S T A T E O F N E W Y O R K

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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:

Section 1. Legislative intent. The legislature hereby finds and declares the following:

(a) Asian Americans as well as Native Hawaiians and other Pacific Islanders are an incredibly diverse group. Due to this diversity, the United States Office of Management and Budget's Statistical Policy Directive No. 15, entitled Race and Ethnic Standards for Federal Statistics and Administrative Reporting, separated the "Asian and Pacific Islander" category into two distinct and separate categories, now called "Asians" and "Native Hawaiians and Other Pacific Islanders," and these two distinct categories were used in the 2000 United States Census. The United States Census Bureau currently reports data for more than 20 different ethnicities within these two categories.

(b) While Asian Americans as well as Native Hawaiians and other Pacific Islanders are often misrepresented as a homogeneous group, they are an extremely diverse group, with ethnicities from over 30 different 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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Pacific Islander communities in this state share geographical and cultural commonalities, they also experience diverse social, educational, health, and economic differences that are unique to their respective communities.

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

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

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

S 170-C. COLLECTION OF DEMOGRAPHIC INFORMATION. 1. EVERY STATE AGENCY, BOARD, OR COMMISSION THAT DIRECTLY OR BY CONTRACT COLLECTS DEMOGRAPHIC DATA AS TO THE ANCESTRY OR ETHNIC ORIGIN OF RESIDENTS OF THE STATE OF NEW YORK SHALL USE SEPARATE COLLECTION CATEGORIES AND TABULATIONS FOR THE FOLLOWING:

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

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

(C) OTHER ASIAN OR PACIFIC ISLAND GROUP.

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

(A) THE PRIMARY LANGUAGE; AND

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

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

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