

HOUSE No. 3095

The Commonwealth of Massachusetts

PRESENTED BY:

Tram T. Nguyen and Dawne Shand

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 promote diversity on public boards and commissions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/14/2023</i>
<i>Dawne Shand</i>	<i>1st Essex</i>	<i>1/19/2023</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>1/24/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>1/26/2023</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/27/2023</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>2/1/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/2/2023</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>	<i>2/2/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/7/2023</i>
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>2/14/2023</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>2/21/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/23/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>3/5/2023</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>3/8/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>3/14/2023</i>

HOUSE No. 3095

By Representatives Nguyen of Andover and Shand of Newburyport, a petition (accompanied by bill, House, No. 3095) of Tram T. Nguyen, Dawne Shand and others for legislation to promote diversity on public boards and commissions. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act to promote 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”, an individual who self-identifies in one or more of the following categories:

3 Female, Underrepresented Minority, or LGBTQ+.

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

6 “Underrepresented Minority”, an individual who self-identifies as one or more of the
7 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+”, 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”, the Decennial U.S. Census, performed by the U.S. Census Bureau every
13 ten years as mandated by Article I, Section 2 of the U.S. Constitution.

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

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

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