

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:

1 Section 1. Clause (c.) of subparagraph 13 of paragraph a of subdivi-
2 sion 1 of section 10 of the municipal home rule law, as amended by
3 section 119 of subpart B of part C of chapter 62 of the laws of 2011, is
4 amended to read as follows:
5 [~~(c.)~~] (c) As used in this subparagraph the term "population" shall
6 mean residents[, ~~citizens, or registered voters~~]. For such purposes, no
7 person shall be deemed to have gained or lost a residence, or to have
8 become a resident of a local government, as defined in subdivision eight
9 of section two of this chapter, by reason of being subject to the juris-
10 diction of the department of corrections and community supervision and
11 present in a state correctional facility pursuant to such jurisdiction.
12 A population base for such a plan of [~~apportionment~~] districting or
13 redistricting shall utilize the latest statistical information obtaina-
14 ble from an official enumeration done at the same time for all the resi-
15 dents[, ~~citizens, or registered voters~~] of the local government. Such a
16 plan may allocate, by extrapolation or any other rational method, such
17 latest statistical information to representation areas or units of local
18 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.

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1 have annexed thereto as an appendix, a detailed explanation of the allo-
2 cation.

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

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

20 § 3. This act shall take effect immediately.