STATE OF NEW YORK

435--B

2023-2024 Regular Sessions

IN ASSEMBLY

January 9, 2023

Introduced by M. of A. MAGNARELLI -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, in relation to designating the venue where proceedings challenging apportionment by the legislature shall be commenced; and to amend chapter 773 of the laws of 1911 relating to providing for a procedure for the prompt review of an apportionment by the legislature or other body, in relation to requiring that apportionment by the legislature shall be subject to review by certain designated courts

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

Section 1. Subdivision (b) of section 506 of the civil practice law and rules is amended by adding a new paragraph 5 to read as follows:

5. a proceeding challenging apportionment by the legislature shall be commenced in the supreme court in any of the following designated counties in a judicial department where at least one petitioner resides:

(i) first judicial department: New York county;

(ii) second judicial department: Westchester county;

(iii) third judicial department: Albany county; or

(iv) fourth judicial department: Erie county.

§ 2. Sections 1 and 5 of chapter 773 of the laws of 1911 relating to providing for a procedure for the prompt review of an apportionment by the legislature or other body, are amended to read as follows:

Section 1. An apportionment by the legislature shall be subject to review [~~by the supreme court~~] at the suit of any citizen, upon the petition of any citizen to the supreme court **in any of the following desig-**

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

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nated counties in a judicial department where [any such] at least one petitioner resides:

(a) first judicial department: New York county;

(b) second judicial department: Westchester county;

(c) third judicial department: Albany county; or

(d) fourth judicial department: Erie county

and upon such service thereof upon the attorney-general, the temporary president of the senate, the speaker of the assembly and the governor, as a justice of the supreme court may direct.

§ 5. No limitation of the time for commencing an action shall affect any proceeding hereinbefore mentioned, or any appeal in any existing action or proceeding in which the validity of an apportionment is or may be in issue, if commenced within the period during which such apportionment is in force may exist; and nothing in this act shall impair any existing remedy by which the validity of an apportionment may be determined.

§ 3. This act shall take effect immediately.