STATE OF NEW YORK

349--B

Cal. No. 24

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. JACOBSON, OTIS -- read once and referred to the Committee on Local Governments -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the municipal home rule law, in relation to the definition of "population" for purposes of providing substantially equal weight for the population of that local government in the allocation of representation in the local legislative body

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

Section 1. Clause (c.) of subparagraph 13 of paragraph a of subdivision 1 of section 10 of the municipal home rule law, as amended by section 119 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

[~~(c.)~~] **(c)** As used in this subparagraph the term "population" shall mean residents[~~, citizens, or registered voters~~]. For such purposes, no person shall be deemed to have gained or lost a residence, or to have become a resident of a local government, as defined in subdivision eight of section two of this chapter, by reason of being subject to the jurisdiction of the department of corrections and community supervision and present in a state correctional facility pursuant to such jurisdiction. A population base for such a plan of [~~apportionment~~] **districting or redistricting** shall utilize the latest statistical information obtainable from an official enumeration done at the same time for all the residents[~~, citizens, or registered voters~~] of the local government. Such a plan may allocate, by extrapolation or any other rational method, such latest statistical information to representation areas or units of local government, provided that any plan containing such an allocation shall

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

LBD05272-04-2

have annexed thereto as an appendix, a detailed explanation of the allocation.

§ 2. Subdivision 4 of section 34 of the municipal home rule law is amended by adding a new paragraph g to read as follows:

g. As used in this subdivision the term "population" shall mean residents. For such purposes, no person shall be deemed to have gained or lost a residence, or to have become a resident of a local government, as defined in subdivision eight of section two of this chapter, by reason of being subject to the jurisdiction of the department of corrections and community supervision and present in a state correctional facility pursuant to such jurisdiction. A population base for such a plan of districting or redistricting shall utilize the latest statistical information obtainable from an official enumeration done at the same time for all the residents of the local government. Such a plan may allocate, by extrapolation or any other rational method, such latest statistical information to representation areas or units of local government, provided that any plan containing such an allocation shall have annexed thereto as an appendix, a detailed explanation of the allocation.

§ 3. This act shall take effect immediately.