

Date of Hearing: June 22, 2021

ASSEMBLY COMMITTEE ON JUDICIARY  
Mark Stone, Chair  
SB 272 (Laird) – As Amended March 10, 2021

PROPOSED CONSENT

**SENATE VOTE:** 36-0

**SUBJECT:** STATE GOVERNMENT: GENDER-NEUTRAL TERMS: CALIFORNIA  
CONSERVATION CORPS

**KEY ISSUES:**

- 1) SHOULD VARIOUS GENDERED TERMS IN EXISTING LAW GOVERNING THE CALIFORNIA HIGHWAY PATROL, DEPARTMENT OF FORESTRY AND FIRE PROTECTION, BOARD OF FORESTRY AND FIRE PROTECTION, DEPARTMENT OF INSURANCE, AND CALIFORNIA CONSERVATION CORPS BE MODIFIED TO REFLECT NON-GENDERED LANGUAGE?
- 2) SHOULD THE TERMINAL AGE OF ELIGIBILITY TO SERVE AS A MEMBER OF A CERTIFIED COMMUNITY CONSERVATION CORPS BE INCREASED FROM AGE 25 TO AGE 26?

**SYNOPSIS**

*This righteous and non-controversial measure seeks to update and modify over 100 codes sections to eliminate outdated gendered pronouns and other terms. This bill is the latest in a series of measures before the Legislature seeking to eliminate unnecessarily gendered terms from the California codes to promote acceptance and inclusivity in the law. This bill also seeks to expand eligibility for participating in a program operated by a local certified conservation corps to ensure that participants do not inadvertently “age-out” of the program prior to completing their educational training.*

*This measure is supported by an alliance of state agencies, including the Lieutenant Governor, as well as several civil rights organizations. The supporters all highlight the bill’s benefit in modernizing the use of pronouns in the California codes to utilize more inclusive language. As currently in print this bill has no known opposition. This bill was previously approved by the Assembly Committee on Natural Resources on consent.*

**SUMMARY:** Updates outdated gendered pronouns in several code sections and increases the age of eligibility for young adults serving on a certified community conservation corps. Specifically, **this bill:**

- 1) Increases the age of eligibility for young adults seeking to serve on a certified community conservation corps so that now Californians ages 18 to 26 may join.
- 2) Replaces gendered terms regarding conservation corps members with the phrase “young adults.”

- 3) Updates more than a dozen Public Resources Code sections utilizing outdated gendered terms, including “fireman” found in the sections governing both the Department and Board of Forestry and Fire Protection to reflect gender-neutral terms.
- 4) Updates several Insurance Code sections to reflect gender-neutral term use.
- 5) Updates several references to the Commissioner of the Highway Patrol to replace outdated male-only pronouns with gender-neutral terms.

#### **EXISTING LAW:**

- 1) Provides for the formation of certified community conservation corps, defined to mean a nonprofit public benefit corporation or an agency operated by a city, county, or city and county, that is certified by the California Conservation Corps as meeting specified criteria, including:
  - a) A community conservation corps consists of supervised work crews of young persons who serve for one year, with the possibility of extension. Corps members engage in recycling and litter abatement projects, and natural resource management projects, as specified;
  - b) The corps’ program is based upon a highly disciplined work experience that includes an educational component. The educational component includes enrollment in a vocational education program, public or charter high school, or postsecondary community college; and
  - c) A community conservation corps consists of an average annual enrollment of not less than 50 corps members between 18 and 25 years of age. (Public Resources Code Section 14507.5.)
- 2) Utilizes, repeatedly, the phrase “young men and women” to describe members of the California Conservation Corps or certified community conservation corps. (Public Resources Code Section 14000 *et seq.*)
- 3) Adopts the Z’berg-Nejedly Forest Practice Act of 1973 and repeatedly refers to the Director of the Department of Forestry and Fire Protection as well as individual foresters as “he or she.” (Public Resources Code Section 4511 *et seq.*)
- 4) Establishes the Department of Forestry and Fire Protection, under the control of the Director of the Department of Forestry and Fire Protection, as the state’s wildland firefighting and prevention agency. The code repeatedly refers to staff of the Department as “he or she,” “he,” or “fireman” throughout the existing law. (Public Resources Code Section 4101 *et seq.*)
- 5) Establishes the Board of Forestry and Fire Protection, and among other duties, tasks the Board with licensing all registered professional foresters in the state. The existing law repeatedly refers to “he or she” when describing foresters or Board staff. (Public Resources Code Section 700 *et seq.*)
- 6) Establishes the Insurance Commissioner as a constitutional officer of the State of California and tasks the commissioner with regulating all admitted insurers in California. Existing law

repeatedly uses the phrase “he or she” to refer to the Commissioner, Commission staff, as well as insurers and their representatives. (Insurance Code Section 12900 *et seq.*)

- 7) Establishes the Department of the California Highway Patrol and an appointed Commissioner to run the Department. Existing law repeatedly refers to the Commissioner of the Highway Patrol as “he” or “him.” (Vehicle Code Section 103 *et seq.*)

**FISCAL EFFECT:** As currently in print this bill is keyed non-fiscal.

**COMMENTS:** This straightforward measure seeks to eliminate numerous gendered terms throughout the various California codes, and expands eligibility for young adults seeking to work with certified community conservation corps. In support of this measure, the author states:

While California has lead on efforts to promote diversity, equity, and equality, our laws have not kept pace. It’s time we change archaic references within state law that are future forward and adequately represent those who dedicate themselves to our state.

SB 272 aims to create inclusivity within various code sections for all genders and individuals who are gender non-conforming by removing gendered language within various code sections. Some of these outdated pronouns within state law have been in statute for over sixty years, and do not reflect the current leadership nor is it inclusive. For example, within the Vehicle Code, pronouns referencing the California Highway Patrol Commissioner are male dominant, even though Commissioner Amanda Ray, who was recently confirmed by the Senate, now leads the department and uses she/her pronouns. Likewise, a number of licensing provisions within the Insurance Code are male dominant. SB 272 will update code with gender neutral language to ensure inclusion of non-binary individuals and to make clear that any gender may serve in office.

***Existing California laws and legislative policies seek to recognize all Californians for who they are.*** In recent years, California has been a national leader in taking affirmative steps to reduce discrimination and harassment faced by many intersex, transgender, and nonbinary individuals on a daily basis. One of the first major policy changes adopted by California was reflected in SB 179 (Atkins) Chap. 853, Stats. 2017, which provided for a third gender option on state driver’s licenses and identification cards issued by the Department of Motor Vehicles, as well as birth certificates issued by local health officials. Additionally, SB 179 restructured the legal process for individuals to change their name to conform to their gender identity; and created a new procedure for an individual to secure a court-ordered change of gender. This measure was quickly followed by ACR 260 (Low) Res. Chap. 190, Stats. 2018, which encouraged the Legislature to engage in a coordinated effort to revise existing statutes and introduce new legislation with inclusive language by using gender-neutral pronouns or reusing nouns to avoid the use of gendered pronouns. In the years since 2018, most new legislation is now automatically being drafted to include non-gendered pronouns and many policy committees are now utilizing annual omnibus bills to revise large sections of existing law to modify outdated gendered terms.

However, despite these efforts many provisions of California law have not been amended in decades. As a result far too many code sections still utilize gendered terms like “he or she,” and some code sections remain so outdated as to only refer to male-pronouns. The outdated nature of some of these terms can become especially awkward when the gendered term no longer reflects the gender of the person holding office. For example, as highlighted by the author, California

Highway Patrol Commissioner Amanda Ray currently holds a position authorized in statute using only male-pronouns despite her preference for (she/her/hers) pronouns. Interestingly, it should be noted the Highway Patrol's authorizing statutes generally reflect the antiquated past of the Department as, notably, the Commissioner position was created in statute nearly thirty years before the Department admitted its first female academy class.

(<https://www.chp.ca.gov/home/about-us/the-history-of-the-california-highway-patrol/milestones-in-time>.) Regardless of the origins of gendered terms in the existing codes, the time has come to reflect the contributions of all Californians to this state and begin large-scale updates of outdated gendered terms in California codes.

***This bill.*** Seeking to update numerous gendered terms across several California codes, this bill updates over one hundred sections of existing law to update and eliminate gendered pronouns. Additionally, this bill makes dozens of technical changes to reflect the updated grammar and structure of the modified codes. Finally, this bill expands the eligibility for young adults to join certified community conservation corps to include those adults aged 18 to 26 years old, up from the existing law's eligibility rules that only permit those aged 18 to 25 years old to join the corps.

***Why expand the eligibility for the conservation corps?*** In addition to eliminating hundreds of gendered terms from the California codes, this bill also expands eligibility for adults to participate in certified local conservation corps. Unlike the statewide California Conservation Corps, the local corps are frequently part of a charter school or workforce development program. This enables many of the 14 local conservation corps programs currently operating in California to allow students to continue their high school education and get a degree well into their twenties, while simultaneously learning job training and other life skills. However, the existing law does not permit job training programs to continue past the age of 25, thus a corps member may be forced to leave the corps' job training programs before they successfully obtain their degree. The Assembly Committee on Natural Resources noted that this discrepancy is now causing issues for corps members given that, "on average, it is taking young adults more time to complete their educations and become established in jobs and careers than previous generations." (Assm. Comm. On Nat. Res., Rept. on Sen. Bill 272 (2021-2022 Reg. Session), as amended March 10, 2021 at p. 2.)

To the merits of this bill's attempts to address the issue, the Senate Natural Resources & Water Committee's analysis of this bill noted that, "[this bill] will not solve the discrepancy, but will allow for a more inclusive approach while recognizing that the career pathway program is beneficial to wider age range of young adults....[However], the local corps have noted that authorization to serve 26 year olds would capture a significant proportion of this group while retaining the local corps' foundational mission of serving young adults." (Sen. Comm. On Nat. Res. & Water, Rept. on Sen. Bill 272 (2021-2022 Reg. Session), as amended March 10, 2021, at p. 3.) Given the odd circumstances that the existing law may force onto a conservation corps member as they approach their 26<sup>th</sup> birthday this bill's provisions adopting the minor adjustment age limits for local conservation corps certainly seem prudent. Recognizing that the Senate and Assembly Committees with direct oversight of the conservation corps have approved this change, this Committee sees no need or rationale to disagree with their judgment.

***ARGUMENTS IN SUPPORT:*** This bill is supported by a coalition of civil rights organizations as well as the Lieutenant Governor and several state departments. Representative of the coalition ACLU California writes:

American Civil Liberties Union California Action is pleased to support your SB 272, which would increase inclusivity within California law by updating language within California Conservation Corps, Community Conservation Corps (“local corps”), CALFIRE references in the Public Resources Code, CHP Commissioner, and Insurance Code licensing provisions to ensure gender neutrality.

Gender inclusion is vital in ensuring equality and furthers the ideals that all services, opportunities, and establishments are open to all people. For these reasons, ACLU California supports SB 272.

**REGISTERED SUPPORT / OPPOSITION:****Support**

American Council of Life Insurers  
Association of California Life & Health Insurance Companies  
California Department of Insurance  
California State Controller  
Democratic Women of Monterey County  
Equality California  
Office of Lieutenant Governor Eleni Kounalakis  
Sacramento LGBT Community Center

**Opposition**

None on file

**Analysis Prepared by:** Nicholas Liedtke / JUD. / (916) 319-2334