STATE OF NEW YORK

6879--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. SHRESTHA, REYES, RAGA, GONZALEZ-ROJAS, DICKENS, DE LOS SANTOS, ROZIC, KIM, FORREST, CRUZ, BRAUNSTEIN, LEE, RAMOS, THIELE, AUBRY, MAMDANI, MITAYNES, CUNNINGHAM -- Multi-Sponsored by -- M. of A. SIMON -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to requiring state agencies to publish certain information in local, community and ethnic media

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

Section 1. This act shall be known and may be cited as the "local, community and ethnic media commitment act".

§ 2. Legislative findings and intent. The legislature hereby finds and declares New York is one of the most diverse states in America and local, community and ethnic media provides an important way for the state to connect and ensure that its message reaches all New Yorkers; and

The legislature hereby finds and declares that according to the U.S. Census population estimates for 2022, approximately 23 percent of New York state residents and 37 percent of New York city residents are foreign-born and according to the 2019 U.S. Census population estimates approximately 30 percent of New York state residents do not speak English as their primary language and 13 percent of New York state residents have a limited ability to read, speak, write, or understand English; and

The legislature hereby finds and declares that the state of New York wants to ensure that critical information about state services, policies, and opportunities reach these communities and local, community and

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

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ethnic media is a pathway to allow members of these communities, many of whom critically need information about New York state programs, to access it; and

Therefore, the legislature hereby finds and declares it is essential that all residents have meaningful access to state programs, services, and activities, and the public safety, health, economic prosperity, and general welfare of all New York state residents is furthered by increasing access to New York state programs and services, regardless of native language, race, color, gender, national origin, ethnicity, religion, sexual orientation, disability or immigrant status.

§ 3. The executive law is amended by adding a new section 164-e to read as follows:

§ 164-e. Bolstering our responsibility to local, community and ethnic media. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "local, community and ethnic media" shall mean any print or digital publication that: creates community specific content for a geographically contiguous area no greater than one fifth of the state, or is created for communities of people based on native language, race, color, gender, national origin, ethnicity, religion, sexual orientation, disability or immigrant status; or falls within specifically tailored subject matter as determined by the department of state.

(b) "state agency" or "agency" shall mean any department, division, commission, agency and any other entity of the state.

2. Local, community and ethnic media advertising. Every state agency shall ensure that, by December thirty-first, two thousand twenty-six, and for every year thereafter, at least fifty percent of their annual print and digital publication advertising spending shall go toward local, community and ethnic media outlets. The office of general services shall take all steps necessary, consistent with applicable law, to implement the provisions of this section, particularly with respect to the state education department, the department of health, and state housing authorities.

3. Approved media outlet list. The office of general services shall develop and maintain a list of local, community and ethnic media outlets that promote and exemplify the state's many interconnected communities, as described in subdivision one of this section, for state agencies, including, but not limited to, the state education department, the department of health, and state housing authorities, to use at their discretion. State agencies may petition the office of general services to include advertisements such agencies have published in outlets that are not on the approved list toward their local, community and ethnic media outlet spending.

4. Development and transparency. State agency employees or representatives that work on purchasing print or digital publication advertising shall be required to participate in regular trainings established by the office of general services on the use of local, community and ethnic media advertising. Beginning in two thousand twenty-five, and every year thereafter, state agencies shall submit a year-end data report to the governor, the temporary president of the senate and the speaker of the assembly regarding the agency's annual print and digital publication advertising spending. The report shall include, but not be limited to, the total amount each agency spent on print and digital publication advertising and the total amount each agency spent on local, community and ethnic media advertising. Data regarding each agency's annual print and digital publication advertising shall be made available to the

office of general services at the beginning of each year and shall be posted on the office of general services' website.

5. Exemption for legally required notices. To the extent that this section conflicts with a state agency's requirements to comply with legal and statutory notices that require posting or distribution in publications or media pursuant to local, state, or other applicable law, such notices shall be exempt from the requirements in this section. For purposes of this exemption, agencies may subtract the publication costs of such legally required notices from their total advertising budgets before calculating their required local, community and ethnic media advertising spending pursuant to subdivision two of this section.

§ 4. This act shall take effect immediately.