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AB-532 State agencies: collection of data: race or ethnic origin. (2015-2016)

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Assembly Bill No. 532

CHAPTER 433

An act to add Section 8310.9 to the Government Code, relating to state agencies.

[Approved by Governor October 02, 2015. Filed with Secretary of State October 02, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 532, McCarty. State agencies: collection of data: 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 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 selecting one more ethnic or racial designations.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8310.9 is added to the Government Code, to read:

8310.9. (a) The Legislature hereby finds and declares all of the following:

- (1) The State of California currently has the largest population of people in the United States who identify with more than one ethnicity or race. This population of Californians who identify as multiracial is rapidly growing.
- (2) Many state forms that currently require respondents to choose only a single ethnicity or race force multiracial Californians to deny a significant part of their heritage. Information collected in this manner often deprives the state of accurate data with which to meet the needs of its diverse communities.
- (3) It is in the best interest of the State of California to respect, embrace, and understand the full diversity of its citizens.
- (4) Since 1997, the federal Office of Management and Budget's "Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity" have required federal agencies to ensure that individuals have the option of selecting one or more ethnic or racial designations on federal government forms requesting this information.

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

(1) Provide forms that offer respondents the option of selecting one or more ethnic or racial designations. Recommended forms for the instruction accompanying a multiple response question are “mark one or more” or “select one or more.”

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

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

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

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

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

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

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

(e) Notwithstanding any other provision of this section, any state agency, board, or commission that collects ethnic or racial data solely to comply with federal requirements may continue to collect and report that data to any other state agency, board, or commission in the form required by the federal government.