

STATE OF NEW YORK

8743

IN ASSEMBLY

January 11, 2022

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

AN ACT to amend the executive law and a chapter of the laws of 2021 amending the executive law relating to requiring the collection of certain demographic information by certain state agencies, boards, departments and commissions, as proposed in legislative bills numbers S. 6639-A and A. 6896-A, in relation to the collection of certain demographic information by certain state agencies, boards, departments and commissions; and to amend a chapter of the laws of 2021 amending the executive law relating to requiring the collection of certain demographic information by certain state agencies, boards, departments and commissions, as proposed in legislative bills numbers S. 6639-A and A. 6896-A, in relation to the effectiveness thereof

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

1 Section 1. Section 170-e of the executive law, as added by a chapter
2 of the laws of 2021, amending the executive law relating to requiring
3 the collection of certain demographic information by certain state agen-
4 cies, boards, departments and commissions, as proposed in legislative
5 bills numbers S. 6639-A and A. 6896-A, is amended to read as follows:
6 § 170-e. Collection of demographic information. 1. Every state agency,
7 board, department, or commission that directly [~~or by contract~~] collects
8 demographic data as to the ancestry or ethnic origin of residents of the
9 state of New York shall use separate collection categories and tabu-
10 lations for the following Asian and Pacific Islander groups in New York
11 state:
12 (a) each major Asian group[~~, including, but not limited to,~~] shall
13 include Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian,
14 [~~Laotian, Cambodian,~~] Bangladeshi, [~~Hmong, Indonesian, Malaysian,~~]
15 Pakistani, [~~Sri Lankan, Taiwanese, Nepalese, Burmese, Tibetan, and Thai~~]
16 and all of the ten most populous Asian groups in the most recent five-
17 year American community survey published by the United States Census
18 Bureau; and

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

LBD10834-04-2

1 (b) each major Pacific Islander group [~~including, but not limited~~
2 ~~to,~~ shall include Native Hawaiian, Guamanian and Chamorro, and Samoan [~~7~~
3 ~~Fijian and Tongan~~]; or

4 (c) collection categories shall include a category for other Asian or
5 Pacific Island group.

6 2. Every state agency, board, department, or commission that directly
7 [~~or by contract~~] collects demographic data as to the ancestry or ethnic
8 origin of residents of the state of New York shall use separate
9 collection categories and tabulations for the following:

10 (a) the primary language spoken at home; and

11 (b) the [~~ethic~~] ethnic group or ancestry.

12 3. Upon the release of a new five-year American community survey
13 published by the United States Census Bureau, every state agency, board,
14 department or commission shall update their data collection and report-
15 ing practices as required by this section and shall continue to collect
16 and report on any demographic group no longer included in the ten most
17 populous groups until the release of the following five-year American
18 community survey, at which time state agencies, boards, departments or
19 commissions may cease to collect and report on such demographic groups
20 provided they remain outside the ten most populous groups.

21 4. The data collected pursuant to the different collection categories
22 and tabulations described in subdivision one of this section, to the
23 degree that the data quality is sufficient, shall be included in every
24 demographic report on ancestry or ethnic origins of residents of the
25 state of New York by the state agency, board, department, or commission
26 published or released on or after [~~July~~] December first, two thousand
27 [~~twenty-two~~] twenty-three; provided, however, that for the department of
28 labor, division of criminal justice services, office of mental health
29 and office of temporary and disability assistance such requirements
30 shall be effective July first, two thousand twenty-four. The data shall
31 be made available to the public in accordance with state and federal
32 law, except for personal identifying information, which shall be deemed
33 confidential, by posting the data on the internet web site of the agen-
34 cy, board, department, or commission on or before [~~July~~] December first,
35 two thousand [~~twenty-two~~] twenty-three, and annually thereafter;
36 provided, however, that for the department of labor, division of crimi-
37 nal justice services, office of mental health and office of temporary
38 and disability assistance such requirements shall be effective July
39 first, two thousand twenty-four. If the data quality is determined to
40 be insufficient for publication, an explanation of the problem with the
41 data quality shall be included in any report or publication made avail-
42 able to the public. This subdivision shall not be construed to prevent
43 any other state agency from posting data collected pursuant to subdivi-
44 sion one of this section on the agency's internet web site, in the
45 manner prescribed by this section.

46 5. The requirements of this section shall not apply to the department
47 of labor, the division of criminal justice services, the office of
48 mental health or the office of temporary and disability assistance until
49 two years after this section shall have become a law.

50 § 2. Subdivision (c) of section 1 of a chapter of the laws of 2021
51 amending the executive law relating to requiring the collection of
52 certain demographic information by certain state agencies, boards,
53 departments and commissions, as proposed in legislative bills numbers S.
54 6639-A and A. 6896-A, is amended to read as follows:

55 (c) Existing state law requires state demographic data to be collected
56 for Asian and some Native Hawaiian and Pacific Islander ethnic groups.

1 However, additional ethnic groups reported by the United States Census
2 Bureau are not included that reflect changing demographics and intra-
3 state migration patterns. [~~Most state agencies are currently not in
4 compliance with existing state law or have not made the collected data
5 accessible. Data should be updated on a regular basis and made accessi-
6 ble to the public so that regional and local governments, elected offi-
7 cials, decision makers, and other stakeholders can use the information
8 to strategically target programs for those most in need.~~]

9 § 3. Section 3 of a chapter of the laws of 2021 amending the executive
10 law relating to requiring the collection of certain demographic informa-
11 tion by certain state agencies, boards, departments and commissions, as
12 proposed in legislative bills numbers S. 6639-A and A. 6896-A, is
13 amended to read as follows:

14 § 3. This act shall take effect on the one hundred [~~twentieth~~] eight-
15 ieth day after it shall have become a law.

16 § 4. This act shall take effect immediately; provided, however, that
17 sections one and two of this act shall take effect on the same date and
18 in the same manner as a chapter of the laws of 2021, relating to requir-
19 ing the collection of certain demographic information by certain state
20 agencies, boards, departments and commissions, as proposed in legisla-
21 tive bills numbers S. 6639-A and A. 6896-A, takes effect.