

STATE OF NEW YORK

6879

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. SHRESTHA -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring state agencies to publish certain information in local, community and ethnic media

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

1 Section 1. This act shall be known and may be cited as the "local,
2 community and ethnic media commitment act".

3 § 2. Legislative findings and intent. The legislature hereby finds and
4 declares New York is one of the most diverse states in America and
5 local, community and ethnic media provides an important way for the
6 state to connect and ensure that its message reaches all New Yorkers;
7 and

8 The legislature hereby finds and declares that according to the U.S.
9 Census population estimates for 2022, approximately 23 percent of New
10 York state residents and 37 percent of New York city residents are
11 foreign-born and according to the 2019 U.S. Census population estimates
12 approximately 30 percent of New York state residents do not speak
13 English as their primary language and 13 percent of New York state resi-
14 dents have a limited ability to read, speak, write, or understand
15 English; and

16 The legislature hereby finds and declares that the state of New York
17 wants to ensure that critical information about state services, poli-
18 cies, and opportunities reach these communities and local, community and
19 ethnic media is a pathway to allow members of these communities, many of
20 whom critically need information about New York state programs, to
21 access it; and

22 Therefore, the legislature hereby finds and declares it is essential
23 that all residents have meaningful access to state programs, services,
24 and activities, and the public safety, health, economic prosperity, and

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

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1 general welfare of all New York state residents is furthered by increas-
2 ing access to New York state programs and services, regardless of native
3 language, race, color, gender, national origin, ethnicity, religion,
4 sexual orientation, disability or immigrant status.

5 § 3. The executive law is amended by adding a new section 164-e to
6 read as follows:

7 § 164-e. Bolstering our responsibility to local, community and ethnic
8 media. 1. Definitions. For the purposes of this section, the following
9 terms shall have the following meaning:

10 (a) "local, community and ethnic media" shall mean any print or
11 digital publication that: is created for communities of people based on
12 native language, race, color, gender, national origin, ethnicity, reli-
13 gion, sexual orientation, disability or immigrant status; targets a
14 discrete neighborhood, geographic region, or population that may or may
15 not typically receive information from mainstream publications because
16 of their exclusive use of foreign language; or falls within specifically
17 tailored subject matter as determined by the department of state.

18 (b) "state agency" or "agency" shall mean any department, division,
19 commission, agency and any other entity of the state.

20 2. Local, community and ethnic media advertising. Every state agency
21 shall ensure that, by December thirty-first, two thousand twenty-five,
22 and for every year thereafter, at least fifty percent of their annual
23 print and digital publication advertising spending shall go toward
24 local, community and ethnic media outlets. The state comptroller shall
25 take all steps necessary, consistent with applicable law, to implement
26 the provisions of this section, particularly with respect to the state
27 education department, the department of health, and state housing
28 authorities.

29 3. Approved media outlet list. The comptroller shall develop and main-
30 tain a list of local, community and ethnic media outlets that promote
31 and exemplify the state's many interconnected communities, as described
32 in subdivision one of this section, for state agencies, including, but
33 not limited to, the state education department, the department of
34 health, and housing authorities, to use at their discretion. State agen-
35 cies may petition the comptroller to include advertisements such agen-
36 cies have published in outlets that are not on the approved list toward
37 their local, community and ethnic media outlet spending.

38 4. Development and transparency. State agency employees or represen-
39 tatives that work on purchasing print or digital publication advertising
40 shall be required to participate in regular trainings established by the
41 comptroller on the use of local, community and ethnic media advertising.
42 Beginning in two thousand twenty-four, and every year thereafter, state
43 agencies shall submit a year-end data report to the governor, the tempo-
44 rary president of the senate and the speaker of the assembly regarding
45 the agency's annual print and digital publication advertising spending.
46 The report shall include, but not be limited to, the total amount each
47 agency spent on print and digital publication advertising and the total
48 amount each agency spent on local, community and ethnic media advertis-
49 ing. Data regarding each agency's annual print and digital publication
50 advertising shall be made available to the comptroller at the beginning
51 of each year and shall be posted on the comptroller's website.

52 5. Exemption for legally required notices. To the extent that this
53 section conflicts with a state agency's requirements to comply with
54 legal and statutory notices that require posting or distribution in
55 publications or media pursuant to local, state, or other applicable law,
56 such notices shall be exempt from the requirements in this section. For

1 purposes of this exemption, agencies may subtract the publication costs
2 of such legally required notices from their total advertising budgets
3 before calculating their required local, community and ethnic media
4 advertising spending pursuant to subdivision two of this section.
5 § 4. This act shall take effect immediately.