

## COUNTY CLERK LEGISLATIVE COMMITTEE MEETING

Meeting Date:	Thursday March 27, 2014
Time:	<b>9:15 am</b>
Location:	Governmental Affairs Consulting 1127 11th Street, Suite 201 Sacramento

To attend by conference call: 916-552-2828

### AGENDA

1. Call to order.  
Introductions.  
Announcements.
2. Approval of minutes for February 27, 2014
3. Committee Reports
  - a) Legislative Analyst's Report – Matt Siverling.
  - b) Status Report on Committee Sponsored Leg Proposals
  - c) Discussion of proposed legislation
  - c) Bill Summary
4. Next Meeting April 24, 2014 at 9:30 am

COUNTY CLERK LEGISLATIVE COMMITTEE MEETING  
Minutes  
February 27, 2014

- 1) **9:30 Call to order.** In attendance: Craig Kramer, Sacramento; Kathleen Moran, Colusa; Matt Siverling, Legislative Advocate; Kammi Foote, Inyo; Donna Allred, Sacramento, Joe Holland, Santa Barbara; Joyce Whitney, Olga Lobato, Marin; Greg Diaz, Nevada; Karen Hong-Yee, Kenton Owyang, San Francisco; Ernie Dronenberg, San Diego; Teresa Williamson, San Joaquin, Tricia Webber, Santa Cruz. Attending by teleconference: Wardell House, Santa Clara; Portia Sanders, Los Angeles, David Valenzuela, Sheila Harmon, Ventura; Elizabeth Gutierrez, Contra Costa; Jenny Stasik, San Bernardino.
- 2) **Approval of Minutes.** Moved by Portia, second by Joyce to approve minutes of January 23, 2014. Motion carried.
- 3) **Committee Reports**
  - a) Legislative Analyst's Report. Matt Siverling reviewed his February report (attached). Assembly member Lara's office has accepted leg committee's amendments to AB 1325. Legislative Counsel had some additional technical questions on the committee proposed amendments and Monique was able to speak with her and resolve them. Matt has not seen the revised bill language as yet.

Re: our proposal to require professional photocopier registrants to maintain an active notary commission during their registration term will likely be included in a Senate Bus and Prof Committee bill. Committee's proposal to allow confidential marriages to occur outside of the county of license issue looks like it will be included in the Assembly Judiciary's Committee bill.

Other bills of interest: AB 1525 (Lowenthal) would add city clerks to the list of persons in FC 400 authorized to solemnize marriages. The bill designates City Clerks, and does not specify elected or appointed, terms of authorization, nor does it speak to deputy city clerks. Discussion was held as to the necessity for more officiant options given the list of those currently authorized, along with the ability to deputize commissioners for a day. After discussion, the consensus of the committee is to oppose AB 1525.

Matt reported on AB 1442 which could have extreme effects on counties by expanding the definition of "agency" to include local governmental agencies and requiring agencies to destroy personal information no longer relevant and necessary to accomplish its purpose. Discussion was held on the information required to carry out county clerk duties, AB 1442 would apply to or exclude the office, etc. The bill was initially focused on school records K-12. Matt recommended the committee review the bill as it has many issues consequential to counties. After discussion members decided to oppose AB 1442. Kathie Moran will let President Cathy Darling know as she had been asked by CSAC for the legislative committee's position.

Committee members reviewed the Bill Summary tracking list and made determinations or took action as follows:

**Dropped from List**

SB 834 Environmental quality: the Sustainable Environmental Protection Act, n/a clerks.

**Support**

SB 1345 Natural Resources Corrects language in SB 753 which had the county clerk recording a specific document, instead of the recorder.

**Oppose**

AB 1525 Lowenthal Marriage Solemnization. City Clerks.

SB 1337 DeSaulnier Public Records: electronic copies and media requests. Requires state or local agency to provide an electronic copy of a public record when the public record is made available in response to a request. This bill would require a state or local agency to respond to a request for public records from a member of the press, as defined, within 14 days. By imposing additional duties upon local agencies in making public records available for inspection, this bill would impose a state-mandated local program.

AB 1442 Gatto. The Information Practices Act of 1977: local government. This bill would expand the definition of "agency" to include local governmental entities. The bill would generally require an agency to destroy personal information maintained in accordance with the act when the agency determines the personal information is no longer relevant and necessary to accomplish its purpose. The bill would establish special provisions for a Kindergarten and grades 1 to 12, inclusive, school district regarding information destruction and parental notification for personal information on students maintained by the district.

**Watch**

AB 1612 Donnelly State Govt. Regulations. Would require Office of Administrative Law to make California Codes searchable by one or more formats.

AB 1627 Gomez  
This bill would prohibit, except as specified, an individual, business, or other private entity from charging a fee for performing or facilitating the performance of a service that the state performs for the public without a cost or fee, unless the individual, business, or other private entity discloses that the state does not charge a fee for providing that service.

AB 1660 Allejo Drivers Licenses Non discrimination

AB 1710 Dickinson Personal Information Privacy  
Technical, non-substantive changes to existing law re: security breach of private unencrypted information.

AB 1733 Quick-Silva Public Records Fee Waiver  
Would authorize State Registrar to issue certified copies of Birth Certificates to qualified homeless and DMV to issue ID cards.

AB 1849 Logue CEQA Levees

AB 1856 Wilk Deposit in Lieu of Bond Would allow all bonds and notes of the United States or the State of California and cashiers checks, payable to the officer, to be deposit with the officer in lieu of a bond, as specified.

AB 1921 Holden Public Contracts for Services: Access to records.  
Would require specified service contracts between a state agency and a person or company performing a governmental function to include provisions requiring agency access to records held by the contractor and notification that such records may be public records. This bill also would require the contractor to keep and maintain public records pertaining to the contract and to provide the agency with access to such records as provided in the California Public Records Act.

AB 1948 Candidate Qualifications - Director of Finance

County Clerk Legislative Committee Meeting Minutes

AB 2018 Bocanegra. Real estate licensees: fictitious business names.  
Existing law provides for the licensure and regulation of real estate brokers and real estate salespersons by the California Bureau of Real Estate headed by the Real Estate Commissioner. Existing law requires an applicant who desires to have his or her license issued under a fictitious business name to file with his or her application a certified copy of his or her fictitious business name statement.

This bill would authorize the bureau to establish, by regulation, criteria for a business name that shall be approved, including examples in which the adequate identification of the licensee in a business name by licensee surname, identification of employing broker, if any, and display of license numbers is sufficient to avoid characterization as a fictitious name.

AB 2147 Melendez. Privacy: personal information: agency disclosure.  
Existing law outlines the procedures for agencies to follow in the collection, maintenance, and dissemination of personal information, as defined, in order to protect the privacy of individuals. Existing law prohibits an agency from disclosing any personal information in a manner that would link the information disclosed to the individual to whom it pertains, with specified exceptions. This bill would, with regard to specified disclosures of personal information, require agencies to obtain prior written voluntary consent of the individual before releasing the personal information to an independent contractor or other worker who is not an agency employee or to a natural person or corporation, partnership, limited liability company, firm, association, or other nongovernment entity.

AB 2166 Bonta Decedents' estates: administration: custodians of wills.

AB 2215 Maienschein. Veterans: recorded documents  
Existing law establishes that the officers of a county include a county recorder, with specified duties, including the recording of various documents according to specified procedures. Existing law requires that if any military veteran requests the recordation of any military discharge document, including a veteran's service form DD214, that the county recorder shall require the veteran to sign a form that acknowledges that the document becomes part of the official record of the county, and subject to inspection, as provided. This bill would permit persons authorized by law to receive a certified copy of those documents to request recordation of those documents on the same terms as a veteran. By expanding the duties of county clerks, this bill would impose a state-mandated local program.

AB 2253 Ting. Bilingual services: implementation plans.

AB 2417 Nazarian. Environmental quality.

SB 674 Corbett California Environmental Quality Act: exemption: residential infill projects.

SB 712 Lara. Hazardous waste facility: permitting: interim status.

SB 831 Hill Political Reform Act of 1974

SB 849 Anderson Consumer Internet Privacy

SB 958 Gaines CEQA

SB 981 Huff Regulations, Review Process

SB 1091 Galgiani. Administrative procedures: California Regulatory Notice Register: proposed rulemaking activities.

SB 1101-1104 Political Reform Act of 1974

SB 1351 Hill Credit and debit cards. Microchip technology.

SB 1379 Huff Credit cards.

SB 1441 – 1444 Political Reform Act/FPPC

County Clerk Legislative Committee Meeting Minutes

**Neutral**

- SB 1306 Leno Marriage Amends outdated language in various sections changing husband and/or wife to spouse, etc.
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- AB 1637 Frazier Driver's licenses: veteran designation.
- AB 1698 Wagner. Falsified public records. REQUIRES FURTHER COMMITTEE REVIEW for position determination.
- AB 1702 Maienschein Professions and vocations: incarceration. Would provide that an individual who has satisfied any of the requirements needed to obtain a license while incarcerated, who applies for that license upon release from incarceration, and who is otherwise eligible for the license shall not be subject to a delay in processing the application or a denial of the license solely based on the prior incarceration, except when the incarceration was for a crime substantially related to the qualifications, functions, or duties of the business or profession.
- AB 1951 Gomez. Vital records: birth certificates. Would require the State Registrar, with regard to identification of the parents, to modify the certificate of live birth to contain 2 lines that both read "Name of Parent" and contain, next to each parent's name, 3 check boxes with the options of mother, father, and parent to describe the parent's relationship to the child. The bill would require the State Registrar to submit a report to the Legislature regarding the modification within 30 days of the action. The bill would also require that all local registrars, deputy registrars, and subregistrars use the modified certificate of live birth, update all forms to incorporate the modification, and discard all forms in use before the modification. The bill would make conforming changes.
- AB 2275 Ridley-Thomas. Certified copies of marriage, birth, and death certificates: electronic application. Under existing law, a certified copy of a birth, death, marriage, or military service record may only be supplied by the State Registrar, local registrar, or county recorder to an authorized person, as defined, who submits a written, faxed, or digitized image request accompanied by a notarized statement sworn under penalty of perjury that the applicant is an authorized person. This bill would additionally authorize the request and the notarized statement to be a submitted in electronic form, as specified.
- AB 2286 Wagner. Process servers Would remove oversight of the registration of process servers from the counties (Clerks) and place it within the State Bar of California. K Moran to send email to principals asking for input as to position. (Currently, neutral).
- AB 2528 Skinner. Certificates of live birth: diacritical marks. This bill would require the State Registrar to ensure that diacritical marks on English letters are properly recorded on the certificate of live birth, including, but not limited to, accents, tildes, graves, umlauts, and cedillas. The bill would require the registrar to develop procedures to include other reasonable requests relating to names on certificates of live birth. The bill would state findings and declarations of the Legislature relative to the use of diacritical marks on certificates of live birth.

Jenny will work with Matt to review potential effects of AB 2528 further.

County Clerk Legislative Committee Meeting Minutes

SB 1050 Monning. Notaries public: verification of content of documents.  
This bill would require a statement to be included in those documents indicating that acknowledgment, proof of execution, or a notarial certificate of a jurat does not authenticate or verify the contents of those documents.

SB 1208 Yee. Domestic violence victims: services and support.  
This bill would express the intent of the Legislature to enact legislation that would provide funding for the implementation of a pilot program in which nonprofit organizations would work with the local district attorney to provide services and support to victims of domestic violence.

10:55 am. Adjourn.

Next Meeting March 27, 2014 at 9:15 am

By: Kathleen Moran, Co-Chair