

STAFF REPORT

71

A Statewide

04/05/19

S Statewide

S. Pemberton

CONSIDER SUPPORTING AB 467 (BOERNER HORVATH) IN THE 2019-20 LEGISLATIVE SESSION THAT WOULD REQUIRE THE CALIFORNIA STATE LANDS COMMISSION, THE CALIFORNIA COASTAL COMMISSION, THE DEPARTMENT OF PARKS AND RECREATION, AND THE DEPARTMENT OF FISH AND WILDLIFE TO INCLUDE EQUAL PRIZE COMPENSATION AS A CONDITION OF ANY PERMIT OR LEASE AUTHORIZING A COMPETITIVE EVENT ON LANDS UNDER THEIR JURISDICTION

SUMMARY:

Last year, the Commission approved a lease to the Association of Surfing Professionals, LLC, doing business as the World Surf League, for the Mavericks Challenge, an annual 1-day competition that attracts surfers from around the world. The lease requires multiple heats in the women's division and equal prize money for all competitors regardless of gender. This lease was viewed as a precedent-setting victory for equal prize money in a sporting event held on state property. It also represented a defining, and overdue, moment in California on the important issue of gender equity in athletic competitions. AB 467 seeks to provide more equity for women athletes by codifying the 2018 California State Lands Commission decision, and the California Coastal Commission, to require equal prize money for men and women athletes when competing on state property.

BACKGROUND AND DISCUSSION:

Equal compensation and gender equality for women athletes are important. Women should be paid the same as men and receive equal compensation in athletic competitions. In reality, this is a perennial quest that has yet to be achieved. AB 467 is a little unusual in that it would statutorily require equal prize compensation to be included as a condition in leases and permits issued by these agencies, elevating that above all other considerations, but it is timely, important, and feasible. Government should not be timid on this issue. The Commission can include equal prize compensation as a condition of any lease it issues allowing a competitive event on its lands and would likely do so regardless of whether AB 467 becomes law.

AB 467 would require leases the Commission issues for these types of competitive events to include equal prize money for male and female athletes. Having this requirement in law would put potential lease applicants on notice that

STAFF REPORT NO. 71 (CONT'D)

equal prize money will be a requirement. While there are a lot of temporary sporting competitions on public lands, like rowing, surfing, fishing, dragon boat races, and sailing races, the Commission does not generally issue leases for these types of events. The Mavericks Challenge, while temporary, is a large commercial operation that requires exclusive use of state lands and resources. Public access to the shoreline during the event would be prohibited for safety reasons, owing to heavy surf conditions and cliffs, and public viewing would be prohibited from the bluffs above Pillar Point that contain sensitive habitat. Public access to the surfing area would be prohibited for safety reasons, and only surfer support and safety vessels would be permitted during the event.

The Mavericks Challenge occurs when conditions are ideal for experienced big-wave surfers. When the Commission considered the lease application, it learned that the lease applicant, the World Surf League, makes the determination who is qualified to participate in the competition and that most of the public would be prohibited from entering the area during the event. The Mavericks Challenge is unique among surfing contests owing to its popularity and because it relies solely on exclusive access to and use of public lands and resources to ensure a successful contest.

While the event has historically not allowed female athletes to participate, the World Surf League agreed, as part of the lease negotiations with the Commission, and consistent with the California Coastal Commission's Coastal Development Permit, to open the competition to female athletes and create a Women's Division. The World Surf League also agreed to increase the number of heats for women and to award equal prize money to male and female competitors at all their events. The Commission included provisions in its lease to require equal benefits, opportunities, and prize money regardless of gender. These include: (1) equal compensation for each category of the Women's Division and Men's Division, such that the first place winner, second place winner, and any other participant level that receives prize money in the Men's Division is awarded an identical sum of prize money, other prizes, goods, or other compensation as the first place winner, second place winner, and any other participant level that receives prize money in the Women's Division; (2) at least 10 female competitors in the Women's Division; (3) multiple heats in the Women's Division; (4) equal provision of any and all benefits, including logistical support, to competitors in the Women's Division and the Men's Division; and (5) equal opportunities and access for the media, regardless of gender.

AB 467 obligates the Commission, when considering a lease for an event that awards prize compensation to competitors in gendered categories, to require as a condition of that lease, for any participant level that receives prize compensation, that the prize compensation for each gendered category be

STAFF REPORT NO. 71 (CONT'D)

identical at each participant level. The Commission would not be able to approve a lease for an event that does not comply with that condition. "Event" is defined, in part, as a competition event that uses lands owned by the state that are under the jurisdiction of the Commission. "Prize compensation" is defined as prize or purse money, other prizes, goods, or other compensation.

AB 467 does remove some of the Commission's discretion because it prohibits the Commission from approving a lease for an event that does not ensure equal prize compensation. But staff believes it is reasonable for the Commission to forfeit that discretion to ensure prize compensation equity for female athletes when it comes to competitions on lands under its jurisdiction. Staff also notes that women athletes continue to face pay disparities. The national women's soccer team, for example, is paid about 40 percent less than male counterparts. There is more work to be done to achieve compensation equity for women and men athletes, and AB 467 is intended to help swing the pendulum in that direction. Staff thus recommends that the Commission support AB 467.

STAFF RECOMMENDATION:

Commission staff recommends that the Commission support AB 467 (Boerner Horvath) to require equal prize money for men and women at any sporting event on land under the jurisdiction of the Commission, the California Coastal Commission, the Department of Parks and Recreation and the Department of Fish and Wildlife.

RECOMMENDED ACTION:

It is recommended that the Commission:

Support AB 467 (Boerner Horvath) to require equal prize money for men and women at any sporting event on land under the jurisdiction of the Commission, the California Coastal Commission, the Department of Parks and Recreation and the Department of Fish and Wildlife.