

# The Story of SB 1146 | BY HALLIE ANDERSON

**SB 1146 is, or rather, was a bill intended to extend non-discriminatory requirements to religious institutions.**

I headed into the California State Capitol in late June of 2016, heels clicking and eyes scanning the long hallways for directions. After talking with a friendly sergeant who, of course, knew that I was lost, I found my way up to the gallery where I'd have a bird's-eye view of the session that morning.

"UPON ADJOURNMENT OF SESSION." That's when the hearing would be, according to the State Senate website. All I had to do was wait through the general session and then I'd be on my way to what I really drove to Sacramento for—the hearing on SB 1146.

To explain, SB 1146 is, or rather, was a bill intended to extend non-discriminatory requirements to religious institutions. This meant that private colleges and universities in California, including Adventist campuses, would no longer be able to discriminate against LGBT students, if the students attending the institutions received funding from the state, such as Cal Grants.

It also stated that a student "who is denied equal rights or opportunities on the basis of gen-

der identity, gender expression, or sexual orientation by a postsecondary educational institution that claims the Title IX exemption may seek appropriate remedies through civil action for violations of the Equity in Higher Education Act."

With complicated language and worrisome implications, the bill received criticism. By threatening to pull state funding, it could be



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assumed that some private institutions would not enroll students who had Cal Grants in order to avoid messy lawsuits. This would of course defeat the purpose of the bill and only make matters worse for students from low-income families who rely on state support. The bill took different forms throughout the year, amended time and time again. When I learned about the bill in June, it had been amended but still had the same intentions. One change to the bill stated, “the changes made by the bill shall not be construed to affect the operation of the Cal Grant Program and other provisions of law that prohibit discrimination on the basis of certain characteristics, or to prohibit students from seeking civil remedies, as specified.”

An Assembly Judiciary hearing was scheduled June 30 to discuss the bill, one of the many stops a bill makes as it goes through the legislative process.

At this particular hearing, Senator Ricardo Lara, author of the bill and chair of the Appropriations Committee, would present SB 1146 to a panel of committee members. During this hearing, several reasons for opposing and supporting the bill would be discussed.

As I sat in the front row in the small room where the hearing was held, I was on the lookout for any Seventh-day Adventists who might also be in the room. Eventually the floor was opened up for people to come forward and state their name, affiliation, and whether or not they supported or opposed the bill. These people would not be voting, as votes are reserved for committee members only. This portion of the hearing is simply to allow public opinion to be heard. Several people formed a line, announcing that they opposed the bill, and nearly all were proudly from Biola University in Southern California or William Jessup University in Northern California. Parents, students, teachers, and alumni came forward, one by one, to declare that they did not support the bill.

To my surprise, not one official representative from La Sierra University (LSU), Loma Linda University (LLU) or Pacific Union College

(PUC) came forward. One elderly gentleman did go up to the mike and said his daughter went to PUC over twenty years ago as a nursing student, and that he opposed the bill—but that was it.

No California Adventist pastors. No presidents, vice presidents, or stand-in representatives of Californian Adventist colleges. No students attending Adventist colleges in California. Adventists simply were not present.

After the hearing, the committee members voted 7–2 in favor of the bill in spite of all the opposing testimony. The only votes against or abstentions were made by members wanting more specific wording in the bill, because the implications were still far-reaching and unclear. Everyone quickly dispersed and it was like we hadn’t all just sat through an hour of disputes and debate. I stood and shook the hands of a few trailing senators and assemblymen, nodding my head as I wished I had paid more attention in my high school government class when they talked about the next steps for the bill.

It was pointed out to me that morning that our California lawmakers would be on recess for the month of July. This meant that the bill wouldn’t move along to the next stop, the Appropriations Committee portion of the hearings, until August. All that my intern ears heard was that there wouldn’t be much talk about the bill for approximately four weeks—I couldn’t have been more wrong.

“Your help needed, now more than ever! SB 1146 is a frequently amended piece of legislation that is wreaking havoc with the rights of religious colleges and universities to freely practice their faith.”

Alarm bells were ringing. This is an excerpt from one of several information pamphlets sent out in droves to Adventist churches in California, my home church in Grass Valley being no exception. I had seen these flyers before, branded unmistakably by the Church State Council, the Pacific Union’s religious liberty ministry, headed by Alan Reinach. These small sheets of paper had been circulating for weeks, filling church mailboxes and welding together email chains

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throughout California.

As the latest installment from Church State Council made its way into my hands, I was perplexed. How could one group of Adventists be so seemingly up-to-date and outspoken on the progress of the bill, while I had heard virtually nothing from any of the three Adventist colleges and universities in California?

To learn the answer to that question, I emailed Heather Knight, president of PUC. I was told Dr. Knight had planned to attend the same June hearing that I went to as a representative of the three California Adventist institutions, but when the date of the hearing was postponed by two days she was unable to rearrange her schedule. After I didn't hear from her for nearly a week, I emailed again. She responded in just over an hour, apologizing and saying that she was on vacation and "would rather not make any public comment in regard to SB 1146 at this time." I offered an invitation to respond upon her return to Angwin but didn't hear back.

From there I continued to look for answers far and wide. I emailed Gordon Bietz, the newly appointed associate director of the North American Division Education Department. As a former Adventist university president, Dr. Bietz would know all about university policy and would be able to shed some light on whether the North American Division was responding to the bill. I also asked how he thought the bill would impact Adventist education if it were to pass and whether or not he knew if Adventist campuses in California had taken a stand on the bill. He replied that he did not have enough information on the bill to respond.

Whether it was because I attached my name to the word "intern" or because the topic was too touchy, this pattern of no response and hesitancy to comment was a common theme in my inbox the month of July. Similar exchanges unfolded after reaching out to La Sierra's president and even Alan Reinach himself.

Reinach did respond initially when I had asked him whether or not he had been in touch

with the Adventist campuses in California. I wanted to know if what he was sending out in those flyers and emails was reflective of what the campuses wanted to convey. I wanted to know what conversations, if any, had been exchanged between Church State Council and Adventist institutions in California. The colleges certainly weren't responding to me, so perhaps they had been in contact with the one doing all the relaying of information. Reinach responded in a timely manner, saying he was not authorized to speak for the colleges and suggested that I speak to the colleges themselves. Unfortunately, I had spent the last month trying to do exactly that.

By this time, August was approaching and I knew that meant I'd have another trip to the Capitol on my calendar.

As I approached the large Appropriations Committee hearing room, I tucked my notebook under my arm and found a seat near the front. People slowly trickled in and the meeting began. There were countless bills on the agenda for presentation that day, and one by one, senators approached the front to discuss the bills they had authored. Several senators waived presentation on bills as there were simply too many to cover that day and many bills were still being tweaked and tailored.

I patiently waited for Senator Lara to come forward with his handful of bills, my pen ready to jot down notes on SB 1146. Sure enough, the senator came quickly to the front, in a hurry and running behind schedule. As he began presenting his bills, he mentioned that he would be waiving presentation on several. Seeing as how my summer of chasing this piece of legislation had gone thus far, I should have seen it coming. Presentation was waived on SB 1146.

The senator finished presenting on the bills he did choose to discuss and then promptly left the room. I sat in my seat, trapped in the middle of my row as I realized what had just happened. There would be nothing on SB 1146 today or any time soon. With no reason to stay and listen to the rest of the line-up, I left the room in search of the senator or someone who could tell

me where I should go from there.

"The bill will sit in the suspense file now," the Chief Clerk, Parliamentarian of the Assembly, patiently explained to me. He suggested I continue to track the bill online and wait for any possible amendments to the bill to be made. The senator was nowhere to be found and his office staff told me to continue to reach out to him by email.

Defeated, I left the Capitol. I still had no story. During the following week, I worked on other news stories and checked for progress on the bill each afternoon. I also took this time to find out as much as I could about the author of the bill, Senator Lara.

Lara has represented the cities of Southeast Los Angeles County in the Thirty-third Senate District for the last four years. As a member of several committees and chair of the Appropriations Committee, he is no doubt an influential member of California's government system. He attended San Diego State University where he earned his B.A. in Journalism and Spanish with a minor in Chicano Studies. Lara's accomplishments have been recognized on both local and national levels; President Obama even named him a "Champion of Change." Credentials aside, it is really Lara's personal life that makes his work with this bill most intriguing. His parents are Mexican immigrants, making him no stranger to the minority community. He states on his website that he "knows first-hand the challenges facing working families." He has a passion for education, authoring handfuls of bills designed to educate and empower immigrants in his home state. In addition to this, Lara is both Catholic and the first openly gay person of color to be elected to the California Senate.

With this background in mind, a deeper understanding is given to the senator's reasons for authoring such a bill. His sensitivity and connection to religion, minorities, and the LGBT community perhaps may also explain his reasoning for a surprising amendment about a week later.

On August 10, an email from Richard

Osborn, vice president of WASC and former PUC president, landed in my inbox. We had been in touch throughout the summer as I had also asked him his thoughts on the bill back in July. While he had no response on the bill, he had seen news here and there on SB 1146. His email this day was a link to an article by *The LA Times*.

The headline read, "State senator drops proposal that angered religious universities in California."

I quickly started researching. As it turned out, the bill had been waived for presentation at the Appropriations Committee because it was undergoing significant amendment, and this amendment changed everything.

A provision was dropped from the bill that would have allowed LGBT students to sue religious colleges and universities more easily on the basis of discrimination. Now the bill no longer seriously threatened private institutions' right to discriminate and instead simply stated that religious schools must disclose whether or not they have exemptions that allow them to discriminate against LGBT students.

The amendment was made after the senator was faced with increasingly intense opposition from several religious institutions. Schools like William Jessup University, Point Loma Nazarene University, and Azusa Pacific University had been busy during the month of July and joined forces to create the Association of Faith-Based Institutions. The association raised approximately \$350,000 in an effort to stop the bill. The opposition of many religious schools in California had not only become vocal, but noticeable.

Once revised, the bill gained the support of the previously angered Christian colleges, and moved quickly. A succinct final copy of the bill was enrolled September 2 with the August amendment in place.

Some painted a picture of victory for religious institutions and defeat for Lara. However, Lara stated, "The goal for me has always been to shed the light on the appalling and unaccept-

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able discrimination against LGBT students at these private religious institutions throughout California.” He continued, “I don’t want to just rush a bill that’s going to have unintended consequences so I want to take a break to really study this issue further.”

His reflection encapsulates both his personal understanding of the issue and his passion for equal rights. His August amendment changed the bill dramatically, but set something in place that he plans to revisit and reshape in the following year.

After the dust settled, I learned that our Adventist colleges had been paying closer attention than it appeared. All those declined responses and hesitant answers were not due to a disengaged approach. Rather than joining the efforts of mailers put together by the coalition of Christian colleges in the state, and rather than attaching themselves to the pamphlets from Church State Council, the Adventist colleges worked behind the scenes to influence changes in the wording of the bill. There is a stark contrast in the approaches. While mailers, which are referred to by people at the Capitol as hit pieces, can be effective and certainly make it clear where a party stands, they are one-way communication. The Adventist colleges sought dialog with their behind-the-scenes approach.

It’s not that our Adventist colleges supported the bill as it was originally written. Religious institutions all over the state saw the bill as hostile and intrusive, Adventist campuses included. Our schools knew that a bill like this would have a direct impact on campuses. However, PUC, LSU and LLU are not naïve—they know that they have LGBT students attending their schools. They know they have faculty members with LGBT children. They also know they have hundreds of students who rely on financial support from the state to attend private schools. LLU alone has 268 students receiving Cal Grants, and LSU and PUC have even more. This conversation about SB 1146 undoubtedly applies to Adventist campuses.

However, the Adventist colleges chose to not

get publicly involved in the issue or join forces with Christian colleges raising money and looking for lobbyists. Instead they left the lines of communication open with legislatures and worked together to reach agreements, laboring over the language of the bill as it was frequently amended. It was the Adventist campuses’ off-the-record approach that actually allowed them to be more involved. Their attitude was not removed, but rather closely coordinated.

The significant August amendment and new direction and plan for the bill brought rejoicing from the Church State Council. “We are happy to report that SB 1146 has been drastically amended,” read the opening line to another one of their pamphlets. It explained what the amendment meant to private institutions in California, assuring audiences that the bill was no longer a threat—at least for this year. The announcement closed with a line of warning: “For now our schools are safe but as Senator Lara has stated he will pursue other legislation next year so it is imperative that we as a church get organized and involved.”

While not lacking the recognizably dramatic language I’d followed all summer in these pamphlets, there was truth to what Alan Reinach was saying, and I had to agree with the announcement.

It absolutely is imperative that we as a church—as students, as congregations, as committees, as councils and as colleges—get organized and involved in issues of justice and equality for all. ■

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