

STATE OF NEW YORK

10245

IN ASSEMBLY

May 15, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Lucas) --
read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring the
collection of certain demographic information by state agencies,
boards, departments and commissions

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

- 1 Section 1. Legislative intent. The legislature hereby finds and
2 declares the following:
- 3 (a) American Freedmen, descendants of persons enslaved in the United
4 States, Black Caribbean, Black African, and the Black Central and South
5 American immigrant populations are the most diverse in the United
6 States. The vast majority of the group consist of American Freedmen,
7 people who were trafficked against their will to the US via the Transat-
8 lantic Slave Trade, a minority group consisting of persons who voluntar-
9 ily immigrated to the United States.
- 10 (b) While Black/African Americans are often misrepresented as a homo-
11 geneous group, they are an extremely diverse group, with ethnicities
12 from over 87 different countries. Although American Freedmen, Black
13 Caribbean Immigrants, African Immigrants, and those from Central and
14 South America in this state share geographical commonalities, they expe-
15 rience different social, educational, health, and economic outcomes that
16 are unique to their respective communities.
- 17 (c) Existing state law requires state demographic data to be collected
18 for Black/African American as a singular ethnic group. However, preced-
19 ence has been set by both the recent passing of chapter 745 of the laws
20 of 2021 requiring the collection of certain demographic information by
21 certain state agencies, boards and commissions within the Asian American
22 Pacific Islander communities. Precedence was also set on the 2020 US
23 census which disaggregated both Asian and Latino groups. The United
24 States Census Bureau currently reports data for more than 20 different
25 ethnicities within the "Asian" & "Native Hawaiians and Other Pacific
26 Islanders" categories alone.

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

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1 (d) State agencies should collect and update data on a regular basis
2 and make it accessible to the public so that regional and local govern-
3 ments, elected officials, decision makers, and other stakeholders can
4 use the information to strategically target programs for those most in
5 need.

6 (e) Given the diversity of languages, cultures, and specific histor-
7 ical oppression, separating data between Black/African American ethnic
8 groups and making the data publicly accessible are critical for enhanc-
9 ing our state's understanding of the needs and experiences of these
10 different communities.

11 § 2. Section 170-e of the executive law, as amended by chapter 123 of
12 the laws of 2022, is amended to read as follows:

13 § 170-e. Collection of demographic information. 1. (a) Every state
14 agency, board, department, or commission that directly collects demo-
15 graphic data as to the ancestry or ethnic origin of residents of the
16 state of New York shall use separate collection categories and tabu-
17 lations for the following Asian and Pacific Islander groups in New York
18 state:

19 [~~a~~] (i) each major Asian group shall include Chinese, Japanese,
20 Filipino, Korean, Vietnamese, Asian Indian, Bangladeshi, Pakistani, and
21 all of the ten most populous Asian groups in the most recent five-year
22 American community survey published by the United States Census Bureau;
23 and

24 [~~b~~] (ii) each major Pacific Islander group shall include Native
25 Hawaiian, Guamanian and Chamorro, and Samoan; or

26 [~~e~~] (iii) collection categories shall include a category for other
27 Asian or Pacific Island group.

28 [~~2~~] (b) Every state agency, board, department, or commission that
29 directly collects demographic data as to the ancestry or ethnic origin
30 of residents of the state of New York shall use separate collection
31 categories and tabulations for the following:

32 [~~a~~] (i) the primary language spoken at home; and

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

34 [~~3~~] (c) Upon the release of a new five-year American community survey
35 published by the United States Census Bureau, every state agency, board,
36 department or commission shall update their data collection and report-
37 ing practices as required by this [~~section~~] subdivision and shall
38 continue to collect and report on any demographic group no longer
39 included in the ten most populous groups until the release of the
40 following five-year American community survey, at which time state agen-
41 cies, boards, departments or commissions may cease to collect and report
42 on such demographic groups provided they remain outside the ten most
43 populous groups.

44 [~~4~~] (d) The data collected pursuant to the different collection cate-
45 gories and tabulations described in paragraph (a) of this subdivision
46 [~~one of this section~~], to the degree that the data quality is suffi-
47 cient, shall be included in every demographic report on ancestry or
48 ethnic origins of residents of the state of New York by the state agen-
49 cy, board, department, or commission published or released on or after
50 December first, two thousand twenty-three; provided, however, that for
51 the department of labor, division of criminal justice services, office
52 of mental health and office of temporary and disability assistance such
53 requirements shall be effective July first, two thousand twenty-four.
54 The data shall be made available to the public in accordance with state
55 and federal law, except for personal identifying information, which
56 shall be deemed confidential, by posting the data on the internet web

1 site of the agency, board, department, or commission on or before Decem-
2 ber first, two thousand twenty-three, and annually thereafter; provided,
3 however, that for the department of labor, division of criminal justice
4 services, office of mental health and office of temporary and disability
5 assistance such requirements shall be effective July first, two thousand
6 twenty-four. If the data quality is determined to be insufficient for
7 publication, an explanation of the problem with the data quality shall
8 be included in any report or publication made available to the public.
9 This [~~subdivision~~] paragraph shall not be construed to prevent any other
10 state agency from posting data collected pursuant to paragraph (a) of
11 this subdivision [~~one of this section~~] on the agency's internet web
12 site, in the manner prescribed by this [~~section~~] subdivision.

13 [~~5-~~] (e) The requirements of this [~~section~~] subdivision shall not
14 apply to the department of labor, the division of criminal justice
15 services, the office of mental health or the office of temporary and
16 disability assistance until two years after this [~~section~~] subdivision
17 shall have become a law.

18 2. (a) Every state agency, board, department, or commission that
19 directly or by contract collects demographic data as to the ancestry or
20 ethnic origin of residents of the state of New York shall use separate
21 collection categories and tabulations for the following black groups in
22 New York state:

23 (i) "Black/African Americans" means descendants of persons enslaved in
24 the United States as defined as individuals historically classified as
25 Negros, Colored, Mulatto, Black, with at least one ancestor who was
26 enslaved or subject to chattel slavery in the United States, were eman-
27 cipated via the 1863 Emancipation Proclamation and the Thirteenth Amend-
28 ment of 1865 and given the status of Freedmen by way of the Freedmen
29 Acts of 1865.

30 (ii) "African Blacks" means individuals with ancestry and citizenship
31 from the continent of Africa, including, but not limited to, one or more
32 of the following countries: Algeria, Angola, Benin, Botswana, Burkina
33 Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad,
34 Comoros, Cote d'Ivoire, Democratic Republic of the Congo, Djibouti,
35 Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia,
36 Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagas-
37 car, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia,
38 Niger, Nigeria, Republic of the Congo, Rwanda, Sao Tome and Principe,
39 Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan,
40 Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia, or Zimbabwe.

41 (iii) "Caribbean Blacks" means individuals with ancestry and citizen-
42 ship from Caribbean countries, including, but not limited to one or more
43 of the following countries: Belize, Puerto Rico, Cuba, Jamaica, Haiti,
44 Trinidad and Tobago, Guyana, Barbados, Grenada, St. Croix, St. Kitts,
45 the Bahamas, and the Dominican Republic, etc.

46 (iv) "Central and South American Blacks" means individuals with ances-
47 try and citizenship from Central and South American countries, includ-
48 ing, but not limited to one or more of the following countries: Belize,
49 Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama,
50 Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, French Guiana
51 (departement of France), Guyana, Paraguay, Peru, Suriname, Uruguay, or
52 Venezuela.

53 (b) Every state agency, board, department, or commission that directly
54 or by contract collects demographic data as to the ancestry or ethnic
55 origin of residents of the state of New York shall use separate
56 collection categories and tabulations for the following:

1 (i) The primary language spoken at home; and

2 (ii) The ethnic group or ancestry.

3 (c) The data collected pursuant to the different collection categories
4 and tabulations described in paragraph (a) of this subdivision shall be
5 included in every demographic report on ancestry or ethnic origins of
6 residents of the state of New York by the state agency, board, depart-
7 ment, or commission published or released on or after July first, two
8 thousand twenty-five. The data shall be made available to the public in
9 accordance with state and federal law, except for personal identifying
10 information, which shall be deemed confidential, by posting the data on
11 the internet web site of the agency, board, department, or commission on
12 or before July first, two thousand twenty-five and annually thereafter.
13 This paragraph shall not be construed to prevent any other state agency
14 from posting data collected pursuant to paragraph (a) of this subdivi-
15 sion on the agency's internet web site, in the manner prescribed by this
16 subdivision.

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