

SENATOR GREENBERG: With the approval of the Majority Leader, may we bring up at this time 1060 on page 32.

ACTING PRESIDENT DOMINICK: On page 32, the Secretary will read.

Third Reading No. 1060, Bill No. 4941-A.

CONCURRENT RESOLUTION of the Senate and Assembly proposing the enactment of a new section 5-a of article three of the constitution, in relation to including aliens in the definition of inhabitants for the purpose of apportioning senators and assemblymen.

SENATOR GREENBERG: Mr. President.

ACTING PRESIDENT DOMINICK: Senator Greenberg.

SENATOR GREENBERG: This is a constitutional amendment which I believe is long past due. What it does is simply change the requirement in our present Constitution with respect to the need for using citizen population instead of the general population when we reapportion our legislative districts.

Now, there may have been a time 30, 40 or 50 years ago when the difference or the distinction between the citizen population and alien population in respect to determining the number of people who have a right to vote was necessary, and that is the number of people upon which apportionment of senatorial or assembly districts was based. That need does not exist any more. The number of aliens in the State is so small when taken into consideration with the entire

(Senator Greenberg, continuing)

State population that there is no significance in trying to differentiate between the two.

Furthermore, this will save the State, I am told, about \$1 million after each dicennial census, the next one being in 1970. It also means that instead of the legislative apportionment taking place after each four years after each dicennial census, namely, well, in my own time, since I have been here it was in 1944 and then it was in 1954, and just recently it was in 1964, plus everything that happened to us after the Supreme Court got into the act; whereas congressional reapportionment was always accomplished within two years after the census was actually taken, so that not only do we have the saving of money and the fact that we can do the job of apportioning two years sooner because we will not have to wait for the special census figures with respect to citizen population, and primarily, of course, because there is really no need for it, I urge the adoption of this constitutional amendment.

SENATOR BRYDGES: I support the statement made by the distinguished Senator and ask that the last section be read.

ACTING PRESIDENT DOMINICK: The Secretary will call the roll.

(Whereupon the Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT DOMINICK: The resolution
is adopted.

SENATOR BRYDGES: Mr. President.

ACTING PRESIDENT DOMINICK: Senator Brydges.

SENATOR BRYDGES: The Committee on Rules
hands up the following report for recommendation on
third reading.

ACTING PRESIDENT DOMINICK: The Secretary
will read.

TF/mm

STATE OF NEW YORK

4941—A

IN SENATE

February 27, 1968

Introduced by Mr. GREENBERG—read twice and ordered printed, and when printed to be committed to the Committee on Judiciary, reported favorably from said committee with amendments and ordered reprinted as amended and when reprinted to be committed to Committee of the Whole

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

Proposing the enactment of a new section five-a of article three of the constitution, in relation to including aliens in the definition of inhabitants for the purpose of apportioning senators and assemblymen

Section 1. Resolved (if the Assembly concur), That article three of the constitution be amended by inserting therein a new section, to be section five-a, to read as follows:

§ 5-a. *For the purpose of apportioning senate and assembly districts pursuant to the foregoing provisions of this article, the term "inhabitants, excluding aliens" shall mean the whole number of persons.*

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session con-

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

1 vening after the next succeeding general election of
2 the assembly and, in conformity with section one of
3 teen of the constitution, be published for three months
4 to the time of such election.