

Introduced by Senator Simitian

December 4, 2006

An act to add Section 8310.6 to the Government Code, relating to state agencies.

LEGISLATIVE COUNSEL'S DIGEST

SB 26, as introduced, Simitian. State agencies: collection of data: ancestry or ethnic origin.

Existing law requires state agencies, boards, or commissions that directly or by contract collect demographic data as to the ancestry or ethnic origin of Californians, and state agencies conducting surveys as to the ancestry or ethnic origin of state civil service employees, to use separate collection categories for each major Asian and Pacific Islander group.

This bill would, with specified exceptions, require any state agency, board, or commission that directly or by contract collects demographic data, as soon as reasonably feasible and in no event later than January 1, 2017, to provide forms that offer respondents the option of selecting one or more ethnic or racial designations according to specified federal standards.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8310.6 is added to the Government Code,
- 2 to read:
- 3 8310.6. (a) This section shall be known and may be cited as
- 4 the Ethnic Heritage Respect and Recognition Act.

1 (b) The Legislature hereby finds and declares all of the
2 following:

3 (1) This state currently has the largest population of people
4 among the United States who identify with more than one ancestry,
5 ethnicity, or race. This population of Californians who identify as
6 multiracial is rapidly growing.

7 (2) Many state forms that currently require respondents to
8 choose only a single ancestry, ethnicity, or race force multiracial
9 Californians to deny a significant part of their heritage. Information
10 collected in this manner often deprives the state of accurate data
11 with which to meet the needs of its diverse communities.

12 (3) It is in the best interest of the state to respect, embrace, and
13 understand the full diversity of its residents.

14 (4) Respect for individual dignity should guide the processes
15 and methods for collecting and encoding data on ancestry,
16 ethnicity, and race.

17 (5) Since 1997, the federal Office of Management and Budget's
18 "Standards for Maintaining, Collecting, and Presenting Federal
19 Data on Race and Ethnicity" have required federal agencies to
20 ensure that individuals have the option of selecting one or more
21 ethnic or racial designations on federal government forms
22 requesting this information.

23 (c) Any state agency, board, or commission that directly or by
24 contract collects demographic data on the ancestry, ethnic origin,
25 ethnicity, or race of Californians shall do all of the following:

26 (1) Provide forms that offer respondents the option of selecting
27 one or more ethnic or racial designations pursuant to the federal
28 Office of Management and Budget's "Standards for Maintaining,
29 Collecting, and Presenting Federal Data on Race and Ethnicity."
30 Recommended forms for the instruction accompanying a multiple
31 response question are "mark one or more" and "select one or
32 more." A single designation for multiracial respondents does not
33 satisfy this requirement.

34 (2) Ensure in cases when data on respondents' ancestry, ethnic
35 origin, ethnicity, or race is reported to any other state agency,
36 board, or commission that it is neither tabulated nor reported
37 without all of the following:

38 (A) The number or percentage of respondents who identify with
39 each ethnic or racial designation alone and not in combination with
40 any other ethnic or racial designation.

1 (B) The number or percentage of respondents who identify with
2 each ethnic or racial designation, whether alone or in combination
3 with other ethnic or racial designations.

4 (C) The number or percentage of respondents who identify with
5 multiple ethnic or racial designations.

6 (D) For civil rights monitoring and enforcement, complying
7 with the rules for multiple race response allocation issued by the
8 federal Office of Management and Budget Bulletin No. 00-02 in
9 cases of state or federally mandated actions related to an ethnic or
10 a racial community, or to assessing disparate impact or
11 discriminatory patterns, the requirement of subparagraph (C) shall
12 not be considered satisfied without also complying with the
13 requirements of subparagraphs (A) and (B), and this subparagraph.

14 (d) Each state agency, board, or commission required to comply
15 with subdivision (c) shall comply as early as reasonably feasible
16 when updating forms, software, hardware, or information collection
17 procedures, and in no event later than January 1, 2017.

18 (e) Notwithstanding any other provision of this section, any
19 state agency, board, or commission that collects demographic data
20 from a local agency may continue to collect and report that data
21 to any other state agency, board, or commission in the form that
22 the local agency submits it.

23 (f) Notwithstanding any other provision of this section, any state
24 agency, board, or commission that collects ethnic and racial data
25 solely to comply with federal requirements may continue to collect
26 and report that data to any other state agency, board, or commission
27 in the form required by the federal government.