

NEW YORK STATE  
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT

PUBLIC MEETING  
PRISONER COUNT AND REALLOCATION

Tuesday, January 10, 2012

Room 124

State Capitol Building

Albany, New York

1:30 P.M.

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE

ROMAN HEDGES

WELQUIS LOPEZ

LEWIS HOPPE

Prisoner Count and Reallocation, 1-10-12

INDEX

	Page
SENATOR MICHAEL F NOZZOLIO	4
SENATOR MARTIN M. DILAN	4
ASSEMBLY MEMBER JOHN J. MCENENY	5
ROMAN HEDGES	15
ASSEMBLY MEMBER ROBERT OAKS	26

1 Prisoner Count and Reallocation, 1-10-12

2 (The public meeting commenced at 1:30 p.m.)

3 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,  
4 NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
5 RESEARCH AND REAPPORTIONMENT: ...on demographics and  
6 apportionment will come to order. My name is Mike  
7 Nozzolio. I am honored to be the co-chair of the LATFOR  
8 Task Force along with my good friend Assemblyman Jack  
9 McEneny. Assemblyman, Happy New Year, very good to be  
10 with you as always.

11 ASSEMBLY MEMBER JOHN J. MCENENY, CO-CHAIR,  
12 NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
13 RESEARCH AND REAPPORTIONMENT: Yes, indeed.

14 SENATOR NOZZOLIO: Before I turn it over to  
15 you I just want to mention the Senate members of the  
16 task force, those with Senate appointments, my-to my  
17 right is my colleague Assemblyman Martin, excuse me,  
18 Senator Martin Dilan. Good afternoon Senator.

19 SENATOR MARTIN M. DILAN, NEW YORK STATE  
20 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
21 REAPPORTIONMENT: Hello.

22 SENATOR NOZZOLIO: Good to see you and the  
23 citizen representative on the task force Welquis Ray  
24 Lopez. Assemblyman.

25 ASSEMBLY MEMBER MCENENY: Everybody's  
26 familiar with who's who and how the progress has been,

1 Prisoner Count and Reallocation, 1-10-12  
2 been, been, coming along. I will introduce my  
3 members. I'm Jack McEneny from the, from the,  
4 assembly and this is Bob Oaks who is my classmate and  
5 the—I suppose the equivalent of the ranking minority  
6 member here and our citizen representative is Dr.  
7 Roman Hedges.

8 SENATOR NOZZOLIO: It—the group assembled  
9 here today has been virtually constantly with each  
10 other over the past six months. We have conducted  
11 hearings in every corner of New York State, some in  
12 the room here have participated in those hearings.  
13 Over 55 hours of testimony, well over 375 people  
14 submitting oral testimony, and a number of  
15 individuals, citizens of this state, submitting  
16 written testimony, which is welcome and that it is an  
17 extensive record. Today's agenda will be to have a—  
18 in fact, an imprimatur of this committee on the  
19 prison adjustment data release of the 2010 census.  
20 That on August 11, 2010, Chapter 57 of the laws of  
21 2010 was signed into law by then Governor Patterson.  
22 This measure directed that the New York State  
23 Department of Corrections provide this task force  
24 with information regarding incarcerated individuals  
25 under its jurisdiction as of April 1<sup>st</sup>, 2010. This  
26 was the date of the census conducted by the United

1 Prisoner Count and Reallocation, 1-10-12

2 States Census Bureau. The objective of the statute  
3 was to adjust this census for the very first time for  
4 state redistricting purposes by removing prisoners  
5 from where they were incarcerated, which is the  
6 process that the United States Census undergoes, and  
7 placing them at the residence prior-at their  
8 residence prior to their incarceration. The adjusted  
9 process took three stages and I wish to articulate  
10 those. It was first subtracting prisoners from their  
11 place of incarceration. Secondly, adding them by a  
12 reallocation process that placed them with data from  
13 the census taken by the intake of the Department of  
14 Corrections responding to the question of where do  
15 you live and where your nearest relatives live, and  
16 then a process of producing data files and reports.  
17 For that I wish to thank the staff of the LATFOR task  
18 force. They have been working tirelessly. I also  
19 want to thank Roman Hedges, a member of this task  
20 force, who engaged in establishing some of the  
21 templates that this first process was to engage in.

22 This process, by adjusting the numbers of  
23 all prisoners at the State and Federal level, the  
24 addition of prisoners whose addresses were generated  
25 successfully, and then the production of those data  
26 files, using the adjusted data. Those criteria have

1 Prisoner Count and Reallocation, 1-10-12

2 been a method established by the LATFOR task force  
3 staff and the adjusted data is now on the LATFOR  
4 website. We wish to thank the efforts of those who  
5 went about and did the aggressive processes  
6 necessary, again, for the very first time to  
7 implement this law. I hasten to add there were no  
8 regulations that accompany this law, no procedures,  
9 really no guidance in terms of the protocols to  
10 establish this law so we were at the very first  
11 impression.

12 Assemblyman McEneny and I have talked about  
13 it a number of occasions that certainly more guidance  
14 is necessary and more guidance particularly to the  
15 Department of Corrections. That our position on the—  
16 certainly—on the Senate side of the aisle and, I  
17 believe certainly in the assembly's side of the aisle  
18 both, we came to the conclusion together that we  
19 wanted to count as many as we possibly could achieve  
20 in that count to insure that there would not be those  
21 left who were not counted, although the statute has  
22 been very inadequate in the proper direction of where  
23 that counting is, is, to be placed. So the purpose  
24 of the task force meeting is to approve the inclusion  
25 of this information and that we want the public to  
26 have it. It is on the website now but this meeting

1 Prisoner Count and Reallocation, 1-10-12

2 again is to insure that, that, it meets with the  
3 approval of the members of the task force.

4 ASSEMBLY MEMBER MCENENY: I think that,  
5 that, covers it Senator. I think one of the biggest  
6 of problems that arose from the counting of prisoners,  
7 which those of you that have been following this right  
8 along, it was a commitment emphasized as far back as  
9 July that we intended to follow the law as close as we  
10 could to the spirit of the law, but that the problem  
11 was the letter of the law became confusing because, as  
12 the Senator mentioned, there were no accompanying  
13 regulations. Therefore, it fell to LATFOR to create  
14 the equivalent as such, such, regulations and the  
15 final numbers 46,003 of our prisoners are now counted  
16 on the home block and in some case within the home  
17 town of the community whence they came and where most  
18 of them will ultimately return.

19 SENATOR NOZZOLIO: That the LATFOR website  
20 address is latfor.state.ny.us. That information  
21 certainly is welcome to the public. With that, shall  
22 we entertain a motion?

23 [crosstalk]

24 SENATOR NOZZOLIO: Can we make the motion  
25 and then discuss it?

26 [crosstalk]



1 Prisoner Count and Reallocation, 1-10-12

2 ASSEMBLY MEMBER MCENENY: I would like to  
3 make a motion we accept the numbers as presented by  
4 the combined staff of LATFOR for the purpose of  
5 counting for redistricting in accordance with the law.

6 SENATOR NOZZOLIO: The motion is seconded,  
7 made and seconded. Senator Dilan.

8 SENATOR DILAN: Thank you very much Mr.  
9 Chairman. I, I, first would just like to comment and  
10 first also commend you both co-chairpersons and the  
11 staff for actually putting out this database. I think  
12 this is something that we have all been trying to  
13 achieve so I really want to commend you on that.  
14 However, I believe two weeks ago I sent both co-chairs  
15 a memo requesting that when we do ratify the work and  
16 efforts of the staff, that maybe we have a two-week  
17 period where the public and advocates and those who  
18 have already submitted a plan so LATFOR would have the  
19 ability to amend their submission based on the - -  
20 data and I have not received a response from either  
21 co-chair up to this point so I would like to know that  
22 once we ratify this today are we giving the public and  
23 advocate groups who have been very involved in this  
24 process the ability to submit revised or amended  
25 plans?

26 SENATOR NOZZOLIO: Senator Dilan, thank you

1 Prisoner Count and Reallocation, 1-10-12

2 and thank you for your comments and thank you for your  
3 interest in this issue from the beginning. There is  
4 no static or finite date to-sell-by date, on the plans  
5 submitted. There is always the opportunity until the  
6 final plans are ratified or accepted or enacted by the  
7 legislature and signed into law that LATFOR, I think,  
8 welcomes the continued input of individuals and  
9 organizations. So your comments were well taken.  
10 There should be a time period for plans are, are,  
11 utilized, but I think certainly if we accept this  
12 today, the 10<sup>th</sup> of January, there is ample time for  
13 anyone to be able to modify their plans, at least  
14 through the remainder of this month and frankly into  
15 the hearing process. I think that is a, a, segue into  
16 some of the comments that we would like to talk about  
17 that-Do you want to address this directly, Senator?

18 ASSEMBLY MEMBER MCENENY: I would observe  
19 that I would think some of the groups who have  
20 submitted plans already have these numbers. I think  
21 they presumed they would be ratified by LATFOR  
22 officially as is happening hopefully today and they're  
23 probably already adjusting to see if it has any major  
24 effect on recommended plans. Some for just one or two  
25 districts, others for the entire state, and-

26 [crosstalk]

1 Prisoner Count and Reallocation, 1-10-12

2 ASSEMBLY MEMBER MCENENY: -for example is  
3 the entire state-

4 SENATOR DILAN: [Interposing] So I take it  
5 your answer is no, that they do not-

6 ASSEMBLY MEMBER MCENENY: [Interposing] My  
7 answer is they are probably already doing it-

8 SENATOR DILAN: [Interposing] Two weeks-

9 ASSEMBLY MEMBER MCENENY: -they certainly  
10 can do it before the public hearings commence.

11 SENATOR DILAN: I take the response as your  
12 answer is no. However, I would also-

13 SENATOR NOZZOLIO: No, no, my answer is  
14 that, no Senator, my answer is that these-any  
15 submissions can be amended at any time throughout now  
16 and the hearing process, which again I think there is  
17 a segue.

18 We should now, at least, this is an  
19 opportune time to discuss the intentions of the task  
20 force, those 14 hearings that we engaged in were only  
21 meant to be the first round of hearings that the task  
22 force will conduct that we-that we'll have at least 8  
23 or 9 hearings scheduled across the state and various  
24 regions of the state for a second round of hearings to  
25 commence sometime, we hope, although we don't have an  
26 exact date now, sometime hopefully, commence by the

1 Prisoner Count and Reallocation, 1-10-12

2 end of the month, end of January. And those meetings  
3 certainly would also have as has taken place in I  
4 believe in 1992 certainly in 2002 will follow the same  
5 basic process engaged in, in, those two redistricting  
6 cycles where initial plans were put forward from the  
7 task force prior to the beginning of the hearings that  
8 will take place hopefully beginning the end of  
9 January, this month, and grinding into the month of  
10 February. I hope that is a further elaboration of  
11 your concern and that certainly anyone can submit a  
12 plan today, amend it tomorrow, and decide to amend it  
13 three or four times between now and the end the  
14 process.

15 SENATOR DILAN: I understand what you're  
16 saying. I just wanted to have clear and definitely  
17 where the public would know that they had the  
18 opportunity.

19 MALE VOICE 1: Uh huh.

20 SENATOR DILAN: Then secondly, after—I am  
21 supporting this motion. However, I would like to also  
22 have the ability to discuss other business here.

23 MALE VOICE 1: Uh huh.

24 SENATOR DILAN: Today after we are done with  
25 this?

26 MALE VOICE 1: Sure.

1 Prisoner Count and Reallocation, 1-10-12

2 SENATOR DILAN: Ok, thank you.

3 ASSEMBLY MEMBER MCENENY: Maybe we should  
4 bring this to a vote too?

5 MALE VOICE 1: Yes.

6 MALE VOICE 2: Yes.

7 SENATOR NOZZOLIO: There is motion on the  
8 floor that has been seconded. All those in favor

9 MALE VOICE 3: I

10 MALE VOICE 4: I

11 MALE VOICE 5: I

12 SENATOR NOZZOLIO: The proposal carries  
13 unanimately those numbers that are certified on the-  
14 that are placed on the LATFOR website have been agreed  
15 to and certified by the actions of this motion.

16 MR. ROMAN HEDGES, NEW YORK STATE LEGISLATIVE  
17 TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
18 REAPPORTIONMENT: I would just like to add a couple of  
19 observations, if I might. The, the, staff did a  
20 fantastic job and they really need to be commended. I  
21 am reluctant to name individuals because I'll forget  
22 someone, but a lot of people helped in a lot of  
23 different ways and did really good work and I think  
24 that if I look back on the product that I helped  
25 produce to try to get this process started, we've got  
26 a much better product now than we had then and I think

1 Prisoner Count and Reallocation, 1-10-12

2 that it's because of the comments and questions and  
3 pushing that the staff did to make sure that the  
4 product was a much better one.

5 The second is to really reiterate what you  
6 said about what we're faced with going forward. I, I,  
7 would certainly hope that the public that has not yet  
8 submitted plans will still feel free to do that and I  
9 would hope that groups that have already submitted  
10 plans will be able to rethink in light of what's  
11 happened in the release of this data and as we go  
12 forward through the hearing process we're all going to  
13 learn things and I'm expecting that we're all going to  
14 learn things and change our mind about things as we go  
15 forward so I want to really reinforce what the  
16 Senator's premise was, which is this is not a finished  
17 product, this is the beginning of a process to make it  
18 so that everyone can participate and so that we can  
19 learn some things.

20 SENATOR DILAN: I, I, agree with everything  
21 you said and I think the staff did a fantastic job and  
22 I even believe that the final product is better than I  
23 expected so I commend everyone on that. So if we  
24 could move on—

25 SENATOR NOZZOLIO: [Interposing] Before we  
26 do, on this, if I may interrupt, Senator, on this

1 Prisoner Count and Reallocation, 1-10-12

2 issue, on the prisoner count issue, again I want to  
3 reiterate my thanks to the citizen participant in  
4 this—on this task force Roman Hedges, for your  
5 efforts, Roman, in helping in terms of helping the  
6 staff focus on this issue as—

7 I wear another hat in the legislature and  
8 that is chairman of the New York State Standing  
9 Committee on Crime Victims, Crime, and Corrections and  
10 as such, for many years, have had jurisdiction over  
11 the corrections department and the entire correctional  
12 system in this state. I can say that it certainly was  
13 not ever anticipated as the corrections department  
14 takes intake of inmates and have had some of that  
15 intake as old as three decades or more, that that  
16 intake has just not been the type of intake necessary  
17 to do the census taking that this law requires a  
18 virtual census department to be placed within the  
19 Department of Corrections. That's more staff, more  
20 cost, in order to do this correctly, then you would  
21 have to have that type of total rethinking on the  
22 protocols that are already in place for taking  
23 prisoner intake information.

24 And there are going to have to be training,  
25 just as the United States Census takers of which co-  
26 chair Assemblyman McEneny is an alumni of that

1 Prisoner Count and Reallocation, 1-10-12

2 organization. That the census taking process is  
3 something that was very unfamiliar to the Department  
4 of Corrections and expecting them to have the types of  
5 information, people ask well why is it taking so long  
6 to do this, why is it taking so—why is it so  
7 laborious. It's that way because the Department of  
8 Corrections was never given that type of planning and  
9 I think that may take legislation and I know  
10 Assemblyman McEneny and I have discussed the  
11 possibility of recommending that legislation to the—  
12 make this process one that is readily established.  
13 With that, any other comments?

14 SENATOR DILAN: Yes, I would like to discuss  
15 an issue which I believe that I have been bringing  
16 before this committee which I believe started at the  
17 very, very first hearing that we held. First of all,  
18 at that time, I requested that this task force come up  
19 with a transparent criteria that the public and  
20 advocates could use and be guided by when they make  
21 their submissions. I think during the 14 hearings  
22 there were several individuals that testified with  
23 respect to the size of the Senate, some advocating for  
24 63, but a lot more testifying that the Senate should  
25 remain at 62 as the constitution of the State of New  
26 York requires in the 1894 formula. I want to know how



1 Prisoner Count and Reallocation, 1-10-12

2 last Friday at 5:00 p.m. in a very obscure spot of the  
3 LATFOR Senate website a new policy memo appears  
4 without the ratification of this panel. I want to  
5 know how that happens and who authorized that. I  
6 would like to know if that attorney is a staff member  
7 of LATFOR or is he an outside consultant.

8 SENATOR NOZZOLIO: Senator Dilan, you're  
9 referring to a memo from an attorney named Michael  
10 Carbon who has been retained by this task force as—he  
11 was retained by this task force in 2002 and in 1992  
12 and it's my understanding that Attorney Carbon placed  
13 a memo after analyzing the tenets of the New York  
14 State constitution and of which it was his  
15 responsibility as counsel to this task force to—that  
16 that report or analysis, if you will, just as he made  
17 an analysis in 2002, was placed on the task force in  
18 the same protocols that were established 10 years ago.

19 Now, it's not a subject of—certainly  
20 everyone is entitled to their opinion and I think that  
21 those who testified, some of which are former Senate  
22 Democrat staff members, during the course of the  
23 hearing, who indicated as they were legally disclosed,  
24 they were former staff members of the Senate Minority,  
25 that they indicated in their testimony that they  
26 believe the size of the Senate should be a certain

1 Prisoner Count and Reallocation, 1-10-12  
2 number. It's my understanding that the attorney for  
3 this task force placed—in placing his memo on the  
4 LATFOR website and analyzed those submissions and  
5 dealt with them in his memorandum. His recommendation  
6 is based on his analysis of the New York State  
7 constitution. A constitution that derives a formula.  
8 That constitution says that the assembly is fixed at  
9 150. It also derives a formula that the Senate is  
10 established through population growth and population  
11 analysis and that analysis was done. It was done by  
12 the attorney and that analysis was placed for the  
13 public to review on the LATFOR website. Whether it  
14 was 5:00 or—at night or 5:00 in the morning, it was  
15 placed on the website when it was completed and that  
16 analysis is for everyone to review. They'll have  
17 ample opportunity to review that analysis prior to the  
18 beginnings of our second round of hearings. We assume  
19 that certainly those that are interested will have the  
20 opportunity to review that memo, to make their  
21 comments known in the additional round of hearings  
22 that we are going to be conducting beginning at the  
23 end of this month.

24 SENATOR DILAN: Yeah, we can belabor this  
25 for quite a while here today. I didn't know that an  
26 outside-retained attorney has the ability on his own

1 Prisoner Count and Reallocation, 1-10-12

2 to place something on our website without our approval  
3 so before we will conclude today, I would like to make  
4 a motion that any policy changes needs to be approved  
5 by this panel in public before it's done so I'm going  
6 to make that as a form of a motion. Also, as a member  
7 of this task force, I will be asking the Attorney  
8 General of the State of New York to review that memo  
9 and I will be asking for an Attorney General opinion  
10 based on that memo.

11 SENATOR NOZZOLIO: It is certainly within  
12 your rights to ask for anything, we should also know  
13 that memos to the contrary were placed on our website  
14 through the testimony of Mr. Brightbard, who I believe  
15 testified at least twice, probably three or four  
16 times, and I know the Senate Democrats also had some  
17 surrogates for Mr. Brightbard who, when he could not  
18 be at a hearing, someone else testified. I remember  
19 answering—asking some of those attorneys questions.  
20 Their testimony is on the website as well.

21 How do you define this motion—

22 SENATOR DILAN: [Interposing] I would like  
23 to ask you a question—

24 [crosstalk]

25 SENATOR DILAN: —I would just like to  
26 comment in response to that—

1 Prisoner Count and Reallocation, 1-10-12

2 SENATOR NOZZOLIO: Senator, I am still  
3 talking—

4 SENATOR DILAN: [Interposing] You also have  
5 your surrogates—

6 SENATOR NOZZOLIO: —I still have the floor,  
7 Senator—

8 SENATOR DILAN: [Interposing] You also have  
9 your census of every single county by way of—

10 SENTOR NOZZOLIO: —I am surprised you  
11 interrupt me while I still have the floor, Senator.

12 SENATOR DILAN: Go ahead.

13 SENTOR NOZZOLIO: I am very surprised at  
14 that. I know you don't do that often, but I'm not  
15 going to allow it in this case. I had yet not yielded  
16 and I guess, in conclusion of my remarks, as a  
17 question to you. What do you define as a policy  
18 change and how can that be defined within the  
19 ramifications of this task force?

20 SENATOR DILAN: Well, I know that when we  
21 started these proceedings, I have commented I believe  
22 at every single public hearing that the public has the  
23 right to know if we're going to drawing these lines  
24 based on 62 or any other number, and I never got an  
25 answer to that question from anyone on this panel.  
26 You keep referring to Mr. Brightbard, who was a former

1 Prisoner Count and Reallocation, 1-10-12

2 staff person, and he was a former staff person before  
3 I got to the Senate, which is about 10 years ago which  
4 he has not worked here, but also you referred to other  
5 surrogates that we may have had testify, I know none  
6 of those individuals. Mr. Brightbard never worked for  
7 me. He was never here while I was a state Senator.  
8 But I do want to include in the record that your  
9 conference had many surrogates via, via, law firms and  
10 people who really had no idea or interest of the  
11 redistricting process. They were all basically  
12 verbatim, had the same testimony at every single  
13 district and county throughout the state.

14 SENATOR NOZZOLIO: Senator-

15 SENATOR DILAN: And their testimony is also  
16 on the website.

17 SENATOR NOZZOLIO: Senator, please address  
18 the question. You have a motion before the committee.

19 SENATOR DILAN: Ok

20 SENATOR NOZZOLIO: And the question, there  
21 is no second to that motion. I respectfully asked you  
22 what do you define as policy change.

23 SENATOR DILAN: A policy change is that your  
24 legal counsel since 2002 has a memo on our website and  
25 on Friday of last week, just as your leader announces  
26 that the Senate will increase by one seat, which I

1 Prisoner Count and Reallocation, 1-10-12

2 believe you made the comment Tuesday of last week. On  
3 Friday you had a policy change with his new memo where  
4 he use—you have a result—you have the result you know  
5 you want 63 then he uses inconsistent methods of using  
6 four counties. You use one method which was the way  
7 he advocated for over 10 years on the website and then  
8 the other two counties uses the reverse so you can get  
9 the end result and how does your legal counsel,  
10 without coming to the public or before this panel,  
11 like Mr. Brightbard, and like every single other  
12 surrogate who came before this panel, this was done in  
13 the darkness of night. It did not appear before the  
14 public and there it is, a new memo.

15 SENATOR NOZZOLIO: So, I take it that there  
16 is a motion on the floor, it has not been seconded.  
17 With that there will be no vote on it. And I would be  
18 glad to discuss these policy issues with you that I  
19 think that the Senator Majority leader was asked a  
20 question and that he provided a very candid answer to  
21 that he knew that there was an issue under review,  
22 that is issue has been under review for months by the  
23 counsel as brought forth by Mr. Brightbard's analysis,  
24 and that certainly can be reviewed on our website,  
25 both Mr. Brightbard's analysis and the counsel's  
26 analysis of that hearing. Any—someone else.

1 Prisoner Count and Reallocation, 1-10-12

2 ASSEMBLY MEMBER ROBERT OAKS, NEW YORK STATE  
3 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
4 REAPPORTIONMENT: Just to the, the, co-chairs, I guess  
5 I would just add and, as Senator Dilan has, has,  
6 raised the question, I did not second it although I  
7 see some reasons for putting that out as a motion, I  
8 guess my concern is if we create that and we always  
9 have to have meeting before something goes on the  
10 website, I'm not sure that we can keep information  
11 flowing in the way that is needed perhaps. From my  
12 perspective, I would suggest though that perhaps when  
13 things of substance are added to the website, perhaps  
14 notification of the members of this task force would  
15 at least perhaps allow review and keeping information  
16 flowing. So I would just offer that as a thought as  
17 we move forward.

18 SENATOR DILAN: I would just like to make a  
19 final comment. You know, I'm really surprised that  
20 you did not second it. The majority is in both houses  
21 will totally ignore me and you and many of the  
22 citizens of the State of New York and as we can see  
23 what the outcome is going to be here is the same as it  
24 has been for over 50 years and technically I believe  
25 that the hearings that we held preliminary are a farce  
26 and waste of time and money.

1 Prisoner Count and Reallocation, 1-10-12

2 ASSEMBLY MEMBER MCENENY: Senator, I would  
3 take except to that. My minority member is a  
4 classmate. We get along very well. I try to keep him  
5 informed of things and will be doing so more  
6 intensely. I did not second your amendment because I  
7 am not sure what the legal definition of policy is.  
8 Policy could be all kinds of things and it could tie  
9 up a process which we're trying to accelerate because  
10 of the federal court coming out we hope in a short  
11 time giving us a--an almost unworkable primary date and  
12 to interject a bureaucracy and perhaps the figurative  
13 monk squall of--is that a policy issue or not a policy  
14 issue on something that just popped up today, it just  
15 didn't look like something that I could second or  
16 support. What's policy? I think there's probably 30  
17 different opinions here in this room, all from people  
18 of good will. I think that's a pretty sweeping  
19 structural change and I worry where it would go where  
20 it would be passed ever to be passed as a resolution.

21 SENATOR DILAN: I would just like to say  
22 thank you. It is business as usual. Thank you.

23 SENATOR NOZZOLIO: Any other comments that  
24 made before this commission--committee? With that,  
25 Assemblyman.

26 ASSEMBLY MEMBER MCENENY: One comment that



1 Prisoner Count and Reallocation, 1-10-12

2 our goal is still to start public hearings before the  
3 end of the month, but those of you who are looking for  
4 maps, it has been long been the custom that no less  
5 than seven days notice would be given and with that  
6 notice would be the maps. It is our goal, we haven't  
7 arrived at the exact schedule yet because we do not  
8 want people planning for some date that might be  
9 changed, but things are moving swiftly. We have—hope  
10 to have those maps out at least seven days prior to  
11 the first hearing.

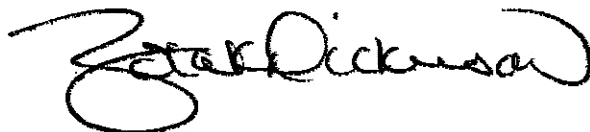
12 SENATOR NOZZOLIO: Thank you very much.

13 (The public hearing concluded at 2:00 p.m.)

Prisoner Count and Reallocation, 1-10-12

C E R T I F I C A T E

I, Zola K. Dickerson, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 30, inclusive, is a true record prepared by me and completed from materials provided to me.

A handwritten signature in black ink, appearing to read "Zola K. Dickerson". The signature is fluid and cursive, with the first name "Zola" being more prominent and the last name "Dickerson" following in a similar style.

Zola K. Dickerson,

Transcriptionist

January 16, 2012