

STATE OF NEW YORK

9380

IN ASSEMBLY

March 6, 2024

Introduced by M. of A. TAYLOR -- Multi-Sponsored by -- M. of A. LEVENBERG -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to establishing the office of ethnic and community media

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

1 Section 1. The executive law is amended by adding a new section 170-h
2 to read as follows:

3 § 170-h. Office of ethnic and community media. 1. For the purposes of
4 this section, the following terms shall have the following meanings:

5 (a) "ethnic and community media outlet" means any media outlet that:

6 (i) serves particular communities of people based on native language,
7 race, color, gender, national origin, ethnicity, religion, sexual orien-
8 tation, disability or immigrant status;

9 (ii) targets a discrete neighborhood, geographic region or population
10 within the state rather than the state as a whole; or

11 (iii) falls within a specifically tailored subject matter, as deter-
12 mined by the executive director;

13 (b) "executive director" means the executive director of ethnic and
14 community media;

15 (c) "media outlet" means a publication that provides news or other
16 media content through print or digital means, and any television or
17 radio outlet; and

18 (d) "state agency" means:

19 (i) any agency the head of which is appointed by the governor; and

20 (ii) any agency headed by a board, commission or other multi-member
21 body, the majority of the membership of which is appointed by the gover-
22 nor.

23 2. (a) There shall be an office of ethnic and community media. Such
24 office shall be headed by an executive director of ethnic and community
25 media who shall be appointed by the governor.

26 (b) The executive director shall have the power and duty to perform
27 the following functions related to ethnic and community media:

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

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1 (i) advise and assist the governor in coordinating the communication
2 of government-related information to the public;

3 (ii) facilitate communication between state agencies to assist such
4 agencies in delivering consistent information via community and ethnic
5 media outlets to the public;

6 (iii) monitor state agencies' distribution of advertising resources in
7 accordance with this section;

8 (iv) develop and maintain a list of ethnic and community media outlets
9 for state agencies to use at their discretion. The executive director
10 shall publish guidelines setting forth a process for the development of
11 such list;

12 (v) create forms for requests for waivers pursuant to this section;

13 (vi) during the calendar year beginning January first, two thousand
14 twenty-five and at least once each year thereafter, prepare and submit
15 to the governor, the temporary president of the senate and the speaker
16 of the assembly a report on the annual advertising for the preceding
17 fiscal year of each state agency, and with respect to each such entity,
18 such report shall include, but need not be limited to, the total amount
19 paid by each entity to media outlets for advertising and the total
20 amount each entity paid to ethnic and community media outlets for adver-
21 tising. With respect to state agencies, such report shall include any
22 waivers issued pursuant to this section. State agencies shall provide
23 appropriate data to the office of ethnic and community media to complete
24 such report;

25 (vii) hold at least one annual training for state officers and employ-
26 ees responsible for purchasing advertising; and

27 (viii) delegate these powers and duties to any individuals designated
28 in writing as deputies of the executive director.

29 (c) The executive director may appoint deputies and staff within
30 available appropriations.

31 3. (a) Each state agency shall seek to direct at least fifty percent
32 of its total spending on advertising to ethnic and community media
33 outlets, provided that a state agency may apply to the executive direc-
34 tor for an annual waiver of this goal. Any such application shall
35 provide a particularized explanation regarding the public purpose that
36 would be served by the issuance of a waiver. If a waiver is granted by
37 the executive director, it shall be posted on a website managed or oper-
38 ated by such state agency together with the explanation for the waiver.

39 (b) To the extent paragraph (a) of this subdivision conflicts with a
40 state agency's obligation to issue notices required by law to be posted
41 or distributed in media outlets, the terms of paragraph (a) of this
42 subdivision shall not apply. In implementing the requirements of para-
43 graph (a) of this subdivision, a state agency shall omit the publication
44 cost of such legally required notices from its total advertising budget
45 before calculating its required ethnic and community media outlet spend-
46 ing pursuant to paragraph (a) of this subdivision.

47 § 2. This act shall take effect on the ninetieth day after it shall
48 have become a law.