

**SUBSTITUTE FOR  
SENATE BILL NO. 958**

A bill to require a public body to use certain criteria in certain writings relating to race and ethnicity data collection; and to provide for the powers and duties of certain state and local governmental officers and entities.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act may be cited as the "race and ethnicity data  
2 collection act".

3       Sec. 3. As used in this act:

4       (a) "American Indian or Alaska Native" means an individual  
5 with origins in any of the original peoples of North, Central, and  
6 South America, including, but not limited to, the Navajo Nation,  
7 Blackfeet Tribe of the Blackfeet Indian Reservation of Montana,  
8 Native Village of Barrow Inupiat Traditional Government, Nome

1 Eskimo Community, Aztec, and Maya.

2 (b) "Asian" means an individual with origins in any of the  
3 original peoples of Central or East Asia, Southeast Asia, or South  
4 Asia, including, but not limited to, Chinese, Asian Indian,  
5 Filipino, Vietnamese, Korean, and Japanese.

6 (c) "Black or African American" means an individual with  
7 origins in any of the Black racial groups of Africa, including, but  
8 not limited to, African American, Jamaican, Haitian, Nigerian,  
9 Ethiopian, and Somali.

10 (d) "Hispanic or Latino" means an individual of Mexican,  
11 Puerto Rican, Salvadoran, Cuban, Dominican, Guatemalan, and other  
12 Central or South American or Spanish culture or origin.

13 (e) "Middle Eastern or North African" means an individual with  
14 origins in any of the original peoples of the Middle East or North  
15 Africa, including, but not limited to, Lebanese, Iranian, Egyptian,  
16 Syrian, Iraqi, and Israeli.

17 (f) "Native Hawaiian or Pacific Islander" means an individual  
18 with origins in any of the original peoples of Hawaii, Guam, Samoa,  
19 or other Pacific Islands, including, but not limited to, Native  
20 Hawaiian, Samoan, Chamorro, Tongan, Fijian, and Marshallese.

21 (g) "Public body" means any of the following:

22 (i) The executive office of the governor, or a state agency,  
23 department, division, bureau, board, commission, council,  
24 authority, or other body in the executive branch of state  
25 government.

26 (ii) The legislature or an agency, board, commission, or  
27 council in the legislative branch of state government.

28 (iii) A county, city, township, village, intercounty, intercity,  
29 or regional governing body; a council, school district, special

1 district, or municipal corporation; or a board, department,  
2 commission, or council or an agency of a board, department,  
3 commission, or council.

4 (iv) A state public university.

5 (v) Any other body that is created by state or local authority  
6 or is primarily funded by or through state or local authority, if  
7 the body exercises governmental or proprietary authority or  
8 performs a governmental or proprietary function.

9 (h) "State public university" means a university described in  
10 section 4, 5, or 6 of article VIII of the state constitution of  
11 1963.

12 (i) "White" means an individual with origins in any of the  
13 original peoples of Europe, including, but not limited to, English,  
14 German, Irish, Italian, Polish, and Scottish.

15 (j) "Writing" means that term as defined in section 2 of the  
16 freedom of information act, 1976 PA 442, MCL 15.232.

17 Sec. 5. (1) Except as otherwise provided under federal law, if  
18 a public body lists racial or ethnic categories in a writing and  
19 the public body requests that an individual designate the  
20 individual's race or ethnicity, not later than 3 years after the  
21 effective date of this act the writing must meet all of the  
22 following criteria:

23 (a) The writing must use a single combined race and ethnicity  
24 question for the collection of the data.

25 (b) The writing must include the following minimum categories  
26 and initial subcategories of races and ethnicities and may include  
27 a write-in option for the purpose of designating an additional  
28 subcategory for each minimum category:

29 (i) The term "White" as a minimum category, and, except as

1 otherwise provided under subsection (5), all of the following  
2 subcategories of that minimum category:

3 (A) English.

4 (B) German.

5 (C) Irish.

6 (D) Polish.

7 (E) Dutch.

8 (F) Italian.

9 (ii) The term "Black or African American" as a minimum  
10 category, and, except as otherwise provided under subsection (5),  
11 all of the following subcategories of that minimum category:

12 (A) Nigerian.

13 (B) Jamaican.

14 (C) Congolese.

15 (D) Haitian.

16 (E) Ethiopian.

17 (F) Somali.

18 (iii) The term "American Indian or Alaska Native" as a minimum  
19 category, and, except as otherwise provided under subsection (5),  
20 all of the following subcategories of that minimum category:

21 (A) Chippewa.

22 (B) Sault Ste. Marie Tribe of Chippewa Indians.

23 (C) Cherokee.

24 (D) Saginaw Chippewa Indian Tribe alone.

25 (E) Ottawa.

26 (F) Ottawa and Chippewa Indian.

27 (iv) The term "Asian" as a minimum category, and, except as  
28 otherwise provided under subsection (5), all of the following  
29 subcategories of that minimum category:

1 (A) Asian Indian.

2 (B) Chinese.

3 (C) Vietnamese.

4 (D) Filipino.

5 (E) Korean.

6 (F) Pakistani.

7 (v) The term "Native Hawaiian or Pacific Islander" as a  
8 minimum category, and, except as otherwise provided under  
9 subsection (5), all of the following subcategories of that minimum  
10 category:

11 (A) Polynesian.

12 (B) Native Hawaiian.

13 (C) Micronesian.

14 (D) Samoan.

15 (E) Chamorro.

16 (F) Melanesian.

17 (vi) The term "Hispanic or Latino" as a minimum category, and,  
18 except as otherwise provided under subsection (5), all of the  
19 following subcategories of that minimum category:

20 (A) Mexican.

21 (B) Puerto Rican.

22 (C) Cuban.

23 (D) Guatemalan.

24 (E) Dominican.

25 (F) Colombian.

26 (vii) The term "Middle Eastern or North African" as a minimum  
27 category, except as otherwise provided under subsection (5), and  
28 all of the following subcategories of that minimum category:

29 (A) Lebanese.

1 (B) Chaldean.

2 (C) Iraqi.

3 (D) Yemeni.

4 (E) Syrian.

5 (F) Palestinian.

6 (c) The writing must include the following instructions, as  
7 applicable:

8 (i) If the writing does not provide the write-in option  
9 described in subdivision (b), the following instructions: "Select  
10 all that apply. Note, you may report more than one group."

11 (ii) If the writing provides the write-in option described in  
12 subdivision (b), the following instructions: "Select all that apply  
13 and enter additional details in the spaces below. Note, you may  
14 report more than one group."

15 (2) A public body that develops or prints a writing described  
16 in subsection (1) for the purpose of reporting or compiling  
17 workforce and hiring data is not required to use the categories  
18 described in subsection (1) until 3 years after the effective date  
19 of this act.

20 (3) Not later than 18 months after the effective date of this  
21 act, each public body that develops or prints a writing described  
22 in subsection (1) shall create, and post on its website or, if the  
23 public body does not have a website, in a prominent and conspicuous  
24 place at the public body's principal office that is accessible to  
25 the public, an action plan on race and ethnicity data, which must  
26 include both of the following:

27 (a) A description of the actions taken by the public body to  
28 comply with this section.

29 (b) A description of potential risks associated with the

1 collection of the race and ethnicity data.

2 (4) The race and ethnicity data collected under this act is  
3 exempt from disclosure under section 13(1)(d) of the freedom of  
4 information act, 1976 PA 442, MCL 15.243.

5 (5) Not later than 4 years after the date that the data for a  
6 federal decennial census are made available to the public, a public  
7 body that develops or prints a writing described in subsection (1)  
8 shall, as necessary, update the writing using the detailed  
9 demographic and housing characteristics data of the census so that  
10 the list of subcategories of each minimum category contains the 6  
11 most populous subcategories of that minimum category in this state.  
12 This subsection applies beginning January 1, 2032.