

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2021-2022 Regular Session**

SB 272 (Laird)  
Version: March 10, 2021  
Hearing Date: April 20, 2021  
Fiscal: No  
Urgency: No  
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**SUBJECT**

State government: gender-neutral terms: California Conservation Corps

**DIGEST**

This bill changes numerous provisions throughout existing law to make them gender neutral. The bill also would expand the eligibility for community conservation corps membership to include persons who are 26 years of age.

**EXECUTIVE SUMMARY**

“Language matters. It shapes our understanding of the world, promotes social norms and has the power to perpetuate biases. When we use inclusive language in our Legislature’s rules, rights and laws, we are sending a message to all of our residents that they deserve to be treated with dignity, equality and respect.”<sup>1</sup> This bill changes numerous provisions throughout existing law to make them gender neutral. The bill also would expand the eligibility for community conservation corps membership to include persons who are 26 years of age, increasing the existing threshold of 25 years of age.

The bill is sponsored by the California Department of Insurance and supported by Insurance Commissioner Ricardo Lara, Lieutenant Governor Eleni Kounalakis, and several advocacy organizations. It has no known opposition. It passed the Senate Nature Resources and Water Committee by a vote of 8-0

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<sup>1</sup> Hannah-Beth Jackson & Scott Wiener, *The truth about State Senate Judiciary Committee’s use of gender pronouns* (Feb. 6, 2019) *Sacramento Bee* website: <https://www.sacbee.com/opinion/oped/article225516290.html#storylink=cpy> (as of Mar. 29, 2021).

## PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides that Community Conservation Corps, among other things, consist of an average annual enrollment of not less than 50 corpsmembers between 18 and 25 years of age. (Pub. Res. Code § 14507.5(a)(5).)
- 2) Contains outdated terminology and gendered terms.

This bill:

- 1) Expands the eligibility for community conservation corps membership to include persons who are 26 years of age.
- 2) Makes numerous provisions in various codes gender-neutral.

## COMMENTS

1. Increases the age-limit for eligibility to serve in the California Conservation Corps

The California Conservation Corps (CCC) is a department within the California Natural Resources Agency that works on environmental projects and responds to disasters. Community Conservation Corps (local corps) are individual, regional, nonprofit organizations governed by a volunteer Board of Directors, and are required to be evaluated and certified by the CCC. The local corps consists of an average annual enrollment of not less than 50 corpsmembers between 18 and 25 years of age. (Pub. Res. Code § 14507.5(a)(5).) This bill increases the upper age limit to 26.

2. Gender-neutral language in the law

A recent survey of pronoun use among 40,000 LGBTQ youths by the Trevor Project, a nonprofit dedicated to preventing suicide among LGBTQ youth, found that 25 percent of them used nonbinary pronouns.<sup>2</sup> California has taken steps to reduce discrimination and harassment faced by many intersex, transgender, and nonbinary individuals on a daily basis. The State has passed significant legislation to protect the LGBTQ community from discrimination as they seek housing, employment, and attend public schools. More recently, SB 179 (Atkins, Ch. 853, Stats. 2017) provided for a third gender option on the state driver's license, identification card, and birth certificate; restructured the process for individuals to change their name to conform with their gender identity;

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<sup>2</sup> *Research Brief: Pronouns Usage Among LGBTQ Youth* (Jul. 29, 2020) <https://www.thetrevorproject.org/2020/07/29/research-brief-pronouns-usage-among-lgbtq-youth/> (as of Apr. 10, 2021).

and created a new procedure for an individual to secure a court-ordered change of gender.

California's policy of ensuring that every person receives full legal recognition and equal treatment under the law extends to the very wording of its policies. ACR 260 (Low, Res. Ch. 190, Stats. 2018) called for a coordinated effort among state agencies to draft laws, policies, regulations, and other state agency guidance in a manner that is inclusive of transgender people and people who do not identify with the traditional gender binary. Additionally, certain writing style guides, including the *Chicago Manual of Style* and the *Associated Press Stylebook*, have recently accepted the use of "they" as a singular pronoun in certain cases. The Office of Legislative Counsel has issued similar drafting guidelines to direct the drafting of language in a gender-neutral form. Finally, this Committee's Rules have been drafted in a manner that reflects this convention by using "their" in lieu of "his or her."<sup>3</sup>

This bill would continue that effort by replacing gendered terms throughout various parts of the code. According to the author: "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."

The bill's sponsor, the California Department of Insurance, writes:

Words matter and our law should be updated to represent our diverse communities. Our laws should not be specific to male pronouns when referencing someone in office as these male-centric code sections do no justice to women in office as well as to individuals who are nonbinary. While simple in concept, gender-neutral language in state law makes California more inclusive for all. Otherwise, as written, these laws fail to represent the gender and non-binary diversity of all of our communities here in our great state.

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<sup>3</sup> Gender-neutral pronouns in last session's version of the Committee's rules prompted a discussion in Committee on grammar and the evolution of language. Conservative bloggers, social media trolls, pundits, and columnists across the nation reported the false narrative that the Committee had altogether banned gendered pronouns in its hearings. (*The truth about State Senate Judiciary Committee's use of gender pronouns, supra*, note 1.) A similarly disingenuous narrative emerged when Congress changed its rules to be gender neutral. (Camille Caldera, *Fact check: US House members can use gendered language; rules change affected one document* (Jan. 16, 2021) USA Today Website <https://www.usatoday.com/story/news/factcheck/2021/01/16/fact-check-house-rules-only-changed-gendered-language-one-document/4175388001/> (as of Mar. 29, 2021).) Lest there be any doubt, it remains the case in the Senate Judiciary Committee that all are welcome to refer to themselves using their chosen pronouns.

In support, Lieutenant Governor Eleni Kounalakis writes:

As the first woman elected Lieutenant Governor of California, I know firsthand what it means to serve in a role that was not written for you. And yet, California Code is still riddled with male pronouns. Changing the CHP Commissioner code section promotes gender-inclusive legal language and ensures that references to the CHP Commissioner do not allude to a particular sex, social gender, gender identity, and do not perpetuate gender stereotypes. I believe this eye toward inclusion is vital in ensuring equality, and furthers the ideals that all services, opportunities, and establishments are open to all people.

In support, the Sacramento LGBT Community Center writes:

Male-dominant pronouns remain predominant within California law. Within the Vehicle Code, pronouns referencing the CHP Commissioner are male dominant, even though CHP Commissioner Amanda Ray leads the agency. These aged references should be updated and future-focused. SB 272 is important, as it expands definitions of gender by removing gender specificity. Changing the CHP Commissioner Code section promotes gender-inclusive legal language and ensures that references to the CHP Commissioner does not allude to a particular sex, social gender, gender identity, and do not perpetuate gender stereotypes.

### **SUPPORT**

California Department of Insurance (sponsor)  
American Civil Liberties Union California Action  
American Council of Life Insurers  
Association of California Life and Health Insurance Companies  
Democratic Women of Monterey County  
Insurance Commissioner Ricardo Lara  
Lieutenant Governor Eleni Kounalakis  
Sacramento LGBT Community Center  
State Controller Betty Yee

### **OPPOSITION**

None known

**RELATED LEGISLATION**

Pending Legislation:

AB 378 (Bauer-Kahan, 2021) eliminates gendered terms from various provisions of the California Codes that relate to elected officials and the Fair Political Practices Act. The bill is pending on the Assembly floor.

Prior Legislation: *See* Comment 2.

AB 1817 (Judiciary, Ch. 115, Stats. 2019) removed gendered terms throughout the Family Code.

**PRIOR VOTES:**

Senate Nature Resources and Water Committee (Ayes 8, Noes 0)

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