

Date of Hearing: April 21, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

AB 46 (Luz Rivas) – As Amended April 15, 2021

**SUBJECT:** California Youth Empowerment Act

**SUMMARY:** Establishes the “California Youth Empowerment Act” to provide meaningful opportunities for actual civic engagement to improve the quality of life for California’s disconnected and disadvantaged youth. Specifically, **this bill:**

- 1) Establishes the “California Youth Empowerment Act”.
- 2) Makes Legislative findings and declarations pertaining to issues affecting youth aged 18 to 24 and their desire to be involved in the civic process.
- 3) Defines “Commission” to mean California Youth Empowerment Commission and “Commissioner” to mean a voting member of the California Youth Empowerment Commission.
- 4) Provides that the Commission consists of 25 voting commissioners to be appointed as follows:
  - a) 21 public members appointed by the Governor initially staggered so that 10 members serve one-year terms and 11 members serve two-year terms. Further, the 21 members appointments shall be subject to the following requirements:
    - i) With the exception of the at-large commissioner, two of the commissioners shall reside, work, or attend school in each of the following regions:
      - A) Superior California region—consists of the Counties of Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Sutter, Tehama, Yolo, and Yuba;
      - B) North Coast region—consists of the Counties of Del Norte, Humboldt, Lake, Mendocino, Napa, Sonoma, and Trinity;
      - C) San Francisco Bay area region—consists of the Counties of Alameda, Contra Costa, Marin, San Mateo, Santa Clara, and Solano, and the City and County of San Francisco;
      - D) Northern San Joaquin Valley region—consists of the Counties of Alpine, Amador, Calaveras, Madera, Mariposa, Merced, Mono, San Joaquin, Stanislaus, and Tuolumne;
      - E) Central Coast region—consists of the Counties of Monterey, San Benito, San Luis Obispo, Santa Barbara, Santa Cruz, and Ventura;
      - F) Southern San Joaquin Valley region—consists of the Counties of Fresno, Inyo, Kern, Kings, and Tulare;

- G) Inland Empire region—consists of the Counties of Riverside and San Bernardino;
  - H) Los Angeles region—consists of the County of Los Angeles;
  - I) Orange County region—consists of the County of Orange; and,
  - J) San Diego/Imperial region—consists of the Counties of Imperial and San Diego.
- ii) Ten of the commissioners shall be between 14 to 18 years of age;
  - iii) Ten of the commissioners shall be between 18 to 25 years of age;
  - iv) At least 10 commissioners shall have experienced a physical disability, youth homelessness, foster care, or juvenile incarceration; and,
  - v) One at-large commissioner, who may be between 14 to 25 years of age.
- b) Two at-large public members appointed by the Senate Committee on Rules; and,
  - c) Two at-large public members appointed by the Speaker of the Assembly.
- 5) Provides that in addition to the 25 voting commissioners, one Member of the Senate appointed by the Senate Committee on Rules, one Member of the Assembly appointed by the Speaker of the Assembly, the Governor, Superintendent of Public Instruction, and Secretary of California Health and Human Services Agency (CHHS) shall serve as nonvoting members of the commission.
  - 6) Requires all appointing powers to take into consideration that the members of the commission represent the geographical, racial, ethnic, socioeconomic, cultural, physical, and educational diversity of California's youth. Particular emphasis and funding should be used on reaching out to at-risk or disadvantaged youth to serve as members of the commission, as their participation will provide keen insight into many of the issues that youth face in their day-to-day lives.
  - 7) Provides that, excluding the initial staggering of terms, commissioners shall serve two-year terms.
  - 8) Provides that commissioners be between 14 and 25 years of age. Further, if a commissioner turns 26 years of age during their term, that commissioner shall be allowed to complete the term.
  - 9) Requires a commissioner to be a resident of California.
  - 10) Authorizes a commissioner to seek reappointment as long as they serve as a chair, vice chair, or clerk.
  - 11) Provides that attending a meeting of the commission as a commissioner shall be a lawful excuse for a student to be absent from school if approved by the principal or a designated representative. Further, a student excused from school attendance for attending a commission

meeting may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

- 12) Provides that in the event of inappropriate conduct, unexcused absences, or inability to complete expected duties of a commissioner, the commissioner in question is entitled to a facilitated meeting using restorative practices. Further defines “facilitated meeting” as a facilitated process designed to acknowledge, address, and respond to the underlying needs of all parties, that may include, but is not limited to, a meeting of the commissioners in conflict; and, “restorative justice practices” as a process to improve and repair relationships between people and communities, as specified.
- 13) Provide that a commissioner’s position becomes vacant, under the approval of the executive director, in the event of any of the following: death of a commissioner; resignation of a commissioner; change in residence of a commissioner to outside of California; or, failure to resolve challenges occurring from inappropriate conduct, unexcused absences, or inability to complete expected duties of a commissioner.
- 14) Provides that in the event of a vacancy, the appointing power that appointed the commissioner shall appoint a replacement in the same manner as the original appointment within 30 days of the vacancy.
- 15) Requires the executive director, no later than March 1 of each year, to release to the public on its internet website the procedures for the general application process to assist public members in the appointment process and facilitate communications between public members and the appointing powers and to have created and made the application publicly available on its internet website.
- 16) Requires the executive director to also notify the Superintendent of Public Instruction, the Association of Independent California Colleges and Universities, the Regents of the University of California, the California State University, and the California Community Colleges Chancellor’s office that the application for an appointment is open, as specified.
- 17) Authorizes the executive director, in reviewing general applications, to consider additional relevant selection criteria and conduct interviews.
- 18) Authorizes the executive director to recommend public members to be appointed to the appointing powers, but there shall be no right or obligation on the part of the appointing powers to appoint those public members.
- 19) Provides that each public member of the commission receive \$100 per diem while on official business of the commission. Each member of the commission shall also be entitled to receive their actual necessary traveling expenses while on official business of the commission.
- 20) Requires the commission to select a chair, vice chair, and clerk from among its members at the first meeting of the year, as specified.
- 21) Requires that the Commission is an advisory commission only. Further, specifies that there shall be no right or obligation on the part of the state, or parties meeting and conferring, to implement the findings of the commission without further legislation that specifically

authorizes that the evaluations, determinations, and findings of the commission be implemented.

- 22) Provides that the commission's main purpose is to provide meaningful opportunities for actual civic engagement to improve the quality of life for California's disconnected and disadvantaged youth, and further, that youths involved with the commission will make meaningful recommendations regarding legislation and policies that impact their own lives and the lives of millions of other youths in California whose voices often go unheard.
- 23) Requires the commission to conduct full commission meetings at least every other month, with the first meeting in August 2022. Further, requires that all meetings of the full commission be open and public, and requires all persons to be permitted to attend any meetings of the commission. For all other committee meetings, the commission may meet by electronic teleconference means.
- 24) Authorizes commissioners to use a teleconferencing platform to join a meeting when a commissioner cannot travel to the meeting location, as specified.
- 25) Provides that the affirmative votes of a majority of the commissioners at a full session or committee meeting are required for the commission or committee to take action on any measure, respectively, including resolutions, annual reports, and initiatives.
- 26) Requires the commission to do the following:
  - a) Examine and discuss policy and fiscal issues affecting the interests, needs, and conditions of the youth of California;
  - b) Formally advise and make recommendations to the Legislature, Superintendent of Public Instruction, and Governor on specific legislative and fiscal issues affecting youth, as specified;
  - c) Consult with any existing local-level youth advisory commissions and community-based, grassroots youth-led organizations for input and potential solutions on issues related to youth;
  - d) Publish an internet website to report details relevant to the commission for the public to view, including, but not limited to, commission agendas, minutes, resolutions, vote counts, initiatives, commissioner information, photos, and video; and,
  - e) Publish an annual report to the Legislature, Superintendent of Public Instruction, Secretary of CHHS, and Governor detailing the activities, issues, demographics, budget, and outcomes of the commission.
- 27) Authorizes the commission to do any of the following:
  - a) Draft and approve resolutions that formally articulate the commission's positions on various youth-related legislative and fiscal policy;
  - b) Draft model legislation that addresses issues relating to youth that may be adopted by Members of the Legislature;

- c) Provide testimony during any committee meeting in the Legislature;
  - d) Form committees and task forces to discuss specific issues and policy areas and meet as necessary;
  - e) Conduct public hearings with community and youth organizations to identify pressing issues and debate priorities;
  - f) Appoint advisory committees from within its membership or with outside members whenever necessary—members of an advisory committee shall serve without compensation, but each may be reimbursed for necessary traveling and other expenses incurred in the performance of official duties;
  - g) Conduct public awareness campaigns to raise awareness about the commission and to enhance outreach to the youth in this state;
  - h) Conduct periodic seminars for its members regarding leadership, government, and the Legislature;
  - i) Establish grant application criteria and procedures; and,
  - j) Award prizes or direct grants to organizations in accordance with those regulations as the commission may prescribe. In awarding prizes or directing grants, the commission shall notify the offices of the legislators in whose district the recipient resides.
- 28) Requires the Governor to appoint an executive director of the California Youth Empowerment Commission who is required to do the following:
- a) Assist the commission in carrying out its work;
  - b) Be responsible for the hiring of commission staff, including, but not limited to, deputy directors;
  - c) Be responsible for the management and administration of the commission staff; and,
  - d) Perform other duties as directed by the commission.
- 29) Authorizes the commission to accept gifts and grants from any source, public or private, to help perform its functions.
- 30) Authorizes the commission to seek out funding and in-kind contributions from foundations, nonprofit organizations, public and private entities, and other individuals or groups in order to carry out the work of the commission.
- 31) Requires the commission to develop a strategy to attract financial support from private donors in order to reduce the commission’s dependence on state funding.
- 32) Creates, in the State Treasury, the “Youth Empowerment Commission Fund” in support of the commission, which shall be administered by the executive director. Further, provides that moneys deposited in the account may be expended, upon appropriation by the Legislature, to carry out the duties of the commission.

**EXISTING LAW:**

- 1) Establishes the “California Youth Leadership Project” for the purpose of promoting youth civic engagement through meaningful opportunities to improve the quality of life for California’s disconnected and disadvantaged youth by awarding scholarships to youth between 14 and 18 years of age. [Education Code Section [EDC] 33425)
- 2) Establishes the “Bagley-Keene Act” which requires that all meetings of a state board, or commission, committee, or similar multimember state body be open and public and all persons shall be permitted to attend any meeting of a state body except as specified and authorizes a state board, or commission, committee, or similar multimember state body to conduct meetings via teleconference provided certain criteria are met. (Government Code Section [GOV] 11120 *et seq.*)
- 3) Establishes various state boards, commissions, advisory committees, and other authorized state bodies. (GOV 8000 *et seq.*)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

***State children’s cabinets and councils:*** Several states have established a youth advisory body within their state government. Children’s cabinets, councils, and commissions typically are made up of heads of government agencies with child and youth-serving programs, who meet on a regular basis with the collective goal of coordinating services, developing a common set of outcomes, and collaboratively deciding upon and implementing plans to foster the well-being of young people. The youth advisory bodies can successfully take on many roles related to improving youth outcomes, such as developing a common vision, creating shared accountability and increasing stakeholder engagement.

***Youth Civic Engagement:*** Data from the Center for Information & Research on Civic Learning and Engagement (CIRCLE) at Tufts University found about a 10% increase in voter participation for youth ages 18 to 29 in the 2020 United States presidential and general election compared to the 2016 presidential and general election. Casting a ballot, however, only represents one form of civic engagement. Civic engagement includes political activism, environmentalism, and community and national service. The CIRCLE data also found an increase in other forms of civic engagement including volunteering for political campaigns and trying to convince other young people to vote. Research has consistently shown that participating in communities and being a part of groups working together on an issue has numerous benefits for young people themselves. Participation in civic engagement activities can help youth become better informed about current events.

***Need for this bill:*** According to the author, “Youth deserve to have their voices heard. [This bill] will establish a 25-member youth commission that will serve as a statewide advisory body to the state government. At least half of the commissioners must have experienced youth homelessness, foster care, juvenile incarceration, or have special needs to ensure representation from traditionally underserved groups. The Commission’s duties will include examining and discussing policy, holding meetings and roundtable discussions with youth advocates and the public, and investing in youth by providing grants, with strict oversight mechanisms, to programs that seek to address youth concerns. Our democracy is better served when everyone, especially

youth, is given an opportunity to contribute their own unique and invaluable perspectives in policy decisions that have far-reaching ramifications for the future of our great state.”

**Recommended Committee Amendments:** In order to fix a cross-reference error and clarify the requirements for reappointment to the commission, the committee staff recommends the following amendment:

***Beginning on line 18 on page 7 of the bill, strike “of Section 8267”***

**Double referral:** This bill passed out of the Assembly Accountability and Administrative Review Committee on April 14, 2021, with a 6-0 vote.

#### **PRIOR AND RELATED LEGISLATION:**

**AB 1858 (L. Rivas) of 2020**, similar to this bill, would have established the “California Youth Empowerment Commission” to address the growing need to engage youth directly with policymakers. The California Youth Empowerment Commission would consist of 24 voting commissioners between 14 and 25 years of age along with several ex officio, nonvoting members. AB 1858 was not heard in the Assembly Accountability and Administrative Review Committee.

**AB 2252 (DeSaulnier, Bass) of 2008**, would have established in state government the “California Commission on Youth” to examine and discuss policy and fiscal issues affecting the interests, needs, and conditions of the youth of California, and to formally advise and make recommendations to the Legislature and the Governor on specific issues affecting youth. The commission would be comprised of 20 youth members and 5 nonvoting adult members, to be appointed as specified. AB 2252 was vetoed by Governor Schwarzenegger.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

Alliance for Boys and Men of Color (Co-Sponsor)  
California Association of Student Councils (Co-Sponsor)  
American Academy of Pediatrics, California  
California Alliance of Child and Family Services  
California Coalition for Youth  
California Immigrant Policy Center  
California Youth Connection (CYC)  
Children Now  
Doing Good Works  
League of Women Voters of California  
Mi Familia Vota  
Mid-city Community Advocacy Network  
San Francisco Youth Commission  
Simi Valley Democratic Club  
Southeast Asia Resource Action Center  
Voices Youth Centers  
Westcoast Children's Clinic

**Opposition**

None on file

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