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 Assembly, do enact as follows:

Section 1. Legislative intent. The legislature hereby finds and declares the following:

(a) American Freedmen, descendants of persons enslaved in the United States, Black Caribbean, Black African, and the Black Central and South American immigrant populations are the most diverse in the United States. The vast majority of the group consist of American Freedmen, people who were trafficked against their will to the US via the Transatlantic Slave Trade, a minority group consisting of persons who voluntarily immigrated to the United States.

(b) While Black/African Americans are often misrepresented as a homogeneous group, they are an extremely diverse group, with ethnicities from over 87 different countries. Although American Freedmen, Black Caribbean Immigrants, African Immigrants, and those from Central and South America in this state share geographical commonalities, they experience different social, educational, health, and economic outcomes that are unique to their respective communities.

(c) Existing state law requires state demographic data to be collected for Black/African American as a singular ethnic group. However, precedence has been set by both the recent passing of chapter 745 of the laws of 2021 requiring the collection of certain demographic information by certain state agencies, boards and commissions within the Asian American Pacific Islander communities. Precedence was also set on the 2020 US census which disaggregated both Asian and Latino groups. The United States Census Bureau currently reports data for more than 20 different ethnicities within the "Asian" & "Native Hawaiians and Other Pacific Islanders" categories alone.

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

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(d) State agencies should collect and update data on a regular basis and make it 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.

(e) Given the diversity of languages, cultures, and specific historical oppression, separating data between Black/African American ethnic groups and making the data publicly accessible are critical for enhancing our state's understanding of the needs and experiences of these different communities.

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

§ 170-e. Collection of demographic information. 1. **(a)** Every state agency, board, department, or commission that directly 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)~~] **(i)** each major Asian group shall include Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Bangladeshi, Pakistani, 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

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

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

[~~2.~~] **(b)** Every state agency, board, department, or commission that directly 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)~~] **(i)** the primary language spoken at home; and

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

[~~3.~~] **(c)** 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~~] **subdivision** 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.~~] **(d)** The data collected pursuant to the different collection categories and tabulations described in **paragraph (a) of this** 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 December first, two thousand 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 December first, two thousand 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~~] paragraph shall not be construed to prevent any other state agency from posting data collected pursuant to paragraph (a) of this subdivision [~~one of this section~~] on the agency's internet web site, in the manner prescribed by this [~~section~~] subdivision.

[~~5.~~] (e) The requirements of this [~~section~~] subdivision 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~~] subdivision shall have become a law.

2. (a) 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 black groups in New York state:

(i) "Black/African Americans" means descendants of persons enslaved in the United States as defined as individuals historically classified as Negros, Colored, Mulatto, Black, with at least one ancestor who was enslaved or subject to chattel slavery in the United States, were emancipated via the 1863 Emancipation Proclamation and the Thirteenth Amendment of 1865 and given the status of Freedmen by way of the Freedmen Acts of 1865.

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

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

(iv) "Central and South American Blacks" means individuals with ancestry and citizenship from Central and South American countries, including, but not limited to one or more of the following countries: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, French Guiana (departement of France), Guyana, Paraguay, Peru, Suriname, Uruguay, or Venezuela.

(b) 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:

(i) The primary language spoken at home; and

(ii) The ethnic group or ancestry.

(c) The data collected pursuant to the different collection categories and tabulations described in paragraph (a) of this subdivision 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 first, two thousand twenty-five. 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 first, two thousand twenty-five and annually thereafter. This paragraph shall not be construed to prevent any other state agency from posting data collected pursuant to paragraph (a) of this subdivision on the agency's internet web site, in the manner prescribed by this subdivision.

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