

2013 New Law Workbook

A SUMMARY OF LEGISLATION AFFECTING COUNTY CLERKS



2013 New Law Workbook

Presented by

**California Association of Clerks and
Election Officials**

Legislative Committee

**Craig A. Kramer
Kathie Moran**

**Sacramento, California
December 12, 2013**

Table of Contents

New Laws

AB 409	Political Reform Act of 1974: statements of economic interests: online filing.....	2
AB 464	Vital records	3
AB 1121	Gender identity: petition for change of name	4
AB 1149	Identity theft: local agencies.....	5
AB 1248	Controller: internal control guidelines applicable to local agencies	6
AB 1325*	Business filings: fictitious business name statements	7
SB 46	Personal information: privacy.....	8
SB 753	Central Valley Flood Protection Board	9
SB 822	Professions and vocations	10
SCA 3	Public information.....	11

*Note: AB 1325 is from the 2011-12 session: Chapter 368, Statutes of 2012.

THIS PAGE INTENTIONALLY LEFT BLANK

2013 Chaptered Bill Analysis

Bill Number:	AB 409 view the bill
Chapter Number:	643
Author:	Quirk-Silva
Topic:	Political Reform Act of 1974, statements of economic interests: online filing
Impact:	Informational
Summary:	Authorized the Fair Political Practices Commission to develop and operate an online system for filing state of economic interest meeting specific requirements. With certain exceptions, filers would be authorized to use the online system to meet requirements imposed by the act.
Effect:	To be determined depending on system the FPPC develops.
Actions Required:	None
Presenter:	Committee Chair
Notes:	Could drastically change how Form 700s are processed

2013 Chaptered Bill Analysis

Bill Number:	AB 464 view the bill
Chapter Number:	78
Author:	Daly
Topic:	Vital Records
Impact:	Important
Summary:	This bill allows the request and notarized statement necessary for vital records requests to be in a digitized format. It also allows informational copies to be sufficient for document recording purposes. Lastly, this bill specifies the form for the proof of execution for a document.
Effect:	To amend Sections 1188 and 1195 for the Civil Code, Sections 103526 of the Health & Safety Code, and to amend Section 210 of the Probate code relating to vital records.
Actions Required:	None
Presenter:	Los Angeles County

2013 Chaptered Bill Analysis

Bill Number:	AB 1121 view the bill
Chapter Number:	651
Author:	Atkins
Topic:	Gender identity: petition for change of name
Impact:	Informational
Summary:	<p>Creates an optional administrative procedure for transgender persons born in California may utilize in seeking a new birth certificate that reflects changes to their gender and name.</p> <p>Requires the State Registrar to issue a new birth certificate reflecting a change of gender without a court order of any person born in California who has undergone gender transition and submits directly to the State Registrar the appropriate physician affidavit documentation. Any change in name would need to be accompanied by a court order change of name.</p> <p>Bill contains other court related provisions.</p>
Effect:	An act to amend, repeal, and add Sections 1277 and 1278 of the Code of Civil Procedure, and to add Section 103426 to, the Health and Safety Code, relating to gender identity.
Actions Required:	None
Presenter:	San Bernardino County

2013 Chaptered Bill Analysis

Bill Number:	AB 1149 view the bill
Chapter Number:	395
Author:	Campos
Topic:	Identity theft: local agencies
Impact:	Informational
Summary:	Existing law requires any state office, officer, or executive agency that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system following the discovery of the security breach. Specifically to any resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person.
Effect:	Amends Section 1798.29 of the Civil Code relating to identity theft
Actions Required:	This bill expands the disclosure requirement in the event of a data breach. The agency must make the disclosure expediently and without unreasonable delay. The notice must be written in plain language and include the name and contact information of the agency, a list of the types of personal information compromised, time and date of the breach, length of any delays, a general description of the incident, and contact information for credit reporting agencies. Notices going to more than 500 California residents must also be shared with the Office of the Attorney General.
Presenter:	Riverside County
Notes:	This bill extends the provisions of the state's existing information privacy breach notice law to local public agencies.

2013 Chaptered Bill Analysis

Bill Number:	AB 1248 view the bill
Chapter Number:	190
Author:	Cooley
Topic:	Controller: internal control guidelines applicable to local agencies.
Impact:	Informational
Summary:	<p>Requires State Controller to develop internal control guidelines applicable to a local agency, as defined, to prevent and detect financial errors and fraud based on specific standards.</p> <p>For purposes of this section, “local agency” means a city, county, city and county, special district, or any other local governmental entity, except a school district.</p>
Effect:	May require changes to internal control procedures.
Actions Required:	None at this time
Presenter:	Alameda County

2012 Chaptered Bill Analysis

Bill Number:	AB 1325 view the bill
Chapter Number:	368 (Statutes of 2012)
Author:	Lara
Topic:	Business filings: fictitious business name statements
Impact:	Important
Summary:	Requires fictitious business name (FBN) statements to contain language specifying that false declarations are a misdemeanor punishable by a fine of up to \$1000 and replace reference to "husband and wife" with "a married couple". Requires a registrant or an agent filing on behalf of a registrant to present acceptable government identification to the county clerk for in person filings. At the discretion of the County Clerk a registrant or an agent may be required to also complete and sign an affidavit of identity statement on a form prescribed by the county clerk. At the discretion of the County Clerk a registrant that mails a fictitious business name statement to a county clerk's office may be required to submit a completed and notarized affidavit of identify statement. If the filer is a corporation, limited liability company, or limited liability partnership and the County Clerk requires an affidavit of identity statement a certificate of status issued by the Secretary of State certifying to that business entity's existence and good standing must also be submitted. This bill will be operative on January 1, 2014.
Effect:	Amend, repeal and add sections 17913, 17916, 17922, 17923, 17927, and 17929 of the Business and Professions Code.
Actions Required:	State-mandated local program
Presenter:	Los Angeles County

2013 Chaptered Bill Analysis

Bill Number:	SB 46 view the bill
Chapter Number:	396
Author:	Corbett
Topic:	Personal information: privacy
Impact:	Informational
Summary:	<p>Current law requires any agency, person, or business conducting business in California that owns or licenses computerized data that includes personal information, to disclose in specified ways, any breach of the security of the system or data to any California resident whose encrypted personal information was believed to have been acquired by an unauthorized person . This information includes individual first name and last name or first initial and last name in combination with one or more designated data elements relating to social security numbers, driver's license numbers, financial accounts and medical information.</p>
Effect:	<p>Amend Sections 1798.29 and 1798.82 of the Civil Code, relating to personal information.</p>
Actions Required:	<p>Requires the state and any person or companies operating in California who maintain computerized data about their clients or customers to notify them when his/her password, username, or answer to security questions have been breached for an online account. The breach disclosure shall be made in the most expedient time possible and without unreasonable delay pursuant to subdivision (c), of this section.</p>
Presenter:	Riverside County
Notes:	<p>This bill expands "personal information," for purposes of the breach notification statute, to include a user name or email address, acquired in combination with a password or security question and answer that permits access to an online account.</p>

2013 Chaptered Bill Analysis

Bill Number:	SB 753 view the bill
Chapter Number:	639
Author:	Steinberg
Topic:	Central Valley Flood Protection Board
Impact:	Informational
Summary:	Provides authority for a flood control board to record a lien with the County Clerk in the county of this state where the property of the person or agency responsible for the violation is located.
Effect:	None
Actions Required:	None
Presenter:	Committee Chair
Notes:	The author's office acknowledges that the reference to the County Clerk for recording a document is unintended and will introduce legislation next year to change to the County Recorder.

2013 Chaptered Bill Analysis

Bill Number:	SB 822 view the bill
Chapter Number:	319
Author:	Committee on Business, Professions and Economic Development
Topic:	Professions and vocations
Impact:	Minor
Summary:	Changes "husband or wife" as authorized to sign FBN statements to "either party to the marriage" under section 17914 of the B & P.
Effect:	Clean up of changes made in AB 1325, Chapter 368 of the Statutes of 2012.
Actions Required:	None
Presenter:	Committee Chair

2013 Chaptered Bill Analysis

Bill Number:	SCA 3 view the bill
Chapter Number:	123
Author:	Leno
Topic:	Public information
Impact:	Informational
Summary:	Authorizes a ballot measure for 2014 for a constitutional amendment related to the California Public Records Act. Amendment would require local agencies to comply with the Act without reimbursement from the state and to take all actions under the Act both now and as amended in the future without state funding.
Effect:	If approved there could be significant cost to local agencies in complying with the Act.
Actions Required:	None
Presenter:	Committee Chair