

ANALYSIS OF ORIGINAL BILL

Franchise Tax Board

Author: Simitian

Analyst: Deborah Barrett

Bill Number: SB 26

Related Bills: See Legislative History

Telephone: 845-4301

Introduced Date: December 4, 2006

Attorney: Patrick Kusiak

Sponsor: _____

SUBJECT: Ethnic Heritage Respect and Recognition Act/State Agencies When Collecting Demographic Data Shall Provide Forms That Offer Option Of Selecting One Or More Ethnic Or Racial Designations

SUMMARY

This bill would require state agencies collecting demographic data to provide respondents options to select one or more ethnic or racial designations.

PURPOSE OF THE BILL

According to the author's office, the purpose of this bill is to provide sufficient flexibility for respondents to identify their ancestral or ethnic origins correctly.

EFFECTIVE/OPERATIVE DATE

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

POSITION

Pending.

ANALYSIS

FEDERAL/STATE LAW

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

Current state law prohibits, among other things, the consideration of ethnic origin in employment decisions. After employment decisions are made, ethnic data may be obtained for research or statistical purposes when an agency puts safeguards in place to prevent misuse of the ethnic data. 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.

Board Position:

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Department Director

Date

Lynette Iwafuchi For
Selvi Stanislaus

12/27/06

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.

THIS BILL

This bill would require any state agency, board, or commission that directly or by contract collects demographic data on the ancestry, ethnic origin, ethnicity, or race of Californians to do all of the following:

- Provide forms that offer the respondent the option of selecting one or more ethnic or racial designations,
- Ensure that data on the respondent's ancestry, ethnic origin, ethnicity, or race reported to any other state agency, board, or commission, is neither tabulated nor reported without all the following:
 - 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.
 - 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.
 - The number or percentage of respondents who identify with multiple ethnic or racial designations.

For purposes of civil rights monitoring and enforcement, complying with federal rules relating to state or federally mandated actions related to an ethnic or racial community, or to assess disparate impact or discriminatory patterns, the reporting breakdown shown above is required.

This bill requires each agency, board, or commission required to comply with these provisions to institute the necessary steps to comply as early as reasonably feasible when updating forms, software, hardware, or information collection procedures, but in no event later than January 1, 2017.

Program Background

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

IMPLEMENTATION CONSIDERATIONS

Implementing this bill would not significantly impact the department's programs or operations.

FISCAL IMPACT

This bill would not impact the department's costs.

ECONOMIC IMPACT

This bill would not impact state income tax revenues.

LEGISLATIVE STAFF CONTACT

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