

Meeting Date: Thursday, July 25, 2019

Time: 9:00 a.m. – 10:03 a.m.

Location: Hyatt Regency, San Francisco Airport, 1333 Old Bayshore Highway, Burlingame, CA 94010

**LEGISLATIVE UPDATE MINUTES**

1. **Call to Order**

Meeting called to order at 9:08 AM

Panel: Donna Allred, Sacramento County Clerk-Recorder

Val Wood, San Diego County Chief Deputy Recorder-Clerk

Matt Siverling, Legislative Advocate (not present)

1. **Recognition**

The Legislative Committee was asked to stand and be recognized for all their hard work. Their help is greatly appreciated. Anyone interested in joining the committee next year is welcomed and encouraged.

1. **Legislative Advocate Update**

The Legislature has adjourned for the annual summer session recess and will return again on August 12th to finish their 2019 Session. Prior to adjournment, the Assembly and Senate completed their policy committee work for bills that had reached the Second House. Any measure that failed to clear the opposite House policy committee is now considered a “2-year bill” and cannot move until next January.

That being said, the Legislature still has plenty of work to do when they return next month. They will return to two massive fiscal hearings in the Assembly and State Appropriations Committee. These committees will be working throughout the summer to determine the cost of each bill in their possession and will impose amendments to reduce impacts on the State General Fund, allow the bills to move to the floor, or opt to hold the measure in committee; effectively killing it for the year.

In any event, once the clock strikes midnight on September 13th, the 2019 Session will end. Any bill that has not collected adequate votes to ensure passage of both floors will be reclassified as a 2-year bill. Again, these measures that fail to win approval this year will have an opportunity to move next year.

Donna spoke with Matt about doing a mock hearing at the capital at New Law this year. Participation is encouraged.

1. **Bill Review**

**AB 716 Fictitious Business Name Electronic Acknowledgment**

This bill allows for the electronic acknowledgment of identity to be done for the Fictitious Business Name process. The Governor has signed the bill and it goes into effect January 1, 2020. This bill was chaptered on 06/26/19. Jaime, Los Angeles County, is in the process of going automated with the FBN process, only a handful of counties currently utilize the Affidavit of Identity form. Inyo County has a complete online process for FBNs using an electronic signature and VitalChek to verify identity, although they do not currently use the Affidavit of Identity. Jaime will notify the association when Los Angeles County plans to implement a complete online FBN process.

**SB 30 Domestic Partnership: Persons Under 62 Years of Age**

This bill removes the requirement that persons be of the same sex or of the opposite set and over 62 years of age in order to enter into a domestic partnership. This bill also deletes the requirement that the forms be available at the office of each county clerk and, instead, requires that the Secretary of State make the forms available at the office of the Secretary of State or on the Secretary of State’s internet website. The bill is enrolled and waiting for signatures and appears as though it will pass. (Per Donna’s email on 7/31/19, this bill has been signed.)

**AB 199 California Online Notary Act of 2019**

Currently a 2-year bill. This bill allows for notaries to send in their notary journals electronically. No set requirements for this. Secretary of State opposes this bill as does the Legislative Committee. Matt will be involved in the all the meetings.

**AB 1819 Inspection of Public Records: Use of Requester’s Reproduction Equipment**

The language states the bill would grant the requester the right to use the requester’s equipment, without being charged any fees or costs, to photograph or otherwise copy or reproduce any record upon inspection, unless the means of copy or reproduction would damage the record. This bill is moving along and is not a 2-year bill yet. There was a reference to the use of a flash drive which brings concerns regarding customers being allowed to use flash drives to download documents online. San Diego County reviewed this with county counsel and agrees it is a valid concern. Matt is working with Rob on this bill. There are concerns regarding the protection of historic records and the networks. The committee offered amendments to allow for clerk discretion. The committee will remain engaged and voted to oppose unless amended.

**SB 741 Gender Change**

This bill adds marriage certificates and birth certificates of a person’s child to existing law that permits a person to file a petition seeking a judgment recognizing the change of gender to female, male, or non-binary. The bill affects the county clerks in that it would apply to all marriage certificates, both public and confidential. Counties would be asked to seal the marriage record and create a new record. This bill is now a 2-year bill. The legislative committee oppose this bill.

Possible concerns/questions include: the new certificate will have no new signatures which will cause it to look different, government agencies may not accept new documents with no signatures, current county systems do not accommodate for a new license, associated fees for new systems would be required, if a couple was married before same sex marriages became legal, the new certificate will appear as though a same sex marriage took place before then, older documents cannot be re-created with the new name field, challenges to name changes and the new name field, challenges to confidential licenses, could this bill affect recorded documents such as deeds that were recorded as husband and wife, is this bill equitable, and does any state other than California issue confidential licenses. Email Donna with any additional concerns/questions.

Donna has met with the authors and will continue to meet with them throughout the process. She has re-directed them to the State. These court orders should be sent to the State and the State would be the one to mandate this. The State will not weigh in on this.

Comments were made about creating a sub-committee to work on eliminating the Name Equality Act for New Law.

1. **CACEO Website Update**

Cathy Darling Allen, Shasta County

Gail Pellerin, Santa Cruz County

Website address: [www.caceo58.org](http://www.caceo58.org)

Cathy gave an overview of the updated website and how to search for meeting schedules, sessions, agendas, tracking reports, and new law books. New law books for 2012-2015 are missing. Request was made to email these missing books to Cathy. Request was made for any older items, other committees or subcommittees to be added to the webpage. To access the Clerk Reference Manual, email Gail for username and password. When attaching files to emails for ClerkNet/RecNet, if the file is too large, email the file to Gail, she will post it and send a link.

1. **Victoria Rodriquez, Co-chair**

Donna shared an email from Victoria.

1. **Adjourned**

Meeting ended at 10:03 AM