

1186--B

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I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. KIM, ROZIC, ROSENTHAL, LAVINE, WEPRIN, SCHIMEL, COOK, JAFFEE, MOYA, AUBRY, HEVESI, CAHILL, BRAUNSTEIN, SCARBOROUGH, CRESPO, COLTON, MONTESANO -- Multi-Sponsored by -- M. of A. ABBATE, BOYLAND, BRENNAN, CYMBROWITZ, DenDEKKER, GOTTFRIED, MOSLEY, PERRY, ROBINSON, WEINSTEIN, WRIGHT -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the executive law, in relation to requiring the collection of certain demographic information by certain state agencies, boards and commissions

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative intent. The legislature hereby finds and
2 declares the following:
3 (a) Asian Americans as well as Native Hawaiians and other Pacific
4 Islanders are an incredibly diverse group. Due to this diversity, the
5 United States Office of Management and Budget's Statistical Policy
6 Directive No. 15, entitled Race and Ethnic Standards for Federal Statis-
7 tics and Administrative Reporting, separated the "Asian and Pacific
8 Islander" category into two distinct and separate categories, now called
9 "Asians" and "Native Hawaiians and Other Pacific Islanders," and these
10 two distinct categories were used in the 2000 United States Census. The
11 United States Census Bureau currently reports data for more than 20
12 different ethnicities within these two categories.
13 (b) While Asian Americans as well as Native Hawaiians and other Pacif-
14 ic Islanders are often misrepresented as a homogeneous group, they are
15 an extremely diverse group, with ethnicities from over 30 different
16 countries. Although Asian American as well as Native Hawaiian and other

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

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1 Pacific Islander communities in this state share geographical and
2 cultural commonalities, they also experience diverse social, educa-
3 tional, health, and economic differences that are unique to their
4 respective communities.

5 (c) Existing state law requires state demographic data to be collected
6 for Asian and some Native Hawaiian and Pacific Islander ethnic groups.
7 However, additional ethnic groups reported by the United States Census
8 Bureau are not included that reflect changing demographics and intra-
9 state migration patterns. Most state agencies are currently not in
10 compliance with existing state law or have not made the collected data
11 accessible. Data should be updated on a regular basis and made accessi-
12 ble to the public so that regional and local governments, elected offi-
13 cials, decision makers, and other stakeholders can use the information
14 to strategically target programs for those most in need.

15 (d) Given the diversity of languages and cultures, separating data for
16 additional Asian and additional Native Hawaiian and Pacific Islander
17 ethnic groups and making the data publicly accessible are critical for
18 enhancing our state's understanding of the needs and experiences of
19 these different communities.

20 S 2. The executive law is amended by adding a new section 170-c to
21 read as follows:

22 S 170-C. COLLECTION OF DEMOGRAPHIC INFORMATION. 1. EVERY STATE AGEN-
23 CY, BOARD, OR COMMISSION THAT DIRECTLY OR BY CONTRACT COLLECTS DEMO-
24 GRAPHIC DATA AS TO THE ANCESTRY OR ETHNIC ORIGIN OF RESIDENTS OF THE
25 STATE OF NEW YORK SHALL USE SEPARATE COLLECTION CATEGORIES AND TABU-
26 LATIONS FOR THE FOLLOWING:

27 (A) EACH MAJOR ASIAN GROUP, INCLUDING, BUT NOT LIMITED TO, CHINESE,
28 JAPANESE, FILIPINO, KOREAN, VIETNAMESE, ASIAN INDIAN, LAOTIAN, CAMBODI-
29 AN, BANGLADESHI, HMONG, INDONESIAN, MALAYSIAN, PAKISTANI, SRI LANKAN,
30 TAIWANESE, NEPALESE, BURMESE, TIBETAN, AND THAI; AND

31 (B) EACH MAJOR PACIFIC ISLANDER GROUP, INCLUDING, BUT NOT LIMITED TO,
32 HAWAIIAN, GUAMANIAN, SAMOAN, FIJIAN AND TONGAN; OR

33 (C) OTHER ASIAN OR PACIFIC ISLAND GROUP.

34 2. EVERY STATE AGENCY, BOARD, OR COMMISSION THAT DIRECTLY OR BY
35 CONTRACT COLLECTS DEMOGRAPHIC DATA AS TO THE ANCESTRY OR ETHNIC ORIGIN
36 OF RESIDENTS OF THE STATE OF NEW YORK SHALL USE SEPARATE COLLECTION
37 CATEGORIES AND TABULATIONS FOR THE FOLLOWING:

38 (A) THE PRIMARY LANGUAGE; AND

39 (B) THE PLACE OF BIRTH OR COUNTRY OF ORIGIN.

40 3. THE DATA COLLECTED PURSUANT TO THE DIFFERENT COLLECTION CATEGORIES
41 AND TABULATIONS DESCRIBED IN SUBDIVISION (A) SHALL BE INCLUDED IN EVERY
42 DEMOGRAPHIC REPORT ON ANCESTRY OR ETHNIC ORIGINS OF RESIDENTS OF THE
43 STATE OF NEW YORK BY THE STATE AGENCY, BOARD, OR COMMISSION PUBLISHED OR
44 RELEASED ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN. THE DATA SHALL BE
45 MADE AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH STATE AND FEDERAL LAW,
46 EXCEPT FOR PERSONAL IDENTIFYING INFORMATION, WHICH SHALL BE DEEMED
47 CONFIDENTIAL, BY POSTING THE DATA ON THE INTERNET WEB SITE OF THE AGENCY
48 ON OR BEFORE JULY FIRST, TWO THOUSAND FIFTEEN, AND ANNUALLY THEREAFTER.
49 THIS SUBDIVISION SHALL NOT BE CONSTRUED TO PREVENT ANY OTHER STATE AGEN-
50 CY FROM POSTING DATA COLLECTED PURSUANT TO SUBDIVISION (A) ON THE AGEN-
51 CY'S INTERNET WEB SITE, IN THE MANNER PRESCRIBED BY THIS SECTION.

52 S 3. This act shall take effect on the one hundred twentieth day after
53 it shall have become a law.