February 21, 2018

To: California Association of Clerks and Election Officials

 County Clerks Legislative Committee

From: Matt Siverling, Legislative Advocate

Re: February Monthly Report

The Legislative deadline for introducing new bills into the process for 2018 passed on Friday, February 16th. Over 1,000 bills were introduced in the final days before the deadline and in print over the last weekend. I have reviewed them and referred bills of potential interest to the committee for possible positions.

You will notice that the list is shorter than you may have expected. This is due to the overwhelming amount of “spot bills” that were introduced in an effort to introduce placeholders for future substantive changes to law. These bills are disguised as changes to punctuation or syntax that do not make major changes to law; but signal an interest in future activity in the Code Section that contains the spot bill.

The Legislature also has dispensed with all two-year bills that carried over from 2017. From January 3rd to January 31st, all bills that failed to clear the House of Origin had an opportunity to be heard in policy, fiscal or on the Floor. Now that these bills have either been killed or have caught up by moving to the second house, the Legislature will now take a brief break to allow new bills to be in print for 30 days. Once this time period has passed, the bills can be heard in committee and/or amended. We should expect the massive amount of “spot bills” to morph into real bills in order to be referred to Committee and voted on.

Between now and April 27th, all active bills will need to clear policy committee. This time period contains a week-long Spring Break from March 22nd until April 2nd.

**SPONSORED BILLS**

**Family Code Section 400 Cleanup**

The Committee opted to sponsor one measure this year, The proposal would clarify that commissioners of civil marriages and retired commissioner of civil marriages can accept reasonable compensation for solemnizing marriages on Saturday, Sunday, or a legal holiday, bringing Family Code Section 400 in line with Penal Code Section 70.5, as AB 430 Irwin and Low (chaptered #42, ’17) did in accordance with Penal Code 94.5.

The measure would complete the process of including all necessary cross-references to make sure that the Family Code is compatible and consistent with the Penal Code regarding accepting payment for solemnizing marriages.

Since this action arguably has been taken in a prior urgency bill (AB 430, Irwin, ’17) but seems to have been inadvertently overlooked, we argued that the Legislature has already spoken on this issue. Since the issue has been universally accepted as an oversight, the Senate Judiciary Committee has agreed to include it in their Omnibus bill. When the measure is introduced, I will report the bill number. Committee authored bills do not have legislative deadlines, so they may be introduced after the deadline.

**Fictitious Business Name Expiration**

CACEO is considering a proposal that would change 17920 (a) so that the expiration date would be maintained the same as the original filing. Clerks have received complaints that customers who renew early "lose" time because the new five (5) year period resets. The proposal would allow the customer retain the entire prior five (5) years and add another five (5) years to it.

The language for this proposal was forwarded after the Legislative Counsel deadline passed in mid-January, so it was not drafted into a form that could be introduced into a bill prior to the introduction deadline. I have shared the concept with the Senate Business and Professions Committee and the Senate Judiciary Committee, both of whom share overlapping jurisdiction on FBN’s. If either committee is willing to include in a late committee bill, I will submit to them for review by their members.

**OTHE BILLS OF INTEREST**

We will be reviewing around 15 bills today for discussion and possible position.