

ASSEMBLY BILL

No. 532

Introduced by Assembly Member McCarty

February 23, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 532, as introduced, McCarty. 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 enact the Ethnic Heritage Respect and Recognition Act to 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, _____, to provide forms that offer respondents the option of selecting one more ethnic or racial designation 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:

1 8310.6. (a) This section shall be known and may be cited as
2 the Ethnic Heritage Respect and Recognition Act.

3 (b) The Legislature hereby finds and declares all of the
4 following:

5 (1) The State of California currently has the largest population
6 of people in the United States who identify with more than one
7 ancestry, ethnicity, or race. This population of Californians who
8 identify as multiracial is rapidly growing.

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

14 (3) It is in the best interest of the State of California to respect,
15 embrace, and understand the full diversity of its citizens.

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

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

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

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

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

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

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

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

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

18 (d) Each state agency, board, or commission required to comply
19 with subdivision (c) shall comply as early as reasonably feasible
20 when updating forms, software, hardware, or information collection
21 procedures, and in no event later than January 1, ____.

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