

AMENDED IN ASSEMBLY MAY 27, 2011

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 revise and recast the specified categories. This bill would require a state agency, board, or commission that directly or by contract collects demographic data to include data on specified collection categories and tabulations in every demographic report on ancestry or ethnic origins of California residents that it publishes or releases on or after July 1, 2012.

This bill would require ~~every state agency, board, or commission specified agencies~~ 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, 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 a state agency, board, or commission~~ *these agencies* to 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~~ *these agencies* 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 specified, by requiring these~~ state agencies, on or before July 1, 2012, to post, and annually update, the demographic data on ~~its~~ *their* Internet Web-site sites.

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) One-third of the nation’s Asians and Pacific Islanders,
- 4 totaling 5.4 million people, live in California, making the state
- 5 home to more Asians and Pacific Islanders than any other state in
- 6 the nation.
- 7 (b) Asians and Pacific Islanders represent 15.5 percent of the
- 8 state’s population, and grew by 33.6 percent from 2000 to 2010.
- 9 (c) Asians and Pacific Islanders are an incredibly diverse group.
- 10 Due to this diversity, the United States Office of Management and
- 11 Budget’s Statistical Policy Directive No. 15, entitled Race and
- 12 Ethnic Standards for Federal Statistics and Administrative
- 13 Reporting, separated the “Asian and Pacific Islander” category
- 14 into two distinct and separate categories, now called “Asians” and
- 15 “Native Hawaiians and Other Pacific Islanders,” and these two
- 16 distinct categories were used in the 2000 United States Census.

1 The United States Census Bureau currently reports data for more
2 than 20 different ethnicities within these two categories.

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

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

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

26 SEC. 2. Section 8310.5 of the Government Code is amended
27 to read:

28 8310.5. (a) ~~Every~~A state agency, board, or commission that
29 directly or by contract collects demographic data as to the ancestry
30 or ethnic origin of Californians shall use separate collection
31 categories and tabulations for each major Asian ~~group, including,~~
32 ~~but not limited to, Asian Indian, Bangladeshi, Cambodian, Chinese,~~
33 ~~Filipino, Hmong, Indonesian, Japanese, Korean, Laotian,~~
34 ~~Malaysian, Pakistani, Sri Lankan, Taiwanese, Thai, and~~
35 ~~Vietnamese, and each major Native Hawaiian and Pacific Islander~~
36 ~~group, including, but not limited to, Fijian, Native Hawaiian,~~
37 ~~Guamanian (also known as Chamorro), Samoan, and Tongan.~~
38 *group, including, but not limited to, Chinese, Japanese, Filipino,*
39 *Korean, Vietnamese, Asian Indian, Laotian, and Cambodian, and*
40 *each major Native Hawaiian and Pacific Islander group, including,*

1 *but not limited to, Native Hawaiian, Guamanian (also known as*
2 *Chamorro), and Samoan.*

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

11 *SEC. 3. Section 8310.7 is added to the Government Code, to*
12 *read:*

13 *8310.7. (a) In addition to the duties imposed under Section*
14 *8310.5, the following state agencies, in the course of collecting*
15 *demographic data directly or by contract as to the ancestry or*
16 *ethnic origin of California residents, shall collect and tabulate*
17 *data for additional major Asian groups, including, but not limited*
18 *to, Bangladeshi, Hmong, Indonesian, Malaysian, Pakistani, Sri*
19 *Lankan, Taiwanese, and Thai, and additional major Native*
20 *Hawaiian and other Pacific Islander groups, including, but not*
21 *limited to, Fijian and Tongan:*

22 (1) *The State Department of Health Care Services.*

23 (2) *The State Department of Public Health.*

24 (3) *The Department of Industrial Relations.*

25 (4) *The Department of Fair Employment and Housing.*

26 ~~(e) The State Department of Health Care Services, the State~~
27 ~~Department of Public Health, the Department of Industrial~~
28 ~~Relations, and the Department of Fair Employment and Housing~~

29 (b) *The state agencies identified in subdivision (a) shall make*
30 *any data collected pursuant to subdivision (a) publicly available,*
31 *except for personal identifying information, which shall be deemed*
32 *confidential, by posting the data on the Internet Web site of the*
33 *agency on or before July 1, 2012, and annually thereafter. This*
34 *subdivision shall not be construed to prevent any other state agency*
35 *from posting data collected pursuant to subdivision (a) on the*
36 *agency's Internet Web site, in the manner prescribed by this*
37 *section.*

38 ~~(d) A state agency~~

39 (c) *The state agencies identified in subdivision (a) shall, within*
40 *18 months after the United States Census is released to the public,*

- 1 update their data collection to reflect the additional Asian groups
- 2 and additional Native Hawaiian and Pacific Islander groups as
- 3 they are reported by the United States Census Bureau.

O