

AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1088

Introduced by Assembly Member Eng

February 18, 2011

An act to amend Section 8310.5 of, and to add Section 8310.7 to, the Government Code, relating to state agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 1088, as amended, Eng. State agencies: collection of demographic data.

Existing law requires any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for each major Asian and Pacific Islander group, including, but not limited to, Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Hawaiian, Guamanian, Samoan, Laotian, and Cambodian.

This bill would require ~~specified state agencies~~ *every state agency, board, or commission* to use additional separate collection categories and tabulations for other major Asian groups and Native Hawaiian and other Pacific Islander groups, including, but not limited to, ~~Bangladeshi, Fijian, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese, Thai, and Tongan~~ *Asian Indian, Bangladeshi, Cambodian, Chinese, Filipino, Hmong, Indonesian, Japanese, Korean, Laotian, Malaysian, Pakistani, Sri Lankan, Taiwanese, Thai, Vietnamese, Fijian, Native Hawaiian, Guamanian (also known as Chamorro), Samoan, and Tongan*. This bill would also require that ~~these specified state agencies~~ *a state agency, board, or commission* update their data collection categories to match those used by the United States Census

Bureau. This bill would further require a state agency, board, or commission that directly or by contract collects demographic data, include data on specified collection categories and tabulations in every demographic report on ancestry or ethnic origins of Californians that it publishes or releases on or after July 1, 2012. This bill would further require a state agency, board, or commission to make the collected data available to the public, in accordance with state and federal law, except for personal identifying information, which shall be deemed confidential. The bill would also require ~~a state agency, board, or commission~~ *specified state agencies, on or before July 1, 2012*, to post, and annually update, the demographic data on its Internet Web site.

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. The Legislature hereby finds and declares all of
- 2 the following:
- 3 (a) ~~More than one-third~~ *One-third* of the nation’s Asians and
- 4 Pacific Islanders, *totaling 5.4 million people*, live in California,
- 5 making the state home to more Asians and Pacific Islanders than
- 6 any other state in the nation.
- 7 (b) Asians and Pacific Islanders represent ~~14~~ *15.5* percent of
- 8 the state’s population, and grew by ~~52 percent from 1990 to 2000~~
- 9 *33.6 percent from 2000 to 2010*.
- 10 (c) Asians and Pacific Islanders are an incredibly diverse group.
- 11 Due to this diversity, the United States Office of Management and
- 12 Budget’s Statistical Policy Directive No. 15, entitled Race and
- 13 Ethnic Standards for Federal Statistics and Administrative
- 14 Reporting, separated the “Asian and Pacific Islander” category
- 15 into two distinct and separate categories, now called “Asians” and
- 16 “Native Hawaiians and Other Pacific Islanders,” and these two
- 17 distinct categories were used in the 2000 United States Census.
- 18 The United States Census Bureau currently reports data for more
- 19 than 20 different ethnicities within these two categories.
- 20 (d) ~~While Asians and Pacific Islanders are often misrepresented~~
- 21 ~~as a homogeneous group, they actually represent dozens of different~~
- 22 ~~cultures, languages, and ethnic groups and have a wide range of~~
- 23 ~~economic, educational, and social needs.~~

1 ~~(e) Existing state law requires state demographic data to be~~
2 ~~divided into some Asian and some Native Hawaiian and Pacific~~
3 ~~Islander ethnic groups. However, additional groups reported by~~
4 ~~the United States Census Bureau are not included in state~~
5 ~~demographic data.~~

6 *(d) While Asians and Pacific Islanders are often misrepresented*
7 *as a homogeneous group, they are an extremely diverse group,*
8 *with ethnicities from over 30 different countries. Although Asian*
9 *and Pacific Islander communities in this state share geographical*
10 *and cultural commonalities, they also experience diverse social,*
11 *educational, health, and economic differences that are unique to*
12 *their respective communities.*

13 *(e) Existing state law requires state demographic data to be*
14 *collected for Asian and some Native Hawaiian and Pacific Islander*
15 *ethnic groups. However, additional ethnic groups reported by the*
16 *United States Census Bureau are not included that reflect changing*
17 *demographics and intrastate migration patterns. Most state*
18 *agencies are currently not in compliance with existing state law*
19 *or have not made the collected data accessible. Data should be*
20 *updated on a regular basis and made accessible to the public so*
21 *that regional and local governments, elected officials,*
22 *decisionmakers, and other stakeholders can use the information*
23 *to strategically target programs for those most in need.*

24 *(f) Given the diversity of languages and cultures, separating*
25 *data for additional Asian and additional Native Hawaiian and*
26 *Pacific Islander ethnic groups is and making the data publicly*
27 *accessible are critical for enhancing our state's understanding of*
28 *the needs and experiences of these different communities.*

29 SEC. 2. Section 8310.5 of the Government Code is amended
30 to read:

31 8310.5. (a) Every state agency, board, or commission that
32 directly or by contract collects demographic data as to the ancestry
33 or ethnic origin of Californians shall use separate collection
34 categories and tabulations for each major Asian group, including,
35 but not limited to, Chinese, Japanese, Filipino, Korean, Vietnamese,
36 Asian Indian, Laotian, and Cambodian, and each major Native
37 Hawaiian and Pacific Islander group, including, but not limited
38 to, Native Hawaiian, Guamanian (also known as Chamorro), and
39 Samoan group, including, but not limited to, Asian Indian,
40 Bangladeshi, Cambodian, Chinese, Filipino, Hmong, Indonesian,

1 *Japanese, Korean, Laotian, Malaysian, Pakistani, Sri Lankan,*
2 *Taiwanese, Thai, and Vietnamese, and each major Native*
3 *Hawaiian and Pacific Islander group, including, but not limited*
4 *to, Fijian, Native Hawaiian, Guamanian (also known as*
5 *Chamorro), Samoan, and Tongan.*

6 (b) The data collected pursuant to the different collection
7 categories and tabulations described in subdivision (a) shall be
8 included in every demographic report on ancestry or ethnic origins
9 of Californians by the state agency, board, or commission published
10 or released on or after July 1, 2012. The data shall be made
11 available to the public in accordance with state and federal law,
12 except for personal identifying information, which shall be deemed
13 confidential.

14 ~~(e) Every state agency, board, or commission that directly or~~
15 ~~by contract collects the demographic data in the manner prescribed~~
16 ~~by subdivision (a) shall make the data publicly available, except~~
17 ~~for personal identifying information, which shall be deemed~~
18 ~~confidential, by posting the data on its Internet Web site by July~~
19 ~~1, 2012, and annually thereafter.~~

20 (c) *The State Department of Health Care Services, the State*
21 *Department of Public Health, the Department of Industrial*
22 *Relations, and the Department of Fair Employment and Housing*
23 *shall make any data collected pursuant to subdivision (a) publicly*
24 *available, except for personal identifying information, which shall*
25 *be deemed confidential, by posting the data on the Internet Web*
26 *site of the agency on or before July 1, 2012, and annually*
27 *thereafter. This subdivision shall not be construed to prevent any*
28 *other state agency from posting data collected pursuant to*
29 *subdivision (a) on the agency's Internet Web site, in the manner*
30 *prescribed by this section.*

31 (d) *A state agency shall, within 18 months after the United States*
32 *Census is released to the public, update their data collection to*
33 *reflect the additional Asian groups and additional Native Hawaiian*
34 *and Pacific Islander groups as they are reported by the United*
35 *States Census Bureau.*

36 ~~SEC. 3.—Section 8310.7 is added to the Government Code, to~~
37 ~~read:~~

38 ~~8310.7.—(a) In addition to the duties imposed under Section~~
39 ~~8310.5, the following state agencies, in the course of collecting~~
40 ~~demographic data directly or by contract as to the ancestry or ethnic~~

1 origin of Californians, shall collect and tabulate data for additional
2 major Asian groups, including, but not limited to, Bangladeshi,
3 Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese,
4 and Thai, and additional major Native Hawaiian and other Pacific
5 Islander groups, including, but not limited to, Fijian and Tongan:
6 (1) ~~The State Department of Health Care Services.~~
7 (2) ~~The State Department of Public Health.~~
8 (3) ~~The State Department of Social Services.~~
9 (4) ~~The Employment Development Department.~~
10 (5) ~~The Department of Industrial Relations.~~
11 (6) ~~The State Personnel Board.~~
12 (7) ~~The Department of Fair Employment and Housing.~~
13 (8) ~~The State Department of Education.~~
14 (b) ~~During the normal process of reporting demographic data,~~
15 ~~the state agencies identified in subdivision (a) shall report the~~
16 ~~collected data according to each Asian group and each Native~~
17 ~~Hawaiian and Pacific Islander group specified in subdivision (a)~~
18 ~~and make that data available to the public in accordance with state~~
19 ~~and federal law, except for personal identifying information, which~~
20 ~~shall be deemed confidential.~~
21 (c) ~~The state agencies set forth in subdivision (a) shall comply~~
22 ~~as early as possible, but no later than July 1, 2012.~~
23 (d) ~~Any state agency identified in subdivision (a) shall make~~
24 ~~the collected demographic data described in subdivision (a)~~
25 ~~publicly available, except for personal identifying information,~~
26 ~~which shall be deemed confidential, by posting the data on the~~
27 ~~agency's Internet Web site by July 1, 2012, and annually thereafter.~~
28 (e) ~~Notwithstanding subdivision (c), the state agencies pursuant~~
29 ~~to subdivision (a) shall, within 18 months after the United States~~
30 ~~Census is released to the public, update their data collection to~~
31 ~~reflect the additional Asian groups and additional Native Hawaiian~~
32 ~~and Pacific Islander groups as they are reported by the United~~
33 ~~States Census Bureau.~~

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