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:

Section 1. Section 170-e of the executive law, as added by 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, is amended to read as follows:

§ 170-e. Collection of demographic information. 1. Every state agency, board, department, 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 **Asian and Pacific Islander groups in New York state**:

(a) each major Asian group[~~, including, but not limited to,~~] **shall include** Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, [~~Laotian, Cambodian,~~] Bangladeshi, [~~Hmong, Indonesian, Malaysian,~~] Pakistani, [~~Sri Lankan, Taiwanese, Nepalese, Burmese, Tibetan, and Thai~~] **and all of the ten most populous Asian groups in the most recent five-year American community survey published by the United States Census Bureau**; and

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

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

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

2. Every state agency, board, department, 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 spoken at home; and

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

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

4. The data collected pursuant to the different collection categories and tabulations described in subdivision one of this section, to the degree that the data quality is sufficient, 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, department, or commission published or released on or after [~~July~~] December first, two thousand [~~twenty-two~~] twenty-three; provided, however, that for the department of labor, division of criminal justice services, office of mental health and office of temporary and disability assistance such requirements shall be effective July first, two thousand twenty-four. 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, board, department, or commission on or before [~~July~~] December first, two thousand [~~twenty-two~~] twenty-three, and annually thereafter; provided, however, that for the department of labor, division of criminal justice services, office of mental health and office of temporary and disability assistance such requirements shall be effective July first, two thousand twenty-four. If the data quality is determined to be insufficient for publication, an explanation of the problem with the data quality shall be included in any report or publication made available to the public. This subdivision shall not be construed to prevent any other state agency from posting data collected pursuant to subdivision one of this section on the agency's internet web site, in the manner prescribed by this section.

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

§ 2. Subdivision (c) of section 1 of 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, is amended to read as follows:

(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 intra-state 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.~~]

§ 3. Section 3 of 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, is amended to read as follows:

§ 3. This act shall take effect on the one hundred [~~twentieth~~] **eightieth** day after it shall have become a law.

§ 4. This act shall take effect immediately; provided, however, that sections one and two of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2021, 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, takes effect.