

STATE OF NEW YORK

6896--A

2021-2022 Regular Sessions

IN ASSEMBLY

April 13, 2021

Introduced by M. of A. NIOU, KIM, DE LA ROSA, ROZIC, L. ROSENTHAL, WEPRIN, RICHARDSON, FITZPATRICK, ENGLEBRIGHT, FRONTUS, SOLAGES, REYES, FERNANDEZ, BRAUNSTEIN, GOTTFRIED, MITAYNES, GONZALEZ-ROJAS, EPSTEIN -- read once and referred to the Committee on Governmental Operations -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to requiring the collection of certain demographic information by certain state agencies, boards, departments 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
17 Pacific Islander communities in this state share geographical and
18 cultural commonalities, they also experience diverse social, educa-

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

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1 tional, health, and economic differences that are unique to their
2 respective communities.

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

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

18 § 2. The executive law is amended by adding a new section 170-e to
19 read as follows:

20 § 170-e. Collection of demographic information. 1. Every state agen-
21 cy, board, department, or commission that directly or by contract
22 collects demographic data as to the ancestry or ethnic origin of resi-
23 dents of the state of New York shall use separate collection categories
24 and tabulations for the following:

25 (a) each major Asian group, including, but not limited to, Chinese,
26 Japanese, Filipino, Korean, Vietnamese, Asian Indian, Laotian, Cambodi-
27 an, Bangladeshi, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan,
28 Taiwanese, Nepalese, Burmese, Tibetan, and Thai; and

29 (b) each major Pacific Islander group, including, but not limited to,
30 Hawaiian, Guamanian, Samoan, Fijian and Tongan; or

31 (c) other Asian or Pacific Island group.

32 2. Every state agency, board, department, or commission that directly
33 or by contract collects demographic data as to the ancestry or ethnic
34 origin of residents of the state of New York shall use separate
35 collection categories and tabulations for the following:

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

37 (b) the ethic group or ancestry.

38 3. The data collected pursuant to the different collection categories
39 and tabulations described in subdivision one of this section shall be
40 included in every demographic report on ancestry or ethnic origins of
41 residents of the state of New York by the state agency, board, depart-
42 ment, or commission published or released on or after July first, two
43 thousand twenty-two. The data shall be made available to the public in
44 accordance with state and federal law, except for personal identifying
45 information, which shall be deemed confidential, by posting the data on
46 the internet web site of the agency, board, department, or commission on
47 or before July first, two thousand twenty-two, and annually thereafter.
48 This subdivision shall not be construed to prevent any other state agen-
49 cy from posting data collected pursuant to subdivision one of this
50 section on the agency's internet web site, in the manner prescribed by
51 this section.

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