

AMENDED IN SENATE AUGUST 19, 2016

AMENDED IN SENATE AUGUST 15, 2016

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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1726

Introduced by Assembly Member Bonta
(Coauthors: Assembly Members Chiu, Low, O’Donnell, Ting,
Weber, and Williams)
(Coauthor: Senator De León)

January 28, 2016

An act to amend Section 8310.7 of the Government Code, relating to data collection.

LEGISLATIVE COUNSEL’S DIGEST

AB 1726, as amended, Bonta. Data collection.

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 specified Asian groups and Pacific Islander groups, and requires a state agency, board, or commission 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. Existing law requires specified agencies to use additional separate collection categories and other tabulations for major Asian groups and Native Hawaiian and other Pacific Islander groups, and also requires those agencies to take additional actions, including,

among other things, posting, and annually updating, the demographic data collected on their Internet Web sites, and updating the reporting categories to reflect these Asian and Pacific Islander groups as they are reported for the 2020 decennial census.

This bill would require the updating of the reporting categories for future decennial censuses. The bill would require the State Department of Public Health, ~~the State Department of Health Care Services, the Board of Governors of the California Community Colleges, the Trustees of the California State University, and the Regents of the University of California Health~~ to use the additional separate collection categories and other tabulations for specified Asian groups and Pacific Islander groups, and to take additional actions as specified above, under certain circumstances. ~~The bill would not apply its categorization requirements to demographic data of graduate and professional schools of the University of California. The bill would be applicable to the University of California only if the Regents of the University of California, by resolution, make it applicable.~~

~~To the extent the bill would impose additional requirements on community colleges, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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

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

- 1 SECTION 1. Section 8310.7 of the Government Code is
- 2 amended to read:
- 3 8310.7. (a) This section shall only apply to the following state
- 4 agencies:
- 5 (1) The Department of Industrial Relations.
- 6 (2) The Department of Fair Employment and Housing.
- 7 (3) ~~The~~*To the extent funding is specifically appropriated for*
- 8 *this purpose, the* State Department of Public Health, on or after

1 July 1, ~~2018~~, 2022, whenever collecting demographic data as to
2 the ancestry or ethnic origin of persons for a report that includes
3 rates for major diseases, leading causes of death per demographic,
4 subcategories for leading causes of death in California overall,
5 pregnancy rates, or housing numbers.

6 ~~(4) The State Department of Health Care Services, on or after~~
7 ~~July 1, 2018, whenever collecting demographic data as to the~~
8 ~~ancestry or ethnic origin of persons:~~

9 ~~(5) The Trustees of the California State University or the~~
10 ~~Regents of the University of California, on or after July 1, 2017,~~
11 ~~whenever the entity collects demographic data as to the ancestry~~
12 ~~or ethnic origin of students for a report that includes student~~
13 ~~admission, enrollment, completion, or graduation rates:~~

14 ~~(6) The Board of Governors of the California Community~~
15 ~~Colleges, on or after July 1, 2020, whenever the entity collects~~
16 ~~demographic data as to the ancestry or ethnic origin of students~~
17 ~~for a report that includes student enrollment, completion, or~~
18 ~~graduation rates:~~

19 (b) In addition to the duties imposed under Section 8310.5, the
20 state agencies described in subdivision (a), in the course of
21 collecting demographic data directly or by contract as to the
22 ancestry or ethnic origin of California residents, shall collect and
23 tabulate data for the following:

24 (1) Additional major Asian groups, including, but not limited
25 to, Bangladeshi, Hmong, Indonesian, Malaysian, Pakistani, Sri
26 Lankan, Taiwanese, and Thai.

27 (2) Additional major Native Hawaiian and other Pacific Islander
28 groups, including, but not limited to, Fijian and Tongan.

29 (c) (1) The state agencies identified in subdivision (a) shall
30 make any data collected pursuant to subdivision (b) publicly
31 available, ~~except as described in paragraph (2) for the entities~~
32 ~~identified in paragraph (5) or (6) of subdivision (a), and except as~~
33 ~~described in paragraph (3) for departments identified in paragraphs~~
34 ~~(3) and (4) (2) for the department identified in paragraph (3) of~~
35 subdivision (a), and except for personal identifying information,
36 which shall be deemed confidential, by posting the data on the
37 Internet Web site of the agency on or before July 1, 2012, and
38 annually thereafter. This subdivision shall not be construed to
39 prevent any other state agency from posting data collected pursuant

1 to subdivision (b) on the agency's Internet Web site, in the manner
2 prescribed by this section.

3 ~~(2) Where applicable, each entity identified in paragraph (5) or~~
4 ~~(6) of subdivision (a) shall comply with the federal Family~~
5 ~~Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g) and~~
6 ~~shall observe federal criteria for ensuring statistical significance~~
7 ~~of data collected and published.~~

8 (3)

9 ~~(2) The state departments~~ *department* ~~identified in paragraphs~~
10 ~~paragraph (3) and (4) of subdivision (a) shall not report~~
11 ~~demographic data that would permit identification of individuals.~~
12 ~~These departments~~ *The department* may, to prevent identification
13 of individuals, aggregate data categories at a state, county, city,
14 census tract, or ZIP Code level to facilitate comparisons and
15 identify disparities.

16 (d) ~~(1) Except as provided in paragraph (2) for the Board of~~
17 ~~Governors of the California Community Colleges, the~~ *The* state
18 agencies identified in subdivision (a) shall, within 18 months after
19 a decennial United States Census is released to the public, update
20 their data collection to reflect the additional Asian groups and
21 additional Native Hawaiian and Pacific Islander groups as they
22 are reported by the United States Census Bureau.

23 ~~(2) Paragraph (1) shall not apply to the Board of Governors of~~
24 ~~the California Community Colleges until 18 months after the 2030~~
25 ~~decennial United States Census is released to the public.~~

26 (e) The state departments *department* ~~identified in paragraphs~~
27 ~~paragraph (3) and (4) of subdivision (a) shall not report~~
28 ~~demographic data that would result in statistical unreliability.~~

29 (f) The state department identified in paragraph (3) of
30 subdivision (a) ~~may, but is not required to, collect demographic~~
31 ~~data pursuant to this section~~ *may continue to collect and report*
32 *demographic data in the form that the data was submitted if the*
33 *data was collected* under either of the following circumstances:

34 (1) Pursuant to federal programs or surveys, whereby the
35 guidelines for demographic data collection categories are defined
36 by the federal program or survey.

37 (2) Demographic data collected by other entities, including
38 either of the following:

39 (A) State offices, departments, and agencies not included in
40 subdivision (a).

1 (B) Third-party entity administered surveys not solely funded
2 by the state department.

3 ~~(g) This section shall not apply to demographic data of graduate
4 or professional schools of the University of California.~~

5 ~~(h) This section shall apply to the University of California only
6 if the Regents of the University of California, by resolution, make
7 it applicable.~~

8 ~~SEC. 2. If the Commission on State Mandates determines that
9 this act contains costs mandated by the State, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.~~