

ANALYSIS OF ORIGINAL BILL

Franchise Tax Board

Author: Lieu Analyst: Deborah Barrett Bill Number: AB 295
Related Bills: See Legislative History Telephone: 845-4301 Introduced Date: February 9, 2007
Attorney: Tommy Leung Sponsor: _____

SUBJECT: State Agencies/Collection of Demographic Data/Asian And Pacific Islander Groups

SUMMARY

This bill would require a state agency that collects certain demographic data to use additional collection categories and make the data available to the public.

This bill would require specified state agencies to make certain changes in their practice when collecting demographic data that do not pertain to Franchise Tax Board and are not discussed in this analysis.

PURPOSE OF THE BILL

According to the author's office, the purpose of the bill is to improve the collection of demographic data to assist in understanding how specific ethnic populations utilize state services and benefits.

EFFECTIVE/OPERATIVE DATE

This bill would be effective January 1, 2008, and would be operative for demographic data collected on or after that date.

POSITION

Pending.

ANALYSIS

FEDERAL/STATE LAW

When federal agencies are collecting racial or ethnic origin data, those agencies are required to ensure that individuals have the option of selecting one or more ethnic or racial designations on the federal form to more accurately reflect the respondent's ethnic origin or race.

The US Census contains ethnic designations that include Asian Indian, Chinese, Filipino, Japanese, Korean, Vietnamese, Native Hawaiian, Guamanian, Chamorro, Samoan, or other Asian or Pacific Islander ethnicities.

Board Position:

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Department Director

Date

Selvi Stanislaus

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Current state law contains no specific requirement to report race or ethnic origin for tax administration purposes. Current state law prohibits, among other things, the consideration of ethnic origin in employment decisions. Subsequent to employment, ethnic, marital status, and gender data may be obtained and maintained for research and statistical purposes when safeguards preventing misuse of the information exist. Current state applications provide an optional information section identifying demographic data that is separated from the application and forwarded to the State Personnel Board for statistical purposes.

State agencies, boards, or commissions that directly or by contract collect ancestry or ethnic origin demographic data of Californians are required to utilize separate categories for each major Asian and Pacific Islander group. The Asian or Pacific Islander ethnic categories required to be collected separately include Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Hawaiian, Guamanian, Samoan, Laotian, and Cambodian.

THIS BILL

This bill would require state agencies that collect demographic ethnic data to report the collected data according to each Asian and Pacific Islander group specified and make the data available to the public to the extent that disclosure does not violate confidentiality. FTB would be required to revise only one post employment form to comply with this bill.

This bill also requires specified state agencies to expand the categories of Asian and Pacific Islander groups to include Bangladeshi, Fijian, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese, Thai, and Tongan categories. FTB is not one of those specified state agencies.

IMPLEMENTATION CONSIDERATIONS

The department has identified the following implementation concerns. Department staff is available to work with the author's office to resolve these and other concerns that may be identified.

It is not clear what the author intends to be made publicly available or how it is to be disclosed. It is recommended that clarification of what information should be disclosed and how the author intends that data to be made available to prevent any misunderstanding.

If this concern can be resolved, implementing this bill would not significantly impact the department's programs or operations because the department only collects and maintains demographic data on one post-employment form.

LEGISLATIVE HISTORY

SB 26 (Simitian, 2007) would require state agencies that collect demographic data based on ethnicity to offer the respondent to select one or more designations to reflect accurately their ethnic origins. This bill was referred to the Senate Committee on Government Organization on January 18, 2007, and has not yet been heard in committee.

PROGRAM BACKGROUND

Franchise Tax Board currently collects demographic data relating to ethnicity through use of the state employment application and in one additional post employment personnel form.

FISCAL IMPACT

The provisions of this bill would not significantly impact the department's costs.

ECONOMIC IMPACT

The provisions of this bill would not impact the state's income tax revenues.

LEGISLATIVE STAFF CONTACT

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