

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, McCarty. State agencies: collection of data: ~~ancestry~~ *race* 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, ~~_____~~, 2022, to provide forms that offer respondents the option of *identifying as multiracial* and selecting one more ethnic or racial ~~designation according to specified federal standards.~~ *designations*.

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.~~

5 ~~(b)~~

6 8310.6. (a) The Legislature hereby finds and declares all of
7 the following:

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

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

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

20 ~~(4) Respect for individual dignity should guide the processes~~
21 ~~and methods for collecting and encoding data on ancestry,~~
22 ~~ethnicity, and race.~~

23 ~~(5)~~

24 (4) Since 1997, the federal Office of Management and Budget’s
25 “Standards for Maintaining, Collecting, and Presenting Federal
26 Data on Race and Ethnicity” have required federal agencies to
27 ensure that individuals have the option of selecting one or more
28 ethnic or racial designations on federal government forms
29 requesting this information.

30 (e)

31 (b) Any state agency, board, or commission that directly or by
32 contract collects demographic data on the ~~ancestry~~, ethnic origin,
33 ethnicity, or race of Californians shall do all of the following:

34 (1) Provide forms that offer respondents the option of *identifying*
35 *as multiracial and* selecting one or more ethnic or racial
36 designations pursuant to the federal Office of Management and
37 Budget’s “Standards for Maintaining, Collecting, and Presenting
38 Federal Data on Race and Ethnicity.” *designations*. Recommended

1 forms for the instruction accompanying a multiple response
2 question are “mark one or more”-and *or* “select one or more.”-A
3 single designation for multiracial respondents does not satisfy this
4 requirement.

5 (2) Ensure in cases when data on respondents’-ancestry, ethnic
6 origin, ethnicity, or race is reported to any other state agency,
7 board, or commission that it is neither tabulated nor reported
8 without all of the following:

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

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

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

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

26 ~~(d)~~

27 (c) Each state agency, board, or commission required to comply
28 with subdivision (c) shall comply as early as reasonably feasible
29 when updating forms, software, hardware, or information collection
30 procedures, and in no event later than January 1, ~~_____~~ 2022.

31 ~~(e)~~

32 (d) Notwithstanding any other provision of this section, any
33 state agency, board, or commission that collects demographic data
34 from a local agency may continue to collect and report that data
35 to any other state agency, board, or commission in the form that
36 the local agency submits it.

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