

2019 New Law Workbook

A SUMMARY OF LEGISLATION AFFECTING COUNTY CLERKS



CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

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2019 New Law Workbook

Presented by

**California Association of Clerks and
Election Officials**

Legislative Committee

Sacramento, California

December 2-5, 2019

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2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number: AB 716

Chapter: 15

Author: Chen

Topic: Fictitious Business Name Statements

Impact: Major

Summary: Authorizes the County Clerk to accept an electronic acknowledgment verifying the identity of the registrant using a remote identity proofing process to ensure the registrant's identification, as specified, for purposes of filing fictitious business name statements.

The identity proofing process shall follow, to the extent reasonable, the federal guidelines for security and privacy and shall include dynamic knowledge-based authentication or an identity proofing method consistent with, at least, level 3 identity assurance, as described in the electronic authentication guidelines of the National Institute of Standards and Technology.

Effect: Amends Sections 17913 and 17916 of the Business and Professions Code

Actions Required: Possible system changes and staff training

Presenter: Lori Aleman, Riverside County

Notes: This bill seeks to streamline the process for registering or renewing fictitious business names with county clerk offices by allowing counties to offer an online registration or renewal process.

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number: AB 1130

Chapter: 750

Author: Levine

Topic: Personal Information: Data breaches

Impact: Information Only

Summary: Existing law defines and regulates the use of personal information by public agencies and businesses. The Information Practices Act of 1977 requires a public agency, as defined, that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system following discovery or notification of the breach, as specified.

This bill would revise the definition of personal information for purposes of the provisions described above to add specified unique biometric data and tax identification numbers, passport numbers, military identification numbers, and unique identification numbers issued on a government document in addition to those for driver's licenses and California identification cards to these provisions. This bill would authorize a person or business that is required to issue a security breach notification, as described above, to include in a notification for a breach involving biometric data, instructions on how to notify other entities that used the same type of biometric data as an authenticator to no longer rely on data for authentication purposes.

Effect: Amends Sections 1798.29, 1798.81.5, and 1798.82 of the Civil Code, relating to information privacy.

Actions Required: Inform staff

Presenter: Wardell House, Santa Clara County

Notes:

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number: AB 1152

Chapter: 188

Author: Holden

Topic: Vital Records

Impact: Information Only

Summary: Existing law requires each local registrar of births and deaths to transmit a copy of each original birth certificate and death certificate to the county recorder for the special county record, and, at the same time, forward the original certificates to the State Registrar.

Existing law requires a local registrar of births and deaths, after 2 years from the date of registration and with the approval of, and under the supervision of, the State Registrar, to dispose of the local registrar's copies of the records, under specified conditions.

This bill would permit a local health jurisdiction that exclusively serves cities to issue a record older than 2 years, if the record is the most accurate record on file.

Effect: Amends Section 102365 of the Health & Safety Code, relating to vital records

Actions Required: Inform staff

Presenter: Andrew B. Graham, Sacramento County

Notes:

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number:	AB 1213
Chapter:	128
Author:	Chen
Topic:	Legal Document Assistants and Unlawful Detainer Assistants
Impact:	Information Only
Summary:	<p>Existing law provides for the regulation of legal document assistants and unlawful detainer assistants, and requires a legal document assistant or unlawful detainer assistant to be registered by the county clerk in the county in which the legal document assistant's or unlawful detainer assistant's principal place of business is located and where they maintain a branch office. Existing law repeals all of the provisions regulating legal document assistants and unlawful detainer assistants on January 1, 2021.</p> <p>This bill would extend the operation of these provisions to January 1, 2024. The bill would also make various nonsubstantive changes to the provisions.</p>
Effect:	Amends sections 6400, 6401, 6401.7, 6402, 6403, 6404, 6406, 6407, 6409, 6409.1, 6410, 6410.5, 6411, 6412, and 6413 of the Business and Professions Code, relating to professions and vocations
Actions Required:	Inform staff
Presenter:	Elizabeth Gutierrez, Contra Costa County
Notes:	

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number:	AB 1819
Chapter:	695
Author:	Committee on Judiciary (A) - (Assembly Members, Mark Stone (Chair), Gallagher (Vice Chair), Chau, Chiu, Gonzalez, Holden, Kaira, Kiley, Maienschein, Obernolte, Petrie-Norris, and Reyes.
Topic:	Inspection of public records: use of requester's reproduction equipment
Impact:	Important
Summary:	<p>Authorizes a requester who inspects a disclosable record on the premises of the agency the right to use requester's equipment on those premises, without being charged any fees or costs, to photograph or otherwise copy or reproduce the record in a manner that does not require the equipment to make physical contact with the record, unless the means of copy or reproduction would result in damage to the record, or unauthorized access to a computer system of the agency or secured network, as specified.</p> <p>This bill would authorize the agency to impose any limit that is necessary to maintain the integrity of, or ensure the long-term preservation of, historic or high-value records. It also added language to authorize the agency to protect the safety of the records or to prevent the copying of records from being an unreasonable burden to the orderly function of the agency and employees.</p>
Effect:	Amends Section 6253 of the Government Code, relating to public records.
Actions Required:	Inform staff
Presenter:	Wardell House, Santa Clara County
Notes:	

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number: SB 30

Chapter: 135

Author: Wiener

Topic: Domestic Partnership

Impact: Important

Summary: Existing law defines domestic partnership as two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring. Existing law specifies requirements for entering into a domestic partnership, including that the domestic partners be either of the same sex or of the opposite sex and over 62 years of age. This bill would remove the requirement that persons be of the same sex or of the opposite sex and over 62 years of age in order to enter into a domestic partnership. This bill would delete the requirement that the forms be available at the office of each county clerk and, instead, require 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.

Effect: Amends Sections 297, 297.1, 298, 298.5, 298.6, 298.7, and 299.2 of, and to repeal Section 299.3 of, the Family Code, relating to domestic partnership.

Actions Required: Inform staff

Presenter: Monique Blakely, Los Angeles County

Notes:

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number:	SB 744
Chapter:	346
Author:	Caballero
Topic:	Planning and zoning: California Environmental Quality Act: permanent supportive housing
Impact:	Information Only
Summary:	This bill makes changes to the existing streamlined process for supportive housing developments and creates a California Environmental Quality Act (CEQA) exemption for developments that qualify for No Place Like Home (NPLH) funding
Effect:	Amends Sections 65651, 65655, and 65656 of the Government Code, and repeal Chapter 5.5 (commencing with Section 21163) to of Division 13 of the Public Resources Code, relating to housing
Actions Required:	None
Presenter:	Lori Aleman, Riverside County
Notes:	

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number: SB 780

Chapter: 329

Author: Committee on Governance and Finance

Topic: Local Government Omnibus Act of 2019

Impact: **Important**

Summary: Existing law requires the governing body of a public agency, within 70 days after the commencement of the agency's legal existence, to file with the Secretary of State, on a form prescribed by the secretary, and also with the county clerk of each county in which the public agency maintains an office, a specified statement of facts about the agency. Existing law requires this information to be updated within 10 days of a change in it. Existing law requires the Secretary of State and each county clerk to establish and maintain an indexed Roster of Public Agencies that contains this information.

This bill would instead require the Secretary of State and each county clerk to establish and maintain an indexed Registry of Public Agencies containing the above-described information. This bill would make conforming changes.

Effect: Amends Section 53051 of the Government Code

Actions Required: Inform staff

Presenter: David Valenzuela, Ventura County

Notes: