

BILL ANALYSIS

Senate Research Center

S.B. 851
By: Ellis
State Affairs
3-27-97
As Filed

DIGEST

Currently, "other" is the only classification which exists for a person who is a child of a mixed racial family. As proposed, S.B. 851 sets forth the provisions for including a multiracial classification on all forms requesting information on racial identification by the state and for reporting racial information to federal agencies.

PURPOSE

As proposed, S.B. 851 sets forth the provisions for including a multiracial classification on all forms requesting information on racial identification by the state and for reporting racial information to federal agencies.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2051, Government Code, by adding Subchapter D, as follows:

SUBCHAPTER D. REQUESTING RACIAL OR ETHNIC IDENTIFICATION

Sec. 2051.101. DEFINITIONS. Defines "multiracial" and "state agency."

Sec. 2051.102. MULTIRACIAL CLASSIFICATION REQUIRED. Requires a multiracial classification choice to be included among all documents or materials produced by, for, or used by any state agency or political subdivision that requests information on the racial or ethnic identification of a person and that contains a list of racial and ethnic classifications.

Sec. 2051.103. FEDERAL REQUIREMENTS. Requires a computation of the number of persons classified on forms or other documents as multiracial to be reported by the agency or political subdivision under the multiracial classification under certain circumstances. Requires the reporting state agency or political subdivision to reclassify the multiracial population by allocating a percentage of the number of persons composing that population to each federally acceptable racial or ethnic classification at the same percentage that the classification composes in the general population of the collected group.

SECTION 2. Amends Chapter 1, Education Code, by adding Section 1.004, as follows:

Sec. 1.004. MULTIRACIAL CLASSIFICATION REQUIRED. Defines "multiracial." Requires certain documents or materials produced by or for or used by any public school district or state institution of higher education that requests information on the racial or ethnic identification of a person and that contains a list of racial and ethnic identification of a person and that contains a list of racial and ethnic classifications from which a person must select to include a multiracial classification among the choices. Requires the computation of the number of persons classified on forms or other documents as multiracial to be reported by the public school district or state institution of higher education under the multiracial classification. Requires the reporting public school district or state institution of higher

learning to reclassify the multiracial population under certain conditions.

SECTION 3. Amends Chapter 52, Labor Code, by adding Subchapter G, as follows:

SUBCHAPTER G. REQUESTING RACIAL OR ETHNIC IDENTIFICATION

Sec. 52.061. DEFINITION. Defines "multiracial."

Sec. 52.062. MULTIRACIAL CLASSIFICATION REQUESTED. Provides that documents or materials produced by or for or used by any person employing labor in this state that requests information on the racial or ethnic identification of an employee and that contains a list of racial and ethnic classification from which the employee must select one should include among the choices a multiracial classification.

Sec. 52.063. CAUSE OF ACTION NOT CREATED. Provides that the failure of a person to comply with this subchapter does not create any civil cause of action.

Sec. 52.064. FEDERAL REQUIREMENTS. Requires the person subject to this subchapter to report the information in the manner acceptable to the federal agency whenever it is required that the racial information collected by a person subject to this subchapter be reported to a federal agency and the federal agency considers reporting under the multiracial classification unacceptable.

SECTION 4. Effective date: September 1, 1997. Makes application of this Act prospective to January 1, 1998. Authorizes all documents and materials printed and in stock on January 1, 1998 that do not include a multiracial classification to be used after that date and the stock depleted before documents and materials that comply with this Act are ordered.

SECTION 5. Emergency clause.