

STATE OF NEW YORK

6584

2023-2024 Regular Sessions

IN SENATE

April 27, 2023

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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

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

1 Section 1. Section 170-e of the executive law, as amended by chapter
2 123 of the laws of 2022, is amended to read as follows:

3 § 170-e. Collection of demographic information. 1. Every state agency,
4 board, department, or commission that directly collects demographic data
5 as to the ancestry or ethnic origin of residents of the state of New
6 York shall use separate collection categories and tabulations for the
7 following Asian and Pacific Islander groups in New York state:

8 (a) each major Asian group shall include Chinese, Japanese, Filipino,
9 Korean, Vietnamese, Asian Indian, Bangladeshi, Pakistani, and all of the
10 ten most populous Asian groups in the most recent five-year American
11 community survey published by the United States Census Bureau; and

12 (b) each major Pacific Islander group shall include Native Hawaiian,
13 Guamanian and Chamorro, and Samoan; or

14 (c) collection categories shall include a category for other Asian or
15 Pacific Island group.

16 2. Every state agency, board, department, or commission that directly
17 collects demographic data as to the ancestry or ethnic origin of resi-
18 dents of the state of New York shall use separate collection categories
19 and tabulations for the White group in New York state.

20 3. Every state agency, board, department, or commission that directly
21 collects demographic data as to the ancestry or ethnic origin of resi-
22 dents of the state of New York shall use separate collection categories
23 and tabulations for the following Middle Eastern or North African groups
24 in New York state:

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

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1 (a) each major Middle Eastern or North African group shall include
2 Lebanese, Egyptian, Israeli, Turkish, Iranian, Syrian, Moroccan, Pales-
3 tinian, and all of the ten most populous Middle Eastern or North African
4 groups in the most recent five-year American community survey published
5 by the United States Census Bureau; or

6 (b) collection categories shall include a category for other Middle
7 Eastern or North African group.

8 4. Every state agency, board, department, or commission that directly
9 collects demographic data as to the ancestry or ethnic origin of resi-
10 dents of the state of New York shall use separate collection categories
11 and tabulations for the following:

12 (a) the primary language spoken at home; and

13 (b) the ethnic group or ancestry.

14 ~~[3-]~~ 5. Upon the release of a new five-year American community survey
15 published by the United States Census Bureau, every state agency, board,
16 department or commission shall update their data collection and report-
17 ing practices as required by this section and shall continue to collect
18 and report on any demographic group no longer included in the ten most
19 populous groups until the release of the following five-year American
20 community survey, at which time state agencies, boards, departments or
21 commissions may cease to collect and report on such demographic groups
22 provided they remain outside the ten most populous groups.

23 ~~[4-]~~ 6. The data collected pursuant to the different collection cate-
24 gories and tabulations described in subdivision one of this section, to
25 the degree that the data quality is sufficient, shall be included in
26 every demographic report on ancestry or ethnic origins of residents of
27 the state of New York by the state agency, board, department, or commis-
28 sion published or released on or after December first, two thousand
29 twenty-three; provided, however, that for the department of labor, divi-
30 sion of criminal justice services, office of mental health and office of
31 temporary and disability assistance such requirements shall be effective
32 July first, two thousand twenty-four. The data shall be made available
33 to the public in accordance with state and federal law, except for
34 personal identifying information, which shall be deemed confidential, by
35 posting the data on the internet web site of the agency, board, depart-
36 ment, or commission on or before December first, two thousand twenty-
37 three, and annually thereafter; provided, however, that for the depart-
38 ment of labor, division of criminal justice services, office of mental
39 health and office of temporary and disability assistance such require-
40 ments shall be effective July first, two thousand twenty-four. If the
41 data quality is determined to be insufficient for publication, an expla-
42 nation of the problem with the data quality shall be included in any
43 report or publication made available to the public. This subdivision
44 shall not be construed to prevent any other state agency from posting
45 data collected pursuant to subdivision one of this section on the agen-
46 cy's internet web site, in the manner prescribed by this section.

47 ~~[5-]~~ 7. The requirements of this section shall not apply to the
48 department of labor, the division of criminal justice services, the
49 office of mental health or the office of temporary and disability
50 assistance until two years after this section shall have become a law.

51 § 2. This act shall take effect on the one hundred twentieth day after
52 it shall have become a law. Effective immediately, the addition, amend-
53 ment and/or repeal of any rule or regulation necessary for the implemen-
54 tation of this act on its effective date are authorized to be made and
55 completed on or before such effective date.