

**ASSEMBLY GOVERNMENTAL OPERATIONS
COMMITTEE MEETING**

MARCH 14, 2012

COMMITTEE MEMBERS PRESENT:

Assemblyman Steve Englebright, Chair

Assemblywoman Janet Duprey, Ranking Minority Member

Assemblywoman Deborah Glick

Assemblywoman Sandra Galef

Assemblywoman Margaret Markey

Assemblyman Robert Reilly

Assemblyman Michael Benedetto

Assemblywoman Michele Titus

Assemblywoman Crystal Peoples-Stokes

Assemblyman Eric Stevenson

Assemblywoman Michelle Schimel

Assemblyman Robert Castelli

Assemblyman Mark Johns

CHAIRMAN ENGLEBRIGHT: The committee will come to order. I know that there may be some of the members here still trying to find their way to the meeting and Member Duprey has agreed to allow the rolls to remain open for a little while. I just want to say thank you --

MRS. DUPREY: You're welcome.

CHAIRMAN ENGLEBRIGHT: -- for that courtesy.

Why don't we go to the agenda for this meeting of the Government Operations Committee. I should also point out, because one of our members is not available for this meeting, the Speaker has appointed Michele Titus, Assemblymember Titus will be serving as a temporary appointment. Thank you, Member Titus, for being -- for willing to do so.

Why don't we go to the first bill, Assembly Bill No. 9525 sponsored by Member McEneny. An act to amend the State Law in relation to establishing Assembly and Senate districts and to repeal Article 8 of such law relating thereto. A successful vote would send this bill to Rules.

All in favor? Opposed? Comments?

I have a comment from Member Peoples.

MS. PEOPLES-STOKES: Thank you. First of all, I want to commend Mr. McEneny and the entire LATFOR team.

CHAIRMAN ENGLEBRIGHT: Can we pass this down?

MS. PEOPLES-STOKES: Thank you, Mr.

Chairman. I just wanted to take a few minutes, if I could, to send compliments to Mr. McEneny and the entire LATFOR team. They went all over the State listening to people, getting ideas and I think, by and large, the Assembly portion of that task force did listen and I think that they came up with some very good results and I thank him for it. I appreciate your efforts.

And I think in some ways it's a huge disservice for these two different Houses, bills to be connected and I know that was a Constitutional decision a long time ago. And I don't think that, you know, our Founding Fathers ever thought that there would be a time when some people would be discounted as members of the society and discounted so to the extent that they would be separated, and/or either party. And I think upon review of the way the Senate lines have been drawn, you know, it brings to my attention the Voting Rights Act of 1964 that was specifically laid out to say that people should not be discriminated against based on race and that even then, that happened in the south and it wasn't good enough. People still had to march and, you know, have dogs sicked on them and water hoses and, you know, you ought to know the history, you've heard it before.

But here we are 47 years later in a similar setting it's happening in New York State, in Erie County in some ways, but blatantly in Monroe County, blatantly in Nassau County and blatantly in Suffolk County and it's not right. It's not going to be right no matter whether we vote for it or we don't vote for it, it's not going to be right. It's unfair to those people. They should not have to live ten years

without the opportunity to represent themselves because of the way these lines are drawn.

Now, again, I commend the Assembly, but there's something wrong in a society when we'll say it's okay to go backwards and taking away people's rights to vote and disenfranchising people. We ought to know, you know, there's at least 21 states in this country now that are putting up all kinds of laws that prohibit people from going to vote. They're asking for some new idea, they're asking for all sorts of things, and the only reason they're doing it is because they want to change who goes to vote. So, why would we be joining them in New York State in doing that, is my problem.

I have a problem with the way the Senate has proposed these lines and I understand politics is politics and people who are in the Majority, they're going to take that opportunity to protect themselves, and they should do that. They have the right to do that; they are in the Majority. But while you're doing that, you should not harm other people. And I think it's possible for them to have done it in a way where they did not harm either African-Americans or Latinos in this State and they have done that.

Now, we've all seen the population numbers. The State's numbers went down, but they didn't go down in Latinos. The population did not decrease in Latinos; it increased. It did not decrease in African-Americans; it increased. So why in the world would we be setting up districts that would eliminate their opportunity to represent themselves unless we're doing similar things as those

other 21 states across the country? And I don't think we're doing that in New York because we're better than that.

I think it's a mistake for them to put out a plan like this. And I had this conversation in detail, Mr. Chairman, with the Speaker and I told him that I would not hold up somebody else's opportunity to vote on this issue, but I voted against it in committee but I will not join you on the floor in supporting this issue in moving forward.

So, I thank you for the opportunity to make comments and do what you have to do.

CHAIRMAN ENGLEBRIGHT: Thank you, Member Peoples-Stokes, for your very thoughtful comments.

Do we have other comments or questions?

Member Galef.

MRS. GALEF: Steve, I have a comment.

CHAIRMAN ENGLEBRIGHT: You want to use a microphone? We're in this large room and it is helpful for people to be able to hear you.

MRS. GALEF: I have a slightly different issue. The community, actually, that I live in and represent, the Town of Ossining, has been -- I think the Assembly plans have really been very, very good and I've heard very little -- you know, Mr. Wright might be one district that's a problem, but I've heard, you know, very little concern about it. And I'd say to Jack McEneny and all those that were working on the Assembly plans, a really good job. But the

Senate plan has -- we have the Hudson River and we have all of Rockland County and then it hops across the river with no bridge to Ossining and there is no way for the public to be able to access. I know a river is supposed to be bridge; I mean, it's a whatever. There's a ferry that comes early in the morning to the railroad station and there's a ferry that goes back at night, which are wonderful ferries for commuters, but it is not for the public.

So, you know, I'm hoping that the Senate plan -- I don't know whether all this gets voted on and goes to the courts and the courts look at some things like this, but I hope they will. I've written a letter saying that I think the community that I represent is totally disenfranchised. They have to go through multiple communities to come back up and go over either a bridge to the south, Tappan Zee Bridge or a bridge to the north, the Bear Mountain Bridge, to get over to visit their Senator who is from Rockland County which will probably always be from Rockland County. So, it just -- you know, if you want to look at a gerrymander district --

MR. CASTELLI: Look at mine.

MRS. GALEF: -- it stands out. You don't have a river in the middle but, Bob, people can go and move in a car from place to place. I mean, we have -- if there was a bridge at the other end, I could probably understand it. I looked at some of the districts up here. The Hudson River is up here, too, but there are bridges to go across. You know, ours doesn't come across to that.

So, I'm concerned about that. I just wanted to put

that on the record.

CHAIRMAN ENGLEBRIGHT: Thank you, Member Galef.

Any other comments or questions?

MR. CASTELLI: I'll save mine for the floor.

CHAIRMAN ENGLEBRIGHT: Mr. Goodell, Andrew Goodell.

MR. GOODELL: My observation is that my district, which has over 134,000 residents, is substantially larger, as are almost all the rural Upstate New York districts. They all come 133-, 134,000 and, yet, when I look at the districts in New York City, they all tend to be around 124,000.

MS. GLICK: 132-, 133-, all in Manhattan.

MR. GOODELL: No doubt, but there's a whole slew of them that are all around 124,000. Ironically, in my district I have 10,600 black and Hispanics and it concerns me that it's almost like they don't count because when you look at the New York City inner city districts there are 124-, you look at my district it's 124- plus 10,600 blacks and Hispanics and it's almost like they don't count. Their representation is diluted by 1/12 compared to anyone else's representation. So, I'm disappointed that the districts aren't closer in size.

The actual district I have, which is all the County of Chautauqua, I just checked the statute, it's just a one-liner. I love the County of Chautauqua and I love the people and I love representing

them.

CHAIRMAN ENGLEBRIGHT: I have a question, Mr. Goodell. Do those portions of your population live in a clustered fashion or are they diffuse throughout your district?

MR. GOODELL: They tend to be concentrated in two cities.

CHAIRMAN ENGLEBRIGHT: They tend to be concentrated in the two cities. Thank you.

Other comments or questions?

Mr. Johns. Assemblymember Johns.

MR. JOHNS: I just wanted to ask, could either of these bills, either in a bill or a Constitutional amendment, be construed as independent redistricting reform like that I signed onto with Ed Koch uprisings?

CHAIRMAN ENGLEBRIGHT: You have to turn it on.

MR. JOHNS: Oh. Can you hear me without the mike? I know I'm a little loud. The second one is -- how's that sound? The second -- yes, but would that be considered an independent panel?

MS. GLICK: Yes.

MRS. GALEF: The second one, it will be considered.

CHAIRMAN ENGLEBRIGHT: I think the answer --

MS. GLICK: But I assure you, Ed Koch is my

constituent; he will not say anything about anybody.

CHAIRMAN ENGLEBRIGHT: The answer to that --

MS. GLICK: He's Constitutionally incapable.

CHAIRMAN ENGLEBRIGHT: -- in part conception, but you're getting a consensus around the table that seems to be in the affirmative.

We have a question from Mr. Stevenson.

MR. STEVENSON: Not a question, it's a statement.

CHAIRMAN ENGLEBRIGHT: Statement.

MR. STEVENSON: I just want to congratulate Jack and thank him for working the way he did and helping me and the other gentleman over there and the LATFOR team putting my district together. They did the best they can. I know we gave him hard times and we were giving him a hard time, but they did the best they could. And, you know, I can say they were fair in what they did, but I can't say that about this redistricting bill, which is trouble to me. But as a team player, I don't want to hold up the process either, but with expressing my opposition with the flaw, for the reason my colleague stated, it just seems to be unfair to the minority community and it seems that we're going backward after many, many years of struggling in this State and country. So I just wanted to put on the record with that.

CHAIRMAN ENGLEBRIGHT: Thank you, Assemblymember Stevenson. I know that you speak for many of us.

Staff has worked and labored to really be as sensitive to the needs of the people who sent us here as possible and I think there is a story to be told by almost everyone who's had an opportunity to work with these extraordinary circumstances. Thank you, Mr. McEneny, and people who have labored to bring this bill before us. Thank you, all.

We have a comment from Assemblywoman Janet Duprey.

MRS. DUPREY: I just, again, would be terribly remiss if I didn't, first of all, thank Assemblyman McEneny for agreeing -- and the LATFOR committee to add one more public hearing, which is one more than they definitely needed, to come to the North Country. It was not on the original schedule and we appreciated your time that you spent up there that day.

MR. MCENENY: Bob Oaks was a strong advocate.

MRS. DUPREY: Bob Oaks I have already thanked, but I have not had a chance to thank you.

I also, just to follow up on a comment made earlier about a deviation in the districts, a quick count shows that there are 42 districts with about 124,000 people, which appear to be in the greater New York City area, a 3.75 to a 3.88 deviation below the norm. I'm not -- I'm sure there are reasons and I'm sure a lot of it -- I know there's a lot more than just numbers when we wend these districts together and I'm not even being critical, I just think it bears being pointed out. And certainly for some of us who represent 3,000 or more square miles in the North Country with a little bit higher

deviations just feel an obligation to state it, but I think overall, the maps are very well done on the Assembly side and, certainly, kudos to those who worked incredibly hard to get us to this point today.

CHAIRMAN ENGLEBRIGHT: Thank you for that very insightful observation and thoughtful comment.

Other questions or comments from the members around the table?

Are we ready to proceed to a vote? All in favor? Opposed? Mr. Goodell in opposition. Any others in opposition? The measure is approved. Thank you.

Let's go to the next bill, Assembly Bill No. 9526 sponsored by -- prime sponsor is Member Silver, a Concurrent Resolution of the Senate and Assembly proposing an amendment to Article 3 of the Constitution in relation to establishment of the Independent Redistricting Commission. A successful vote on this bill will send it to the Judiciary committee next. Comments or questions?

MRS. GALEF: It's about time.

CHAIRMAN ENGLEBRIGHT: Member Galef says "it's about time." All in favor? Opposed? Seeing none in opposition, the bill is unanimously reported and thank you all very much for a speedy resolution.

(Whereupon, the committee meeting was concluded.)