

**UNFRIENDLY AMENDMENT TO
RESOLUTION 08-01-2021
BY San Diego County Bar Association**

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that legislation be sponsored to add Education Code Section 66271.4, to read as follows:

1 § 6271.4.

2
3 (a) For purposes of this section, “public postsecondary educational institution” or “institution”
4 means a campus of the University of California, the California State University, or the California
5 Community Colleges.

6 (b) If a public postsecondary educational institution receives government-issued documentation,
7 as described in subdivision (c), from a former student demonstrating that the former student’s
8 legal name or gender has been changed, the institution shall update the former student’s records
9 to include the updated legal name or gender. If requested by the former student, the institution
10 shall reissue any documents conferred upon the former student with the former student’s updated
11 legal name or gender. Documents that shall be reissued by the institution upon request include,
12 but are not necessarily limited to, a transcript or a diploma conferred by the institution.

13 (c) The documentation of a former student sufficient to demonstrate a legal name or gender
14 change includes, but is not necessarily limited to, any of the following:

15 (1) State-issued driver’s license.

16 (2) Birth certificate.

17 (3) Passport.

18 (4) Social security card.

19 (5) Court order indicating a name change or a gender change, or both.

20 (d) This section does not require the institution to modify records that the former student has not
21 requested for modification or reissuance.

22 (e) Commencing with the 2023–24 graduating class, an institution shall provide an option for a
23 graduating student to request that the diploma to be conferred by the institution list the student’s
24 chosen name., ~~if the Commencing with the 2023–24 graduating class, an institution shall not~~
25 ~~require a graduating student to~~ **can provide government-issued documentation, as described**
26 **in subdivision (c), demonstrating** legal documentation sufficient to demonstrate a legal name or
27 ~~gender~~ change in order to have the student’s chosen name listed on the student’s diploma.

28 (f) Notwithstanding Section 67400, this section shall apply to a campus of the University of
29 California.

30
31 SEC. 2.

32 **Each postsecondary institution may charge any former student or any student requesting a**
33 **name change or a gender change a reasonable fee approximating the costs incurred by the**
34 **institution to fulfill this act, subject to the availability to such students of fee waivers upon**
35 **showing need by the student.** If the Commission on State Mandates determines that this act
36 contains costs mandated by the state **not offset by the fees paid by students for the services**
37 **contemplated by this act,** reimbursement to local agencies and school districts for those costs

38 shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the
39 Government Code

(Proposed new language underlined; language to be deleted stricken, amendment in bold, further amendment to amendment in bold and italics)

**Proposed Amendment for Resolution 12-06-2021 (San Diego)
by the San Mateo County Bar Association Delegation
Sept. 9, 2021**

DIGEST

Homeowners' Associations: Ballots

Amends Civil Code section 5120 to clarify that neither the first nor second ballot envelope can be opened prior to the time and place at which the ballots are counted and tabulated.

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that Civil Code Section 5120 be amended, to read as follows:

1 § 5120

2 (a) All votes shall be counted and tabulated by the inspector or inspectors of elections, or
3 the designee of the inspector of elections, in public at a properly noticed open meeting of the
4 board or members. Any candidate or other member of the association may witness the counting
5 and tabulation of the votes. No person, including a member of the association or an employee of
6 the management company, shall open either the **firstouter** or **secondinner** ballot envelope or otherwise
7 review any ballot prior to the time and place at which the ballots are counted and tabulated. The
8 inspector of elections, or the designee of the inspector of elections, may verify the member's
9 information and signature on the outer envelope prior to the meeting at which ballots are
10 tabulated. Once a secret ballot is received by the inspector of elections, it shall be irrevocable.
11 (b) The tabulated results of the election shall be promptly reported to the board and shall
12 be recorded in the minutes of the next meeting of the board and shall be available for review by
13 members of the association. Within 15 days of the election, the board shall give general notice
14 pursuant to Section 4045 of the tabulated results of the election.

(Proposed new language underlined; language to be deleted stricken)

(Proposed amendment language in bold)

San Mateo's Reasons: Using the terms "first" and "second" to describe the envelopes would create ambiguity about which envelope is which. However, using the terms "inner" and "outer" to describe the envelopes would prevent ambiguity.

It is necessary to specify that both of the "seals" for the ballots are to remain intact until the meeting when all of the envelopes are to be opened. If all of the seals are preserved, the HOA members in attendance at the meeting will be able to witness that the envelope seals and the ballots have not been tampered with beforehand.

**UNFRIENDLY AMENDMENT TO
RESOLUTION 13-01-2021
BY San Diego County Bar Association**

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that legislation be sponsored to add Labor Code section 230.9, to read as follows::

1 § 230.9

2 (a) ~~The State of California~~ An employer must provide to California employees a minimum of
3 twenty-four hours of paid time off if the employee is selected to serve on a trial by jury or
4 required to appear for jury selection for more than one day, as required by ~~state~~ law in California
5 or the United States.

6 (b) Paid time off under this section need only be provided when an employee receives a
7 California state juror summons and is required to serve on a trial by jury or appear for jury
8 selection for more than one day. Paid time off under this section is not intended to be
9 automatically provided to employees on an annual, regular, or accrual basis and is not intended
10 to compensate employees during any period they are “on call” for jury service and not required
11 to report to court.

12 ~~(c) This section applies to employers with one hundred or more employees in California.~~

13 ~~(dc)~~ The amount of pay to be provided under this section is the same base wage as the employee
14 normally earns during regular work hours.

15 ~~(ed)~~ Paid time off under this section need only be provided during an employee’s regularly
16 scheduled work time. If the employee does not have a regular schedule, then the employer state
17 must provide paid time off under this section.

18 ~~(fe)~~ Paid time off under this section need not be provided more than once a year.

19 ~~(gf)~~ Paid time off under this section shall commence upon the employee’s first day of selection
20 to serve on a trial by jury or the second day that the employee is required to appear for jury
21 selection.

22 ~~(hg)~~ This section applies to full-time employees, part-time employees, hourly employees, and
23 salaried employees. It does not apply to seasonal employees, temporary employees, or paid
24 interns.

25 ~~(ih)~~ If an employee is selected to serve on a trial by jury or required to appear for jury selection
26 under this section and completes jury service in less than twenty-four hours, then an employer
27 satisfies its obligations under this section and the state need only provide paid time off for the
28 number of hours the employee actually served on a trial by jury or appeared for jury selection.

29 ~~(j) An employer satisfies its obligations under this section by providing twenty-four hours of paid~~
30 ~~time off under this section.~~

31 ~~(ki)~~ As for timing of pay, an employer the state must pay an employee for time off under this
32 section as ~~it~~ the employer normally would as if the employee was performing work for the
33 employer during the time the employee served jury duty.

34 ~~(hk)~~ Paid time off under this section is not distinguishable from an employee’s regular wages and
35 is subject to tax withholding at the employee’s normal rate.

36 ~~(ml)~~ This section is not intended to be used to require an employee to serve on a jury if that
37 employee otherwise qualifies for an exception.

38 ~~(am)~~ This section is not intended to prevent a court from exercising its discretion to excuse a
39 juror on grounds of financial, or other, hardship.
40 ~~(o)~~ Under this section, an employer is permitted to request documentation from the employee
41 verifying proof of jury service, including dates and times of service.
42 ~~(pn)~~ Hours spent by employees under this section serving jury duty are not considered hours
43 worked for purposes of California wage and hour laws.
44 ~~(q)~~ Under this section, employers may, but are not required to, track the amount of paid time off
45 used and any balance remaining on an employee's wage statement.
46 ~~(ro)~~ Employers must keep records of paid time off under this section provided to employees and
47 the amount of paid time off used by employees for at least three years.
48 ~~(sp)~~ Employers under this section must adopt and distribute a written policy informing
49 employees of paid time off for jury service under this section.
50 ~~(tq)~~ Employers may not satisfy their obligations under this section by require**ing** employees to
51 use their vacation time, sick time, their own wages, or other paid time off for jury service.
52 ~~(u)~~ If an employer fails to provide an employee paid time off under this section, the employee
53 may file a complaint with the Division of Labor Standards Enforcement of the Department of
54 Industrial Relations within three years from the date of occurrence of the violation.

(Proposed new language underlined; language to be deleted stricken, amendment in bold, further amendment to amendment in bold and italics)