
VETO

Bill No: SB 702
Author: Limón (D), et al.
Amended: 9/3/21
Vote: 27

SENATE GOVERNMENTAL ORG. COMMITTEE: 11-0, 4/20/21
AYES: Dodd, Allen, Archuleta, Becker, Bradford, Glazer, Hueso, Jones,
Kamlager, Portantino, Rubio
NO VOTE RECORDED: Nielsen, Borgeas, Melendez, Wilk

SENATE JUDICIARY COMMITTEE: 10-0, 4/27/21
AYES: Umberg, Caballero, Durazo, Gonzalez, Hertzberg, Jones, Laird, Stern,
Wieckowski, Wiener
NO VOTE RECORDED: Borgeas

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/20/21
AYES: Portantino, Bates, Bradford, Jones, Kamlager, Laird, Wieckowski

SENATE FLOOR: 33-0, 6/2/21
AYES: Allen, Archuleta, Atkins, Bates, Becker, Bradford, Caballero, Cortese,
Dodd, Durazo, Eggman, Glazer, Gonzalez, Hertzberg, Hueso, Hurtado, Jones,
Kamlager, Laird, Leyva, Limón, McGuire, Min, Newman, Pan, Portantino,
Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener
NO VOTE RECORDED: Borgeas, Dahle, Grove, Melendez, Nielsen, Ochoa
Bogh, Wilk

SENATE FLOOR: 32-0, 9/9/21
AYES: Allen, Archuleta, Atkins, Bates, Becker, Bradford, Caballero, Cortese,
Dodd, Durazo, Glazer, Gonzalez, Hertzberg, Hueso, Hurtado, Jones, Kamlager,
Laird, Leyva, Limón, McGuire, Min, Newman, Pan, Portantino, Roth, Rubio,
Skinner, Umberg, Wieckowski, Wiener, Wilk
NO VOTE RECORDED: Borgeas, Dahle, Eggman, Grove, Melendez, Nielsen,
Ochoa Bogh, Stern

ASSEMBLY FLOOR: 62-5, 9/8/21 - See last page for vote

SUBJECT: Gubernatorial appointments: report

SOURCE: Hispanas Organized for Political Equality

DIGEST: This bill requires the office of the Governor to publish a report containing the demographic information of individuals who have applied to or been appointed to a state board or commission. Additionally, the bill creates a working group to discuss and provide recommendations on ways to diversity state boards and commissions.

ANALYSIS:

Existing law:

- 1) Requires the Governor to appoint every office whose mode of appointment is not prescribed by law.
- 2) Requires that nominations made by the Governor to the Senate be made in writing, designating the residence of the nominee and the office for which he is nominated.
- 3) Establishes various boards and commissions within state government.
- 4) States that it is the policy of the State of California that the composition of these state boards and commissions broadly reflect the general public, including ethnic minorities and women.
- 5) Specifies that the Governor and other appointing authorities are responsible for nominating individuals to boards and commissions of different backgrounds, abilities, interests, and opinions. Existing law states, that it is not the intent of the Legislature that formulas or specific ratios be utilized in complying with this article.

This bill:

- 1) Requires, on or before June 1, 2022, the Office of the Governor to convene a working group, until January 1, 2023 to discuss and make recommendations on the most effective way to ensure the state's leadership on boards and commissions reflects the diversity in age, ethnicity, gender, gender identify, disability status, region, veteran status, and sexual orientation, among other things, that are representative of the state.
- 2) Requires the working group to include up to 11 members, as specified.

- 3) Requires the working group to hold its first meeting no later than September 1, 2022. At the first meeting, the working group shall determine a schedule to have five additional meetings completed no later than February 1, 2023.
- 4) Requires the working group to evaluate and provide recommendations on all of the following:
 - a) Improved ways to market the availability of the appointment process to state boards and commissions.
 - b) Identification and discussion of potential barriers for applicants to state boards and commissions and ways to alleviate these barriers.
 - c) Plans to increase diversity of the state's leadership on boards and commissions.
- 5) Requires the recommendations to be completed and published on the Governor's internet website no later than March 1, 2023.
- 6) Requires the working group to be terminated on January 1, 2024.
- 7) Requires the office of the Governor, before December 1, 2022, and on or before every December 1 thereafter, to deliver to the Legislature and post on its Internet website, a report that contains all of the following information:
 - a) The demographic information of each appointment by the office of the Governor to date and from January 1 to November 15 of the reporting year.
 - b) The aggregate demographic information for individuals who applied for appointment with the office of the Governor, as specified.
 - c) The demographic information of the gubernatorial appointees on each state board and commission, as specified.
 - d) A list of every state board and commission, the stated objective of every state board and commission, meetings held by each state board and commission in the prior year, and any openings in the membership of each state board and commission.
- 8) Defines "demographic information" to mean age, ethnicity, gender, gender identity, disability status, region, veteran status, and sexual orientation of the appointed individual.

Background

Purpose of this bill. According to the author's office, "to ensure California's leadership reflects its greater population, the collection of gubernatorial appointee demographic data is a critical step to achieving gender, racial, and ethnic equity on boards and commissions. The annual report will serve as a tool to shed light where gaps in representation exists, encourage outreach to communities of interest, and address any barriers. Increasing the diversity of California's board and commission members will ensure we reflect the rich diversity of California's population, creating a stronger state, and more equitable communities."

California's Demographic Data. With a population of roughly 40 million people, California is the most populous state in the United State with no race or ethnic group constituting a majority of California's population. According to the Public Institute Policy of California 39% of state residents are Latino, 36% are white, 15% are Asian or Pacific Islander, 6% are African American, fewer than 1% are Native American or Alaska Natives, and 3% are multiracial or other. In terms of gender, California has a higher number of women, 50.2% compared to men, 49.2%.

According to the Williams Institute at UCLA, roughly 5.3%, or a little over two million people in California are a member of the LGBTQ+ community. In addition, the Centers for Disease Control and Prevention predicts that roughly 23% of California's adult population has some kind of disability. California is also home to 1.8 million veterans.

Related/Prior Legislation

SB 17 (Pan, 2021) establishes in state government an Office of Racial Equity (ORE), as an independent public entity not affiliated with an agency or department, as specified; and, tasks the ORE with, among other things, coordinating, analyzing, developing, evaluating, and recommending strategies for advancing racial equity across state agencies, departments, and the Office of the Governor, as specified. (Held in the Assembly Appropriations Suspense File)

AB 979 (Holden, Chapter 316, Statutes of 2020) required publicly held corporations to fill their board seats with a minimum number of directors from underrepresented communities, as specified.

AB 931 (Boerner Horvath, Chapter 813, Statutes of 2019) prohibited the membership of appointed boards and commissions in cities with a population of 50,000 or more from having more than 60% of the same gender identity on or after

January 2, 2030 and specifies that smaller boards and commissions must not be compromised of members having the same gender identity.

SB 826 (Jackson, Chapter 954, Statutes of 2018) required publicly held corporations with its principal executive offices in California to have specified numbers of female board members, depending on the size of the board, and required the Secretary of State to levy fines on businesses that do not comply.

SB 984 (Skinner, 2018) would have required state boards and commissions to have at least one female member if the board is four or fewer members, or at least 40% female membership on boards or commissions with five or more members. (Held in the Assembly Appropriations Committee Suspense File)

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee, unknown costs, likely in the low- to mid-hundreds of thousands of dollars, to the Governor's office for additional staff to convene a working group, provide recommendations as prescribed, and to compile and post information on specified demographic information on its internet website.

SUPPORT: (Verified 10/11/21)

Hispanas Organized for Political Equality (source)
 Alliance for a Better Community
 American Civil Liberties Union California Action
 API Equality-LA
 Association of California State Employees with Disabilities
 California Black Chamber of Commerce
 California Board of Accountancy
 California League of United Latin American Citizens
 Campaign for College Opportunity
 Center for Asian Americans United for Self Empowerment
 Courage California
 Disability Rights California
 Inland Coalition for Immigrant Justice
 Latina Coalition of Silicon Valley
 Latinas Contra Cancer
 Latino Corporate Directors Association
 Latino Donor Collaborative
 Latino Network
 Los Angeles Urban League

National Association of Latino Elected Appointed Officials
St. Joseph Center
UCLA Latino Policy & Politics Initiative
University of California Student Association
Unity Council

OPPOSITION: (Verified 10/11/21)

None received

ARGUMENTS IN SUPPORT: According to the Association of California State Employees with Disabilities, “this bill would require the office of the Governor, on or before August 1, 2022, and on or before every August 1 thereafter, to create and deliver to the Legislature a report containing specified information relating to the demographic information, as defined, of individuals appointed by the Governor. The appointees would include the boards, commissions, and task forces of the state to be published on the internet website of the office of the Governor. The demographics would include ‘disability status’ other things. Passage of this bill would benefit our members and other persons with disabilities.”

GOVERNOR'S VETO MESSAGE:

This bill would require the Governor's Office to convene a working group to make recommendations back to the Office on increasing diversity in state appointments, and to create and deliver to the Legislature a report containing demographic information of individuals appointed by the Governor.

I applaud the author and stakeholders' desire to ensure diversity in California's board and commission members. I too am deeply committed to making appointments that reflect California's diversity at every level of government. My office already makes an intentional, transparent effort to engage with the Legislature, community partners, nonprofits, and a variety of stakeholders to build a diverse and qualified pool of candidates for appointed positions, and will continue to strengthen and build these partnerships. Further, the demographic information specified for reporting under this bill is optional and self-reported by candidates. For these reasons, such a report required by SB 702 would not accurately reflect the diversity of appointees.

ASSEMBLY FLOOR: 62-5, 9/8/21

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Mia Bonta, Bryan, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu,

Cooley, Cooper, Daly, Frazier, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Levine, Low, Maienschein, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Stone, Ting, Villapudua, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon
NOES: Bigelow, Megan Dahle, Davies, Gallagher, Smith
NO VOTE RECORDED: Chen, Choi, Cunningham, Flora, Fong, Kiley, Lackey, Mathis, Nguyen, Patterson, Seyarto, Valladares, Voepel

Prepared by: Felipe Lopez / G.O. / (916) 651-1530
10/18/21 10:39:25

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