AMENDED IN ASSEMBLY APRIL 12, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

california legislature—2009–10 regular session

ASSEMBLY BILL No. 1878

Introduced by Assembly Member Lieu

February 16, 2010

An act to ~~add and repeal Section 14776~~ *amend Section 14771* of the Government Code, relating to state government forms.

legislative counsel's digest

AB 1878, as amended, Lieu. Statewide Forms Management Program.

Existing law requires the Director of General Services to establish and staff an activity within the department, known as the "forms management center," for the orderly design, implementation, and maintenance of a statewide forms management program. Existing law requires the director to provide notice to state agencies, forms management representatives, and departmental forms coordinators, that appropriate references to state-registered domestic partner, parent, or state-registered domestic partnership are to be included in revising all public-use forms, as specified.

~~This bill, until January 1, 2013, would require the Department of General Services to conduct a study of the forms in current use, as identified by the forms management program, for the purpose of identifying forms that should include voluntary questions to demographic data relating to sexual orientation and gender identity for the purpose of developing effective policy. The bill would require the results of the study to be submitted, as specified, to the Legislature no later than January 1, 2012.~~

This bill would require the director to provide notice to state agencies, forms management representatives, and departmental forms coordinators, that in the usual course of reviewing and revising all public-use forms that collect demographic data, that appropriate voluntary self-identification information shall be included in the forms that relate to sexual orientation, domestic partnership status, and gender identity, as specified.

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

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

SECTION 1. The Legislature finds and declares all of the following:

(a) It is the goal of the government, in collecting demographic data, to gather accurate information in order to understand, compare, report, and apply it to the enhancement and improvement of public services.

(b) The United States Constitution requires the federal government to conduct a Census of all people living in the United States. The data collected by the Census includes race and ethnic identity, age, family size, and many other demographic questions. However, the Census does not include information about sexual orientation or gender identity.

(c) Currently, California does not consistently collect demographic data related to sexual orientation or gender identity. The limited data available for the lesbian, gay, bisexual, and transgender community includes the following:

(1) Data from the 2007 California Health Interview Survey shows that 13.4 percent of lesbian and bisexual women and 7.2 percent of gay and bisexual men live in poverty.

(2) According to a University of California at Los Angeles study from the Williams Institute, children in gay and lesbian couple households have poverty rates twice those of children in heterosexual married couple households.

(3) According to the California Department of Justice, in 2008, hate crimes with a sexual bias motivation were the third most common type of hate crime, comprising 20.3 percent of all hate crimes.

SEC. 2. Section 14771 of the Government Code is amended to read:

14771. (a) The director, through the forms management center, shall do all of the following:

(1) Establish a State Forms Management Program for all state agencies, and provide assistance in establishing internal forms management capabilities.

(2) Study, develop, coordinate and initiate forms of interagency and common administrative usage, and establish basic state design and specification criteria to effect the standardization of public-use forms.

(3) Provide assistance to state agencies for economical forms design and forms artwork composition and establish and supervise control procedures to prevent the undue creation and reproduction of public-use forms.

(4) Provide assistance, training, and instruction in forms management techniques to state agencies, forms management representatives, and departmental forms coordinators, and provide direct administrative and forms management assistance to new state organizations as they are created.

(5) Maintain a central cross index of public-use forms to facilitate the standardization of these forms, to eliminate redundant forms, and to provide a central source of information on the usage and availability of forms.

(6) Utilize appropriate procurement techniques to take advantage of competitive bidding, consolidated orders, and contract procurement of forms, and work directly with the Office of State Publishing toward more efficient, economical and timely procurement, receipt, storage, and distribution of state forms.

(7) Coordinate the forms management program with the existing state archives and records management program to ensure timely disposition of outdated forms and related records.

(8) Conduct periodic evaluations of the effectiveness of the overall forms management program and the forms management practices of the individual state agencies, and maintain records which indicate net dollar savings which have been realized through centralized forms management.

(9) Develop and promulgate rules and standards to implement the overall purposes of this section.

(10) Create and maintain by July 1, 1986, a complete and comprehensive inventory of public-use forms in current use by the state.

(11) Establish and maintain, by July 1, 1986, an index of all public-use forms in current use by the state.

(12) Assign, by January 1, 1987, a control number to all public-use forms in current use by the state.

(13) Establish a goal to reduce the existing burden of state collections of public information by 30 percent by July 1, 1987, and to reduce that burden by an additional 15 percent by July 1, 1988.

(14) Notwithstanding any other provision of law, including, but not limited to, Section 14774, provide notice to state agencies, forms management representatives, and departmental forms coordinators, that in the usual course of reviewing and revising all public-use forms that refer to or use the terms spouse, husband, wife, father, mother, marriage, or marital status, that appropriate references to state-registered domestic partner, parent, or state-registered domestic partnership are to be included.

(15) Notwithstanding any other provision of law, including, but not limited to, Section 14774, provide notice to state agencies, forms management representatives, and departmental forms coordinators, that in the usual course of reviewing and revising all public-use forms that collect demographic data, that appropriate voluntary self-identification information shall be included in the forms relating to sexual orientation, domestic partnership status, and gender identity, including an identification of both the current gender identity and the gender assigned at birth.

~~(15)~~

(16) Delegate implementing authority to state agencies where the delegation will result in the most timely and economical method of accomplishing the responsibilities set forth in this section.

The director, through the forms management center, may require any agency to revise any public-use form which the director determines is inefficient.

(b) Due to the need for tax forms to be available to the public on a timely basis, all tax forms, including returns, schedules, notices, and instructions prepared by the Franchise Tax Board for public use in connection with its administration of the Personal

Income Tax Law, Senior Citizens Property Tax Assistance and Postponement Law, Bank and Corporation Tax Law, and the Political Reform Act of 1974 and the State Board of Equalization's administration of county assessment standards, state-assessed property, timber tax, sales and use tax, hazardous substances tax, alcoholic beverage tax, cigarette tax, motor vehicle fuel license tax, use fuel tax, energy resources surcharge, emergency telephone users surcharge, insurance tax, and universal telephone service tax shall be exempt from subdivision (a), and, instead, each board shall do all of the following:

(1) Establish a goal to standardize, consolidate, simplify, efficiently manage, and, where possible, reduce the number of tax forms.

(2) Create and maintain, by July 1, 1986, a complete and comprehensive inventory of tax forms in current use by the board.

(3) Establish and maintain, by July 1, 1986, an index of all tax forms in current use by the board.

(4) Report to the Legislature, by January 1, 1987, on its progress to improve the effectiveness and efficiency of all tax forms.

(c) The director, through the forms management center, shall develop and maintain, by December 31, 1995, an ongoing master inventory of all nontax reporting forms required of businesses by state agencies, including a schedule for notifying each state agency of the impending expiration of certain report review requirements pursuant to subdivision (b) of Section 14775.

~~SECTION 1. Section 14776 is added to the Government Code, to read:~~

~~14776. (a) The department shall conduct a study of the forms in current use, as identified by the forms management program, for the purpose of identifying forms that should include voluntary questions to demographic data relating to sexual orientation and gender identity for the purpose of developing effective policy. The results of the study shall be reported to the Legislature no later than January 1, 2012. The report shall be submitted as provided in Section 9795.~~

~~(b) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.~~

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