

# STATE OF NEW YORK

3468--A

2021-2022 Regular Sessions

## IN SENATE

January 29, 2021

Introduced by Sens. KENNEDY, ADDABBO, HARCKHAM, KAPLAN, KRUEGER, MAY, MAYER, REICHLIN-MELNICK -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to establishing the office of racial equity and social justice

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

1 Section 1. The executive law is amended by adding a new article 15-D  
2 to read as follows:

### ARTICLE 15-D

#### OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE

##### Section 328-e. Definitions.

328-f. Office of racial equity and social justice; director, organization and employees.

328-g. Functions, powers and duties of the office.

§ 328-e. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Office" means the office of racial equity and social justice.

2. "Director" means the director of the office of racial equity and social justice.

3. "Equity" means fair and just opportunities and outcomes for all individuals.

4. "Social justice" means every individual deserves to benefit from the same economic, political and social rights and opportunities, free from health disparities, regardless of race; socioeconomic status; age; sex, including on the basis of gender identity or orientation; religion; disability; or other characteristics.

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

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1 5. "Race" means a social construct that artificially divides people  
2 into distinct groups based on characteristics such as physical appear-  
3 ance, including color; ancestral heritage; cultural affiliation;  
4 cultural history; ethnic classification; and the social, economic and  
5 political needs of a society at a given period.

6 6. "Inequity" means systematic and patterned differences in well-being  
7 that disadvantage one group in favor of another caused by past and  
8 current decisions, systems of power and privilege, and policies.

9 7. "Individual racism" means explicit or implicit pre-judgment bias or  
10 discrimination by an individual based on race.

11 8. "Institutional racism" means policies, practices, and procedures  
12 that work better for some members of a community than others based on  
13 race.

14 9. "Racial equity and social justice" means changes in policy, prac-  
15 tice and allocation of state resources so that race or social justice  
16 constructs do not predict an individual's success, while also improving  
17 opportunities and outcomes for all people.

18 § 328-f. Office of racial equity and social justice; director, organ-  
19 ization and employees. 1. The office of racial equity and social justice  
20 is hereby created within the executive department to have and exercise  
21 the functions, powers and duties provided by the provisions of this  
22 article and any other provision of law.

23 2. The head of the office shall be the director of the office, who  
24 shall serve as the chief equity officer for the state of New York and  
25 shall be designated as management confidential in the noncompetitive  
26 class in accordance with the civil service law. The director shall be  
27 the chief executive officer of and in sole charge of the administration  
28 of the office. The director shall be entitled to receive reimbursement  
29 for expenses actually and necessarily incurred by him or her in the  
30 performance of his or her duties.

31 3. The director may, from time to time, create, abolish, transfer and  
32 consolidate bureaus and other units within the office not expressly  
33 established by law as he or she may determine necessary for the effi-  
34 cient operation of the office, subject to the approval of the director  
35 of the budget.

36 4. The director may appoint, in accordance with the civil service law,  
37 such deputies, assistants, and other officers and employees, committees  
38 and consultants as he or she may deem necessary, prescribe their powers  
39 and duties, fix their compensation, and provide for reimbursement of  
40 their expenses within the amounts appropriated therefor.

41 5. The director may request and receive from any department, division,  
42 board, bureau, commission or other agency of the state or any political  
43 subdivision thereof or any public authority, staff and other assistance,  
44 information, and resources as will enable the office to properly carry  
45 out its functions, powers and duties.

46 § 328-g. Functions, powers and duties of the office. The office shall  
47 have the following functions, powers and duties:

48 1. To act as the official state planning and coordinating office for  
49 changes in policy, practice and allocation of state resources so that  
50 race or social justice constructs do not predict an individual's  
51 success, while also improving opportunities and outcomes for all people,  
52 and performing all necessary and appropriate services required to  
53 fulfill these duties.

54 2. To establish, oversee, manage, coordinate and facilitate the plan-  
55 ning, design and implementation of the state's racial equity and social  
56 justice action plan, such plan shall incorporate and embed racial equity

1 and social justice principles and strategies into operations, programs,  
2 service policies and community engagement to eliminate inequity, insti-  
3 tutional racism and individual racism in the state, and shall include  
4 racial equity and social justice training for all state employees.

5 3. To advise and assist the state agencies in developing policies,  
6 plans and programs for eliminating institutional racism and improving  
7 racial equity and social justice.

8 4. To perform racial equity and social justice reviews and make recom-  
9 mendations for improving management and program effectiveness pertaining  
10 to racial equity and social justice, including, but not limited to, an  
11 annual racial equity and social justice impact statement which shall  
12 accompany the executive budget.

13 5. To establish, oversee, manage a racial equity and social justice  
14 advisory committee, the composition and duties of such committee as  
15 determined by the director.

16 § 2. This act shall take effect April 1, 2022.