

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 630

Introduced by Assembly Member Linder

February 24, 2015

~~An act to amend Section 25000 of the Government Code, relating to local government. An act to amend Sections 1363, 3105, and 24102 of the Government Code, relating to public employment.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 630, as amended, Linder. ~~Local government: counties: board of supervisors.~~ *Public officers and employees: oath of office.*

The California Constitution requires Members of the Legislature, and all public officers and employees, to take and subscribe a specified oath of office or affirmation. The California Constitution permits inferior officers and employees to be exempted by law from this requirement. Existing law, in the case of particular officers, requires the oath, after being administered, to be filed in designated offices.

This bill would authorize a county board of supervisors to require a new oath or affirmation to be filed within 10 days of a legal change in name, delegated authority, or department by an officer or department head of that county. This bill would specify that the powers of an appointed officer of a county are no longer granted upon the officer's departure from office, and would authorize a county board of supervisors to require the appointing authority to rescind these powers in writing by filing a revocation in the same manner as the oath of office was filed.

Existing law requires the oath or affirmation of disaster service workers to be filed in designated offices.

This bill would authorize a county board of supervisors to require a new oath or affirmation to be filed within 10 days of a change in legal name by a disaster service worker of that county.

Existing law requires the written appointment of a deputy of a county official to be filed as specified.

This bill would authorize a county board of supervisors to require a new appointment to be filed within 10 days of a legal change in name, delegated authority, or department by an appointed deputy of that county.

Violating an oath or affirmation is a crime. Because this bill would expand the scope of an existing crime, this bill would impose a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law requires each county to have a board of supervisors consisting of 5 members and requires that no more than 3 members be elected at the same general election.~~

~~This bill would make nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1363 of the Government Code is amended
2 to read:

3 1363. (a) Unless otherwise provided, every oath of office
4 certified by the officer before whom it was taken shall be filed
5 within the time required as follows:

6 (1) The oath of all officers whose authority is not limited to any
7 particular county, in the office of the Secretary of State.

8 (2) The oath of all officers elected or appointed for any county,
9 and, except as provided in paragraph (4), of all officers whose
10 duties are local, or whose residence in any particular county is
11 prescribed by law, in the office of the county clerk of their
12 respective counties.

1 (3) Each judge of a superior court, the ~~county clerk~~, *clerk of the*
2 *court*, the executive officer or court administrator of the superior
3 court, and the recorder shall file a copy of his or her official oath,
4 signed with his or her own proper signature, in the office of the
5 Secretary of State as soon as he or she has taken and subscribed
6 his or her oath.

7 (4) The oath of all officers for any independent special district,
8 as defined in Section 56044, in the office of the clerk or secretary
9 of that district.

10 *(b) In its discretion, the board of supervisors of a county may*
11 *require every elected or appointed officer or department head of*
12 *that county who legally changes his or her name, delegated*
13 *authority, or department, within 10 days from the date of the*
14 *change, to file a new oath of office in the same manner as the*
15 *original filing.*

16 ~~(b)~~

17 (c) Every oath of office filed pursuant to this section with the
18 Secretary of State shall include the expiration date of the officer's
19 term of office, if any. In the case of an oath of office for an
20 appointed officer, if there is no expiration date set forth in the oath,
21 or the officer leaves office before the expiration date, the appointing
22 authority shall report in writing to the Secretary of State the
23 officer's date of departure from office.

24 *(d) The powers of an appointed officer of a county are no longer*
25 *granted upon the officer's departure from office. In its discretion,*
26 *the board of supervisors of a county may require the appointing*
27 *authority to rescind these powers in writing by filing a revocation*
28 *in the same manner as the oath of office was filed.*

29 *SEC. 2. Section 3105 of the Government Code is amended to*
30 *read:*

31 3105. (a) The oath or affirmation of any disaster service worker
32 of the state shall be filed as prescribed by State Personnel Board
33 rule within 30 days of the date on which it is taken and subscribed.

34 (b) The oath or affirmation of any disaster service worker of
35 any county shall be filed in the office of the county clerk of the
36 county or in the official department personnel file of the county
37 employee who is designated as a disaster service worker.

38 (c) The oath or affirmation of any disaster service worker of
39 any city shall be filed in the office of the city clerk of the city.

1 (d) The oath or affirmation of any disaster service worker of
2 any other public agency, including any district, shall be filed with
3 any officer or employee of the agency that may be designated by
4 the agency.

5 (e) *In its discretion, the board of supervisors of a county may*
6 *require every disaster service worker of that county who legally*
7 *changes his or her name, within 10 days from the date of the*
8 *change, to file a new oath or affirmation in the same manner as*
9 *the original filing.*

10 (e)

11 (f) The oath or affirmation of any disaster service worker may
12 be destroyed without duplication five years after the termination
13 of the disaster service worker’s service or, in the case of a public
14 employee, five years after the termination of the employee’s
15 employment.

16 SEC. 3. *Section 24102 of the Government Code is amended to*
17 *read:*

18 24102. (a) An appointee shall not act as deputy until:

19 (a)

20 (1) A written appointment by the deputy’s principal is filed with
21 the county clerk.

22 (b)

23 (2) A copy of the appointment is filed with the county auditor,
24 if the auditor has so requested.

25 (c)

26 (3) The deputy has taken the oath of office.

27 (b) *In its discretion, the board of supervisors of a county may*
28 *require every appointed deputy of that county who legally changes*
29 *his or her name, delegated authority, or department, within 10*
30 *days from the date of the change, to file a new appointment in the*
31 *same manner as the original filing.*

32 A

33 (c) A revocation of the appointment of any deputy shall be made
34 and filed in the same manner as the appointment.

35 Five

36 (d) *Five* years after the date of revocation of appointment of a
37 deputy, the written oath of office subscribed to by such deputy
38 may be destroyed and no reproduction thereof need be made or
39 preserved.

1 *SEC. 4. No reimbursement is required by this act pursuant to*
2 *Section 6 of Article XIII B of the California Constitution because*
3 *the only costs that may be incurred by a local agency or school*
4 *district will be incurred because this act creates a new crime or*
5 *infraction, eliminates a crime or infraction, or changes the penalty*
6 *for a crime or infraction, within the meaning of Section 17556 of*
7 *the Government Code, or changes the definition of a crime within*
8 *the meaning of Section 6 of Article XIII B of the California*
9 *Constitution.*

10 ~~SECTION 1. Section 25000 of the Government Code is~~
11 ~~amended to read:~~

12 ~~25000. (a) Each county shall have a board of supervisors~~
13 ~~consisting of five members. Not more than three members shall~~
14 ~~be elected at the same general election. If the terms of office of~~
15 ~~more than three members of the board expire at the same time, at~~
16 ~~the first regular meeting after January 1st following their election~~
17 ~~the members elected shall classify themselves by lot that three~~
18 ~~members shall serve for four years, and two for two years.~~
19 ~~Thereafter, the term of office of each member shall be four years.~~

20 ~~(b) Notwithstanding any other law, the board of supervisors of~~
21 ~~any general law or charter county may adopt or the residents of~~
22 ~~the county may propose, by initiative, a proposal to limit or repeal~~
23 ~~a limit on the number of terms a member of the board of~~
24 ~~supervisors may serve on the board of supervisors. Any proposal~~
25 ~~to limit the number of terms a member of the board of supervisors~~
26 ~~may serve on the board of supervisors shall apply prospectively~~
27 ~~only and shall not become operative unless it is submitted to the~~
28 ~~electors of the county at a regularly scheduled election and a~~
29 ~~majority of the votes cast on the question favor the adoption of the~~
30 ~~proposal.~~