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Assembly  
California Legislature  
**Committee on Rules**

KEN COOLEY  
CHAIR

VICE CHAIR  
CUNNINGHAM, JORDAN

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GRAYSON, TIMOTHY S.  
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MATHIS, DEVON J.  
QUIRK-SILVA, SHARON  
RAMOS, JAMES C.  
RIVAS, ROBERT  
WICKS, BUFFY

DIEP, TYLER (R-ALT)  
LEVINE, MARC (D-ALT)

Monday, June 29, 2020  
10:30 a.m.  
State Capitol, Room 4202

CONSENT AGENDA

**BILL REFERRALS**

1. Bill Referrals [Page 2](#)
2. Bill Re-referrals [Page 6](#)

**REQUESTS TO ADD URGENCY CLAUSE**

3. SB-158 (Allen) County of Los Angeles Citizens Redistricting Commission: membership. [Page 7](#)
4. SB-281 (Wiener) Housing development: permits and other entitlements: extension. [Page 12](#)
5. SB-1146 (Umberg) Civil procedure: electronic filing and remote depositions. [Page 19](#)



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CHIEF ADMINISTRATIVE OFFICER  
DEBRA GRAVERT

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JAMES C. RAMOS  
ROBERT RIVAS  
BUFFY WICKS

MARC LEVINE (D-ALT.)  
TYLER DIEP (R-ALT.)

# Memo

**To:** Rules Committee Members  
**From:** Michael Erke, Bill Referral Consultant  
**Date:** 6/28/2020  
**Re:** Consent Bill Referrals

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Since you received your preliminary list of bill referrals, the following bills have been added to the referral list: SB 254, SB 739, SB 753, and SB 776.

## REFERRAL OF BILLS TO COMMITTEE

06/29/2020

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.	Committee:
<u>AB 2885</u>	E. & R.
<u>SB 203</u>	PUB. S.
<u>SB 254</u>	REV. & TAX.
<u>SB 480</u>	PUB. S.
<u>SB 605</u>	U. & E.
<u>SB 739</u>	E. & R.
<u>SB 753</u>	HIGHER ED.
<u>SB 757</u>	NAT. RES.
<u>SB 776</u>	PUB. S.
<u>SB 793</u>	HEALTH
<u>SB 795</u>	H. & C.D.
<u>SB 801</u>	U. & E.
<u>SB 803</u>	HEALTH
<u>SB 852</u>	HEALTH
<u>SB 855</u>	HEALTH
<u>SB 862</u>	U. & E.
<u>SB 865</u>	U. & E.
<u>SB 872</u>	INS.
<u>SB 878</u>	B. & P.
<u>SB 884</u>	ED.
<u>SB 895</u>	NAT. RES.
<u>SB 899</u>	H. & C.D.
<u>SB 902</u>	L. GOV.
<u>SB 907</u>	HUM. S.
<u>SB 908</u>	B. & F.
<u>SB 912</u>	HUM. S.
<u>SB 914</u>	PUB. S.
<u>SB 915</u>	H. & C.D.
<u>SB 921</u>	TRANS.
<u>SB 922</u>	PUB. S.
<u>SB 932</u>	HEALTH
<u>SB 934</u>	REV. & TAX.
<u>SB 940</u>	H. & C.D.
<u>SB 952</u>	REV. & TAX.
<u>SB 956</u>	REV. & TAX.
<u>SB 972</u>	REV. & TAX.
<u>SB 973</u>	L. & E.
<u>SB 974</u>	NAT. RES.
<u>SB 977</u>	HEALTH
<u>SB 980</u>	P. & C.P.
<u>SB 989</u>	NAT. RES.
<u>SB 995</u>	NAT. RES.
<u>SB 999</u>	H. & C.D.
<u>SB 1012</u>	NAT. RES.

<u>SB 1024</u>	TRANS.
<u>SB 1044</u>	E.S. & T.M.
<u>SB 1049</u>	L. GOV.
<u>SB 1064</u>	PUB. S.
<u>SB 1065</u>	HUM. S.
<u>SB 1079</u>	JUD.
<u>SB 1085</u>	H. & C.D.
<u>SB 1099</u>	NAT. RES.
<u>SB 1102</u>	L. & E.
<u>SB 1103</u>	L. & E.
<u>SB 1111</u>	PUB. S.
<u>SB 1115</u>	AGRI.
<u>SB 1120</u>	L. GOV.
<u>SB 1130</u>	C. & C.
<u>SB 1133</u>	PUB. S.
<u>SB 1138</u>	H. & C.D.
<u>SB 1141</u>	JUD.
<u>SB 1146</u>	JUD.
<u>SB 1156</u>	E.S. & T.M.
<u>SB 1159</u>	INS.
<u>SB 1173</u>	P.E. & R.
<u>SB 1175</u>	W., P., & W.
<u>SB 1185</u>	NAT. RES.
<u>SB 1189</u>	B. & P.
<u>SB 1190</u>	JUD.
<u>SB 1196</u>	PUB. S.
<u>SB 1199</u>	G.O.
<u>SB 1207</u>	HEALTH
<u>SB 1213</u>	ED.
<u>SB 1215</u>	U. & E.
<u>SB 1220</u>	PUB. S.
<u>SB 1232</u>	HUM. S.
<u>SB 1237</u>	B. & P.
<u>SB 1238</u>	TRANS.
<u>SB 1255</u>	INS.
<u>SB 1257</u>	L. & E.
<u>SB 1259</u>	HUM. S.
<u>SB 1264</u>	HUM. S.
<u>SB 1271</u>	B. & P.
<u>SB 1299</u>	H. & C.D.
<u>SB 1301</u>	NAT. RES.
<u>SB 1312</u>	U. & E.
<u>SB 1320</u>	NAT. RES.
<u>SB 1341</u>	HUM. S.
<u>SB 1347</u>	B. & P.
<u>SB 1348</u>	NAT. RES.
<u>SB 1373</u>	TRANS.
<u>SB 1380</u>	NAT. RES.

SB 1384  
SB 1385  
SB 1399  
SB 1403  
SB 1409  
SB 1410  
SB 1457  
SB 1472  
SB 1474  
SCR 77  
SCR 86

L. & E.  
L. GOV.  
L. & E.  
U. & E.  
REV. & TAX.  
JUD.  
J., E.D., & E.  
NAT. RES.  
B. & P.  
TRANS.  
TRANS.

## RE-REFERRAL OF BILLS

06/29/2020

The Committee on Rules has re-referred the following bills to Committee:

Assembly Bill No.	Committee:
<u>SB 158</u>	E. & R.
<u>SB 217</u>	HEALTH
<u>SB 275</u>	L. & E.
<u>SB 315</u>	PUB. S.
<u>SB 369</u>	PUB. S.
<u>SB 474</u>	L. GOV.
<u>SB 592</u>	JUD.
<u>SB 629</u>	PUB. S.
<u>SB 729</u>	L. & E.

AMENDED IN ASSEMBLY JUNE 17, 2020

**SENATE BILL**

**No. 158**

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**Introduced by Senator Allen**

January 23, 2019

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An act to ~~repeal Section 60605 of the Education Code, amend Section 21532 of the Elections Code, relating to pupil assessment.~~ *elections.*

LEGISLATIVE COUNSEL'S DIGEST

SB 158, as amended, Allen. ~~Pupil assessment: academic achievement.~~  
*County of Los Angeles Citizens Redistricting Commission: membership.*

*Existing law creates the Citizens Redistricting Commission in the County of Los Angeles and sets out a selection process for its membership designed to produce a commission that is independent from the influence of the county's Board of Supervisors and reasonably representative of the county's diversity. Existing law requires the political party preferences of the redistricting commission members to be as proportional as possible to the political party preferences among the registered voters of the county, though they are not required to be of exactly the same proportion.*

*This bill would require that the proportional representation in the redistricting commission include the category of voters in the county who decline to state or do not indicate a party preference.*

~~Existing law requires the State Board of Education to adopt statewide academically rigorous content standards in the core curriculum areas of reading, writing, and mathematics to serve as the basis for assessing the academic achievement of individual pupils, schools, school districts, and the California educational system. Existing law makes these provisions inoperative on July 1, 2011.~~

~~This bill would repeal these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 21532 of the Elections Code is amended  
2     to read:  
3     21532. (a) The commission shall be created no later than  
4     December 31, 2020, and in each year ending in the number zero  
5     thereafter.  
6     (b) The selection process is designed to produce a commission  
7     that is independent from the influence of the board and reasonably  
8     representative of the county's diversity.  
9     (c) The commission shall consist of 14 members. The political  
10    party preferences of the commission members, as shown on the  
11    members' most recent affidavits of registration, shall be as  
12    proportional as possible to the total number of voters who are  
13    registered with each political party in the County of Los Angeles;  
14    Angeles or who decline to state or do not indicate a party  
15    preference, as determined by registration at the most recent  
16    statewide election. However, the political party or no party  
17    preferences of the commission members are not required to be  
18    exactly the same as the proportion of political party and no party  
19    preferences among the registered voters of the county. At least  
20    one commission member shall reside in each of the five existing  
21    supervisory districts of the board.  
22    (d) Each commission member shall meet all of the following  
23    qualifications:  
24    (1) Be a resident of the County of Los Angeles.  
25    (2) Be a voter who has been continuously registered in the  
26    County of Los Angeles with the same political party or ~~unaffiliated~~  
27    ~~with a political party~~ no party preference and who has not changed  
28    their political party ~~affiliation~~ or no party preference for five or  
29    more years immediately preceding the date of ~~his or her~~ their  
30    appointment to the commission.  
31    (3) Have voted in at least one of the last three statewide elections  
32    immediately preceding ~~his or her~~ their application to be a member  
33    of the commission.  
34    (4) Within the 10 years immediately preceding the date of  
35    application to the commission, neither the applicant, nor an



1 immediate family member of the applicant, has done any of the  
2 following:

3 (A) Been appointed to, elected to, or have been a candidate for  
4 office at the local, state, or federal level representing the County  
5 of Los Angeles, including as a member of the board.

6 (B) Served as an employee of, or paid consultant for, an elected  
7 representative at the local, state, or federal level representing the  
8 County of Los Angeles.

9 (C) Served as an employee of, or paid consultant for, a candidate  
10 for office at the local, state, or federal level representing the County  
11 of Los Angeles.

12 (D) Served as an officer, employee, or paid consultant of a  
13 political party or as an appointed member of a political party central  
14 committee.

15 (E) Been a registered state or local lobbyist.

16 (5) Possess experience that demonstrates analytical skills  
17 relevant to the redistricting process and voting rights, and possess  
18 an ability to comprehend and apply the applicable state and federal  
19 legal requirements.

20 (6) Possess experience that demonstrates an ability to be  
21 impartial.

22 (7) Possess experience that demonstrates an appreciation for  
23 the diverse demographics and geography of the County of Los  
24 Angeles.

25 (e) An interested person meeting the qualifications specified in  
26 subdivision (d) may submit an application to the county elections  
27 official to be considered for membership on the commission. The  
28 county elections official shall review the applications and eliminate  
29 applicants who do not meet the specified qualifications.

30 (f) (1) From the pool of qualified applicants, the county  
31 elections official shall select 60 of the most qualified applicants,  
32 taking into account the requirements described in subdivision (c).  
33 The county elections official shall make public the names of the  
34 60 most qualified applicants for at least 30 days. The county  
35 elections official shall not communicate with a member of the  
36 board, or an agent for a member of the board, about any matter  
37 related to the nomination process or applicants before the  
38 publication of the list of the 60 most qualified applicants.

39 (2) During the period described in paragraph (1), the county  
40 elections official may eliminate any of the previously selected

1 applicants if the official becomes aware that the applicant does  
2 not meet the qualifications specified in subdivision (d).

3 (g) (1) After complying with the requirements of subdivision  
4 (f), the county elections official shall create a subpool for each of  
5 the five existing supervisorial districts of the board.

6 (2) (A) At a regularly scheduled meeting of the board, the  
7 Auditor-Controller of the County of Los Angeles shall conduct a  
8 random drawing to select one commissioner from each of the five  
9 subpools established by the county elections official.

10 (B) After completing the random drawing pursuant to  
11 subparagraph (A), at the same meeting of the board, the  
12 Auditor-Controller shall conduct a random drawing from all of  
13 the remaining applicants, without respect to subpools, to select  
14 three additional commissioners.

15 (h) (1) The eight selected commissioners shall review the  
16 remaining names in the subpools of applicants and shall appoint  
17 six additional applicants to the commission.

18 (2) The six appointees shall be chosen based on relevant  
19 experience, analytical skills, and ability to be impartial, and to  
20 ensure that the commission reflects the county's diversity,  
21 including racial, ethnic, geographic, and gender diversity. However,  
22 formulas or specific ratios shall not be applied for this purpose.  
23 The eight commissioners shall also consider political party  
24 preference, selecting applicants so that the political party preference  
25 of the members of the commission complies with subdivision (c).

26 ~~SECTION 1. Section 60605 of the Education Code is repealed.~~

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## California State Senate

SENATOR  
BEN ALLEN

TWENTY-SIXTH SENATE DISTRICT



COMMITTEES  
ENVIRONMENTAL QUALITY, CHAIR  
GOVERNMENTAL ORGANIZATION  
NATURAL RESOURCES & WATER  
TRANSPORTATION

JOINT COMMITTEE ON THE ARTS, CHAIR  
SELECT COMMITTEE ON  
AEROSPACE & DEFENSE, CHAIR  
JEWISH CAUCUS, CHAIR  
ENVIRONMENTAL CAUCUS, CO-CHAIR

June 19, 2020

Assemblymember Ken Cooley  
Chair, Assembly Rules Committee  
State Capitol, Room 3016  
Sacramento, CA 95814

Dear Chair Cooley,

I am writing to request an urgency clause to SB 158, as amended June 17, 2020. The bill is adding language clarifying that no party preference voters are eligible to be selected as commissioners for the Los Angeles County Independent Redistricting Commission. Elections Code 21532 requires that the commission be created by December 31, 2020, so an urgency clause is needed to ensure that no party preference voters can be selected during this process.

Thank you for your consideration of this request.

Senator Ben Allen  
Senate District 26

AMENDED IN ASSEMBLY JUNE 18, 2020

AMENDED IN SENATE JANUARY 6, 2020

AMENDED IN SENATE APRIL 11, 2019

AMENDED IN SENATE MARCH 28, 2019

AMENDED IN SENATE MARCH 20, 2019

## SENATE BILL

**No. 281**

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### **Introduced by Senator Wiener**

(Principal coauthors: Assembly Members ~~Chiu~~ Grayson and Ting)

**(Coauthor: Senator Hill)**

(Coauthors: Assembly Members Berman and Mullin)

February 13, 2019

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~~An act to add Section 4132 to the Food and Agricultural Code, relating to agricultural districts. An act to add Section 65914.5 to the Government Code, relating to housing.~~

#### LEGISLATIVE COUNSEL'S DIGEST

SB 281, as amended, Wiener. ~~Agricultural District 1a: firearm and ammunition sales at the Cow Palace. Housing development: permits and other entitlements: extension.~~

*The Planning and Zoning Law requires each county and each city to adopt a comprehensive, long-term general plan for its physical development, and the development of specified land outside its boundaries, that includes, among other mandatory elements, a housing element. Existing law, the Permit Streamlining Act, among other things, requires a public agency that is the lead agency for a development project to approve or disapprove that project within specified time periods.*

*This bill would extend the period for the expiration, effectuation, or utilization of a housing entitlement, as defined, that had not expired as of March 4, 2020, by 24 months. The bill would toll this 24-month extension during any time that the housing entitlement is the subject of a legal challenge.*

*The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.*

*By adding to the duties of local officials with respect to housing entitlements, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law generally regulates the transfer of firearms and divides the state into agricultural districts. District 1a is the County of San Mateo and the City and County of San Francisco. A violation of the statutes governing agricultural districts is generally a misdemeanor.~~

~~This bill would, on and after January 1, 2021, prohibit the sale of firearms and ammunition at the Cow Palace located in District 1a, as specified, and would thereby make a violation of that prohibition a misdemeanor. The bill would exclude from its provisions a gun buy-back event held by a law enforcement agency.~~

~~By creating a new crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 65914.5 is added to the Government Code,  
2     to read:

1 65914.5. (a) *The Legislature finds and declares all of the*  
2 *following:*

3 (1) *On January 30, 2020, the World Health Organization*  
4 *declared COVID-19 a Public Health Emergency of International*  
5 *Concern, and, on January 31, 2020, the United States Secretary*  
6 *of Health and Human Services declared a public health emergency.*

7 (2) *On March 4, 2020, California Governor Gavin Newsom*  
8 *proclaimed a state of emergency to make additional resources*  
9 *available, formalize emergency actions already underway across*  
10 *multiple state agencies and departments, and help the state prepare*  
11 *for a broader spread of COVID-19.*

12 (3) *According to the United States Bureau of Labor Statistics,*  
13 *the United States economy, as measured by gross domestic product,*  
14 *contracted by 4.8 percent in the first quarter of 2020.*

15 (4) *Last month, California’s unemployment rate tripled, the*  
16 *largest increase since 1976.*

17 (5) *It is estimated that California lost 2,000,000 jobs by March*  
18 *27, 2020.*

19 (6) *In the past month, 3,100,000 Californians filed for*  
20 *unemployment benefits, and California became the first state in*  
21 *the nation to borrow money from the federal government to*  
22 *continue paying out rising claims for unemployment benefits.*

23 (7) *The Governor has labeled California’s economic crisis a*  
24 *“pandemic-induced recession.”*

25 (8) *Even before the pandemic-induced recession, California*  
26 *was in the midst of a housing affordability crisis caused*  
27 *fundamentally by a consistent failure to supply enough new housing*  
28 *for Californians of all income levels.*

29 (9) *According to the League of California Cities, over 90 percent*  
30 *of cities in this state report they are considering cutting or*  
31 *furloughing city staff or decreasing public services, and 72 percent*  
32 *of cities report they may take both actions. In addition, over 70*  
33 *percent of cities, and 90 percent of the largest cities, report that*  
34 *they expect a significant impact to “core” planning and housing*  
35 *services.*

36 (10) *The pandemic-induced recession, combined with mandatory*  
37 *social distancing, stringent construction protocols, and anticipated*  
38 *reductions in the capacity of local governments to deliver services*  
39 *to the housing industry, will drastically impact all segments of a*

1 *complex ecosystem that delivers the essential housing California*  
2 *so desperately needs to combat the ongoing housing crisis.*

3 *(11) To facilitate and expedite the return of this vital industry,*  
4 *it is necessary to relieve any additional pressure on housing*  
5 *development as a result of the lapse in planning, finance, and*  
6 *construction due to the pandemic-induced recession. An essential*  
7 *component of ensuring the survival of the housing industry is*  
8 *proactively extending the life of the myriad state and local*  
9 *approvals, permits, and other entitlements required to develop*  
10 *and construct housing in California.*

11 *(12) A uniform statewide entitlement extension measure is*  
12 *necessary to avoid the significant statewide cost and allocation of*  
13 *local government staff resources associated with addressing*  
14 *individual permit extensions on a case-by-case basis.*

15 *(b) Notwithstanding any law, including any inconsistent*  
16 *provision of a local agency's general plan, ordinances, or*  
17 *regulations, the otherwise applicable time for the expiration,*  
18 *effectuation, or utilization of a housing entitlement that had not*  
19 *expired as of March 4, 2020, is extended by 24 months. The*  
20 *24-month period specified in this subdivision shall be tolled during*  
21 *any time that the housing entitlement is the subject of a legal*  
22 *challenge. The otherwise applicable time for the utilization of a*  
23 *housing entitlement provided by this section includes any*  
24 *requirement to request the issuance of a building permit within a*  
25 *specified period of time.*

26 *(c) For purposes of this section, the following terms have the*  
27 *following meanings:*

28 *(1) "Housing entitlement" means any of the following:*

29 *(A) A legislative, adjudicative, administrative, or any other kind*  
30 *of approval, permit, or other entitlement necessary for, or*  
31 *pertaining to, a housing development project issued by a state or*  
32 *local agency.*

33 *(B) The submittal of an application for an approval, permit, or*  
34 *other entitlement described in subparagraph (A). For purposes of*  
35 *this subparagraph, "submittal of an application" includes*  
36 *submittal of a preliminary application in accordance with Section*  
37 *65941.1.*

38 *(C) A vested right associated with an approval, permit, or other*  
39 *entitlement described in subparagraph (A) or the submittal of an*



1 application for an approval, permit, or other entitlement as  
2 described in subparagraph (B).

3 (2) “Housing development project” means a residential or  
4 mixed-use development in which at least two-thirds of the square  
5 footage of the development is designated for residential use. Both  
6 of the following apply for the purposes of calculating the square  
7 footage usage of a development for purposes of this section:

8 (A) The square footage of a development shall include any  
9 additional density, floor area, and units, and any other concession,  
10 incentive, or waiver of development standards pursuant to Section  
11 65915.

12 (B) The square footage of a development shall not include any  
13 underground space, including, but not limited to, a basement or  
14 underground parking garage.

15 (3) “Local agency” means a county, city, whether general law  
16 or chartered, city and county, school district, special district,  
17 authority, agency, any other municipal public corporation or  
18 district, or other political subdivision of the state.

19 (d) The Legislature finds and declares that, for the reasons  
20 described in subdivision (a), this section addresses a matter of  
21 statewide concern rather than a municipal affair as that term is  
22 used in Section 5 of Article XI of the California Constitution.  
23 Therefore, this section applies to all cities, including charter cities.

24 SEC. 2. No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 a local agency or school district has the authority to levy service  
27 charges, fees, or assessments sufficient to pay for the program or  
28 level of service mandated by this act, within the meaning of Section  
29 17556 of the Government Code.

30 ~~SECTION 1. Section 4132 is added to the Food and~~  
31 ~~Agricultural Code, to read:~~

32 ~~4132. (a) Notwithstanding any other law, no officer, employee,~~  
33 ~~operator, or any lessee of District 1a, as defined in Section 3853,~~  
34 ~~may contract for, authorize, or allow the sale of any firearm or~~  
35 ~~ammunition on the property or in the buildings that comprise the~~  
36 ~~Cow Palace property in San Mateo County and the City and County~~  
37 ~~of San Francisco or any successor or additional property owned,~~  
38 ~~leased, or otherwise occupied or operated by the district.~~

39 ~~(b) For purposes of this section:~~



1     ~~(1) The definition of “firearm” means the term as included in~~  
2     ~~Section 12001 of the Penal Code.~~

3     ~~(2) The term “ammunition” includes assembled ammunition~~  
4     ~~for use in a firearm and components of ammunition, including~~  
5     ~~smokeless and black powder, and any projectile capable of being~~  
6     ~~fired from a firearm with deadly consequence.~~

7     ~~(c) This section does not apply to a gun buy-back event held by~~  
8     ~~a law enforcement agency.~~

9     ~~(d) This section shall become operative on January 1, 2021.~~

10    ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
11    ~~Section 6 of Article XIII B of the California Constitution because~~  
12    ~~the only costs that may be incurred by a local agency or school~~  
13    ~~district will be incurred because this act creates a new crime or~~  
14    ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
15    ~~for a crime or infraction, within the meaning of Section 17556 of~~  
16    ~~the Government Code, or changes the definition of a crime within~~  
17    ~~the meaning of Section 6 of Article XIII B of the California~~  
18    ~~Constitution.~~

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# California State Senate

SENATOR  
SCOTT WIENER

威善高

ELEVENTH SENATE DISTRICT



ASSISTANT MAJORITY WHIP  
CHAIR, LEGISLATIVE LGBT CAUCUS

## COMMITTEES

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JOINT RULES COMMITTEE

June 25, 2020

TO: Assembly Member Ken Cooley,  
Chair of the Rules Committee  
State Capitol, Room 3016  
Sacramento, California 95814

FROM: Senator Scott Wiener

### Re: Urgency Clause Request to SB 281: Building Permits (Wiener)

Dear Chair Cooley,

I am reaching out to request an urgency clause be added to SB 281 which currently resides in Assembly Local Government Committee. In the wake of COVID-19, there is a crucial need to ensure the building industry and local governments are adapting from business-as-usual in order to adapt to this unique and disruptive moment.

This bill would extend the period for the expiration, effectuation, or utilization of a housing entitlement that had not expired as of March 4, 2020, by 24 months. A uniform statewide entitlement extension measure is necessary to avoid the significant statewide cost and allocation of local government staff resources associated with addressing individual permit extensions on a case-by-case basis. This is identical to the approach that was taken by the legislature during the 2008 recession, and ultimately reduced unnecessary workload for local governments and the industry at a time when resources are scarce and the housing pipeline is likely to slow down because of the public financial markets.

A large swath of building development permits are set to expire before January 1, 2020. The need for this bill to become urgent is evident as its effective date needs to correlate with existing permit expiration dates. SB 281 being passed as quickly as possible is the only viable way to maintain the current developmental permitting infrastructure and avoid convoluted disruption.

I respectfully ask for SB 281 to be considered for an urgency clause. Thank you.

A handwritten signature in black ink that reads "Scott Wiener".

AMENDED IN SENATE MAY 29, 2020  
AMENDED IN SENATE MAY 13, 2020  
AMENDED IN SENATE MARCH 25, 2020

**SENATE BILL**

**No. 1146**

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**Introduced by Senator Umberg**

February 20, 2020

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An act to amend Sections 1010.6 and 2025.310 of the Code of Civil Procedure, relating to civil procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 1146, as amended, Umberg. Civil procedure: electronic filing and remote depositions.

(1) Existing law authorizes a trial court to adopt local rules permitting electronic filing of documents, subject to specified conditions. Existing law authorizes a court to require electronic filing and service in civil actions, subject to rules adopted by the Judicial Council permitting mandatory electronic filing and service in specified civil actions.

Existing law authorizes, for cases filed on or after January 1, 2019, if a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of the document if a party or other person has expressly consented to receive electronic service in that specific action, or the court has ordered electronic service on a represented party or other represented person.

This bill would require a party represented by counsel, who has appeared in an action or proceeding, to accept electronic service of a notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission. The bill would require a party represented by counsel, upon the request of any party who has appeared

in an action or proceeding and who provides an electronic service address and a copy of this rule, to electronically serve the requesting party with any notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission.

(2) Existing law prescribes the procedure for taking oral depositions inside the state. *Existing law requires a party deponent to appear at the deposition and be in the presence of the deposition officer.* Existing law authorizes a court to expressly provide that a nonparty deponent may appear at a deposition by telephone if the court finds there is good cause and no prejudice to any party. *Existing law authorizes a court to issue a protective order with respect to the conduct of a deposition in order to protect any party, deponent, or other natural person or organization from unwarranted annoyance, embarrassment, oppression, or undue burden and expense.*

This bill would delete this provision and instead generally authorize any person to take or attend a deposition by telephone or other remote electronic means. *the provision authorizing a court to provide that a nonparty deponent may appear by telephone. The bill would instead authorize the deponent or the deposing party to elect to have the deposition officer attend the deposition by telephone or other remote electronic means.* The bill would specifically provide that a deponent is not required to be physically present with the deposition officer when being sworn in at the time of the deposition, and that any party or attorney of record may, but is not required to, be physically present at the deposition at the location of the deponent. *deponent, subject to any protective order issued by the court.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1010.6 of the Code of Civil Procedure
- 2 is amended to read:
- 3 1010.6. (a) A document may be served electronically in an
- 4 action filed with the court as provided in this section, in accordance
- 5 with rules adopted pursuant to subdivision (f).
- 6 (1) For purposes of this section:
- 7 (A) "Electronic service" means service of a document, on a
- 8 party or other person, by either electronic transmission or electronic
- 9 notification. Electronic service may be performed directly by a

1 party or other person, by an agent of a party or other person,  
2 including the party or other person's attorney, or through an  
3 electronic filing service provider.

4 (B) "Electronic transmission" means the transmission of a  
5 document by electronic means to the electronic service address at  
6 or through which a party or other person has authorized electronic  
7 service.

8 (C) "Electronic notification" means the notification of the party  
9 or other person that a document is served by sending an electronic  
10 message to the electronic address at or through which the party or  
11 other person has authorized electronic service, specifying the exact  
12 name of the document served, and providing a hyperlink at which  
13 the served document may be viewed and downloaded.

14 (2) (A) (i) For cases filed on or before December 31, 2018, if  
15 a document may be served by mail, express mail, overnight  
16 delivery, or facsimile transmission, electronic service of the  
17 document is not authorized unless a party or other person has  
18 agreed to accept electronic service in that specific action or the  
19 court has ordered electronic service on a represented party or other  
20 represented person under subdivision (c) or (d).

21 (ii) For cases filed on or after January 1, 2019, if a document  
22 may be served by mail, express mail, overnight delivery, or  
23 facsimile transmission, electronic service of the document is  
24 authorized if a party or other person has expressly consented to  
25 receive electronic service in that specific action, the court has  
26 ordered electronic service on a represented party or other  
27 represented person under subdivision (c) or (d), or the document  
28 is served electronically pursuant to the procedures specified in  
29 subdivision (e). Express consent to electronic service may be  
30 accomplished either by (I) serving a notice on all the parties and  
31 filing the notice with the court, or (II) manifesting affirmative  
32 consent through electronic means with the court or the court's  
33 electronic filing service provider, and concurrently providing the  
34 party's electronic address with that consent for the purpose of  
35 receiving electronic service. The act of electronic filing shall not  
36 be construed as express consent.

37 (B) If a document is required to be served by certified or  
38 registered mail, electronic service of the document is not  
39 authorized.

(3) In any action in which a party or other person has agreed or provided express consent, as applicable, to accept electronic service under paragraph (2), or in which the court has ordered electronic service on a represented party or other represented person under subdivision (c) or (d), the court may electronically serve any document issued by the court that is not required to be personally served in the same manner that parties electronically serve documents. The electronic service of documents by the court shall have the same legal effect as service by mail, except as provided in paragraph (4).

(4) (A) If a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of that document is deemed complete at the time of the electronic transmission of the document or at the time that the electronic notification of service of the document is sent.

(B) Any period of notice, or any right or duty to do any act or make any response within any period or on a date certain after the service of the document, which time period or date is prescribed by statute or rule of court, shall be extended after service by electronic means by two court days, but the extension shall not apply to extend the time for filing any of the following:

(i) A notice of intention to move for new trial.

(ii) A notice of intention to move to vacate judgment under Section 663a.

(iii) A notice of appeal.

(C) This extension applies in the absence of a specific exception provided by any other statute or rule of court.

(5) Any document that is served electronically between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed served on that court day. Any document that is served electronically on a noncourt day shall be deemed served on the next court day.

(6) A party or other person who has provided express consent to accept service electronically may withdraw consent at any time by completing and filing with the court the appropriate Judicial Council form. The Judicial Council shall create the form by January 1, 2019.

(7) Consent, or the withdrawal of consent, to receive electronic service may only be completed by a party or other person entitled to service or that person's attorney.

1 (8) Confidential or sealed records shall be electronically served  
2 through encrypted methods to ensure that the documents are not  
3 improperly disclosed.

4 (b) A trial court may adopt local rules permitting electronic  
5 filing of documents, subject to rules adopted pursuant to  
6 subdivision (f) and the following conditions:

7 (1) A document that is filed electronically shall have the same  
8 legal effect as an original paper document.

9 (2) (A) When a document to be filed requires the signature of  
10 any person, not under penalty of perjury, the document shall be  
11 deemed to have been signed by the person who filed the document  
12 electronically.

13 (B) When a document to be filed requires the signature, under  
14 penalty of perjury, of any person, the document shall be deemed  
15 to have been signed by that person if filed electronically and if  
16 either of the following conditions is satisfied:

17 (i) The person has signed a printed form of the document before,  
18 or on the same day as, the date of filing. The attorney or other  
19 person filing the document represents, by the act of filing, that the  
20 declarant has complied with this section. The attorney or other  
21 person filing the document shall maintain the printed form of the  
22 document bearing the original signature until final disposition of  
23 the case, as defined in subdivision (c) of Section 68151 of the  
24 Government Code, and make it available for review and copying  
25 upon the request of the court or any party to the action or  
26 proceeding in which it is filed.

27 (ii) The person has signed the document using a computer or  
28 other technology pursuant to the procedure set forth in a rule of  
29 court adopted by the Judicial Council by January 1, 2019.

30 (3) Any document received electronically by the court between  
31 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed filed  
32 on that court day. Any document that is received electronically on  
33 a noncourt day shall be deemed filed on the next court day.

34 (4) The court receiving a document filed electronically shall  
35 issue a confirmation that the document has been received and filed.  
36 The confirmation shall serve as proof that the document has been  
37 filed.

38 (5) Upon electronic filing of a complaint, petition, or other  
39 document that must be served with a summons, a trial court, upon  
40 request of the party filing the action, shall issue a summons with



1 the court seal and the case number. The court shall keep the  
2 summons in its records and may electronically transmit a copy of  
3 the summons to the requesting party. Personal service of a printed  
4 form of the electronic summons shall have the same legal effect  
5 as personal service of an original summons. If a trial court plans  
6 to electronically transmit a summons to the party filing a complaint,  
7 the court shall immediately, upon receipt of the complaint, notify  
8 the attorney or party that a summons will be electronically  
9 transmitted to the electronic address given by the person filing the  
10 complaint.

11 (6) The court shall permit a party or attorney to file an  
12 application for waiver of court fees and costs, in lieu of requiring  
13 the payment of the filing fee, as part of the process involving the  
14 electronic filing of a document. The court shall consider and  
15 determine the application in accordance with Article 6  
16 (commencing with Section 68630) of Chapter 2 of Title 8 of the  
17 Government Code and shall not require the party or attorney to  
18 submit any documentation other than that set forth in Article 6  
19 (commencing with Section 68630) of Chapter 2 of Title 8 of the  
20 Government Code. Nothing in this section shall require the court  
21 to waive a filing fee that is not otherwise waivable.

22 (7) A fee, if any, charged by the court, an electronic filing  
23 manager, or an electronic filing service provider to process a  
24 payment for filing fees and other court fees shall not exceed the  
25 costs incurred in processing the payment.

26 (c) If a trial court adopts rules conforming to subdivision (b),  
27 it may provide by order that all parties to an action file and serve  
28 documents electronically in a class action, a consolidated action,  
29 a group of actions, a coordinated action, or an action that is deemed  
30 complex under Judicial Council rules, provided that the trial court's  
31 order does not cause undue hardship or significant prejudice to  
32 any party in the action.

33 (d) A trial court may, by local rule, require electronic filing and  
34 service in civil actions, subject to the requirements and conditions  
35 stated in subdivision (b), the rules adopted by the Judicial Council  
36 under subdivision (g), and the following conditions:

37 (1) The court shall have the ability to maintain the official court  
38 record in electronic format for all cases where electronic filing is  
39 required.



1 (2) The court and the parties shall have access to more than one  
2 electronic filing service provider capable of electronically filing  
3 documents with the court or to electronic filing access directly  
4 through the court. The court may charge fees of no more than the  
5 actual cost of the electronic filing and service of the documents.  
6 Any fees charged by an electronic filing service provider shall be  
7 reasonable. The court, an electronic filing manager, or an electronic  
8 filing service provider shall waive any fees charged if the court  
9 deems a waiver appropriate, including in instances where a party  
10 has received a fee waiver.

11 (3) The court shall have a procedure for the filing of  
12 nonelectronic documents in order to prevent the program from  
13 causing undue hardship or significant prejudice to any party in an  
14 action, including, but not limited to, unrepresented parties. The  
15 Judicial Council shall make a form available to allow a party to  
16 seek an exemption from mandatory electronic filing and service  
17 on the grounds provided in this paragraph.

18 (4) Unrepresented persons are exempt from mandatory electronic  
19 filing and service.

20 (5) Until January 1, 2021, a local child support agency, as  
21 defined in subdivision (h) of Section 17000 of the Family Code,  
22 is exempt from a trial court's mandatory electronic filing and  
23 service requirements, unless the Department of Child Support  
24 Services and the local child support agency determine it has the  
25 capacity and functionality to comply with the trial court's  
26 mandatory electronic filing and service requirements.

27 (e) (1) A party represented by counsel, who has appeared in an  
28 action or proceeding, shall accept electronic service of a notice or  
29 document that may be served by mail, express mail, overnight  
30 delivery, or facsimile transmission. Before first serving a  
31 represented party electronically, the serving party shall confirm  
32 by telephone or email the appropriate electronic service address  
33 for counsel being served.

34 (2) A party represented by counsel shall, upon the request of  
35 any party who has appeared in an action or proceeding and who  
36 provides an electronic service address and a copy of this rule,  
37 electronically serve the requesting party with any notice or  
38 document that may be served by mail, express mail, overnight  
39 delivery, or facsimile transmission.

1 (f) The Judicial Council shall adopt uniform rules for the  
2 electronic filing and service of documents in the trial courts of the  
3 state, which shall include statewide policies on vendor contracts,  
4 privacy, and access to public records, and rules relating to the  
5 integrity of electronic service. These rules shall conform to the  
6 conditions set forth in this section, as amended from time to time.

7 (g) The Judicial Council shall adopt uniform rules to permit the  
8 mandatory electronic filing and service of documents for specified  
9 civil actions in the trial courts of the state, which shall include  
10 statewide policies on vendor contracts, privacy, access to public  
11 records, unrepresented parties, parties with fee waivers, hardships,  
12 reasonable exceptions to electronic filing, and rules relating to the  
13 integrity of electronic service. These rules shall conform to the  
14 conditions set forth in this section, as amended from time to time.

15 (h) (1) The Judicial Council shall adopt uniform rules to  
16 implement this subdivision as soon as practicable, but no later than  
17 June 30, 2019.

18 (2) Any system for the electronic filing and service of  
19 documents, including any information technology applications,  
20 internet websites, and web-based applications, used by an electronic  
21 service provider or any other vendor or contractor that provides  
22 an electronic filing and service system to a trial court, regardless  
23 of the case management system used by the trial court, shall satisfy  
24 both of the following requirements:

25 (A) The system shall be accessible to individuals with  
26 disabilities, including parties and attorneys with disabilities, in  
27 accordance with Section 508 of the federal Rehabilitation Act of  
28 1973 (29 U.S.C. Sec. 794d), as amended, the regulations  
29 implementing that act set forth in Part 1194 of Title 36 of the Code  
30 of Federal Regulations and Appendices A, C, and D of that part,  
31 and the federal Americans with Disabilities Act of 1990 (42 U.S.C.  
32 Sec. 12101 et seq.).

33 (B) The system shall comply with the Web Content Accessibility  
34 Guidelines 2.0 at a Level AA success criteria.

35 (3) A vendor or contractor that provides an electronic filing and  
36 service system to a trial court shall comply with paragraph (2) as  
37 soon as practicable, but no later than June 30, 2019. Commencing  
38 on June 27, 2017, the vendor or contractor shall provide an  
39 accommodation to an individual with a disability in accordance  
40 with subparagraph (D) of paragraph (4).

1 (4) A trial court that contracts with an entity for the provision  
2 of a system for electronic filing and service of documents shall  
3 require the entity, in the trial court's contract with the entity, to do  
4 all of the following:

5 (A) Test and verify that the entity's system complies with this  
6 subdivision and provide the verification to the Judicial Council no  
7 later than June 30, 2019.

8 (B) Respond to, and resolve, any complaints regarding the  
9 accessibility of the system that are brought to the attention of the  
10 entity.

11 (C) Designate a lead individual to whom any complaints  
12 concerning accessibility may be addressed and post the individual's  
13 name and contact information on the entity's internet website.

14 (D) Provide to an individual with a disability, upon request, an  
15 accommodation to enable the individual to file and serve  
16 documents electronically at no additional charge for any time  
17 period that the entity is not compliant with paragraph (2) of this  
18 subdivision. Exempting an individual with a disability from  
19 mandatory electronic filing and service of documents shall not be  
20 deemed an accommodation unless the person chooses that as an  
21 accommodation. The vendor or contractor shall clearly state in its  
22 internet website that an individual with a disability may request  
23 an accommodation and the process for submitting a request for an  
24 accommodation.

25 (5) A trial court that provides electronic filing and service of  
26 documents directly to the public shall comply with this subdivision  
27 to the same extent as a vendor or contractor that provides electronic  
28 filing and services to a trial court.

29 (6) (A) The Judicial Council shall submit four reports to the  
30 appropriate committees of the Legislature relating to the trial courts  
31 that have implemented a system of electronic filing and service of  
32 documents. The first report is due by June 30, 2018; the second  
33 report is due by December 31, 2019; the third report is due by  
34 December 31, 2021; and the fourth report is due by December 31,  
35 2023.

36 (B) The Judicial Council's reports shall include all of the  
37 following information:

38 (i) The name of each court that has implemented a system of  
39 electronic filing and service of documents.

40 (ii) A description of the system of electronic filing and service.

1 (iii) The name of the entity or entities providing the system.

2 (iv) A statement as to whether the system complies with this  
3 subdivision and, if the system is not fully compliant, a description  
4 of the actions that have been taken to make the system compliant.

5 (7) An entity that contracts with a trial court to provide a system  
6 for electronic filing and service of documents shall cooperate with  
7 the Judicial Council by providing all information, and by permitting  
8 all testing, necessary for the Judicial Council to prepare its reports  
9 to the Legislature in a complete and timely manner.

10 SEC. 2. Section 2025.310 of the Code of Civil Procedure is  
11 amended to read:

12 2025.310. (a) ~~A person may take or attend a deposition by~~  
13 ~~telephone or other remote electronic means. At the election of the~~  
14 ~~deponent or the deposing party, the deposition officer may attend~~  
15 ~~the deposition at a different location than the deponent via remote~~  
16 ~~means.~~ A deponent is not required to be physically present with  
17 the deposition officer when being sworn in at the time of the  
18 deposition.

19 (b) ~~Any~~ Subject to Section 2025.420, any party or attorney of  
20 record may, but is not required to, be physically present at the  
21 deposition at the location of the deponent.

22 (c) The procedures to implement this section shall be established  
23 by court order in the specific action or proceeding or by the  
24 California Rules of Court.

25 (d) *An exercise of the authority granted by subdivision (a) or*  
26 *(b) does not waive any other requirement of this title regarding*  
27 *the time, place, or manner in which a deposition shall be*  
28 *conducted.*

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# California State Senate

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SENATOR  
**THOMAS J. UMBERG**  
THIRTY-FOURTH SENATE DISTRICT



COMMITTEES  
ELECTIONS  
& CONSTITUTIONAL AMENDMENTS  
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BUDGET & FISCAL REVIEW  
HOUSING  
JUDICIARY  
TRANSPORTATION  
VETERANS AFFAIRS  
BUDGET SUBCOMMITTEE #4

June 25, 2020

The Honorable Ken Cooley  
Chair, Joint Rules Committee  
State Capitol, Room 3016  
Sacramento, CA 95814

Dear Assemblymember Cooley:

I write to request your approval of an urgency clause to be applied to SB 1146.

An urgency clause is necessary because the bill will need to go into effect immediately after passage in order to clarify emergency orders related to COVID issued by judicial counsel

If you have questions or need more information, please do not hesitate to contact Zach Keller in my Capitol Office at 209-277-5181.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Umberg".

Thomas J. Umberg  
Senator, 34th Senate District