COUNTY CLERK LEGISLATIVE COMMITTEE MEETING

AGENDA
TUESDAY JULY 16 2013 – ANNUAL CONFERENCE

1:00 PM
Sofitel San Francisco Bay
223 Twin Dolphin Drive
Redwood City, CA 94065

1. Call to order. Introductions.

2. Approval of minutes: June 26, 2013 regular meeting.

3. Legislative Update.

4. Committee members report on updates and bill assignments.
List Review/status/action.

5. IMPORTANT DATE CHANGE: August meeting will be held on the 21st, due to scheduling coordination with CRAC.

Adjourn.

COUNTY CLERK LEGISLATIVE COMMITTEE MEETING

Wednesday June 26, 2013

10:00 A.M. Meeting called to order by Craig Kramer. Roll call and introductions.

Attending in person: Craig Kramer, Sacramento; Kathleen Moran, Colusa; Donna Allred, Sacramento; Terri Irving, Alameda; Matt Siverling, Legislative Analyst.

Attending by phone: Victoria Rodriguez, Tauna Mallis, Bruce Crystal, Riverside; Portia Sanders, Los Angeles; Elizabeth Gutierrez, Laura Wilson, Contra Costa; Karen Hong, Kenton Owyang San Francisco; David Valenzuela, Sheila Harmon, Ventura; Gina Alcomendras, Wardell House, Santa Clara.

Motion by Terri, second by Portia to approve the minutes of the May 22, 2013 meeting. Motion carried.

Discussion was held on the today's U.S. Supreme Court ruling regarding same-sex marriages which will allow Clerks to resume the issuance of marriage licenses to same-sex couples. The Department of Public Health issued an All County Letter (13-15) instructing Clerks and Recorders not to issue marriage licenses to same-sex couples until the Ninth Circuit issues the order to do so. Counties are standing by.

Brief discussion was held on Los Angeles County's draft "Affidavit of Identity" form for AB 1325 re: FBN ID's. Portia is seeking feedback from the committee on the draft. The use of an affidavit is optional. Portia asked how many counties plan to use the affidavit. Meeting attendees stated their county does not plan to use the affidavit. However, the committee will send a survey to all counties asking the same and have the responses at the annual conference for the AB 1325 session on Thursday July 18.

Matt reviewed his June leg report (attached.) In addition, he also reported that, representing the Clerk of the Board, he testified on SCA 3, which would place a measure on the ballot asking voters to amend the California Constitution to require local agencies to comply with the California Public Records Act and the Brown Act, and any subsequent amendments that further the constitutional provisions on public access to public agency meetings and records. This constitutional amendment exempts compliance with PRA and the Brown Act from state mandate claims. If passed by the voters, the amendment will make clear that the state is responsible for its costs under the Cal. Const. and open meeting and open records laws and local agencies are responsible for their costs under the Cal. Const. and open meeting and open records laws.

At this time, CACEO (Clerk of the Board) is the lone "oppose" and John McKibben has asked that County Clerks to either oppose, join concerns with COB, oppose unless amended or support if amended. Brief discussion is held. Committee consensus is "soft oppose" to maintain an oppose position on record in the hope of discussing possible amendments such as, permit local government mandate claims relating to future legislative amendments to the CPRA, or a service fee for larger copying jobs,

Motion by Craig, second by Terri that the County Clerk Leg Committee's position on SCA 3 is "soft oppose". Further, that the committee continue to work with the author's office on reimbursement concerns and options. Motion carried.

Matt continued review of his report. He noted that he has been advised that SB 570 (DeSaulnier) which we have gone on record to oppose will be gutted and amended.

Committee members report updates on assigned bills (Bill Summary attached).

Next meeting Annual Conference Tuesday July 16, 2013 1-3 pm at Sofitel San Francisco Bay located at 223 Twin Dolphin Drive Redwood City, CA 94065.

IMPORTANT DATE CHANGE: August meeting will be held on the 21st, to accommodate scheduling with CRAC.

Adjourn 10:55

By: Kathleen Moran, Co-Chair

June 20, 2013

To: California Association of Clerks and Election Officials

From: Matt Siverling, Legislative Advocate

Re: County Clerk Monthly Legislative Report

I submit the following report on legislative activity for the month of June, 2013.

Since our last Legislative Committee meeting, the Legislative Session reached its "halfway mark" on May 31, 2013. All bills introduced in the House of Origin would have needed to clear their house by midnight of that date. Prior to the Floor deadline, active bills met their most challenging hurdle thus far, the Appropriations suspense file hearing. During this hearing, bills are scrutinized with a magnifying glass to determine fiscal impacts on the State General Fund. Despite the increased revenue in California this year, the Legislature was as strict as ever in analyzing, measuring and killing bills that had a cost to the State. Passage rate in each House was close to 50%. Of the half that was allowed to continue, heavy amendments were accepted by Authors to keep their bills alive and costs down.

Since we last met, Subcommittees finished their process and submitted their reports to the Conference Committee, who convened to discuss all items that differed between the Senate and Assembly spending plans. There was heavy pressure from interest groups and lobbyists to restore much of the cuts that had occurred in lean years to social safety net programs, healthcare, education and courts. The Governor, as reported in prior reports, has branded himself as a "backstop" to spending and has clearly articulated that he would not be supportive of any efforts to dedicate new spending for future years. His stated goal has been to pay down the "wall of debt" and create a surplus to prepare for the future.

On June 11th, the Governor held a press conference with the Speaker and the Pro Tem to announce that a "Budget Compromise" had been reached on the "major differences" in the plans. The Governor's conservative approach held strong, and a general "buy-in" from Democratic leadership to accept much lower revenue estimates that were utilized by the Administration in their spending plan was employed. Trailer bills were crafted to implement much of what was agreed to. The plan was submitted to the Governor for his signature on June 15th. In order to meet Constitutional requirements, he must act on the bill by June 30th.

After the Budget dust settles, the Legislature will get back to work analyzing and hearing opposite House bills. These hearings are more entertaining than House of Origin committee hearings. There are far tougher questions to answer from Committee members to Authors. Further, there are no more opportunities to move bills that are "works in progress". Second House hearings require that the bill is a finished product, and any indication that there is work to be done could spell doom for a bill.

The Houses have yet to synch their schedules for the upcoming policy deadline, and it doesn't appear that they are going to. The Assembly plans on adjourning for Summer recess on July 3rd, but then holding policy committee hearings until August 16th. The Senate plans on adjourning on July 12th, and concurrently requiring bills to be out of policy committee on the same date. Typically, these deadlines would be identical.

I. Sponsored Bills

The County Clerk's Legislative Committee opted to sponsor one proposal for introduction in the 2013 Legislative Session.

Senate Bill 822 (Comm. On Business and Professions)
Business and Professions Code 17914 Cleanup Legislation

Last year, CACEO "opposed unless amended" Assembly Bill 1325 (Lara), which was eventually amended and signed into law. With the amendments that were taken into the bill, the Association removed opposition and officially went neutral.

AB 1325 made wholesale amendments to the Business and Professions Code related to the fictitious business name form and application process. It was introduced in reaction to a constituent complaint in Los Angeles County who felt that they had been the victim of identity theft through the FBN application process. The bill added a "safeguard" by allowing the county clerk to request identification or a certificate of ID to ensure that a paper trail was created during the process.

In addition to the "safeguards", the bill also updated several outdated references to "husband and wife" to "married couple" when it appeared on the form or in the Code. Unfortunately, during the New Law Workshop, CACEO discovered that one reference was left unrepaired and remained in the Code as "husband and wife".

SB 822 was heard in the Assembly Business, Professions and Economic Development Committee on Monday, June 18, 2013. The measure was approved "on consent."

The measure is now heading toward the Assembly Appropriations Committee.

II. Other Bills of Interest

Assembly Bill 464 (Daly) **Position: Support**

The Association voted to support an important provision of Assembly Bill 464 (Daly). The measure was heard and approved by the in the Senate Judiciary Committee on Tuesday, June 11, 2013. It was approved with a 7-0 vote.

Under current law, a constituent may request vital records utilizing three methods: in person, by mail, and through fax. Currently, a digitized scanned image is not an acceptable form of request for vital records. The law as written does not provide for technological advances in the request process, such as scanning and emailing a digitized image.

In order to facilitate better access for citizens to vital records, AB 464 would allow the public to utilize technology when requesting vital records. This would allow for a notarized request to be digitized, sent to the clerk's office, and accepted as a viable request for documents. CACEO felt that this option would streamline the process for those requesting copies of birth certificates.

The measure is now in the Senate Appropriations Committee awaiting a hearing on June 24, 2013.

Senate Bill 570 (DeSaulnier) **Position: Oppose**

CACEO opted to "oppose" SB 570, which would mandate that local agencies accept credit card payments for public records requests totaling less than 20 pages, and would prohibit a fee under specified circumstances related to public records requests. The measure was heard in the Senate Appropriations Committee on May 6, 2013.

Clerks submitted an opposition letter and communicated that SB 570 would place a significant upfront and ongoing burden on local governments and impose costly requirements to the office of the clerk in each county. It was determined that many county clerk offices, along with many other county department offices, do not currently possess the equipment necessary to process credit card transactions. Further, for those counties who may have invested in the equipment, the credit card transaction fees on a charge less than $4.00 (20 pages) creates significant costs that will be presumably be borne by the county. Credit card transactions spur a "per transaction" flat rate fee; or in some cases a fee calculated using percentage of each charge.

The measure also would prohibit a local charge for providing copies of public records if they are available in "portable digital format (PDF)". CACEO has concerns about the interpretation and intent of this language. It is not clear, based on the current reading, if "copies" refer to electronic transmittals or printed hard copies.

CACEO joined a coalition of other local government advocates, including CSAC, RCRC, CSDA and UCC in opposing the bill. After the significant opposition piled onto the bill, the Senator indicated that he'd likely hold off on the bill for the year and continue to work with constituents

in his District who'd brought the idea to him this year. The measure was referred to "suspense", where the coalition was assured that it most likely would be kept.

However, during the suspense hearing, the Chair announced that SB 570 would be passed from Senate Appropriations, with amendments, to the Floor. The amendments would remove all references and language related to "Credit cards" and leave the "PDF" portion of the bill intact. The measure subsequently was approved by the Senate and sent to the Assembly desk.

SB 570 has yet to be referred to Committee, and discussions with the Author are continuing to occur.

Other items of interest

Within the enormous scope of the State Budget, one of the most highlighted and criticized items for consideration was the Governor's proposal to eliminate numerous public record mandates that are currently imposed on local governments. This longstanding philosophical battle is rooted in a perceived abuse of the reimbursement requirement from a sampling of local jurisdictions. The "overcharges" for performing public records requests that were uncovered by the Legislative Analyst's Office, the Budget Committees, and the California Newspaper Publishers Association gave the issue traction over the past few years, but it had never solidified into a viable threat to the mandate.

This year, the Governor included the elimination of the mandates in his Budget proposal, which was quietly approved by the Senate. The proposal stated that the mandates were no longer going to be enforced or reimbursed, but to cease following them, the local entity would need to announce to the public that they are choosing to forego the former requirements. By canceling the mandates, the State estimated to save tens of millions of dollars.

The key aspect to the effort was changing the perception of the formerly mandated activity to a "best practice" that "should be done anyways" absent a State law. Forgotten, or ignored, is the fact that each of the mandates was put into place by a State law, with the understanding and expectation that the required activity would be reimbursed.

Out of the blue, the CNPA launched a public attack on the item in nearly every newspaper in the State. The assault continued for nearly a week, and blasted the Governor and the Legislature for weakening public records law.

Finally, the Assembly reacted to the barrage and amended their version of the Trailer bill to remove the deletion of the mandates. They've indicated that they are planning on sending the Governor their version of the bill to demonstrate their support for the PRA.

The Governor and the Senate have responded by issuing a statement that they will likely support a temporary "weakening" of the PRA, and would expect all local entities to comply with the continue their former "best practices" seamlessly. To cement the savings into place, there is now talk of a Constitutional amendment being placed before the voters in 2014 to reinstate the former "mandates", but place them in the State Constitution. This action would make the activity mandatory for locals WITHOUT reimbursement.

The Governor has until June 30th to act on the Budget. It remains to be seem how he will choose to posture himself in the wake of the recent opposition activity to his proposal.

County Association of Clerks Committee (CACEO)
Legislation Bill Summary for 2013
July 5, 2013

Bill	Author	Subject	Status*	Bill Dates	CACEO Position	Assigned To	CRM	Comments
AB 139	Holden	Domestic Violence: fees	S FLOOR	A – 6/11/13	W	Ventura		
AB 151	Olsen	Local Government: fee waiver: disabled veterans	S G&F	I – 1/18/13	W	Alameda		H – 6/26/13
AB 380	Dickinson	CEQA: notice requirements	S EQ	A – 5/24/13	W	San Francisco		
AB 383	Wagner	Maintenance of the codes	S Jud	A – 5/28/13		Ventura		H – 6/25/13
AB 464	Daly	Vital Records	S APPR	I – 2/19/13	S	Los Angeles		H – 6/24/13
AB 531	Frazier	Drivers' licenses" veteran designation	A APPR	A – 3/20/13	W	Los Angeles		Suspense File
AB 543	Campos	CEQA: translation	S EQ	A – 5/24/13	W	San Francisco		H – 7/3/13
AB 625	Quirk	Notaries Public: acceptance of identification	A FLOOR	A – 6/10/13	N	Santa Clara		
AB 1060	Fox	Environmental Quality: CEQA: filing fees: exemptions	S EQ	I – 2/22/13	W	San Francisco		H – 6/19/13
AB 1121	Atkins	Civil proceedings: petition for change of name	S JUD	A – 4/22/13	W	San Bernardino		H – 6/25/13
AB 1127	Chau	Court interpreters	S JUD	A – 5/24/13	W	Los Angeles		H – 6/25/13
AB 1149	Campos	Identity theft: local agencies	S JUD	I – 2/22/13	W	Riverside		H – 6/25/13
AB 1248	Cooley	Local agencies: internal control guidelines	S GO	A – 5/24/13	W	Alameda		H – 6/25/13
SB 46	Corbett	Personal information: privacy	S APPR	A – 4/15/13	N	Riverside		
SB 268	Gaines	Political Reform Act of 1974	S E&CA	A – 3/18/13	W	Marin		
SB 378	Block	Evidence: admissibility: electronically digitized versions	A APPR	A – 4/2/13	N	Santa Clara		
SB 436	Jackson	CEQA: notice	A NR	A – 4/3/13	W	San Francisco		H – 6/24/13
SB 501	Corbett	Privacy	A A,E,S,T&IM	A – 6/5/13	W	Riverside		
SB 570	De Saulnier	Local Gov't: public records: copy charges: retrieval	Assembly	A – 5/24/13	Oppose	Alameda		
SB 617	Evans	CEQA	S FLOOR	A – 4/1/13	W	San Francisco		Inactive File

County Association of Clerks Committee (CACEO)
Legislation Bill Summary for 2013
July 5, 2013

Bill	Author	Subject	Status*	Bill Dates	CACEO Position	Assigned To	CRM	Comments
SB 633	Pavley	CEQA: environmental impact reports	A NR	A – 5/6/13	W	San Francisco		
SB 753	Steinberg	Cent. Valley Flood Protection Bd	A W,P & W	A – 5/24/13				
SB 754	Evans	CEQA	S APPR	A – 5/6/13		San Francisco		
SB 822	B, P & ED	Professions and Economic Development; Professions and vocations	A APPR	A – 6/12/13	S	Chair		
SCA 3	**Leno**	**Public Information**	**A FLOOR**	**A – 6/20/13**	**Soft O**	**Chair**		
		2-YEAR BILLS						
AB 17	Hueso	Vehicles: enhanced driver's license	A T&H	I – 12/3/12	W	Los Angeles		
AB 376	Donnelly	Regulations: notice	A A&AR	I – 2/14/13	W	Ventura		
AB 543	Campos	CEQA: translation	S EQ	A – 5/24/13	W	San Francisco		H – 7/3/13
AB 629	Wilk	Local Government		I – 2/20/13	W	Alameda		From Printer
AB 642	Rendon	Publication: newspaper of general circulaton: Internet Web site	A Jud	I – 2/20/13	N	Santa Clara		
AB 866	Linder	Regulations	A A&AR	I – 2/21/13	W	Ventura		
AB 966	Bonta	Local Government		I – 2/22/13	W	Contra Costa		Read First Time
AB 1291	Lowenthal	Privacy: disclosure of a customer's personal information	A Jud	A – 4/1/13	W	Los Angeles		
AB 1292	Linder	State mandates		I – 2/22/13	W	San Bernardino		Read First Time
SB 167	Gaines	Environmental Quality: CEQA	S RLS	I – 2/4/13	W	San Francisco		
SB 280	Lieu	State Gov't: data collection	S RLS	I – 2/14/13	W	Santa Clara		
SB 739	Calderon	Environmental quality	S RLS	I – 2/22/13	W	San Francisco		
SB 787	Berryhill	Environmental quality: the Sustainable Environmental Protection Act	S EQ	A – 4/18/13	W	San Francisco		H – 5/1/13

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Legislation Bill Summary for 2013
July 5, 2013

Bill	Author	Subject	Status*	Bill Dates	CACEO Position	Assigned To	CRM	Comments

*Key to status: A = Assembly S = Senate

A&LTC	Aging and Long-Term Care	GO	Government Organization	NR&W	Natural Resources & Water
APPR	Appropriations	H&CD	Housing & Community Development	PRINT	Bill is in print/awaiting committee assignment
B&F	Banking and Finance	HEALTH	Health	PUB S	Public Safety
B&P	Business and Professions	HS	Human Services	R&T	Revenue & Taxation
BF&I	Banking, Finance, & Insurance	JUD	Judiciary Committee	RLS	Rules
EQ	Environmental Quality	LGOV	Local Government	T&H	Transportation & Housing
E&R	Elections & Redistricting	NR	Natural Resources	W, P&W	Water, Parks & Wildlife
ES&TM	Environmental Safety and Toxic Materials	E&CA	Elections & Constitutional Amendments	A&AR	Accountability & Administrative Review