STATE OF NEW YORK

4348--A

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IN ASSEMBLY

February 2, 2017

Introduced by M. of A. CRESPO, LIFTON, HEVESI, RAMOS, JEAN-PIERRE, DE LA ROSA, ABINANTI, L. ROSENTHAL, BLAKE, VANEL, RIVERA, McDONALD, DINOWITZ, CARROLL, HARRIS, OTIS, SIMON, MAYER, MOSLEY, JAFFEE, SIMOTAS, COLTON, HYNDMAN, RICHARDSON, D'URSO, ABBATE, GOTTFRIED, ROZIC, DILAN, GALEF -- Multi-Sponsored by -- M. of A. ARROYO, BRAUNSTEIN, BRINDISI, BUCHWALD, CAHILL, COOK, DAVILA, ENGLEBRIGHT, GARBARINO, HOOPER, B. MILLER, PICHARDO, RAIA, SEPULVEDA -- read once and referred to the Committee on Governmental Operations -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to establish the New York state 2020 complete count commission and providing for its powers and duties

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Commission established. (a) A commission to be known as the New York state 2020 complete count commission, hereafter referred to as the commission, is hereby established to identify issues that may have led to past United States census undercounts in New York state and to make recommendations to ensure an accurate count in the 2020 United States census.

(b) The commission shall consist of sixteen members to be appointed as follows:

(i) four members, including the chair and co-chair, shall be appointed by the governor from executive agencies and organizations that have significant interaction with the general public;

(ii) two members shall be appointed by the governor from agencies of the city of New York that have significant interaction with the general public;

(iii) two members shall be appointed by the governor representing interests of regions outside of the city of New York;

(iv) three members shall be appointed by the speaker of the assembly;

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

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(v) one member shall be appointed by the minority leader of the assembly;

(vi) three members shall be appointed by the temporary president of the senate; and

(vii) one member appointed by the minority leader of the senate.

(c) The appointments made pursuant to this act shall, to the extent practicable, reflect the diversity of the residents of this state with regard to race, ethnicity, gender, language, age, and geographic residence and, to the extent practicable the appointing authorities shall, in considering potential appointees to the commission, consult with organizations devoted to representing municipalities and educational institutions, and organizations providing services to the elderly, children, minority communities, and individuals and communities to combat poverty.

(d) The members of the commission shall receive no compensation for their services as members, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

(e) Notwithstanding any inconsistent provision of any general, special or local law, ordinance, resolution or charter, no officer, member or employee of the state or of any public corporation shall forfeit his or her office or employment by reason of his or her acceptance of appointment as a member of the commission, nor shall service as such commission member be deemed incompatible or in conflict with such office or employment.

(f) The commission may appoint such staff as may be necessary to carry out its duties. Such staff shall receive no compensation for their services but shall be reimbursed for their actual and necessary expenses incurred by them in the performance of the commission's duties.

§ 2. Powers and duties of the commission. (a) The commission shall study, examine and review the issues that may have led to past United States census undercounts in New York state and shall make recommendations to ensure an accurate count in the 2020 United States census.

(b) The commission may meet and hold public hearings and events within the state.

(c) The commission may establish committees and workgroups in furtherance of the purposes set forth in this act, and may include on such committees and workgroups individuals who are not members of the commission.

(d) The commission may request and shall receive from any subdivision, department, board, commission, office, agency, or other instrumentality of the state or of any political subdivision thereof such facilities, assistance and data reasonably available as it deems necessary or desirable for the proper execution of its powers and duties and to effectuate the purposes set forth in this act.

(e) The commission is authorized and empowered to enter into any agreements and to do and perform any acts that may be necessary, desirable or proper to carry out the purposes and objectives of this act, including entering into contracts in furtherance of the provisions of this act.

(f) On or before January 10, 2019, the commission shall transmit to the governor and the legislature a report containing an overview of the issues that may have led to past United States census undercounts in New York state and a comprehensive action plan for state and local governmental and non-governmental agencies to work together to ensure an accurate count in the 2020 United States census. Such report shall also

include recommendations on state funds for the 2019-2020 fiscal year necessary to ensure an accurate count in the 2020 United States census.

(g) On or before January 10, 2020, the commission shall transmit to the governor and the Legislature a report detailing the actions taken by the commission since the initial report, and detail how any appropriations made for the 2019-2020 fiscal year will be used to meet the recommendations and action plan made in the commission's initial report, and include any recommended changes to its previous recommendations on state funds necessary to ensure an accurate count in the 2020 United States census.

(h) The commission shall continue in existence until December 31, 2020.

§ 3. This act shall take effect immediately.