STATE OF NEW YORK

636--A

Cal. No. 174

2023-2024 Regular Sessions

IN SENATE

January 5, 2023

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the business corporation law and the limited liability company law, in relation to requiring certain companies and corporations to report certain data regarding the gender, race and ethnicity of their employees

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

Section 1. Paragraph 1 of section 408 of the business corporation law is amended by adding a new subparagraph (e) to read as follows:

(e) For those corporations required to file an employer information report EEO-1 with the equal employment opportunity commission, such corporations shall file a copy of such employer information report EEO-1 with the secretary of state. For each corporation that submits data pursuant to this paragraph, the secretary of state shall publish the data on the gender, race, and ethnicity of each corporation's employees on the secretary of state's official website. The secretary of state shall publish such information within ninety days of receipt of a properly filed statement or as soon thereafter as practicable.

§ 2. Paragraph 1 of subdivision (e) of section 301 of the limited liability company law, as amended by section 5 of part S of chapter 59 of the laws of 2015, is amended to read as follows:

(1) Except as otherwise provided in this subdivision, every limited liability company to which this chapter applies, shall biennially in the calendar month during which its articles of organization or application for authority were filed, or effective date thereof if stated, file on

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

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forms prescribed by the secretary of state, a statement setting forth the post office address within or without this state to which the secretary of state shall mail a copy of any process accepted against it served upon him or her. Such address shall supersede any previous address on file with the department of state for this purpose. **Additionally, for those limited liability companies required to file an employer information report EEO-1 with the equal employment opportunity commission, such limited liability companies shall file a copy of such employer information report EEO-1 with the secretary of state. For each limited liability company that submits data pursuant to this subdivision, the secretary of state shall publish the data on the gender, race, and ethnicity of each company's employees on the secretary of state's official website. The secretary of state shall publish such information within ninety days of receipt of a properly filed statement or as soon thereafter as practicable.**

§ 3. This act shall take effect two years after it shall have become a law.