STATE OF NEW YORK

3468--B

Cal. No. 259

2021-2022 Regular Sessions

IN SENATE

January 29, 2021

Introduced by Sens. KENNEDY, ADDABBO, COONEY, HARCKHAM, HINCHEY, KAPLAN, KRUEGER, MAY, MAYER, REICHLIN-MELNICK, SANDERS, SEPULVEDA -- 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 -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

Section 1. The executive law is amended by adding a new article 15-D 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-h. Reporting.

§ 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.

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

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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.

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

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

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

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

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

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

2. The head of the office shall be the director, who shall serve as the chief equity officer for the state of New York. The director shall be appointed by the governor with the consent and approval of the senate and receive a salary to be fixed by the governor within the amounts appropriated therefor.

3. The director may, from time to time, create, abolish, transfer and consolidate bureaus and other units within the office not expressly established by law as the director may determine necessary for the efficient operation of the office, subject to the approval of the director of the budget.

4. The director may appoint assistants, and other officers and employees, committees and consultants as the director may deem necessary, prescribe their powers and duties, fix their compensation within the amounts appropriated therefor.

5. The director may request and receive from any department, division, board, bureau, commission or other agency of the state any information and resources that will enable the office to properly carry out its functions, powers and duties.

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

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

2. To establish, oversee, manage, coordinate and facilitate the planning, design and implementation of the state's racial equity and social justice action plan, such plan shall incorporate and embed racial equity and social justice principles and strategies into operations, programs, service policies and community engagement to eliminate inequity, institutional racism and individual racism in the state, and shall include racial equity and social justice training for all state employees.

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

4. To perform racial equity and social justice reviews and make recommendations for improving management and program effectiveness pertaining to racial equity and social justice, including, but not limited to, an annual racial equity and social justice impact statement which shall accompany the executive budget.

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

§ 328-h. Reporting. The office shall submit a report to the governor, the speaker of the assembly and the temporary president of the senate no later than one year after the effective date of this article and annually thereafter. Such report shall contain, at minimum, information related to policy recommendations of the office and the activities of the racial equity and social justice advisory committee. Such report shall also be published on the website of the office of the governor.

§ 2. This act shall take effect July 1, 2023.