

AMENDED IN SENATE JUNE 20, 2016

AMENDED IN ASSEMBLY APRIL 7, 2016

AMENDED IN ASSEMBLY MARCH 30, 2016

AMENDED IN ASSEMBLY MARCH 10, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1887

Introduced by Assembly Member Low
(Coauthors: Assembly Members ~~Chiu~~ Bloom, Chiu, and Ting)
(Coauthor: Senator Hall)

February 11, 2016

An act to add Section 11139.8 to the Government Code, relating to discrimination.

LEGISLATIVE COUNSEL'S DIGEST

AB 1887, as amended, Low. State government: discrimination: travel.

Existing law prohibits discrimination on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability under any state program or activity. Existing law provides for officers and employees of the state, when away from their headquarters for state business, to receive travel expenses.

This bill would prohibit a state agency and the Legislature from requiring any of its employees, officers, or members to travel to, or approving a request for state-funded or state-sponsored travel to, any state that, after June 26, 2015, has enacted a law that voids or repeals, or has the effect of voiding or repealing, existing state or local protections against discrimination on the basis of sexual orientation,

gender identity, or gender expression or has enacted a law that authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression, as specified, subject to certain exceptions. The bill would require the Attorney General to develop, maintain, and post on his or her Internet Web site a current list of states that, after June 26, 2015, have enacted such a law. The bill would make it the responsibility of specified state entities to consult the list in order to comply with the travel and funding restrictions imposed by the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11139.8 is added to the Government
- 2 Code, to read:
- 3 11139.8. (a) The Legislature finds and declares all of the
- 4 following:
- 5 (1) California is a leader in protecting civil rights and preventing
- 6 discrimination.
- 7 (2) California’s robust nondiscrimination laws include
- 8 protections on the basis of sexual orientation, gender identity, and
- 9 gender expression, among other characteristics.
- 10 (3) Religious freedom is a cornerstone of law and public policy
- 11 in the United States, and the Legislature strongly supports and
- 12 affirms this important freedom.
- 13 (4) The exercise of religious freedom should not be a
- 14 justification for discrimination.
- 15 (5) California must take action to avoid supporting or financing
- 16 discrimination against lesbian, gay, bisexual, and transgender
- 17 people.
- 18 (6) It is the policy of the State of California to promote fairness
- 19 and equality and to combat discrimination.
- 20 (b) A state agency, department, board, authority, or commission,
- 21 including an agency, department, board, authority, or commission
- 22 of the University of California, the Board of Regents of the
- 23 University of California, or the California State University, and
- 24 the Legislature shall not do either of the following:
- 25 (1) Require any of its employees, officers, or members to travel
- 26 to a state that, after June 26, 2015, has enacted a law that voids or

1 repeals, or has the effect of voiding or repealing, existing state or
2 local protections against discrimination on the basis of sexual
3 orientation, gender identity, or gender expression or has enacted
4 a law that authorizes or requires discrimination against same-sex
5 couples or their families or on the basis of sexual orientation,
6 gender identity, or gender expression, including any law that
7 creates an exemption to antidiscrimination laws in order to permit
8 discrimination against same-sex couples or their families or on the
9 basis of sexual orientation, gender identity, or gender expression.

10 (2) Approve a request for state-funded or state-sponsored travel
11 to a state that, after June 26, 2015, has enacted a law that voids or
12 repeals, or has the effect of voiding or repealing, existing state or
13 local protections against discrimination on the basis of sexual
14 orientation, gender identity, or gender expression, or has enacted
15 a law that authorizes or requires discrimination against same-sex
16 couples or their families or on the basis of sexual orientation,
17 gender identity, or gender expression, including any law that
18 creates an exemption to antidiscrimination laws in order to permit
19 discrimination against same-sex couples or their families or on the
20 basis of sexual orientation, gender identity, or gender expression.

21 (c) Subdivision (b) shall not apply to travel that is necessary for
22 the enforcement of California law, to meet contractual obligations
23 incurred before January 1, 2017, or for the protection of public
24 health, welfare, or ~~safety~~ *safety, as determined by the affected*
25 *agency, department, board, authority, or commission, or the*
26 *affected legislative office, as described in subdivision (b).*

27 (d) The prohibition on state-funded travel described in this
28 section shall continue while any law specified in subdivision (b)
29 remains in effect.

30 (e) (1) The Attorney General shall develop, maintain, and post
31 on his or her Internet Web site ~~“his or her”~~ a current list of states
32 that, after June 26, 2015, have enacted a law that voids or repeals,
33 or has the effect of voiding or repealing, an existing state or local
34 protection against discrimination on the basis of sexual orientation,
35 gender identity, or gender expression, or have enacted a law that
36 authorizes or requires discrimination against same-sex couples or
37 their families or on the basis of sexual orientation, gender identity,
38 or gender expression, including any law that creates an exemption
39 to antidiscrimination laws in order to permit discrimination against

1 same-sex couples or their families or on the basis of sexual
2 orientation, gender identity, or gender expression.

3 (2) It shall be the responsibility of an agency, department, board,
4 authority, or commission described in subdivision (b) to consult
5 the list on the Internet Web site of the Attorney General in order
6 to comply with the travel and funding restrictions imposed by this
7 section.

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