMENTS WITHIN FIVE DAYS. SUCH LEGISLATION
22 SHALL BE VOTED UPON, WITHOUT AMENDMENT, BY BOTH SUCH HOUSES WITHIN TWEN-
23 TY-ONE DAYS, BUT NOT SOONER THAN SEVEN DAYS, AFTER ITS INTRODUCTION. IF
24 APPROVED, THE LEGISLATURE SHALL FORWARD SUCH LEGISLATION TO THE GOVERNOR
25 WITHIN FIVE DAYS.

26 6. IF (A) EITHER HOUSE SHALL FAIL TO APPROVE THE LEGISLATION SUBMITTED
27 PURSUANT TO SUBDIVISION FIVE OF THIS SECTION WITHIN TWENTY-ONE DAYS OF
28 ITS SUBMISSION, OR (B) THE GOVERNOR SHALL VETO SUCH LEGISLATION AND THE
29 LEGISLATURE FAILS TO OVERRIDE SUCH VETO THE APPORTIONMENT COMMISSION
30 SHALL HOLD AN OPEN HEARING WITHIN FIFTEEN DAYS OF SAID FAILURE TO PASS
31 THE LEGISLATION AS IN PARAGRAPH (A) OF THIS SUBDIVISION OR FAILURE TO
32 OVERRIDE THE GOVERNOR'S VETO AS IN PARAGRAPH (B) OF THIS SUBDIVISION AT
33 WHICH THE SPEAKER AND MINORITY LEADER OF THE ASSEMBLY AND THE TEMPORARY
34 PRESIDENT AND MINORITY LEADER OF THE SENATE, OR EACH OF THEIR DESIGNEES
35 SHALL TESTIFY AS TO THE REASONS THAT THE LEGISLATION DID NOT BECOME LAW,
36 AND MEMBERS OF THE PUBLIC WILL ALSO BE INVITED TO TESTIFY. WITHIN
37 FIFTEEN DAYS OF SUCH HEARING, THE APPORTIONMENT COMMISSION SHALL ESTAB-
38 LISH AND SUBMIT TO THE LEGISLATURE A THIRD APPORTIONMENT PLAN AND THE
39 NECESSARY IMPLEMENTING LEGISLATION FOR SUCH PLAN. UPON RECEIPT OF SUCH
40 THIRD PLAN, THE IMPLEMENTING LEGISLATION WITH ANY AMENDMENTS THE LEGIS-
41 LATURE SHALL DEEM NECESSARY SHALL BE INTRODUCED IN BOTH HOUSES OF THE
42 LEGISLATURE WITHIN FIVE DAYS. ALL SUCH AMENDMENTS SHALL COMPLY WITH THE
43 PROVISIONS OF SUBDIVISION TWO OF THIS SECTION. SUCH LEGISLATION SHALL BE
44 VOTED UPON BY BOTH SUCH HOUSES WITHIN TWENTY-ONE DAYS, BUT NOT SOONER
45 THAN SEVEN DAYS, AFTER ITS INTRODUCTION. IF APPROVED, THE LEGISLATURE
46 SHALL FORWARD SUCH LEGISLATION TO THE GOVERNOR WITHIN FIVE DAYS.

47 S 99. APPLICATION OF ARTICLE. 1. THE PROCESS FOR APPORTIONMENT OF
48 CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS ESTABLISHED BY THIS ARTI-
49 CLE SHALL BE THE EXCLUSIVE MEANS BY WHICH SUCH APPORTIONMENT SHALL BE
50 COMPLETED IN THIS STATE. EVERY APPORTIONMENT OF CONGRESSIONAL OR STATE
51 LEGISLATIVE DISTRICTS PERFORMED IN VIOLATION OF THE PROVISIONS OF THIS
52 ARTICLE SHALL BE VOID. IN ANY PROCEEDING RELATING TO APPORTIONMENT OF
53 CONGRESSIONAL OR STATE LEGISLATIVE DISTRICTS, THE COURT SHALL IMPLEMENT
54 THE PLAN THAT BEST SERVES THE REQUIREMENTS OF SUBDIVISION TWO OF SECTION
55 NINETY-EIGHT OF THIS ARTICLE.

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

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

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

19 (i) A unique identifier, not including the name, for each such person;
20 (ii) The street address of the correctional facility in which such
21 person was incarcerated at the time of such report;
22 (iii) The residential address of such person prior to incarceration
23 (if any); and
24 (iv) Any additional information as the [task force] APPORTIONMENT
25 COMMISSION may specify pursuant to law.

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

30 S 6. Chapter 17 of the laws of 2012, amending the legislative law
31 relating to redistricting of congressional, senate and assembly
32 districts, is REPEALED.

33 S 7. This act shall take effect immediately.