



Legislative Bulletin

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June 22, 2021
Item No. 66

County of Orange Positions on Proposed Legislation

The Legislative Bulletin provides the Board of Supervisors with analyses of measures pending in Sacramento and Washington that are of interest to the County. Staff provides recommended positions that fall within the range of policies established by the Board. According to the County of Orange Legislative Affairs Procedures adopted by the Board of Supervisors on December 10, 2019, staff recommendations for formal County positions on legislation will be agendaized and presented in this document for Board action at regular Board of Supervisors meetings. When the Board takes formal action on a piece of legislation, the CEO will direct the County's legislative advocates to promote the individual bills as approved by the Board. The Legislative Bulletin also provides the Board of Supervisors with informative updates on State and Federal issues.

The 2021-2022 Legislative Platform was adopted by the Board of Supervisors on December 5, 2020.

On June 22, 2021, the Board of Supervisors will consider the following actions:

RECOMMENDED ACTIONS

- 1. SUPPORT – AB 751 (Irwin): Vital Records: Certified Copies: Electronic Requests**
- 2. Receive and File Legislative Bulletin**

INFORMATIONAL ITEMS

- 1. County Position Matrix: CEO-LA**
- 2. Sacramento Legislative Report**
- 3. Washington DC Legislative Report**

RECOMMENDED ACTIONS

1. SUPPORT – AB 751 (Irwin): Vital Records: Certified Copies: Electronic Requests

CEO/Office of Legislative Affairs **Bill Analysis**



BILL NUMBER:	Assembly Bill (AB) 751	INTRODUCED/AMENDED. DATE:	<u>Introduced:</u> February 16, 2021
AUTHOR:	Assemblymember Jacqui Irwin (D-Thousand Oaks) and Assemblymember Heath Flora (R-Ripon)		
SUBJECT:	Vital Records: Certified Copies: Electronic Requests		
BILL SPONSOR:	County Records Association of California		
STATUS:	Senate Judiciary Committee		
REQUESTING DEPARTMENT/AGENCY:	Orange County Clerk-Recorder		
DEPARTMENT/AGENCY RECOMMENDED POSITION:	SUPPORT		
CEO RECOMMENDED POSITION:	SUPPORT		

<u>Current Law and Background:</u>	<p><u>Current Law:</u></p> <p>Current law authorizes the State Registrar, a local registrar, or a county recorder to furnish a certified copy of a birth, death, or marriage certificate to an authorized person, as defined, who submits a written, faxed, or digitized image of a request accompanied by a notarized statement, sworn under penalty of perjury, that the applicant is an authorized person. Current law, until January 1, 2022, additionally authorizes these officials to accept an electronic request for a certified copy of these records if the request is accompanied by an electronic verification of identity and an electronic statement sworn under penalty of perjury.</p> <p><u>Background:</u></p>
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	<p>The Office of Vital Records at the Department of Public Health is charged with the responsibility of maintaining a uniform system for registration and a permanent central registry with a comprehensive and continuous index for all birth, death, fetal death, marriage, and dissolution certificates registered for vital events which occur in California. Certified copies of these records are available from the State Registrar, the 58 county recorders, and 61 local health jurisdictions.</p> <p>Vital records may be supplied to an authorized person who submits a written, faxed, or digitized image request accompanied by a notarized statement sworn under penalty of perjury that the applicant is authorized to receive the information. Existing law, until January 1, 2022, authorizes the official to accept an electronic acknowledgment verifying the identity of the applicant using a multilayered remote identity proofing process if the request for a certified copy of a vital record is made electronically. If the applicant's identity cannot be established electronically, then the applicant is required to include a notarized statement of identity with the request.</p> <p>Current participation in electronic verification. Twenty-five counties have utilized remote identity proofing for access to vital records. As a result of the pandemic, seven new counties have adopted remote, multilayered identity proofing to continue service to their constituents. They are as follows: Orange County, San Diego, San Bernardino, Monterey, San Joaquin, Merced, and Santa Clara. Counties Using remote identity proofing (* indicates began in 2020) are as follows:</p> <ul style="list-style-type: none"> • Calaveras County; • Contra Costa County; • Kern County Health Department; • Lassen County; • Los Angeles County; • Madera County; • Mariposa County; • Merced County*; • Mono County; • Monterey County*; • Napa County; • Orange County Health *; • Placer County; • Plumas County; • Riverside County; • Sacramento County; • San Bernardino County*; • San Diego County*; • San Joaquin County*; • San Luis Obispo; • Santa Clara County*;
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	<ul style="list-style-type: none"> • Sonoma County; • Tulare County; • Tuolumne County; and, • Ventura County
<u>Proposed Law:</u>	<p>This bill would delete the current sunset date of January 1, 2022, making permanent a program to request vital records online that has for over half a decade proven successful and valuable to Californians. An official may continue to accept an electronic acknowledgment verifying the identity of the applicant using a multilayered remote identity proofing process if the request for a certified copy of a vital record is made electronically.</p>
<u>Prior Legislative Votes:</u>	<p><u>Assembly Floor</u> (05/03/21) Ayes: 75 (Chen, Choi, Daly, Davies, Nguyen, Petrie-Norris, Quirk-Silva) Noes: 0</p> <p><u>Assembly Appropriations</u> (4/28/21) Ayes: 15 (Davies) Noes: 0</p> <p><u>Assembly Health</u> (4/20/21) Ayes: 15 Noes: 0</p>
<u>Vote Threshold:</u>	The bill is a majority vote bill.
<u>State Mandated Local Program:</u>	This bill is a state mandated local program.
<u>Fiscal Committee:</u>	Yes
<u>Support and Opposition:</u>	<p><u>Support</u></p> <ul style="list-style-type: none"> • California State Association of Counties • County Records Association of California (sponsor) • County Health Executives Association of California (CHEAC) • TechNet-Technology Network • Urban Counties of California <p><u>Opposition</u></p> <ul style="list-style-type: none"> • ACLU California Action • Consumer Federation of America • Electronic Frontier Foundation • Media Alliance

	<ul style="list-style-type: none"> • Oakland Privacy • Privacy Rights Clearinghouse
<u>Impact on Orange County:</u>	There is no impact of this bill on Orange County.
<i>Mandates:</i>	Orange County utilizes a third party for this process; no new changes will be necessary to continue this program within the department.
<i>Operations:</i>	This process has streamlined and modernized the process of identity authentication and has proven to reduce the time and cost to customers who are unable to visit the County Clerk-Recorder's office in the county in which the particular life event occurred.
<i>Costs:</i>	Supporting this bill will incur no additional new cost. If demand for this remote identity proofing service increases, additional staffing may be necessary.
<i>Revenues:</i>	Revenue will increase only as demand increases.
<u>Policy Platform References:</u>	<u>Program Efficiency:</u> "Support efforts that promote the efficient administration of program services and benefits, as well as increase access and improve customer service." p. 13

INFORMATIONAL ITEMS

1. County Position Matrix: CEO-LA

The tables below list the bills the Board of Supervisors have taken positions on in 2021.

State Legislation

As of Thursday, June 17, 2021


Bill Number	Author	Subject	Position	Date of Board Action	Status
<u>AB 77</u>	<u>Petrie-Norris</u>	Substance Use Disorder Treatment Services	Support	4.13.21	Assembly Health – 2 Year Bill
<u>AB 420</u>	<u>Quirk-Silva</u>	Public Health: Amusement Parks and COVID 19	Support	3.9.21	Assembly Arts, Entertainment, Sports, Tourism and Internet Media
<u>AB 781</u>	<u>Daly</u>	Water Development Projects: Approved Projects: Project Changes	Sponsor	3.9.21	Senate Natural Resources and Water
<u>AB 1098</u>	<u>Daly</u>	Quality Standards for Drug & Alcohol Recovery Housing	Support	4.13.21	Assembly Appropriations - Held
<u>AB 1158</u>	<u>Petrie-Norris</u>	Alcoholism or Drug Abuse Recovery or Treatment Facilities: Recovery Residence: Insurance Coverage	Support	4.13.21	Senate Rules

<u>AB 1351</u>	<u>Petrie-Norris</u>	Controlled Substances: Fentanyl	Support	3.23.21	Assembly Public Safety – 2 Year Bill
<u>SB 74</u>	Borgeas	Keep California Working Act	Support	3.23.21	Senate Business Professions and Economic Development
<u>SB 75</u>	<u>Bates</u>	Controlled Substances: Fentanyl	Support	3.23.21	Senate Public Safety – 2 Year Bill
<u>SB 106</u>	<u>Umberg</u>	Mental Health Services Act: Innovative Programs	Sponsor	3.23.21	Senate Appropriations - Held
<u>SB 214</u>	<u>Bates</u>	Neighborhood Electric Vehicles: County of Orange	Support	2.9.21	Assembly Transportation <u>Hearing Date: June 21st</u>
<u>SB 219</u>	<u>McGuire</u>	Property Taxation: Delinquent Penalties and Costs: Cancellations: Public Health Orders	Support	2.9.21	Assembly Revenue and Taxation <u>Hearing Date: June 21st</u>
<u>SB 412</u>	<u>Ochoa Bogh</u>	California Environmental Quality Act: Emergency	Support	4.27.21	Senate Environmental Quality – 2 Year Bill
<u>SB 434</u>	<u>Bates</u>	Substance abuse and mental health services: advertising and marketing	Support	4.13.21	Assembly Appropriations
<u>SB 454</u>	<u>Bates</u>	Child Support: Enforcement	Sponsor	3.9.21	Assembly Appropriations
<u>SB 541</u>	<u>Bates</u>	Substance Use Disorder Treatment Facilities and Programs: Disclosure of License and Certification Status	Support	4.13.21	Assembly Appropriations

Federal Legislation

As of Thursday, June 17, 2021

Bill Number	Author	Subject	Position	Date of Board Action	Status
<u>HR 2367</u>	Levin	The Studying Outcomes and Benchmarks for Effective Recovery (SOBER) Homes Act	Support	5.11.21	House Committee on Energy
<u>S. 339</u>	Portman/Manchin	Federal Initiative to Guarantee Health by Targeting (FIGHT) Fentanyl Act	Support	3.23.21	Senate Committee on the Judiciary

 Highlighted sections symbolize a status change

2. Sacramento Legislative Report

Prepared by Precision Advocacy Group LLC

Instead of the standard agreed upon budget between the Administration and the Legislature, the Legislature passed [AB 128](#) (Ting) Budget Act of 2021, on June 14 and sent it to the governor, buying time to continue negotiating. AB 128 is the Legislature's version of the budget absent additional compromise with the Administration. The expectation is that in the coming weeks trailer bills will be in print and additional budget bill juniors will be passed adjusting the Legislature's appropriations to reflect the final budget agreement. The only trailer bill in print as of June 16 is [AB 152/SB 152](#) pertaining to the recall election.

Our understanding is that negotiations are moving slowly with a number of issues still to be decided upon including addressing the Gann Limit, revenue estimates, broadband, as well as a number of details related to large policy initiatives such as the children and youth behavioral health initiative. As compared to the governor's budget proposal, the Legislature's budget:

- Uses a modified version of the Legislative Analyst's Office revenue projections;
- Provides more flexible funding for local governments to address homelessness over several years;
- Provides funding for public health infrastructure;
- Provides additional funding for drought, wildfire, and other climate-related purposes;
- Sets aside funds to prepay bond debt service; and
- Provides additional funding for schools and community colleges.

Recall Election

In early May, the Department of Finance reached out to county elections officials requesting estimates for the gubernatorial recall election this year. County responses provided the Department with an estimate of \$215.2 million for the recall, which the Legislature subsequently adopted as part of their budget and included in AB 128.

Since that time, AB 152/SB 152 the recall trailer bills, were put into print designating the recall a regular election instead of a special election, a more complicated and expensive endeavor. Additionally, the potentially truncated timeline under consideration by the Administration and Legislature has been the subject of concern from elections officials. If the election is called for the end of August, it will present logistical challenges as it pertains to ballot paper and envelopes, meeting the deadline to send ballots to military and overseas voters, testing the VoteCal system, obtaining approval from the US Postal Service for ballot envelopes, securing facilities and poll workers, and training poll workers, among a host of other issues.

CSAC, UCC, and RCRC have requested that counties be authorized to conduct the recall election as a special election under the same rules that were employed in conducting last year's presidential election. The counties, in addition to the California Association of Clerks and Election Officials have also requested that the election take place no sooner than September 14 to allow for appropriate (although expedited) preparation.

In terms of general timeline, counties will provide an updated signature count by June 22, the Department of Finance has prepared a preliminary cost analysis, the Legislature is planning to waive its review, then Lieutenant Governor Kounalakis will call the election within 60-80 days.

Upcoming Hearings

To view hearings after they take place, you may access them in the [Assembly](#) or [Senate](#) media archives where they are generally available within a few hours of committee adjournment.

Tuesday, June 29 1:30 p.m. – [livestream](#)

[Assembly Jobs, Economic Development, and the Economy](#)

Tools for Rebuilding Vibrant Local and Regional Economies

Governor's Press Releases

Below is a list of the governor's press releases beginning June 7.

June 16: [Governor Newsom Announces Appointments](#) - Skilled Nursing Facility Administrator at the Veterans Home of California, Yountville; Skilled Nursing Administrator at the Veterans Home of California, West Los Angeles; Skilled Nursing Administrator at the Veterans Home of California, Chula Vista; and State Water Resources Control Board

June 16: [California Roars Back: Governor Newsom Launches New Advisory Council on Physical Fitness and Mental Well-Being with Co-Chairs First Partner Jennifer Siebel Newsom and 10-Time Pro Bowler Ronnie Lott](#)

June 16: [California Roars Back: At Six Flags Magic Mountain, Governor Newsom Announces \\$4.5 Million Six Flags Ticket Giveaway as California Fully Reopens](#)

June 15: [California Roars Back: At Universal Studios Hollywood, Governor Newsom Ushers in State's Full Reopening and Draws \\$15 Million in Vax for the Win Grand Prizes](#)

June 15: [Governor Newsom Announces Appointments](#) - Assistant Chief for the Housing Standards Section at the Department of Housing and Community Development, Assistant Chief for the Manufactured Housing Section at the Department of Housing and Community Development, California Actuarial Advisory Panel, and Vice Chair at the San Francisco Bay Area Water Emergency Transportation Authority

June 14: [Governor Newsom Highlights Travel and Tourism Comeback, Announces New Vax for the Win California Dream Vacations on the Eve of State's Full Reopening](#)

June 14: [Governor Newsom Statement on Legislature's Passage of State Budget Bill](#)

June 11: [Governor Newsom Announces Appointments](#) - Chief Counsel at the California Department of Water Resources, Chief Engineer of Strategic Delivery at the High-Speed Rail Authority, Director of Engineering at the High-Speed Rail Authority, California Travel and Tourism Commission, New Motor Vehicle Board, CalSavers Retirement Savings Board, State Mining and Geology Board, and the Off-Highway Motor Vehicle Recreation Commission

June 11: [As California Fully Reopens, Governor Newsom Announces Plans to Lift Pandemic Executive Orders](#)

June 11: [Governor Newsom Statement on Death of Susanville Police Officer](#)

June 11: [Governor Newsom Announces New Rewards for Vaccinated Californians as Second Round of Vax for the Win \\$50K Winners is Drawn](#)

June 10: [Governor Newsom Announces Appointments](#) - Legislative Director at the California Department of Industrial Relations, Deputy Director of the California Office of the Small Business Advocate at the Governor's Office of Business and Economic Development, State Board of Optometry, and the California Apprenticeship Council

June 10: [Governor Newsom Statement on Federal Funding Agreement for California High-Speed Rail Project](#)

June 9: [Governor Newsom Statement on Deaths of San Diego Police Detectives](#)

June 7: [California Releases New Summer Programming and School Reopening Data, Launches Parental Engagement Campaign](#)

3. Washington DC Legislative Report

Prepared by Van Scoyoc Associates

LEGISLATIVE BRANCH ACTIVITY

Infrastructure Talks Continue, Bipartisan Group Reaches Deal

Infrastructure negotiations continued this week between a bipartisan group of Senators, ten Democrats and ten Republicans, after earlier talks between the White House and Sen. Shelley Moore Capito (R-WV) collapsed at the beginning of the week. The group announced they had come to a tentative agreement.

The estimated spending would total \$974 billion over five years, or \$1.2 trillion if spread over eight as the president has proposed. At that size, the new package would be more than the previous Republican-only effort of \$330 billion in new spending in a \$928 billion package, but still short of the \$1.7 trillion over eight years President Biden is seeking. The plan mostly focuses on traditional physical infrastructure like transportation and water systems.

Details of the plan are not yet public, as the “G20” as they are known brief their colleagues on the plan. A major sticking point that remains, and which played in major role in the failure of the previous negotiations, is how to pay for any infrastructure investments. The group has stated the package will be fully paid for and contain no tax increases. One measure the group was said to be considering is indexing the gas tax to inflation, though the White House has said that is a non-starter as it would amount to a tax increase on Americans making under \$400,000 a year. The White House has also said it would not accept a reappropriation of funds from unspent COVID-19 relief programs to pay for any deal, while Republicans are unlikely to go along with the corporate tax increase proposed by President Biden.

Although the G20 reached a deal on their proposal, Democratic leaders continue to prepare a fallback plan. They are laying the groundwork to pass an FY22 budget resolution which would create the reconciliation process to pass an infrastructure bill without Republican support. At this point, it is unclear if either the bipartisan proposal or the reconciliation process can garner the support of enough senators.

House Committee Passes Highway and Water Bills

The House Transportation and Infrastructure Committee advanced a five-year, \$547 billion surface transportation bill largely along party lines, with all Democrats and only two Republican voting in favor. The highway bill is considered a must-pass as the current law, a one year extension of the 2015 highway bill, expires at the end of September.

The overall highway bill includes \$343 billion for roads, bridges and safety; \$109 billion for transit and \$95 billion for freight and passenger rail. It dedicates \$8.3 billion for reducing carbon pollution, with an additional \$6.2 billion for mitigation and resiliency improvements aimed at building infrastructure resistant to extreme weather events. The bill includes \$5.6 billion in Member Designated Projects, informally referred to as earmarks.

The committee also marked up and passed the Water Quality Protection and Job Creation Act of 2021. The bill would authorize \$40 billion over five years for the Clean Water State Revolving Fund, a U.S. Environmental Protection Agency (EPA) program that provides communities with low-cost financing for clean water infrastructure projects. Additionally, it includes provisions designed to both assist small or financially disadvantaged communities and dedicate 15 percent of the funding to state grants for green infrastructure improvements.

Legislation Introduced by Orange County Delegation

Senator Alex Padilla:

- Introduced the [BASIC Act](#), which “provides \$1 billion for grants to ensure institutions of higher learning have the resources they need to support their students’ most fundamental needs, and directs the federal government to streamline data sharing across agencies to help students who qualify for aid – particularly Pell Grant recipients and attendees of community colleges and minority-serving institutions – access it.”

Representative Young Kim:

- Introduced the [STEM Inclusion Act](#). The bill “would help grow and diversify our STEM workforce by creating a Chief Diversity Officer of the National Science Foundation (NSF). The person in this role would implement a strategic plan to improve the diversity of the science, technology, engineering and math (STEM) career pipeline, specifically for programs that receive NSF funding.”
- Introduced the [MicroCap Small Business Investing Act of 2021](#). The bill would “allow for more diverse venture capital fund managers and incentivize investment and capital access for small business owners in low-income and underrepresented communities.”

Representative Michelle Steel:

- [Introduced legislation](#) which “provides start-up funding for businesses so that they can invest in a childcare system for employees’ children, making it easier for parents to reenter the workforce.”

EXECUTIVE BRANCH ACTIVITY

OMB Proposes Doubling “Metropolitan Statistical Area” Population Threshold

The White House’s Office of Management and Budget (OMB) is exploring a change to the federal government’s definition of a metropolitan statistical area (MSA) by possibly raising the population requirement for the first time since 1950. OMB’s proposed change would raise the population minimum from 50,000 to 100,000 in the urban core for a city to qualify as an MSA.

The change was recommended to OMB by the Metropolitan and Micropolitan Statistical Area Standards Review Committee, an interagency panel. Though OMB originally did not mean for the definition of an MSA to be used in funding decisions, hundreds of federal programs, such as the Department of Housing and Urban Development’s Community Block Development Grant Program (CBDG) now utilize the MSA designation for that purpose, so any change could affect the allocation of billions in federal dollars to local communities.

OMB has yet to make a decision on the Committee’s recommendation. The proposal has encountered stiff opposition, including a letter opposing such a change from a group of 22 Senators.

The full Roll Call article reporting the proposed change can be found [here](#).

EPA and Army Corps of Engineers Prepare new WOTUS Rule

The Environmental Protection Agency and the Department of the Army announced their intent to revise the definition of “waters of the United States” (WOTUS). As a result, the Department of Justice has filed a motion requesting remand of the existing rule. This reflects the agencies’ intent to initiate a new rulemaking process. The agencies’ new regulatory effort will be guided by the following considerations:

- Protecting water resources and our communities consistent with the Clean Water Act.
- The latest science and the effects of climate change on our waters.
- Emphasizing a rule with a practical implementation approach for state and Tribal partners.

- Reflecting the experience of and input received from landowners, the agricultural community that fuels and feeds the world, states, Tribes, local governments, community organizations, environmental groups, and disadvantaged communities with environmental justice concerns.

CMS Takes Steps To Incentivize Homebound Vaccinations

The Centers for Medicare and Medicaid Services [announced](#) that it plans to boost payment rates for providers administering COVID-19 vaccines to Medicare patients who are stuck at home. The new policy is an attempt to reach people who may have difficulty visiting a vaccination site. The new rate totals \$75 per dose, up from \$40 per dose. This totals \$150 in reimbursement for a two-dose vaccine, a \$70 bump over the current rate. The additional payment accounts for the time needed to monitor a patient after the vaccine is administered and will be geographically adjusted based on where the vaccine is given.

OSHA Issues Emergency Temporary Standard To Protect Health Care Workers from COVID-19

The Department of Labor [released](#) emergency temporary standards to protect health care workers from COVID-19. The new mandatory coronavirus safety rules will only apply to health care settings, while all other businesses will have to follow optional safety guidelines from the Occupational Safety and Health Administration (OSHA) for their workforces. Specifically, the new Covid emergency safety standard for health care would, among other requirements, mandate that health care employers provide respirators to employees working with Covid patients, establish a Covid response plan, screen employees and patients for the virus, record employee cases, and provide training on Covid risks at work. The new mandatory rules will apply to “hospitals, nursing homes, and assisted living facilities” according to DOL, and include emergency responders and home health care workers, [according to a summary of the rule](#). The rules will not apply to retail pharmacies and non-hospital ambulatory settings that bar people with suspected or confirmed COVID-19 from entering.

DOL also [updated its optional Covid safety guidelines for all other workplaces](#), adding additional information for how employers should protect vaccinated and unvaccinated employees as well as recommendations for high- contact industries like meatpacking and grocery stores. The guidance urges employers to provide masks to unvaccinated or at-risk workers and to allow for social distancing, but also noted that “most employers no longer need to take steps to protect their workers from COVID-19 exposure” at work if all of their employees are fully vaccinated.

The rule will go into effect immediately after the rule is published in the Federal Register.

CMMI to Focus on Health Disparities

With Centers for Medicare and Medicaid Services now with a permanent administrator, the agency is now taking bigger strides to implement the Biden Administration health agenda. On Monday, Centers for Medicare and Medicaid Innovation director Liz Fowler told the Virtual National Health Equity Summit some of her center’s priorities. She announced that the new payment models will shift the focus, claiming “we believe we need to shift from a vision that’s focused on payments and providers, to a focus on the people that we serve.” CMS Administrator Chiquita Brooks-LaSure said that in every meeting she will have as administrator, she will ask, “what (policies) you’re asking for..(and) how are they advancing health equity?”

If you or your staff have any questions or require additional information on any of the items in this bulletin, please contact Peter DeMarco at 714-834-5777.