

STATE OF NEW YORK

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2021-2022 Regular Sessions

IN SENATE

January 19, 2021

Introduced by Sens. JORDAN, O'MARA, ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT establishing a working group within the office of the state comptroller to study the process and ramifications of separating upstate and downstate New York into two separate states

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

- 1 Section 1. There is hereby established within the office of the state
2 comptroller a working group to be known as the "separate states working
3 group". The working group shall conduct a study examining:
4 (a) the economic ramifications over the short term and long term of
5 separating upstate and downstate New York into two separate states,
6 including, but not limited to, economic opportunity for both areas;
7 (b) the legal ramifications of separating upstate and downstate New
8 York into two separate states;
9 (c) the general up-front cost associated with separating upstate and
10 downstate New York into two separate states, exclusive of the long term
11 economic ramifications, including, but not limited to the cost of creat-
12 ing two new state governments, the separation of the physical and organ-
13 izational infrastructure, the cost of settling land disputes;
14 (d) the constitutional steps necessary to separate upstate and down-
15 state New York into two separate states; and
16 (e) any constitutional precedents in the United States for dividing a
17 state into two separate states.
18 § 2. The working group shall consist of the following:
19 (a) the state comptroller and his or her designee;
20 (b) one member appointed by the comptroller;
21 (c) the attorney general and his or her designee;
22 (d) one member appointed by the attorney general;
23 (e) two members appointed by the governor;
24 (f) one member 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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- 1 (g) one member appointed by the temporary president of the senate;
2 (h) one member appointed by the minority leader of the assembly;
3 (i) one member appointed by the minority leader of the senate;
4 (j) two members appointed by the New York State Association of Coun-
5 ties;
6 (k) two members appointed by the New York State Conference of Mayors
7 and Municipal Officials; and
8 (l) two members appointed by the Association of Towns of the State of
9 New York.

10 § 3. At the conclusion of the study, the working group will deliver a
11 report of its findings to the governor, the speaker of the assembly, the
12 temporary president of the senate, the minority leader of the assembly,
13 the minority leader of the senate and the comptroller. Such report shall
14 be submitted no later than twelve months following the effective date of
15 this act.

16 § 4. The members and staff personnel of the separate states working
17 group shall serve without compensation, but shall be eligible to receive
18 reimbursement for their reasonable, actual and necessary expenses,
19 provided however, members of the working group representing state agen-
20 cies may receive reimbursement for their actual and necessary expenses
21 from their respective agencies. Members of the separate states working
22 group shall be considered state employees for the purposes of sections
23 17 and 19 of the public officers law.

24 § 5. For the purposes of this act, the comptroller may conduct such
25 study in conjunction with any other department, division, board, bureau,
26 commission, agency, or public authority of the state he or she deems
27 necessary. To the maximum extent feasible, the comptroller shall be
28 authorized to request, receive, and utilize such resources and data of
29 any other department, division, board, bureau, commission, agency, or
30 public authority of the state as he or she may reasonably request to
31 properly carry out his or her powers and duties pursuant to this act.

32 § 6. As used in this act:

- 33 (a) "short term" means a period of less than ten years;
34 (b) "long term" means a period in excess of ten years;
35 (c) "downstate" means the counties of Nassau, Rockland, Suffolk and
36 Westchester and the boroughs of Manhattan, Brooklyn, Queens, The Bronx,
37 and Staten Island; and
38 (d) "upstate" means that portion of New York not designated as "down-
39 state".

40 § 7. This act shall take effect on the ninetieth day after it shall
41 have become a law.