

MARCH 14, 2012

BILL NO. 9525, RULES REPORT NO. 14

ACTING SPEAKER P. RIVERA: The House will come back to order.

MR. CANESTRARI: The members have on their desks the A- and the B-Calendars. I move at this time to advance both the A- and the B-Calendars.

ACTING SPEAKER P. RIVERA: Without objection, the calendars are advanced.

MR. CANESTRARI: We will now go to page 3 with Rules Report No. 14, Mr. Jack McEneny. We will take that bill up directly. Thank you.

ACTING SPEAKER P. RIVERA: Page 3, Rules Report No. 14, the Clerk will read.

THE CLERK: Bill No. 9525, Rules Report No. 14, McEneny. An act to amend the State Law, in relation to establishing Assembly and Senate districts; and to repeal Article 8 or such law relating thereto.

ACTING SPEAKER P. RIVERA: An explanation is requested, Mr. McEneny.

MR. MCENENY: Thank you, Mr. Speaker. This is a long-awaited bill that affects every legislative district in this Chamber and across the way in the State Senate. It has been put together by the board known as LATFOR, the Legislative Task Force

on Reapportionment and Demographics, of which I am the co-Chair with Senator Nozzolio over in the Senate.

And over the course of the summer and in the fall and through up until February, we had a series of public hearings and probably the most well-publicize redistricting process that this House has ever known. And during that process we looked to ways to bring our State Legislature into the conformity which is required, which will reflect the 2010 United States Census. In drawing new lines, from which we will all be elected or our successors will be elected, we were constrained by numerous court rulings on what would be an allowable percentage of variance, by the New York State Constitution, a somewhat arcane document which we will try to reform to some extent today with a resolution we'll be dealing with later on this evening, with prohibitions on splitting towns unless they're larger than the district you're drawing, prohibitions on splitting blocks and obligations to do block-on-border and town-on-border, regardless of what it looks like, in response to making the map as accurate as possible.

The Voting Rights Act of 1965, which has been interpreted and reinterpreted by the courts, is something that we adhered to very closely in that it preserved the strong voice of minorities in New York State that were identified by the Federal government, essentially African-American, Hispanic and Asian, and also while preserving those voices, also reached out and, when possible, created not only Minority/Majority districts when possible,

but also minority opportunity districts. The product which was created is on your desk. I know it was sent to the offices or the mail rooms of everyone. And this is a map of every district with some demographic information, racial information which, by law, has to be turned over to the Justice Department when and if this Body passes this bill and it is signed by the Governor. And so, when you look at numbers to try and determine what the voice will be of a minority group, there's usually a way to check not only the gross numbers of people but, also, those over 18 or, in other words, those people who are voting age.

Now, I have heard repeatedly that this is a process that had been dragged out, and I would like to remind the members that compared to 10 years ago or 20 years ago or, perhaps, even 30 years ago, the process is ahead of schedule. This is weeks prior to former votings on the legislative lines, if not months ahead of doing the Congress. So, what's the difference this year? The difference this year is that the Federal government and the Justice Department realized some time ago, at the urging of a number of individuals who are champions of our fighting men and women in uniform, that the pattern of absentee voting had reached a scale, particularly as we have people overseas now in Iraq, Afghanistan and so on, that as many as 20 percent of service men and women did not have their absentee ballot count. And in the area where the Federal government had jurisdiction, namely, the voting for the United States Congress, it was felt by the Justice Department and, I'm sure, by the people in this

room and well beyond, that that was a shame. That was a disgrace, for example, in a Presidential year that someone in uniform could not vote up or down on who their Commander-in-Chief would be.

So, without going into the details on how long this took in the courts, as everyone in this room knows, a new primary date was established. Those of us who are old enough will know there is such a thing as a June primary. For some people this will be very new and an anomaly. And what we're looking at for the Congress at this point is a primary on the 26th of June and that's what changed this year. It put additional pressure to get these lines out before you for consideration. Now, these are for the State Senate and Assembly and, as yet, we still don't have the Senate calling for a common primary, though I believe this House will ask you to consider that on June 26th.

I think most of you know the details. There will probably be some questions on the counting of prisoners, which is unique to this redistricting compared to former ones, responding to a law that we passed a couple of years ago, but with that, I think I'd rather stop talking and open it up to questions from members who would like an explanation further.

ACTING SPEAKER P. RIVERA: Ms. Tenney.

MS. TENNEY: Thank you, Mr. Speaker. Will the sponsor yield for a few questions?

ACTING SPEAKER P. RIVERA: Mr. McEneny.

MR. MCENENY: Certainly.

MS. TENNEY: Thank you, Mr. McEneny. I do

appreciate the hard work that goes into this. I know how difficult it is to put together a map and try to meet the interests of 150 people in this House and maybe 62, 63 in the other House, but -- and I know what it's like because I spent quite a lot of time on Common Cause working on their maps and I trust that you got my e-mail today. I did do my own proposed map just as an effort to try to understand the process, but just a couple questions for you. And I know this is a very important issue and you mentioned that you were thankful to our service men and women, and I greatly appreciate that, as my son is going to be in harm's way some day and is now serving the U.S. Navy and one of the most sacred rights that we have, of course, as a historian that you are, is our right to vote. And it's our right to vote in in our representative democracy the representative who comes from our region or someone that comes in for office.

I'm a little bit unique in this situation because I was actually put in place by the people. I ran a primary against my party and I was put in that place. So, my question to you is, and one of the Constitutional considerations as I've been poring through this, has to do with compactness. And let me get right to the point. My new proposed district section 101 is rather long. Can you tell me where the compactness is in there and what was behind the -- how you justified this understand the Constitutional definition of compactness?

MR. MCENENY: Thank you and we thank you for your son's service and your service as well. And I, too, got here through an adversarial primary system and I understand. The district

that you have -- which I think is number 101?

MS. TENNEY: 101, yes.

MR. MCENENY: And, unfortunately, we have some new numbers for old districts -- we believe does comply with the New York State Constitution which requires compactness and contiguousness without defining them. The district that you have, as you have pointed out several times, and you're not the only person from your district to write in to us on it and like to see something else, but that district is probably the same length as Mr. Butler's, give or take. It's certainly the same length as a number of Senate districts in rural areas.

The population, which is down near Sullivan County and then also up where you live in Oneida County, the large bulk of population is on the two ends and the problem was not so much with your district as with the districts surrounding. Down at the bottom of the district were traditional cores of long-standing districts of members of the Assembly, and if you'll notice the population of the towns down there, unlike the towns when we move up into the western Catskills, they're enormous by comparison and some of them tens of thousands.

Under the New York State Constitution, and this is something that we hope to change the next time and you will be voting on up or down, we cannot split a town. If we could have split a town, it might have been a more flexible situation for map drawing. Connecting that large bulk of population with the other one are a

series of small towns in the western Catskills, many of them somewhat similar to one another, but it puts you, should you choose to run, in the awkward position of trying to communicate not only with new individuals, and there are many people here who have new constituents that they're not as familiar with, but also with a transportation problem going back and forth. When we draw these lines, almost every line has a problem in that one person is pleased and another one is not.

The districts around you from both the Minority and Majority parties are much more compact and intact and they represent, in many cases, the core district that was always there.

MS. TENNEY: Yes, I -- I --

MR. MCENENY: We found it very difficult to break off pieces of that and rearrange and someone had to make a decision and if you want somebody to blame it on, that's the best that I felt we could do and I understand your concern.

MS. TENNEY: Right. Let me ask you something. You said core -- core districts, long-standing districts. Are core and long-standing districts parameters in our Constitution that you need to follow that just because somebody's been in a district for a long time we need to follow those core districts? Because I mean, quite honestly, if you look in my region, which is Central New York and up into the North Country, there are three Democratic districts. Those districts right now have hardly changed. One district, which is now the 121st District, has virtually unchanged. The district, I'm not sure

what the number is up on the top, I think it's 116, has changed by one town. The district, the new 119, which is the former 116, has changed by one town. But meanwhile, I represented in the current 115th Assembly district 27 towns, 18 in Oneida County, which Oneida County has always dominated the 115th Assembly district, and 9 in Oswego.

Now, in compacting the districts, I notice that you've taken the 120th district and virtually, that's like a very neat, nice compact district right next to my former district, and you pretty much removed my -- those 18 -- actually, I went from 27 towns to 2 and have been dragged all the way down into the Orange County area through Central New York, Leatherstocking, Catskills, Hudson Valley, down into a district that, as you indicated, was sort of bottom heavy. There's a lot of population in this other town.

How is that -- I still don't -- I get back to you how is that a compact district? And, by the way, you noted, and I understand, you said it's not going to be easy to get to that district. That district -- I don't know how many hours it's going to take to get there, probably three-and-a-half or four just from my home, but, you know, one of the things that I did do with the Common Cause map is I did go in and accommodate all those districts and put those people back in their communities of interest which is sought after by the Constitution. It wasn't that hard, believe it or not, because I wasn't considering all of the political issues, but I did try to restore these districts without touching what you're calling core districts or in -- you

know, I hate to said code, but what are currently held by Democratic seats. I tried not to change any of those districts and I was actually able to move several members back into their communities of interest where the people, who have the right to vote, sacred right to vote, voted in those members.

MR. MCENENY: Well, first, let me comment, and I will get to your question. I'm not trying to dodge it, but if we're going to look at the essentially-intact districts that now have Democratic representation, if we move further to the east we'll find that, for example, Mr. Amedore's district, should he choose to run in it, Mr. Lopez's district are pretty much the way they were. We had to add a couple of towns in a couple of instances.

MS. TENNEY: Well, wait.

MR. MCENENY: And so it wasn't a political -- it wasn't that we just didn't touch those.

MS. TENNEY: Wait. The current Lopez district doesn't look anything like the one that you've got proposed in the current bill.

MR. MCENENY: I'm sorry. I thought he had all of Greene County. I thought he had Saugerties. I thought he had all of --

MS. TENNEY: It's my understanding he goes all the way over to Bainbridge. He cuts right through the Catskills into Bainbridge, which...

MR. MCENENY: Well, he had all of Schoharie County and does. He had all of Greene County and does. He had a

couple of towns across the river in Columbia County and still does. He had Saugerties, a large northern Ulster County town, and I believe his line also bled into the eastern edge of both the northern part of Delaware and the eastern edge of Otsego.

Let me say this: The problem overall was that, yes, New York State grew, but it grew in some areas and lost population in others. It lost in the North Country --

MS. TENNEY: Actually, it didn't. Jefferson County's up 4 percent and most of the North Country counties are actually flat or increasing in population.

MR. MCENENY: Well, we also had to remove people to comply with the law on counting prisoners elsewhere and, for example, Janet Duprey's district is a larger land area than it was by taking in four towns to the immediate west.

MS. TENNEY: All right. I provided -- but I provided a solution for you for that because one of the issues -- I know when we came to the hearing we testified before you at one of the hearings, that there was a problem, for example, in the current -- in the former -- the first LATFOR proposed district, for example, for Assemblyman Marc Butler, trying to get him up past the State forest land to get into Jefferson -- or St. Lawrence County. So we actually, in my proposed map that I gave you today, we accommodated that so he wouldn't -- there wouldn't be an impossibility for him to get around into that district.

But I mean, I just have to say, why would you --

why -- what's the -- I have so much of Oneida County, why is it good for Oneida County to, A, go from three to five Assembly members and why remove a member which virtually 18 towns in Oneida County elected a member? Why is that beneficial to Oneida County?

MR. MCENENY: Let me answer that because that is where I was going before we started this again. Where did the loss occur in New York State? It occurred in Western New York. There's loss and then, I suppose, there's not growing. And so what happens is the districts created in Western New York are shy. They have to keep moving to the east and as they move to the east, unfortunately, your area in western Oneida County, frankly, got gobbled up by other members.

MS. TENNEY: Well, let me ask you a question then on the -- let me see if I can find my sheet. We talk about the deviations.

MR. MCENENY: Yes.

MS. TENNEY: And I apologize that these numbers aren't exact because I didn't actually get the new -- the second proposed map until today.

MR. MCENENY: Sure.

MS. TENNEY: My analysis on the first map -- and I trust that in the New York City region it's roughly the same -- Districts 23 through 64, which are downstate in the City, all have roughly 124,000.

MR. MCENENY: Yes.

MS. TENNEY: 1 through 28 -- 1 through 22 have roughly 128,000. These are below the deviation.

MR. MCENENY: Mm-hmm.

MS. TENNEY: 65 through 76, for some reason, have about 132-. 77 through 87, which are in the Bronx, have about 126-, again, below the deviation, and then almost all of the districts in the rest of Upstate New York, excluding what -- I don't know what you've done with 95 or the new 104, but all of them have 132- or more; 143 is about 129-, so --

MR. MCENENY: Are you including Manhattan there?

MS. TENNEY: All of -- yes, I basically --

MR. MCENENY: Yes, Manhattan is also up 1,000.

MS. TENNEY: Yes, 122 -- or 23 through 64 is 124-, which is just as close as you can get to the deviation. So, it appears that all these districts are very small in New York City, like you're packing New York City seats at the expense of Upstate New York. So, we have these big, huge districts. Not only do we have large geographical districts, we have very large populated districts way above the deviation. None of us, except for those three that I mentioned -- again, these are subject to your amendment on what you did on your second set of lines, but none of those districts are below a deviation; they're all substantially above the deviation, including the current district that you've created, my Orange County district.

MR. MCENENY: Well, if I can make a couple of

observations.

MS. TENNEY: Yes.

MR. MCENENY: One is this is -- Manhattan is 132,000 and more, so it's in the same boat as a lot of upstate areas as well.

MS. TENNEY: When you say Manhattan, which district do you mean, 1 through 22?

MR. MCENENY: New York County.

MS. TENNEY: Okay. New York County. Which one is New York County, just for the --

MR. MCENENY: It's Manhattan Island.

MS. TENNEY: What's the number of the district?

MR. MCENENY: What number? 65 and up.

MS. TENNEY: 65 through 76 are higher in deviation.

MR. MCENENY: Yes.

MS. TENNEY: 1 through 22, which is 22 districts, 23 through 64, which is 41 districts -- which are 41 districts and 77 through 87 throughout the Bronx, which are 11, all of those, which is totaling, what, 63 -- 74 districts, which is almost half the Assembly, are all well below the deviation and mostly in Downstate New York.

MR. MCENENY: You're referring to the four outer boroughs of New York and two of those, as well as Manhattan, are voting rights counties that are --

MS. TENNEY: Right. I would say they were right in

my backyard but they're -- they might be now. They certainly aren't in my current district, but...

MR. MCENENY: Let me comment --

MS. TENNEY: Yes.

MR. MCENENY: -- not so much on the ones that are a little above the norm, but the ones that are below the norm. If you take a look at the City of New York map, you will see that we made a decision, a decision which is perfectly legal based on court rulings and what an allowable deviation would be, but it also has a pattern and the pattern is that we respected the county lines of the Bronx, of Kings County, which is Brooklyn. We let Richmond go in with Brooklyn and with Queens County. And by staying inside the borough lines, we believe that we can defend and, in fact, be quite proud of the Minority/Majority districts that are created as well as the minority opportunity districts that are created. We feel that we held very closely to the letter and the spirit of the Voting Rights Act of 1965.

ACTING SPEAKER P. RIVERA: Ms. Tenney, your time is up.

MS. TENNEY: I'll get back. Thank you.

ACTING SPEAKER P. RIVERA: Ms. Rabbitt.

MRS. RABBITT: Thank you. Will the sponsor yield?

MR. MCENENY: Certainly.

MRS. RABBITT: Thank you, Jack. Jack, can you tell me how many districts in this proposal have been changed?

MR. MCENENY: I think every district has been changed to some degree, large or small, except Dennis Gabryszak, who has two towns. You can't break the towns. They're within the 5 percent; in fact, they're probably closer to the 3 percent variance, so that was certainly the easiest one we had to draw. And let me think. I don't think there's another one that hasn't had some change.

MRS. RABBITT: So we'll say 99 percent of the people's seats have been changed.

MR. MCENENY: Yes, that's correct.

MRS. RABBITT: Okay. How many towns do you think have been broken up for the people in the State of New York, the towns?

MR. MCENENY: I would say no more than one.

MRS. RABBITT: No more than one. Okay.

MR. MCENENY: And that would be Ramapo, which is where I assume the next question's coming from?

MRS. RABBITT: Correct. And could you tell me why that one town was broken up?

MR. MCENENY: Well, based on public hearings, based on tradition, based on the court ruling that okayed a previous plan with Ramapo broken up, we felt that, for a lot of reasons, it made sense for the three districts that were forming in there, that we were able to continue to do that based upon judicially-approved tradition going back for at least three redistrictings. It's a judgment call, but we felt that there was a continuity of representation in still dividing

Ramapo and we did it.

MRS. RABBITT: So, really, Ramapo years ago was a lot smaller and now it's gotten a lot larger.

MR. MCENENY: That's true.

MRS. RABBITT: So to equal out we decided we'll pick one town and we'll cut that up so we'll make it fair so that the people's seat can be broken up, you know, truly to be served the right way. We feel that -- you would say that that's correct?

MR. MCENENY: Yes, but I think when you get into certain parts of the State, people have a closer identity to their villages than they do to their towns, particularly when the town is especially large. If I remember the numbers correctly, I think it was eligible to be a district but on the light side, and we had a lot of testimony from people, who both sent in and showed up, about the particular villages. Geographically, it is hard to avoid doing it and let's take a look at that pillar of good government here, the Common Cause map. Guess what they did to Ramapo too? They split it up.

MRS. RABBITT: Yes, so they know best, okay. So, the map makers, the people who make the maps, the suggestions, the qualifications that they have to control the maps, the people behind the curtain who are creating the maps, the people who are, you know --

MR. MCENENY: Well, we don't have a curtain, but the staff draws the maps or gives direction, but there are technicians, some of whom are not in the least bit political. We publicly

advertised for them. They come from a background where they're very familiar with computers and they like dealing with them and, I'll be honest with you, I'm not great at computers, but I like drawing maps and have been doing it for 40 years; in fact, I did it back in the Peace Corps in South America. So, those are who your map makers are, but the direction comes from the top. We have two co-chairs, myself and Senator Nozzolio. To my immediate left here is Dr. Roman Hedges, who is an adjunct professor from time to time and a long-time expert and a number of other people who work. I do notice that the ones on the computers tend to be a little younger than the ones that aren't.

MRS. RABBITT: Okay. Jack, if you don't mind, I just want to give an opinion, what I think.

MR. MCENENY: Certainly.

MRS. RABBITT: I think the 98th Assembly district is not Annie Rabbitt's district.

MR. MCENENY: Pardon me?

MRS. RABBITT: I believe the 98th Assembly district is not Annie Rabbitt's Assembly district. I believe it's the people's district, the people who will elect the next person to serve. I believe the 98th Assembly district is so cut up that whoever represents them will not really be able to represent them fairly. So, I just really would like you to understand that, that it's so chopped up that the person really would have to be -- I'm not even going to say an encyclopedia because we're so savvy with computers. The person

would have to have a mind of Google to just to keep up with the kind of flow that that district will be expected to have.

So I just kind of -- you know, that's really the one concern. The other concern that I have, Jack, is, you know, we talk about years of people have been here and saw redistricting, but the sad part is we don't learn from every ten years. We come back, we kind of brag about the horror that we felt, what we saw and people say live through it, but you know what? That's pathetic that we live through it and we don't learn to say this isn't working because, you know what? It's not really fair to the people. They're not fair. So, you know, to stand here, once again, the whole day waiting around for the big moment to come and to clearly state to our colleagues, is anybody truly happy? But really, we shouldn't even be worried about if we're happy. The people of the State of New York can truly not be happy when they see the way these lines are cut up from the map people, the experts who know how to do this.

So, Jack, I will be voting in the negative and thank you very much.

MR. MCENENY: Thank you. I will point out that there was not one negative bit of testimony mailed in or sent in electronically or given by someone showing up at the 23 public hearings that made a negative comment on splitting up Ramapo and even Common Cause didn't, but I surely respect your opinion.

MRS. RABBITT: And I just want to say something, Jack. We're here. It's inside baseball. The people of our districts are

very busy. They're worrying about losing their houses, can't pay their taxes, they can't find a job. The lines are not a top priority. When they're in the unemployment line, they don't really care about the lines of the New York State Senate and the Assembly. So, it's kind of inside baseball to say to the people, you know, *Did you know about these hearings? Did you know?* And to force people to go to a meeting to say speak for me when I represent the people that I'm speaking for today.

MR. MCENENY: I think that the people of New York had elected representatives to speak up, as you're doing now. I think it's somewhere around 400 people showed up at various public hearings across the State and also, because from a communications point of view, this was, indeed, the most open redistricting because of the computer age that we're in now with the Internet and the LATFOR website and hundreds more - I don't have the exact count, it could even be thousands - sent in suggestions, comments, criticisms and once in a while even praise; I think we framed those.

But, you know, to say that the people weren't paying attention, I have to say Statewide -- don't forget a lot of people that came in, representatives of NYPIRG, of Common Cause, of Citizens Union, of the Unity Map people representing minorities in New York City, when we would see one of them there, we knew they represented hundreds, if not thousands, of others. So, I believe there was input, though I agree to a lot of people, redistricting is not always the sexiest topic in New York State.

MRS. RABBITT: So maybe we'll learn again by these errors for the next time so when we stand here we'll relive this nightmare in ten more years, Jack. Thank you, Jack.

MR. MCENENY: Thank you.

ACTING SPEAKER P. RIVERA: Mr. Castelli.

MR. CASTELLI: Thank you, Mr. Speaker, my colleagues.

On the bill.

ACTING SPEAKER P. RIVERA: On the bill.

MR. CASTELLI: While I respect and I appreciate the work and the effort that many of my colleagues on both sides of the aisle put into this process, I cannot help but feel that the entire process is flawed. It is disingenuous. That we have a constitutional mandate that requires the fox to not only build but protect the henhouse is something that is patently ridiculous. We, many of us, signed a pledge for independent redistricting. Many of us took that pledge very seriously. I, for one, took that pledge very seriously. And to be involved in a process where many of us, at least the 49 members on this side of the aisle, have very little input, if any, into it, is not only disingenuous, but it fails to protect the public trust and I might add it disenfranchises 6.5 million New Yorkers that we represent.

Ladies and gentlemen, my colleagues, while I understand that many people have worked hard on a process that is inherently flawed, the fact of the matter is we did give our word. It is a matter of honor to keep that word to the public and for those of us

who signed that pledge, I would submit to all of you that if you wish to serve the public trust properly, you keep that word. Many people will turn around and say that I'm being a traitor to the cause. Well, as somebody greater than I once said, "If this be treason, make the most of it." But, I, for one, cannot vote for this, will not vote for this and I strongly suggest that my colleagues do not vote for this unless and until such time as the process is correct and it is done in an open, fair and transparent manner.

I thank you, Mr. Speaker. I'll be voting in the negative. I encourage my colleagues to do the same.

ACTING SPEAKER P. RIVERA: Mr. Boyle.

MR. BOYLE: Mr. Speaker, on the bill.

ACTING SPEAKER P. RIVERA: On the bill.

MR. BOYLE: Mr. Speaker, I would just like to associate myself with the remarks of Mr. Castelli. I want to commend the members of LATFOR for their hard work in traveling around the State for a year or more now, we appreciate it very much, taking time away from your families. But this process is pervaded by politics. That is the problem. Much of the things we do here in this Chamber and the other Chamber down the hall are pervaded by politics but particularly redistricting. For example, when we go and listen to people talk about, *You need to save my district. You need to save my district*; it's not my district. There's no divine right of kings. It's a district that we are privileged and honored to represent. So, incumbency should have no matter in it.

We can look at the Congressional lines as a particular story in this idea of politics. Look what's happened. Two people are arguing in the City about Harlem, Manhattan versus the Bronx, upstate Congress people, *You can't take my district away and give it to somebody else*, out on Long Island we have people arguing. It got so bad that we couldn't even, after a year and a half, come up with Congressional lines in the State of New York. We were close to not doing it here in the State Legislature as well.

I'm hopeful with the amendments we're going to make tonight we're going to have a truly independent process ten years from now so this does not happen again and we take politics out of this. We need independence and transparency when we draw the lines the next time. Until then, I must vote in the negative.

ACTING SPEAKER P. RIVERA: Mr. Jordan.

MR. JORDAN: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER P. RIVERA: Mr. McEneny.

MR. MCENENY: Sure.

MR. JORDAN: Thank you. I don't quite understand the consequence fully; maybe you could explain for us. What happens if this does not pass tonight? What are the consequences?

MR. MCENENY: Well, the one thing we do know about the courts and sometimes the courts can be very favorable to State Constitutions which say this is the responsibility of a Legislature as was the case with the Supreme Court and the Legislature in Texas,

but sometimes the courts can do things that are unpredictable. We don't know what will happen. We, as a matter of fact, have to report to the court. As you know, the Congressional lines are already in the mix and something can happen very soon. It could be a day or two, it might be longer. The courts don't like to be bound by anybody's calendar but their own but, conceivably, if we are unable to agree on this bill or if it fails in the other House, then we could wind up reporting back to the court, as we're required to do I think it's on Thursday, tomorrow, for what the court has asked for, the Magistrate has asked for a progress report and if there's no progress, then the court can say go back and work on it or they could do something more drastic.

Right now the primary for the Assembly and the Senate is still September, so there's plenty of time to do this, but there are many of us on both sides of the aisle who are concerned at the prospect of a \$50 million unfunded mandate on local government and would like to get rid of the September primary and move into the month that the League of Women Voters have always endorsed, that of June, something we did have in the State right up until the '70's. If, in fact, we are able to pass a political calendar which the Senate will agree to, and so far they have not, then this would become much more time-sensitive than it is tonight and the court, any court, it could also be a State court, could wind up imposing lines.

Now, if the lines were imposed that, for example, the Common Cause lines might be considered, you would wind up with

20 -- I think it would be close to 26 members of this House running against someone else in their district because Common Cause very proudly says that they don't care where people live and that would cause a problem especially in Minority communities where there would be an enormous loss of leadership that's been built up over the years. So, it would be better if we passed it and, obviously, that's what I'm advocating today.

MR. JORDAN: You reference the Common Cause map and something that was said previously and I think one of the problems with that map, certainly, is what you have identified at the very end is I don't think they paid any reference to the mandate of towns-on-border, which is nothing that I have to deal with, blocks-on-border, which is interesting; that would eliminate one house or two up our way, but the other problem, though, and more seriously is the Minority representation and I think the Common Cause failed to give any deference to that. And so I think, I guess, if you could just either clarify or expand to make sure that I'm correct in understanding. And although nothing is perfect, we'll never find the perfect answer, but I submit that perhaps this is a better solution than what was proposed in those initial offerings and what we're seeing as being mandated upon the Congressional maps, is that correct?

MR. MCENENY: On the Congressional maps?

MR. JORDAN: But in terms of if we left it to the courts, you know, I think they aren't necessarily paying as close attention to many of the issues that LATFOR has addressed.

MR. MCENENY: Well, on Monday they gave us a revision. It's one of these things where you're told to report. Then they draw a map. Then you're asked to criticize. First you submit your map on both sides, Senate and Assembly, Republicans and Democrats send in their map, then you have another day to critique the opposition's map. You also have a narrative describing yours. These are all public documents in the court. On Friday we had everything in. Over the weekend they drew a map that came out that did resemble Common Cause and I don't know if they have pairings in that or not. I think they only have two pairings in that and it's based, in large part, on Common Cause -- three, excuse me.

MR. JORDAN: Thank you. Thank you, Mr. Speaker.

MR. MCENENY: The pairings become the problem. I think in one count we had 18 members that were against each other who were both Minor- -- at least two Minorities, one against the other.

ACTING SPEAKER P. RIVERA: Ms. Barron.

MS. BARRON: Yes, Mr. Speaker.

On the bill.

ACTING SPEAKER P. RIVERA: On the bill.

MS. BARRON: I want to, first of all, thank the Commission for the work that they did in drawing these lines in the districts that are represented. However, I have lots of problems with the lines that have been drawn, especially as they exist on the Senate side and we're voting on both the Assembly seats and the Senate seats,

so I'm speaking particularly about the Senate seats. It creates an additional district upstate in an area that does not necessarily reflect the increase in population. It has, as I have been told, has a deviation in the upstate area that provides more representation for the Senate than what they would normally be entitled to, whereas downstate there is what they call the packing process and that deviation, in fact, gives us fewer representatives than what we would be entitled to if we use the same standard for the size of the district.

In addition to that, there's a fracturing that has been described to us that fractures the black population in certain upstate areas. It's another form of gerrymandering in that it is taking those communities and splitting them apart so that that population is being disenfranchised and is not getting the opportunity to select candidates and vote for candidates of their choosing. I understand that those were lines that were drawn by the Senate and that these were lines that we drew on the Assembly side.

However, as we look at our populations and as they exist throughout the State, I cannot in good conscience vote for a bill that disenfranchises significant populations that are African, Hispanic, Latino in other parts of the State simply because my district is protected. I think that we're doing something here that will exist, of course, for the next ten years and perhaps beyond and we certainly have an obligation, I have an obligation, to speak on behalf of all of those persons throughout the State, not just protect my lines or say that it represents my district and it's okay so this Body can go ahead

and advance this bill.

I did not sign on to that pledge that people were to make because I understand that it is our responsibility, our obligation, our right, our privilege to draw the lines and what I would say is that we need to become to another level of maturity and another level that does not politicize the matter and draw fair lines that represent all of us throughout the State.

So I will not be voting for this bill and I encourage my colleagues who understand the implications of this bill going forward, especially for African-Americans and Hispanic people, to not vote for this bill. Thank you.

ACTING SPEAKER P. RIVERA: Mr. Joel Miller.

MR. J. MILLER: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER P. RIVERA: On the bill.

MR. J. MILLER: Now, I know I'm naïve and I don't really grasp the political nature of Albany and so, the fact that I tend to have certain beliefs may be born out of that naïvety.

We just heard someone speak about the naughty, nasty, no-good Senate and how they move lines around to benefit their own political party. We know that wouldn't happen in the Assembly. The very fact that, you know, every three people in New York City constitutes an Assembly district, that just happened because that's the way it was, but there is a significant difference, as we noted, between the size of a New York City district and the size of an upstate district

and so I'm speaking on behalf of the little people; the farmer, the hunter, the trapper, the person who milks cows. We have been disenfranchised because of the concentration of Democrats in New York City.

The compacting of districts, because this really has nothing to do with one party having power over the other and I'm sure that people in a district, knowing that their Assembly person is only three-and-a-half hours away, are fully confident of the same type of service that people can get when they know their Assembly person is four blocks away or one stop on a bus line or half a stop on a subway line. This becomes a joke only because with a straight face we pretend that this was actually fair and done without any partisan interest. I don't know why I get the feeling that before the first rank and file member of the Republican party saw any of these maps that my Democratic friends had the opportunity to look at their maps and complain about them and see if they couldn't get any change. Now, I know they didn't go to their Democratic leadership. They went to Common Cause and NYPIRG and other semi-good government groups, but it seems to me they might have gone to their Democratic leadership in hope for better. The Minority party never has that privilege. We're the party that doesn't get the money for our office staff. We're the party that has to ask for a paper clip, not from our own leaders. It's sort of like if we ask our leader, they ask the Majority. But no one, no responsible person looking at the way this system is conducted can say there isn't a partisan overlay; that the

Majority in one House is as partisan as the Majority in the other House.

I will not defend what the Senate does. I have no control over what the Senate does. I am not in the Senate Chamber and I cannot say that because they do things terribly and in a partisan way that we have the right to do the same thing. It seems to me that in a democracy -- well, we're not a democracy and I guess that's the problem. We're a republic. As long as you get to vote, we have met the requirements. You're in a republic, you can vote. The idea of democracy is secondary and has a few more letters than the word "democrat," but we could have, we could have worked together so that we don't just have one party rule in one House and one party rule in the other, but that we at one point, at one point look at the constituents in the State and follow the mandates of the U.S. Supreme Court which talks about equal protection under the law. Equal protection under the law so the 6 million people that we represent have no protection under the law in the way our districts are drawn. They have no protection under the law in any way. One person, one vote does not really exist in Albany. It's three men running government. The members find out after the fact, but in this case Majority members knew before Minority members. Majority members had input into the system that Minority members really did not have and that makes this more of a sham than anything else.

My district, of course, for me is perfect. It consists of my living room, my kitchen, my house. I will be telling me exactly

what to think once I leave here on December 31st. I have enjoyed being here, but there are times like this that I'm really disappointed in what we do and how we do it. So, I can't complain about my district. I'm going to win my district without any problem at all, but it shouldn't be that. At some point the people should come first and so I will be voting against this bill as well. Thank you.

ACTING SPEAKER P. RIVERA: Ms. Barron, why do you rise?

MS. BARRON: Yes. Will Mr. Miller yield?

ACTING SPEAKER P. RIVERA: Mr. Miller, will you yield to Ms. Barron?

MR. J. MILLER: Absolutely.

MS. BARRON: I just want to make it clear that I did not make any disparaging labels or remarks in regard to the Senate, but when you referenced me as the previous speaker you did so and I made no disparaging terms or labels in my reference to the Senate.

MR. J. MILLER: Right. We don't need a disparaging label when we say people gerrymandered and they changed districts to exclude the rights of certain people. That is a negative comment and it doesn't need a label. It stands on its own value. The Senate gerrymandered and prevented people of Minority groups to have the same representation and the ability to pick their elected officials. That's what you said. Now, if you think that's complimentary --

MS. BARRON: I did not use labels. That's my

point. I described a situation. I did not use labels or use negative name calling.

MR. J. MILLER: Right. That's fine. I don't know that I used a label or a negative name calling. I don't believe I did, but if I did I apologize.

MS. BARRON: Thank you.

MR. J. MILLER: Right. On the other hand, thank you very much.

ACTING SPEAKER P. RIVERA: Mr. Gantt.

MR. GANTT: Thank you, Mr. Speaker. I'm sort of amazed at my friend who just spoke from the other side, but as I remember some ten years ago I stood on this floor and it was a Minority side. While you talk about us having the information, I don't know how many people are still in this room that remember ten years ago I debated against this same type of bill and it was a Minority side all of whom had a copy of the map except for me. And we did not have it on this side. So, when you make those references I think you're just wrong. There is no advantage there.

Will the sponsor of the bill yield?

ACTING SPEAKER P. RIVERA: Mr. McEneny.

MR. MCENENY: Certainly.

MR. GANTT: Mr. McEneny, you had a discussion not long ago about the Town of Ramapo and the splitting of that particular town. Can you tell me whether or not there are any other towns split?

MR. MCENENY: There's a number of towns split in Long Island.

MR. GANTT: That has less than an Assembly district in it; let me qualify that.

MR. MCENENY: No. The Congress does that but we do not and we're constrained by the Constitution, so that is the only exception to the rule that I know, unless it's one of the towns that's larger than an Assembly district.

MR. GANTT: Can you tell me whether or not cities are split?

MR. MCENENY: Cities are split wholesale, I'm sorry to say, because the Constitution in 1894 made it possible, if not desirable, to make the math come out by if you can't break the towns you have to go into the cities. So, many city neighborhoods are broken and worse. They're not just broken on a wholesale level, they get right down to the neighborhood retail level because of the block-on-border rule, so most of our large cities are, in fact, broken, certainly in Upstate.

MR. GANTT: If you were allowed to split towns, could you downsize the deviations that I heard earlier that someone was talking about?

MR. MCENENY: Yes, absolutely.

MR. GANTT: So one of your problems is that you can't deviate -- I mean, the deviation, for instance, in the Town of -- I mean the City of Manhattan versus the deviation upstate may be

somewhat different based upon the fact you can't split towns?

MR. MCENENY: Yes. It comes more into play. I mean, we kept the county lines, the borough lines in New York and we did that primarily for voting rights reasons, but when you get into upstate we're really locked in and we often have to draw lines that we would not like to that are excessively deviant in math and often don't look the way they should on a map.

MR. GANTT: Do you offhand remember when the Town of Ramapo was split?

MR. MCENENY: Oh, it's got to be -- this will be 30 or 40 years, isn't it? I think '72 for sure was the beginning and it's been broken ever since.

MR. GANTT: Can you tell me who was in the Majority in this House in '72?

MR. MCENENY: It was a Republican House at that time. I think Perry Duryea was Speaker.

MR. GANTT: Thank you very much. Mr. Speaker, that's exactly what I'm talking about. While people can make all types of allegations dealing with reapportionment, the fact is that in many cases we can't split towns; therefore, we can't get down to those small deviations that Congress can get into.

The other problem is that as he said and in 1972 the Town of Ramapo was not split by those of us who were in the Majority. The other Town of Ramapo was split by the Majority which happened to be Republican at the time. I can remember when I did

the reapportionment in 1992, I asked the same question, why are we splitting the town that has less than an Assembly district in it and I was given the answer then. That's why it amazes me that today, after almost 40 years, that we -- allegations would be made that we split the district for political purposes. It's been split since Sam Colman, for those of us whose been around. Remember Sam Colman and some others who came out of Ramapo? It's been that way for a long time.

While I like to think Assemblyman McEneny and his staff and all the other people who worked on the Assembly districts -- and I believe we did a tremendous job in terms of trying to be fair to everybody, including those of us who happen to be in the Minority and cities. However, the fact is that when I look at what happened in the Senate, and one would cry about the fact that we split a town, you have to look at the maps in the City of Rochester where we split neighborhoods, neighborhoods that had been in the district ten years or more; in fact, I think it's probably closer to 30 years, but for some reason the Senate came in and took a neighborhood and put it an hour away because they could split cities. Took my neighborhood the 19th -- well, not where I live at, but one of the areas where I represent and put it over in with the Senator from Amherst. That's just outright wrong.

We ought to have compact districts. We ought to have districts of common interest. There ought to be a whole lot of other things that happen. And let me say to everyone who worked on our side, thank you, including the Speaker who made sure that it

looked fair. And anybody who knows anything about reapportionment or been around know that I don't pick chances here or pick sides here. This is a process I really believe in and that's how I got here, by the way. This is a process that I really believe in. But because of the way the Minority groups are treated from the Senate side, I could not in good conscience vote for this bill and will not vote for it. My vote will be in the negative and I urge everybody else to do the same.

ACTING SPEAKER P. RIVERA: Mr. Tedisco.

MR. TEDISCO: Thank you, Mr. Speaker. I just want to go on the record very simply stating, as some of my colleagues have because this is kind of the bottom line for some of us, I took a pledge, as many of my colleagues maybe on both sides of the aisle here, I'm not sure, but a lot on our side of the aisle, to only support an outside independent commission to draw the Senate and the Assembly lines for this year's new redistricting.

Now, the Governor, the Democratic Governor, says the lines have been made in a hyper-partisan political way. Now they have been adjusted a little bit, but I think he's still right on that account. They are hyper-partisan, they are hyper-political and until we change them, this system is broke on behalf of the constituents we represent. Everyone who has said, and they're absolutely right, in a republic in a representative democracy in New York State, in this Body and in the Senate, in our government, powerful political leaders in Majorities should not be picking their constituents. Our

constituents and our voters should be picking us. That's the way a representative democracy works.

I hope my constituents in my new Assembly district understand what my previous constituents, who will not be with me in the future, understand. If I take a pledge I will work as hard as I can to live up to it. Today I'm going to try to live up to it by voting no on this particular bill. Thank you, Mr. Speaker.

ACTING SPEAKER P. RIVERA: Mr. Ceretto.

MR. CERETTO: Thank you, Mr. Speaker. You know, I do want to say that it's an honor to be here and to work with everybody here. I feel very privileged to do that. A long time ago when I was growing up, and I have said this before, I did not grow up with a lot of money, but one thing that it was told upon us is that all you have is your name and your word.

When I ran two years ago we talked about reform. I, too, signed a pledge and you know what? A pledge that said for an independent redistricting and one of my proudest moments were, and I remember this, last year when I stood with my colleagues who signed that pledge. There was 138 of us, Democrats and Republicans working for reform for the people of this State and we reaffirmed our pledge and we said we would support an independent redistricting plan. And that's not what's before us.

So, ladies and gentlemen, I'm going to vote in the negative. I'm standing by my name and I'm standing by my word and I urge all my colleagues who signed that pledge from Mr. Koch to

honor their name and honor their pledge. Thank you.

ACTING SPEAKER P. RIVERA: Ms. Tenney.

MR. TENNEY: Thank you, Mr. Speaker. Would the sponsor yield just for a couple quick questions we didn't get finished? I promise it will be quick.

ACTING SPEAKER P. RIVERA: Mr. McEneny.

MR. MCENENY: Yes.

MR. TENNEY: Thank you, Mr. McEneny. A couple things. We got into the compactness issue. I just want to ask you a quick question. One of the rules of compactness in the Constitution is that we try to minimize the number of counties and the current 101 that you have created or your Commission has created has seven counties now. In fact, one town in one of the seven counties, the current district that I represent, the 115th, which is actually very sprawling and large, but it's two compact counties together, how is that conforming with our Constitution to have seven different counties and how is that -- I mean, some of these -- I mean, if you look at the district, these are just pieces that are coming from somebody else's district. Again, where is the compactness there and can you explain that just quickly?

MR. MCENENY: Well, the district, as you can see, you're certainly entitled to your opinion on it, but we did pay attention to counties and bear in mind the one person, one vote, the Voting Rights Act, the Constitution, block-on-border, town-on-border and court rulings over the years often conflict with one another and come

up with ideal-sounding phrases but then they don't spell out regulations as to how to do it.

On the issue of counties, when you made a district and you have extra people and they're in the county, they're going to be moved to the adjoining county and the adjoining district. And the districts around your district are pretty close to where they should be and they all have extra and the extra met, which is how you have the new 101st.

MR. TENNEY: Well, actually -- excuse me.

MR. MCENENY: Wait a minute.

MS. TENNEY: Some of them were eliminated to create this.

MR. MCENENY: Wait a minute. Let's take the issue of the counties, which was the original topic here. The number of counties which were split in the last redistricting was 25. We're now down to -- we have upped it one to 26 that we have kept hold, excuse me. So, we've got one more totally intact county than we had originally, but it doesn't always work and in one case we took conflicting goals for Mr. Goodell's district where we kept virtually everything at 4 percent or under, most of them well below that, above or below the norm, and we decided that the County of Chautauqua was more important and we went over the 4 percent to keep it together.

MR. TENNEY: Can we just get back to Central New York because with all due -- honestly, I don't want to belabor this

point, but back in Central New York, which is where my focus is right now, we have many compact districts surrounding those that were all either maintained or recreated as compact and we didn't honor that, but I don't want to keep anybody any longer. I just wanted to say, Mr. Speaker, on the bill.

ACTING SPEAKER P. RIVERA: On the bill.

MR. TENNEY: On the bill. You know, much has been said about this and with all due respect to Mr. McEneny, he said gee, you know, and people have said you're not coupled with Pete Lopez anymore, that's great. Well, you know what? This isn't about whether I'm coupled with Pete Lopez or not. This is about the people that I represent in that community. It's about them. It's about their future, who they can elect and their sacred right to vote in the Legislator of their choice, whether it's me or somebody else.

Oneida County has been fractured into five different districts that are tiny little pieces of all different regions and it diminishes our ability to represent those communities. It also diminishes the ability to have effective representation. When you have a Legislator traveling among seven counties, most of them -- by the way, I went from 27 to 2, someone who is not aware of all these different issues and all these different needs of the constituent base, it affects the effective representation of that district. And when my colleague, Mrs. Rabbitt, mentioned the wizard in the room, I have not had much of a chance to see any of these maps or districts before they were presented on the table to me and, honestly, Mr. McEneny has

been very helpful to me. He was wonderful. He took my phone calls, which I greatly appreciate, but when we're talking about commonality of interests, keeping compactness and together, this district is just -- it's the poster child for gerrymandering and even one of my colleagues wrote a poem about it, which I'll spare you the poem, but it was actually pretty clever, but we need to get back and not -- this issue is so important.

Gerrymandering is allowing the power brokers to take the votes away from the individuals and that's exactly what we're not supposed to be doing here and I urge you all in the interests of bipartisanship, not having partisan redistricting in the way that we're doing it, independent redistricting, pledge or no pledge, we should be sticking together and coming up with a district that's fair to the people of the State of New York. And, as my colleague said, there's over 6 million people represented just in the Republican Conference. There are 19 million people represented in the State of New York who deserve better than this and I urge my colleagues to please vote in the negative on this vote. Thank you.

ACTING SPEAKER P. RIVERA: Ms. Calhoun.

MS. CALHOUN: Thank you, Mr. Speaker, my colleagues. I would just like to make a couple of statements to have them put onto the record. We have our books and every one of the books has both the maps and then it goes to what the numbers are in those districts. Interestingly in the entire area of Long Island, which are districts, I presume, 1 to 22, they are 12/100 of a percent of

deviation. That is an extremely accurate presentation based on what the numbers were. They only deviate between 156 people and 162. That is a mammoth job to have done for an area that large. But then, very interestingly, we drop into the City of New York and their districts go to a 4,900- to over 5,000-person deviation and what that does is it creates extra seats in the populous City of New York and that is where the real problem lies because what have happened -- and then you go up and I will explain because I also was in the Ramapo area. You go up to the 96th, 97th and 98th. They are the three districts that fall in the Ramapo conundrum. I was in that and, basically, for two of my terms and what had happened was, what I was told is that the districts are started from the end of Long Island. They are started again from up where the 150th is in the Niagara/Erie area and when they came down they kind of met in Ramapo. But because you're splitting one town the laws are very, very specific. Those three districts, which would be the 96th, 97th and 98th, two of them have exactly the same number 132,595 and one of them has 132,599. Now I want to say you really didn't do a good job because there's a four-person deviation between the three and when myself and Sam Colman and Alex Gromack had the same, very same situation, we only had a deviation of three and we actually had a small community called Wesley Hills. It had no more than 2,500 people in it and they had the three of us sharing that community. If you went to the community and you stood here, the Mayor said if you take two steps to the right you're going to be in Sam Colman's district, then you go

down just a little ways you're in another member's district. Rockland has that deviation of Ramapo because of its location.

But the major thing is the upstate districts are all in the 132- to 133,000 number except for the very interesting one, the 104th which is in the Newburgh area. For some reason that one drops down to 125,000 where the district right next to it is 133- to the north. That one could very well have slid one town down and given a much better presentation. But the major problem here is that all the upstate districts are roughly 130- to 133,000 where those in New York City are all in the range of 124-. That is where the real inequity lies and it takes the number of seats that should have been upstate, doesn't matter if they were Republican or Democrat, but the upstate areas have lost between two and three seats that should have been in the upstate area instead of taking and making these small districts in New York.

I, also, was one of the people who stood with the former Mayor from New York City and stated that I unequivocally felt we should be doing an independent redistricting. And I find most interesting is when we saw the lines that were created by a judge who was a master for the Congressional districts, they did a very, very good job of making compact districts that had a semblance of unity, did not look necessarily for where someone did or didn't live.

I represent two counties. One is Orange and one is Rockland. Rockland County, to their dismay, went from having previously one Congressional representative and ten years ago they found themselves with three; two were of one party, one was of the

other. It wasn't that they didn't like their reps, but they wanted one representative so they could work with that one.

Under the new Congressional proposed lines it is one district, one representative. That is very good. In Orange County with one of our representatives, a very effective member of the opposite party of mine retiring, we also are seeing that that district will have one representative in the County of Orange. Those are the kind of things that we should be looking for. We should be looking for taking communities of interest and areas of interest and making them look not like the 101st, but go even to the 102nd. The person who has that district has a tremendous area with which to communicate with his constituents, but he has a compact district. I don't know how you would have corrected that, but I do know that it appears this year's redistricting was done a little different.

Ten years back when I was here and we had a brand-new leader who came in three weeks - in the Assembly Minority to be the leader - three weeks before the lines were to be voted on and what had happened at that point, the people who were in charge of the redistricting had created all of the one-party lines and basically, as I understood it, said here's the rest of the State that's left. You may change it any way you want. You may set it up any way you want and it was done. I don't know if that was how it was done this time because it sure doesn't look like the Minority party in this House would have created anything that looked like the 101st. That district goes to Oneida County, three-and-a-half hours away. And I say that

because two of the towns were in Orange County, Montgomery and Crawford, and you almost have to go out to the Thruway to the east, go all the way up the Thruway to Albany or if you can cut across and then go to the west on I90 just to get to the other side. There is no highway that goes through those 24 towns.

So, I just would like to say that the major things should have been a greater equity between those districts in New York City and upstate and, certainly, a more contiguous district in the central part of New York State.

I thank you for your time. I wanted to get this onto the record specifically the problems with the New York City count. Thank you very much.

ACTING SPEAKER P. RIVERA: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER P. RIVERA: The Clerk will record the vote.

(The Clerk record the vote.)

Mr. Vito Lopez to explain his vote.

MR. V. LOPEZ: I haven't taken any pledges other than the pledge that I take on Election Day to the people I represent and I have a lot of respect for Mayor Koch, but I think we're here to vote on the merits of legislation. I've never been happy with any piece of legislation in the 27 years I have been here. This is not a perfect bill, but it's one that I support strongly and I want to commend the

work. There must have been 30 hearings and Mr. McEneny traveled all over the State, so it's not perfect.

And I would like to also talk about just for a minute, I think the next bill we're doing is some type of independent committee. And I am not a lawyer. I was told that you couldn't do what the pledge said because it was unconstitutional. You had to do it by Constitutional amendment. So there's a lot of rhetoric. And I love my Republican colleagues, but we have to talk about reality because they're putting a lot of people on the spot, not me. They're putting their colleagues on the spot who are voting for this as if they violated their pledge. Fundamentally my pledge is to my constituents and I'm pledging that and I have to take all things into consideration and I vote in the affirmative.

ACTING SPEAKER P. RIVERA: Mr. McEneny to explain his vote.

MR. MCENENY: Thank you, Mr. Speaker. I don't wish to withdraw the roll call, but I have to make some points of inaccuracy that were made and bring them to the attention of the Body.

The County of New York's population is about -- every district is about 132,400 plus, so not as was said every district in New York City is higher. The reason the math is so good and so accurate in some areas, Long Island, for example, is because once we break a town line for those larger towns, we hold ourselves to the same principle of block-on-border and so the math that was mentioned

is exact. When you break Ramapo, which is a town line, then all three that share anything in that town will come together.

I would disagree with a colleague from this area. There was Republican input. Requests were made. In some cases they were honored, in some cases they were not and input came from all kinds of people throughout New York, including good government groups, and we constantly listened and when we could, we accommodated.

For those who are concerned about breaking up urban villages, the vote you're going to have -- or communities of interest -- will allow us to keep villages together because in rural areas they often straddle a town line and they're built on a stream that's a boundary, so that's good for rural areas where villages don't get butchered.

Someone said we've had two years we've had these numbers. We have not. We have only had numbers since April. In 2010 they take the Census, a year later we get the numbers and we had a delay because there were no guidelines as to how one counted prisoners in or out to determine if they go to the home district.

I took no pledge. I recommend that people not take pledges until they actually see legislation. And I would like to close by saying I appreciate the many people across New York among the Minority and Majority who have helped us in this effort, in particular our own staff here, Lou Habe, Isaac Fever and the demographic staff; Bruce Ruiz, cartographic staff; Linda Robins and the team, Mike

Duboac, Leslie Adawony, Emily Mercurio, Jessie Crescent, Dalton Hofine, Dr. Roman Hedges that I mentioned before; my colleague representing the Minority Bob Oaks and the people that worked on the Minority side. It was a tough job. I don't want to ever do it again and, hopefully, it will be a lot easier after we pass that resolution tonight.

Thank you very much. I cast my vote in the positive.

ACTING SPEAKER P. RIVERA: Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Chairman. In a representative democracy the business of the people is properly conducted by the representatives selected from among the people by the people. In fashioning the districts from which representatives are chosen is the most basic, if not the most important, of these functions vital to the proper workings of a representative democracy. There are some out there who have criticized the process by which the lines before us were drawn and that today's representatives should not be drawing lines determining the boundaries from which future representatives will be selected. Let's not forget that the Constitution so requires and let's also remember and think about who is better to draw these lines than those selected by the people who are going to be represented by them. Why should we select representatives from somewhere else? Why should we select an unelected self-appointed group of well-meaning people who have somehow turned themselves good government advocates? I applaud their interest, I applaud their advocacy and I don't doubt that they seek good government, but what

gives them some special vision to see what is right for the people of this State?

No one is free of perspective. We all are products of our education, our experience and our circumstances. And some prefer square, some prefer long, some prefer vertical, some horizontal districts. Some would retain one community and borrow from another to reach that mathematically required number of district residents and some would do it the other way around, but how do you choose which government, good government group should have the final say? I suggest -- and to whom do they report? Where is the accountability when you select one of these groups? I suggest the New York State Constitution wisely chose to leave that responsibility with the elected representatives who are directly responsible to the people who vote and who can hold all of us accountable.

ACTING SPEAKER P. RIVERA: Mr. Abinanti, how do you vote?

MR. ABINANTI: Therefore, Mr. Speaker, I vote in the affirmative.

ACTING SPEAKER P. RIVERA: Mr. Abinanti in the affirmative.

Mr. Perry to explain his vote.

MR. PERRY: Thank you, Mr. Speaker. I have looked at these lines that's presented by both the Senate and the Assembly and I've read the reports about all that has gone on. I have agonized over my vote, Mr. Speaker. I did not take a pledge. I

refused to do that because I have never been convinced that any so-called good government group exists out there that doesn't have an agenda of their own, but I have paid attention to the process and I understand that each House takes care of its own lines and I respect that and I know we don't have a right to infringe on the prerogative of the other House.

Unfortunately, considering the fact that I don't like these lines as they represent for the Senate, unfortunately, I only have one vote and I refuse to cast a vote that would throw the drawing of the lines into some so-called unknown independent group. I have one vote and I'm going to cast my one vote in favor of the Assembly lines, not intending at all to support what was presented from the other side. I vote yes.

ACTING SPEAKER P. RIVERA: Mr. Linares to explain his vote.

MR. LINARES: Mr. Speaker, there is no question in my mind that the redistricting process that we, as a Legislature, have engage does not reflect the change in demographics of the communities that we have in our State. This was the case in 1992 when I first was elected as the first Dominican to be in office in the United States and in that year the Justice Department had to come in following the conclusion of this process to rectify under the Voting Rights Act the outcome of the process then. The same thing could be said in 2002 and here we are in 2012 again with a process that does not recognize the growing demographics that we have. It is the case

in terms of our community. It happened back in 1992 and I believe again it needs to happen again. We need to have the Justice Department come and look at the outcome of this process.

I will be voting in the affirmative, but it is with the hope that coming the next process of redistricting we will have a reform process that would allow the growing demographics in our communities across this State reflect in the appropriate way.

ACTING SPEAKER P. RIVERA: Mr. Linares, how do you vote?

MR. LINARES: Yes.

ACTING SPEAKER P. RIVERA: Mr. Crespo to explain his vote.

MR. CRESPO: Thank you, Mr. Speaker. I didn't vote -- I didn't sign a pledge last year when -- last year or the year before, whenever it was circulated. From what I hear, the individual that asked us to sign it made questionable decisions himself when he was in office, so I didn't know that he was in any position to tell me what I had to commit to. I ran for office in a district and I talked to the voters in that district and my pledge is to them. Having said that, in this business you're going to make decisions that are tough to make. You're going to be put in a position where you're going to have to balance what you believe is right with what is best for you or for those around you and in this process, while it's not perfect, I commend LATFOR and Jack and everyone involved in at least in our experience in the Assembly giving us an opportunity to have say and be fair about

things. Unfortunately, we're not seeing that in the other lines that are part of this bill. We're not seeing the respect for minority communities, the growth of minority communities throughout the State. We're not seeing respect for the Voting Rights Act and it's truly unfortunate that we didn't have in this House the partnership in the other leaders involved to make sure that every line, including the Congressional lines, were done with respect to the growth of the minority community.

And so since I only have one vote and we're going to have to live with this whether I get reelected or not, for the sake of future generations of minority communities, I cannot vote and support this legislation. I vote in the negative.

ACTING SPEAKER P. RIVERA: Mr. Blankenbush to explain his vote.

MR. BLANKENBUSH: Thank you, Mr. Speaker. I'm not going to talk about signing any pledges, but my vote tonight is going to be voting for the people of St. Lawrence County. I split St. Lawrence County right now with Assemblywoman Russell. I believe there were several people who traveled from St. Lawrence County to Syracuse to the hearings to explain why they felt that seven representatives, seven elected officials, three Senators and now four Assembly people, should not be splitting up St. Lawrence County. We talk about minorities. They're in the minority. That County now has representatives such as Mr. Butler, for example, that now will have to drive three, three-and-a-half hours to get to districts now,

towns now that I represent that I could be in in 45 minutes to an hour and 15 minutes.

So, my vote tonight is for the people of St. Lawrence County that I represent right now that this redrawing of these lines did a disservice to those people and if you look at the distances that some of the Assembly people that are now going to have to travel to service those people, I believe it's a disservice to St. Lawrence County and in my district and I will be voting in the negative.

ACTING SPEAKER P. RIVERA: Mrs.

People-Stokes to explain her vote.

MS. PEOPLES-STOKES: Thank you, Mr. Speaker. I appreciate the opportunity to explain my vote very quickly. I, too, did not sign a pledge, but I did take an oath of office and in that oath I agreed to serve the people to the best of my ability. And often when I have a chance to speak publicly, I always out of my ancestors because had they not been willing to struggle so hard in this country I wouldn't not only had a right to vote, but a right to run for office and win. And it's in that vain for the younger people in not just my district where I think the Senate lines were done horribly, but in Monroe County, Nassau County and even in Suffolk County, people who may have a desire to run for office, it will be a much more difficult task for them to do because of this vote that we're taking today. I don't diminish anybody's desire to make the decision on their vote, but for me, I think that this is the wrong way to go and I'm not able to vote for it.

I do, however, have to commend the efforts of Mr.

McEneny's committee with LATFOR. I know it had to be a challenge for them to go all over the State and do multiple hearings and listen to a lot of people talk and a lot of opinions, but throughout all of that, I think that they came up with the best that they could and I understand that most of these things are political decisions and when you're in the Majority you have the ability to make your Majority more sustainable and I think that that could have been done from the Senate's perspective in a lot better way.

I know what the numbers are in this State. I realize that a lot of -- some places in the State are losing population, but I also know that some place in the State are gaining a lot of population. I know that the population that they're gaining are people of color. And so if we're voting for something that's going to add another legislative office or Senate seat, it should certainly be speaking to the people where the population gains are and it does not and I think it does a terrible disservice to the people in this State who desire one day to be an elected official so, Mr. Speaker, I cast my vote in the negative.

ACTING SPEAKER P. RIVERA: Ms. Tenney to explain her vote.

MR. TENNEY: Yes. Thank you, Mr. Speaker. I'd like to echo the same comments that Mr. Blankenbush said and, obviously, I'm voting in the negative, but I do want to say thank you to the hundreds and hundreds of people from Oneida County who contacted me, LATFOR, the Governor and everybody in this community who is involved with the LATFOR process to say stand up

for our rights, help us. You're going to Albany. Talk to the Governor, talk to Mr. McEneny, Mr. Oaks, Mr. Nozzolio. Do something about keeping Oneida County intact and not dividing our county up in such a way that we would have an ineffective representation and I want to say thank you to them for speaking up on behalf -- and, unfortunately, Albany has delivered as usual and has not even heard their cries and for that reason I will be voting in the negative. Thank you.

ACTING SPEAKER P. RIVERA: Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Mr. Speaker. A fundamental premise of our Constitution is one person, one vote. And this plan violates that fundamental principle in my mind because it has districts that range from 124,000 to 134,000. And that means for those who live in a district with 134,000 or more, their vote counts about 8 percent less than those who live in a district with 124,000. And, not surprisingly, almost all the largest districts are in Upstate New York and almost all the smaller districts are in New York City. And the net effect of that is that those who live in New York City have a proportionally greater vote than those in upstate and that violates the fundamental premise that every resident of this State, of this great State, should have equal representation.

And while I'm delighted to represent all of Chautauqua County, it also means that my district has the largest number of people in any district, over 134,000, and it has been ably represented for many, many, many years with two Assemblymen and

whether it's I representing Chautauqua County or someone else, to cause our county to lose a representative so that other areas of the State can have more representatives based on the same population is inappropriate. For that reason I am voting against this. Thank you, Mr. Speaker.

ACTING SPEAKER P. RIVERA: Mr. McLaughlin to explain his vote.

MR. MCLAUGHLIN: Thank you, Mr. Speaker, to explain my vote. First, Jack, thank you. I know you worked long, hard hours, as did all of LATFOR, so I have no criticism of the work that you guys did. I know the effort that you put in. In looking at this book, I don't know how you got through it. It's a convoluted mess. But that being said, I took a pledge and I have to stand by that pledge and stand by my word because, at the end of the day, that's all we have. And this -- I think when we lose sight of why we were sent here, then we shouldn't be here anymore. This is all about the people that we represent. So, even if it meant my political demise by going by lines that weren't very favorable to me, and truth be told, I like my lines, I very much like my lines. I like the lines I have right now, by the way. The people I represent are great and I'm sure we all feel that way.

These lines that I'm looking at right now are very good. I like them. But I have to live up to my pledge and stand by my word and that word was that I would vote against anything that wasn't done independently. I understand the Constitutional aspects of that

and will be moving forward on the Constitutional amendment, which I will be supporting, but I have to stand by my word, do what I said I was going to do. So for that reason, I will be voting in the negative, but I want to thank you because I know the hard work that you put into this process. Thank you.

ACTING SPEAKER P. RIVERA: Are there any other votes?

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.