

Meeting Date: Thursday, October 28, 2021

Time: 9:30 AM to 10:03 AM

**MINUTES**

2020/2021 County Clerk Legislative Committee Members

|  |  |  |  |
| --- | --- | --- | --- |
| Candace Grubbs/Cindi Wilde, Butte | X/T | Joani Finwall/Lorelay Faussier, San Bernardino | T/T |
| Elizabeth Gutierrez, Contra Costa | T | Val Handfield, San Diego | X |
| Brandon Hill, Fresno | T | Teresa Williamson, San Joaquin | X |
| Chuck Storey/Victoria Wong, Imperial | X/X | Danielle Rifilato/Melinda Greene, Santa Barbara | X/X |
| Portia Sanders/Monique Blakely/Jaime Pailma, Los Angeles | T/X/T | Gina Alcomendras/Louis Chiaramonte/Belinda Gamutan, Santa Clara | X/T/X |
| Lisa Anderson/Melissa Garcia, Riverside | T/T | Deva Proto/Carrie Anderson/Amanda King, Sonoma | X/T/T |
| Donna Allred/Andrew Graham, Sacramento | T/T | David Valenzuela/Sheila Jetton, Ventura | T/T |
|  |  |  |  |

(**T** – Teleconference; **X** – Not on call)

1. **Call to Order**

Meeting started at 9:30 AM

1. **Roll call**

**Also attending:**

|  |  |
| --- | --- |
| ***Attendee*** | ***County*** |
| Alissia Northrup | Del Norte |
| Debbie LaGrande | Glenn |
| Kristine Legg | Humboldt |
| Susan Morris | Kings |
| Dakhota Hockett | Lake |
| Mary Chang, Gabriel Montez | Los Angeles |
| Olga Lobato | Marin |
| Nicole Bettencourt, Philip Robinson | Merced |
| Angie Munoz | Monterey |
| Daniel Gutierrez | Orange |
| Frederick Garcia, Cherie Wheeler | Placer |
| Julie Hagwood | Plumas |
| Tammie Buie, Andrew Ellingwood, Erik Karhu | Riverside |
| Alexis Allston | Sacramento |
| Nicole Barber, Diana Moore | San Diego |
| Diane Rea, Guillermo Sandoval | San Francisco |
| Shannon Negrete Helen Nolan | San Luis Obispo |
| Julie Hughes | Santa Clara |
| Margarita Williams | Santa Cruz |
| Jennie Schultz | Stanislaus |
| Elizabeth Brooks, Donna Johnston, Donna Linder | Sutter |
| Martha Arteaga |  |
| Matt Siverling |  |
| Kim Weisenburg |  |

1. **Approval of Minutes (August 26, 2021)**

Elizabeth Gutierrez, Contra Costa suggested to remove the portion of the first dot point listed in the AB 819 proposal §21092.3: “may be posted in the office and” (Page 3) since it was not included in the proposal. Motion to approve with edit: Elizabeth Gutierrez, Contra Costa; second: Jaime Pailma, Los Angeles. Minutes were approved with correction.

1. **Legislative Advocate Update – Matt Siverling**

Legislature is adjourned for the year. They adjourned back in September and will return after the New Year. Bills that either didn’t get hearings in policy committee, in the house of origin, or were held up in the second house policy committee or on the second house floor or even the first house floor, in some cases will have a new deadline apply to them and they’ll be eligible to move for certain points of time next year. Any bill that didn’t get out of the house of origin, has until January 31 to move completely out of the assembly next year.

There will be new batches that are introduced but any bill that is introduced next year will have the typical rules that are associated with introduced bills, meaning they must stay in print 30 days before they’re heard for hearing or amended. They’ll usually wait until after Spring break to really start dealing with the second batch of bills that are moving through process and the first deadline won’t be until April. There is time to digest them to figure out what’s going on however, we will have to be watchful of some of the bills that didn’t make it through last year that may surface again at the beginning of next year.

Due to all the complexities of trying to have the legislators meeting, whether in-house or remotely, they tried to streamline the amount of bills people could carry. In particular, the amount of bills you were allowed to move from one house to the other. Initially they tried to put a lot of caps on introduced bills, but eventually ended up allowing as many bills to be introduce as many as typically allowed, but only move 12 of them to the other house. They did this because last year several hundred bills died on the floor because they just ran out of time.

The Governor received 836 bills and signed 770 of those into law. Last year there were approximately only 350 new laws, so they doubled their output this year. Governor Newsom vetoed 66 of the 836 bills, or 8% of what he received.

**AB 583 Remote Marriage License Issuance and Solemnization**

This bill would authorize, between January 1, 2022, and January 1, 2024, a county clerk to issue a marriage license or solemnize or witness a marriage ceremony using remote technology, as defined, except for the marriage of a minor. The bill would prescribe the procedures and requirements for marriage license applications, marriage license issuance, and the witnessing or solemnizing of the marriage ceremony using remote technology, including the requirements that the couple be in the same physical location in the State of California while using remote technology to solemnize their marriage. The measure would authorize a county clerk to require a couple to complete an affidavit affirming that they and each individual participating in a marriage solemnization using remote technology are physically present within the State of California, as required. The bill would authorize a county clerk to provide guidance relating to marriage license applications, marriage license issuance, and the witnessing or solemnizing of the marriage ceremony within their jurisdiction using remote technology.

The bill was signed into law October 27, 2021, effective immediately due to an included urgency clause.

**AB 218 Change of Gender and Sex Identifier**

This bill extends the existing framework for petitioners changing their names and/or genders on their own birth certificates to further update their marriage licenses and certificates and the birth certificates of their children. This bill extends eligibility for certain processes to persons not born or residing within the state and recognizes orders in foreign jurisdictions for purposes of sufficient

documentation.

This bill was signed into law October 6, 2021, to be effective January 1, 2022.

**AB 819 California Environmental Quality Act: notices and documents: electronic filing and**

**posting.**

CEQA requires, if an environmental impact report is required, the lead agency to mail a notice of determination to each responsible agency, the Office of Planning and Research, and public agencies with jurisdiction over natural resources affected by the project. CEQA requires the lead agency to provide notice to the public and to organizations and individuals who have requested notices that the lead agency is preparing an environmental impact report, negative declaration, or specified determination. CEQA requires notices for an environmental impact report to be posted in the office of the county clerk of each county in which the project is located. This bill would instead require the lead agency to mail or email those notices, and to post them on the lead agency’s internet website. The bill would also require notices of an environmental impact report to be posted on the internet website of the county clerk of each county in which the project is located. Additionally, the bill mandates all local agencies to file NODs electronically if the county clerk offers electronic filing.

This bill was signed into law July 16, 2021, to be effective January 1, 2022. Matt stated that the committee will need to determine if there is need for clean-up legislation or clarification as to whether protections will need to be put in place for any liability will be attached to any County Clerk who accidentally posts a public official’s address information.

**AB 1093 Remote Online Notaries Public**

This bill, the California Notary Protection Act, would authorize a notary public to apply for registration with the secretary to be a remote online notary public. The bill would authorize the secretary to adopt rules necessary to implement those provisions.

This version is requesting through the State code for the Secretary of State to move forward in adopting rules around what a remote online notary process would look like. This bill was never heard in Policy Committee and will have to go through the whole process, which will likely take 4 weeks. Once the Judiciary Committee determines if the author has the intent or leverage to move this bill, then we will know whether the Clerk Legislative Committee should work on this bill.

**AB 1286 Marriage: Local Registrar**

This bill would require the State Registrar to also provide that document to the Legislature annually. The bill would require the local registrar to submit that information four times a year, as specified. The bill would instead require, if no marriage certificates were accepted by the local registrar, that the local registrar submit a report to the State Registrar concurrently with the information described above indicating that no marriage certificates were accepted. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Matt wanted to ensure the Committee was aware of the line: “The author argued the counties do not comply with mandated reporting requirements related to child marriage withholding vital statistical information about the scope of this practice” and that counties are not defying the state mandate. The bill is currently dead but could be brought back.

1. **Bill Assignments**

There are six bills that have been chaptered and will be placed into the workbooks for the New Law Workshop and Seminar. Please submit your chaptered bill analysis to Donna Allred, Sacramento or Val Handfield, San Diego by the end of November.

Elizabeth Gutierrez, Contra Costa stated that she will not include an analysis regarding SB 44.

1. **Legislative Proposals**

**CEQA Notices**

Val Handfield, San Diego submitted a proposal to modify the language in the CEQA bill that will go into effect in January 2022 that would make posting the images on the internet website optional. Also, if the county implemented electronic filing technology, filing electronically would be optional for the filers instead of mandatory. The proposal will be tabled until next meeting. Jaime Pailma, Los Angeles motioned to move proposal forward to New Law; David Valenzuela, Ventura seconded to motion. There was no vote.

**Confidential Marriage License Elimination Subcommittee**

Portia Sanders, Los Angeles provided an update from the Confidential Marriage License Elimination Subcommittee. According to a survey, there is some interest to keep confidential marriage licenses and services and that we are meeting the needs of the counties as well as the constituents. Another survey will be conducted to inquire why customers would want to keep confidential licenses and services available. Fred Garcia, Placer County, mentioned that the counties surrounding Lake Tahoe issue these licenses regularly to confidential notaries.

**New Law Roundtable**

If anyone has any clerk-related topic that they would like included, please forward the question/comment/concern to Donna Allred, Sacramento.

1. **CRAC Report**

Requesting all New Law analysis forms to be submitted no later than November 9, 2021.

1. **For the Good of the Order**
2. **Adjourned**

Meeting ended at 10:03 AM