

Assembly Bill No. 1887

Passed the Assembly August 23, 2016

Chief Clerk of the Assembly

Passed the Senate August 17, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1887, 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.

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

SECTION 1. Section 11139.8 is added to the Government Code, to read:

11139.8. (a) The Legislature finds and declares all of the following:

(1) California is a leader in protecting civil rights and preventing discrimination.

(2) California’s robust nondiscrimination laws include protections on the basis of sexual orientation, gender identity, and gender expression, among other characteristics.

(3) Religious freedom is a cornerstone of law and public policy in the United States, and the Legislature strongly supports and affirms this important freedom.

(4) The exercise of religious freedom should not be a justification for discrimination.

(5) California must take action to avoid supporting or financing discrimination against lesbian, gay, bisexual, and transgender people.

(6) It is the policy of the State of California to promote fairness and equality and to combat discrimination.

(b) A state agency, department, board, authority, or commission, including an agency, department, board, authority, or commission of the University of California, the Board of Regents of the University of California, or the California State University, and the Legislature shall not do either of the following:

(1) Require any of its employees, officers, or members to travel to a 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, including any law that creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression.

(2) Approve a request for state-funded or state-sponsored travel to a 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, including any law that creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression.

(c) Subdivision (b) shall not apply to travel that is required for any of the following purposes:

(1) Enforcement of California law, including auditing and revenue collection.

(2) Litigation.

(3) To meet contractual obligations incurred before January 1, 2017.

(4) To comply with requests by the federal government to appear before committees.

(5) To participate in meetings or training required by a grant or required to maintain grant funding.

(6) To complete job-required training necessary to maintain licensure or similar standards required for holding a position, in the event that comparable training cannot be obtained in California or a different state not affected by subdivision (b).

(7) For the protection of public health, welfare, or safety, as determined by the affected agency, department, board, authority, or commission, or by the affected legislative office, as described in subdivision (b).

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

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

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

Approved _____, 2016

Governor