

SENATE No. 2016

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to ensure gender parity and racial and ethnic diversity on public boards and commissions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>1/23/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/1/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/8/2023</i>

SENATE No. 2016

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 2016) of Jason M. Lewis, Rebecca L. Rausch, Vanna Howard and Sal N. DiDomenico for legislation to ensure gender parity and racial and ethnic diversity on public boards and commissions. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2077 OF 2021-2022.]

The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**
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An Act to ensure gender parity and racial and ethnic diversity on public boards and commissions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Definitions.

2 “Diverse” means an individual who self-identifies in one or more of the following
3 categories: Female, Underrepresented Minority, or LGBTQ+.

4 “Female” means an individual who self-identifies her gender as female, without regard to
5 the individual’s designated sex at birth.

6 “Underrepresented Minority” means an individual who self-identifies as one or more of
7 the following: Black or African American, Hispanic or Latinx, Asian, Native American, Alaska

8 Native, Native Hawaiian, Pacific Islander, or two or more races or ethnicities, or such other
9 similar non-white categories as reported in the Census Data.

10 “LGBTQ+” means an individual who self-identifies as any of the following: lesbian, gay,
11 bisexual, transgender, or as a member of the queer community.

12 “Census Data” means the Decennial U.S. Census, performed by the U.S. Census Bureau
13 every ten years as mandated by Article I, Section 2 of the Constitution.

14 SECTION 2. (a) Every appointive board or commission of the state established by the
15 Code, if not otherwise provided by law, shall endeavor to have, or explain why it does not have,
16 (1) at least fifty percent members who self-identify as Female, and (2) at least thirty-percent
17 members who self-identify as an Underrepresented Minority or as LGBTQ+. For purposes of this
18 section, these percentages are met where the appointment of one additional Diverse member
19 would cause the board or commission to have a Diverse composition greater than the percentages
20 required herein.

21 (b) Not later than 120 days after the release of new Census Data, the governor’s office
22 shall amend the percentages in Section 1(a) where necessary to meet the following criteria:

23 (1) The percentage in Section 1(a)(1) shall reflect the female population in
24 Massachusetts, as reported by the Census Data.

25 (2) The percentage in Section 1(a)(2) shall reflect the percentage population in
26 Massachusetts of Underrepresented Minorities, as reported in the Census Data, plus the
27 percentage population of LGBTQ+, as reported by the Census Data.

28 SECTION 3. Each person responsible for appointing members to a board or commission
29 shall endeavor to ensure that, to the fullest extent possible, the composition of the board or
30 commission reflects the diversity goals set forth in Section 1. Appointing authorities shall make
31 a focused effort to appoint Diverse members to all boards and commissions, including but not
32 limited to, developing and implementing a plan to attract and recruit Diverse members; and
33 working with community-based and professional organizations with large networks of Diverse
34 individuals.

35 SECTION 4. (a) To track and measure progress, each public board and commission shall
36 identify and report to the governor's office at least once per fiscal year:

37 (1) the total number of current members;

38 (2) the total number of current members who self-identify as Female;

39 (3) the total number of current members who self-identify as an Underrepresented
40 Minority or LGBTQ+; and

41 (4) the total number of current members who self-identify as Female and as an
42 Underrepresented Minority or LGBTQ+.

43 (b) In addition, each appointing authority shall make reasonable efforts to identify and
44 report to the governor's office at least once per fiscal year:

45 (1) the total number of persons who applied or were nominated for appointment to
46 each public board or commission during the time period covered by the report;

47 (2) the total number of Females who applied or were nominated for appointment to
48 each public board or commission during the time period covered by the report;

49 (3) the total number of Underrepresented Minorities and LGBTQ+ individuals who
50 applied or were nominated for appointment to each public board or commission during the time
51 period covered by the report; and

52 (4) the total number of Females who are also Underrepresented Minorities and
53 LGBTQ+ who applied or were nominated for appointment to each public board or commission
54 during the time period covered by the report.

55 (c) The governor’s office shall publish at least once per fiscal year a report that
56 separately identifies for each public board and commission the data collected and reported by
57 such board and appointing authority pursuant to paragraphs (a) and (b) in this Section. If any
58 board or commission does not meet the diversity goals outlined in Section 1, the appointing
59 authority shall include an explanation for why the goals were not met and describe the efforts, if
60 any, by the appointing authority to increase the number of Diverse members on the board or
61 commission.

62 (d) Any demographic data disclosed or released pursuant to this section shall disclose
63 only aggregated statistical data and shall not identify an individual applicant, nominee or
64 appointed board member or commissioner.