

Supreme Court Number S253458

**In the Supreme Court
of the State of California**

SUPREME COURT
FILED

SEP 26 2019

Jorge Navarrete Clerk

DAVID KAANAANA, et al.

Plaintiffs and Appellants, Deputy

v.

BARRETT BUSINESS SERVICES, INC., et al.

Defendants and Respondents,

On Review From a Published Decision by the
Court of Appeal, Second Appellate District, Division
Eight; Case Nos. B276420, B279838

**MOTION FOR JUDICIAL NOTICE, DECLARATION AND
POINTS AND AUTHORITIES OF AMICI CURIAE COUNTY
SANITATION DISTRICT NO. 2 OF LOS ANGELES COUNTY,
LEAGUE OF CALIFORNIA CITIES, CALIFORNIA STATE
ASSOCIATION OF COUNTIES, CALIFORNIA SPECIAL
DISTRICTS ASSOCIATION, CALIFORNIA ASSOCIATION OF
SANITATION AGENCIES AND ASSOCIATION OF
CALIFORNIA WATER AGENCIES
IN SUPPORT OF RESPONDENTS BARRETT BUSINESS
SERVICES, INC. and MICHAEL ALVAREZ**

**LEWIS BRISBOIS BISGAARD
& SMITH LLP**

*Lann G. McIntyre, SBN 106067
lann.mcintyre@lewisbrisbois.com
Jeffrey A. Miller, SBN 126074
jeff.miller@lewisbrisbois.com
701 B Street, Suite 1900
San Diego, California 92101
Telephone: 619.233.1006;
Facsimile: 619.233.8627

**LEWIS BRISBOIS BISGAARD
& SMITH LLP**

Claire Hervey Collins, SBN 233890
claire.collins@lewisbrisbois.com
Paul J. Beck, SBN 115430
paul.beck@lewisbrisbois.com
Telephone: 213.250.1800
Facsimile: 213.250.7900

Attorneys for Amici Curiae

**COUNTY SANITATION DISTRICT NO. 2 OF LOS ANGELES
COUNTY, LEAGUE OF CALIFORNIA CITIES, CALIFORNIA
STATE ASSOCIATION OF COUNTIES, CALIFORNIA SPECIAL
DISTRICTS ASSOCIATION, CALIFORNIA ASSOCIATION OF
SANITATION AGENCIES and ASSOCIATION OF CALIFORNIA
WATER AGENCIES**

RECEIVED

SEP 19 9

CLERK SUPREME COURT

REQUEST FOR JUDICIAL NOTICE

Pursuant to California rules of Court, rules 8.252(a) and 8.54 and Evidence Code sections 452, 453 and 459, Amici Curiae County Sanitation District No. 2 of Los Angeles County, League of California Cities, California State Association of Counties, California Special Districts Association, California Association of Sanitation Agencies And Association of California Water Agencies (“Amici Curiae”) requests that this Court take judicial notice of the following official acts of the legislative department of the State of California and related materials, copies of which are attached to this motion as Exhibits XX

Exhibit A: Senate Bill No. 26, introduced January 8, 1931, and subsequent amendments

Exhibit B: Senate Bill No. 83, introduced January 12, 1931, and subsequent amendments

Exhibit C: Stats. 1937, Chapter 90, §1720, at p. 241

Exhibit D: Proposed Labor Code, 1936, The California Code Commission, at pp. 84-85

Exhibit E: California Highways and Public Works, Special Journal of the Department of Public Works, State of California, July 1931

Exhibit F: Declaration of Anna Maria Berezky-Anderson of the Legislative Intent Service, Inc. regarding Senate Bill No. 26 legislative research materials

Exhibit G: Declaration of Anna Maria Berezky-Anderson of the Legislative Intent Service, Inc. regarding Senate Bill No. 83 legislative research materials

Exhibit H: Declaration of Anna Maria Berezky-Anderson of the Legislative Intent Service, Inc. regarding Assembly Bill No. 2100 legislative research materials

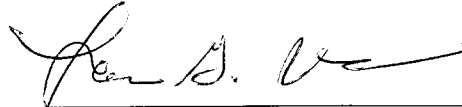
This motion for judicial notice is based on the memorandum of points and authorities, the Declaration of Lann G. McIntyre, Declaration of Anna Maria Berezky-Anderson, and

such further documents as this court might consider in ruling on this motion for judicial notice.

DATED: September 18,
2019

LEWIS BRISBOIS BISGAARD &
SMITH LLP

By: _____



Lann G. McIntyre

Jeffrey A. Miller

Claire Hervey Collins

Paul J. Beck

Attorneys for Amici Curiae

COUNTY SANITATION

DISTRICT NO. 2 OF LOS

ANGELES COUNTY, LEAGUE

OF CALIFORNIA CITIES,

CALIFORNIA STATE

ASSOCIATION OF COUNTIES,

CALIFORNIA SPECIAL

DISTRICTS ASSOCIATION,

CALIFORNIA ASSOCIATION OF

SANITATION AGENCIES and

ASSOCIATION OF CALIFORNIA

WATER AGENCIES

MEMORANDUM OF POINTS AND AUTHORITIES

A. Introduction.

This motion seeks judicial notice of legislative history materials

Exhibit A consists of excerpts of Senate Bill No. 26, introduced by Senator Inman on January 8, 1931, and subsequent amendments, which was enacted as Chapter 397.

Exhibit B consists of excerpts of Senate Bill No. 83, introduced by Senator Maloney, on January 12, 1931, and subsequent amendments, which was enacted as Chapter 398.

Exhibit C is Statutes 1937, Chapter 90, §1720.

Exhibit D is the California Code Commissions 1936 Proposed Labor Code.

Exhibit E is the publication, "California Highways and Public Works, Special Journal of the Department of Public Works," State of California, July 1931.

In addition, Exhibits F-H are Declarations of Anna Maria Berezky-Anderson of the Legislative Intent Service, Inc. regarding work performed by the Legislative Intent Service, Inc. in procuring legislative history research materials regarding Senate Bill No. 26, Senate Bill No. 83 and Assembly Bill No. 2100, excerpts of which are provided as Exhibits A-E.

B. Authority for Judicial Notice.

Evidence Code section 459 permits the reviewing court to take judicial notice of “any matter specified in Section 452.” (Evid. Code, § 459(a).) This court has the same power as the trial court to take judicial notice of matters properly subject to judicial notice. (See Evid. Code, § 459; see also Cal. Rules of Court, rule 8.252(a); *Smith v. Rae-Venter Law Group* (2002) 29 Cal.4th 345, 359.) Although these materials were not presented to the trial court for judicial notice, they are relevant to statements in Amici Curaie’s Amicus brief.

Judicial notice may be taken of “[o]fficial acts of the legislative, executive and judicial departments of the United States and of any state of the United States.” (Evid. Code, § 452, subd. (c); *People v. Snyder* (2000) 22 Cal.4th 304, 315, fn. 5; *Delaney v. Baker* (1999) 20 Cal.4th 23, 30.) In addition, subdivision (d) of section 452 states that judicial notice may be taken of “[r]ecords of (1) any court of this state or (2) any court of record of the United States or of any state of the United States.” Judicial notice of matters specified in section 452 is mandatory when a proper request is made. (See Evid. Code, §§ 453, 459; see also Cal. Rules of Court, rule 8.252(a).)

Taking judicial notice of official acts of the executive and judicial departments of the United States is the appropriate procedure for bringing these materials before this Court. (See, e.g., *Pearson v. State Social Welfare Bd.* (1960) 54 Cal.2d 184, 210

[“This court can take judicial notice...of the official acts and regulations of a department of the United States.”].)

C. The Materials Are Relevant to the Issue on Appeal.

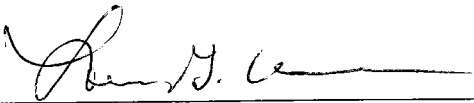
The documents of which judicial notice is requested are relevant to the question of the Legislature’s intent and the history of the prevailing wage laws generally, and Labor Code section 1720, specifically.

CONCLUSION

For the foregoing reasons, Amici Curiae respectfully request that this Court grant this motion for judicial notice.

DATED: Sept. 18, 2019

LEWIS BRISBOIS BISGAARD &
SMITH LLP

By: 

Lann G. McIntyre

Jeffrey A. Miller

Claire Hervey Collins

Paul J. Beck

Attorneys for Amici Curiae

COUNTY SANITATION

DISTRICT NO. 2 OF LOS

ANGELES COUNTY, LEAGUE

OF CALIFORNIA CITIES,

CALIFORNIA STATE

ASSOCIATION OF COUNTIES,

CALIFORNIA SPECIAL

DISTRICTS ASSOCIATION,

CALIFORNIA ASSOCIATION

OF SANITATION AGENCIES

and ASSOCIATION OF

CALIFORNIA WATER

AGENCIES

DECLARATION OF LANN G. MCINTYRE

I, Lann G. McIntyre, declare as follows:

1. I am an attorney duly admitted to practice in all of the courts of the State of California and I am a partner with Lewis Brisbois Bisgaard & Smith LLP, attorneys of record for Amici Curiae COUNTY SANITATION DISTRICT NO. 2 OF LOS ANGELES COUNTY, LEAGUE OF CALIFORNIA CITIES, CALIFORNIA STATE ASSOCIATION OF COUNTIES, CALIFORNIA SPECIAL DISTRICTS ASSOCIATION, CALIFORNIA ASSOCIATION OF SANITATION AGENCIES and ASSOCIATION OF CALIFORNIA WATER AGENCIES herein. The facts set forth herein are of my own personal knowledge, and if sworn I could and would competently testify thereto.

2. Our firm retained the Legislative Intent Service, Inc. to research Assembly Bill 2100 of 1937, Senate Bill 26 of 1931 and Senate Bill 83 of 1931. Exhibits A-E, which are the subject of the instant motion for judicial notice, were obtained by the research staff of the Legislative Intent Service, Inc. as set forth in the Declarations of Anna Maria Bereczky-Anderson, attached hereto as Exhibits F-H.

3. Attached as Exhibit A is a true and correct copy of excerpts of the legislative research materials regarding Senate Bill No. 26, introduced January 8, 1931, and subsequent amendments.

4. Attached as Exhibit B is a true and correct copy of the legislative research materials regarding Senate Bill No. 83, introduced January 12, 1931, and subsequent amendments.

5. Attached as Exhibit C is a true and correct copy of Statutes 1937, Chapter 90, §1720.

6. Attached as Exhibit D is a true and correct copy of excerpts of the California Code Commissions 1936 Proposed Labor Code.

7. Attached hereto as Exhibit E is excerpts of the publication, "California Highways and Public Works, Special Journal of the Department of Public Works," State of California, July 1931.

8. Attached hereto as Exhibits F-H are Declarations of Anna Maria Bereczky-Anderson of the Legislative Intent Service, Inc. regarding the work Legislative Intent Service, Inc. in obtaining legislative history materials, including Exhibits A-E attached hereto.

9. The materials that are the subject of this motion for judicial notice were not presented to the courts below.

10. These materials are relevant to the legislative history of Labor Code section 1720 and its predecessor statutes and to determining the legislative intent behind the current version of Labor Code section 1720(a)(2) and its appropriate interpretation.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on September 18, 2019, at San Diego, California.



Lann G. McIntyre



INTRODUCED BY SENATOR INMAN,

January 18, 1931.

REFERRED TO COMMITTEE ON LABOR AND CAPITAL.

An act to provide for the payment of the highest prevailing rate of wages on public work, whether the work is done by contract or otherwise, and double pay for legal holiday work and for such overtime work as is permitted by law, providing for the ascertainment of such highest prevailing rate by the officer or public body awarding the contract and its insertion in the contract and bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

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

- 1 SECTION 1. Not less than the highest prevailing rate of
2 per diem wages in the locality in which the work is performed
3 and no less than double such per diem rate for legal holiday
4 work and for such overtime work as is permitted by law,
5 shall be paid to all laborers, workmen and mechanics employed
6 by or on behalf of the State of California, or by or on behalf
7 of any county, city and county, city, town, district or other
8 political subdivision of the said state, and laborers, workmen
9 and mechanics employed by contractors or subcontractors in
10 the execution of any contract or contracts with the State of
11 California, or any officer or public body thereof, or in the
12 execution of any contract with any county, city and county,
13 city, town, township, district or other political subdivision of
14 said state, or any officer or public body thereof, shall be
15 deemed to be employed upon public works.
- 16 SEC. 2. The officer or public body awarding any con-
17 tract for public work on behalf of the State of California, or



1 on behalf of any county, city and county, city, town, town-
2 ship, district or other political subdivision thereof, shall
3 ascertain the highest prevailing rate of per diem wages in
4 the locality in which the work is to be performed, for each
5 craft or type of workman or mechanic needed to execute the
6 contract, and shall specify in the bids for said contract, and
7 in the contract itself, what the highest prevailing rate of
8 per diem wages in the said locality is for each craft or type
9 of workman needed to execute the contract, also the legal
10 holiday and overtime rate, and it shall be mandatory upon
11 the contractor to whom the contract is awarded, and upon
12 any subcontractor under him, to pay at least the said speci-
13 fied rates to all laborers, workmen and mechanics employed
14 by them in the execution of the contract. The contractor
15 shall forfeit as a penalty to the state or political subdivision,
16 district or municipality in whose behalf the contract is made
17 or awarded, ten dollars for each laborer, workman or
18 mechanic employed, for each calendar day, or portion thereof,
19 such laborer, workman or mechanic is paid less than the said
20 stipulated rates for any work done under said contract or
21 by virtue of said contract, by him, or by any subcontractor
22 under him, and the said officer or public body awarding the
23 contract shall cause to be inserted in the contract a stipulation
24 to this effect. It shall be the duty of such officer or public
25 body awarding the contract, and his or its deputies and
26 agents, to take cognizance of all violations of the provisions
27 of this act committed in the course of the execution of the
28 contract, and, when making payments to the contractor of
29 moneys becoming due under said contract, to withhold and
30 retain therefrom all sums and amounts which shall have
31 been forfeited pursuant to the herein said stipulation and
32 the terms of this act. The contractor shall keep, or cause
33 to be kept, an accurate record showing the names and occupa-
34 tions of all laborers, workmen and mechanics employed by
35 him, or by any subcontractor under him, in connection with
36 the said public work, and showing also the actual per diem
37 wages paid to each of such workers, which record shall be
38 open at all reasonable hours to the inspection of the officer
39 or public body awarding the contract, his or its deputies
40 and agents, and to the chief of the division of labor statis-
41 tics and law enforcement of the state department of indus-
42 trial relations, his deputies and agents.

43 Sec. 3. Work done for irrigation, utility, reclamation and
44 improvement districts, and other districts of this type, as
45 well as street, sewer and other improvement work done under
46 the direction and supervision of the state, or of any political
47 subdivision, district or municipality thereof, whether such
48 political subdivision, district or municipality thereof operates
49 under a freeholder's charter or not, shall be held to come
50 under the provisions of this act. The term "locality in which
51 the work is performed" shall be held to mean the county in
52 which the work or major portion thereof is to be done in all



1 cases in which the contract is awarded by the state, or officer
2 of public body thereof, and be held to mean the limits of
3 the county, city and county, city, town, township, district or
4 other political subdivision on whose behalf the contract is
5 awarded in all other cases. The term "highest prevailing rate
6 of per diem wages" shall be the rate determined upon as such
7 rate by the officer or public body awarding the contract, or
8 hiring the workers, as the case may be, whose decision in the
9 matter shall be final. Nothing in this act, however, shall be
10 construed to prohibit the payment to any laborer, workman
11 or mechanic employed on any public work as aforesaid of
12 more than the said highest prevailing rate of wages. The
13 term "legal holiday" means such holidays as are designated
14 as such in section 10 of the Political Code, including Saturday
15 afternoon.

16 Sec. 4. Any officer, agent or representative of the State
17 of California, or of any political subdivision, district or
18 municipality thereof, who shall violate, or omit to comply
19 with, any of the provisions of the act, and any contractor, or
20 agent or representative of any contractor, doing public work
21 as aforesaid, who shall neglect to keep, or cause to be kept,
22 an accurate record of the names, occupation and actual wages
23 paid to each laborer, workman and mechanic employed by him,
24 or by any subcontractor under him, in connection with the
25 said public work or who shall refuse to allow access to same at
26 any reasonable hour to any person authorized to inspect same
27 under this act, shall be guilty of a misdemeanor, and upon
28 conviction shall be punished by a fine of not exceeding five
29 hundred dollars, or by imprisonment for not exceeding six
30 months, or by both such fine and imprisonment, in the dis-
31 cretion of the court.

(800) 666-1917

LEGISLATIVE INTENT SERVICE



AMENDED IN SENATE MARCH 6, 1931.

SENATE BILL

No. 26

INTRODUCED BY SENATOR INMAN,

January 8, 1931.

REFERRED TO COMMITTEE ON LABOR AND CAPITAL.

An act to provide for the payment of the highest prevailing rate of wages on public work; whether the work is done by contract or otherwise, and double pay for legal holiday work and for such overtime work as is permitted by law, providing for the ascertainment of such highest prevailing rate by the officer or public body awarding the contract and its insertion in the contract and bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

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

- 1 SECTION 1. Not less than the highest prevailing rate of
- 2 per diem wages in the locality in which the work is performed
- 3 and no less than double such per diem rate for legal holiday
- 4 work and for such overtime work as is permitted by law,
- 5 shall be paid to all laborers, workmen and mechanics employed
- 6 by or on behalf of the State of California, or by or on behalf
- 7 of any county, city and county, city, town, district or other
- 8 political subdivision of the said state, and laborers, workmen
- 9 and mechanics employed by contractors or subcontractors in
- 10 the execution of any contract or contracts with the State of
- 11 California, or any officer or public body thereof, or in the
- 12 execution of any contract with any county, city and county,
- 13 city, town, township, district or other political subdivision of

LEGISLATIVE INTENT SERVICE (800) 666-1917



1 said state, or any officer or public body thereof, shall be
2 deemed to be employed upon public works.

3 Sec. 2: The officer or public body awarding any con-
4 tract for public work on behalf of the State of California, or
5 on behalf of any county, city and county, city, town, town-
6 ship, district or other political subdivision thereof, shall
7 ascertain the highest prevailing rate of per diem wages in
8 the locality in which the work is to be performed, for each
9 craft or type of workman or mechanic needed to execute the
10 contract, and shall specify in the bids for said contract, and
11 in the contract itself, what the highest prevailing rate of
12 per diem wages in the said locality is for each craft or type
13 of workman needed to execute the contract, also the legal
14 holiday and overtime rate, and it shall be mandatory upon
15 the contractor to whom the contract is awarded, and upon
16 any subcontractor under him, to pay at least the said speci-
17 fied rates to all laborers, workmen and mechanics employed
18 by them in the execution of the contract. The contractor
19 shall forfeit as a penalty to the state or political subdivision,
20 district or municipality in whose behalf the contract is made
21 or awarded, ten dollars for each laborer, workman or
22 mechanic employed, for each calendar day, or portion thereof,
23 such laborer, workman or mechanic is paid less than the said
24 stipulated rates for any work done under said contract or
25 by virtue of said contract, by him, or by any subcontractor
26 under him, and the said officer or public body awarding the
27 contract shall cause to be inserted in the contract a stipulation
28 to this effect. It shall be the duty of such officer or public
29 body awarding the contract, and his or its deputies its officers
30 and agents, to take cognizance of all violations of the provisions
31 of this act committed in the course of the execution of the
32 contract, and, when making payments to the contractor of
33 moneys becoming due under said contract, to withhold and
34 retain therefrom all sums and amounts which shall have
35 been forfeited pursuant to the herein said stipulation and
36 the terms of this act. The contractor shall keep, or cause
37 to be kept, an accurate record showing the names and occupa-
38 tions of all laborers, workmen and mechanics employed by
39 him, or by any subcontractor under him, in connection with
40 the said public work, and showing also the actual per diem
41 wages paid to each of such workers, which record shall be
42 open at all reasonable hours to the inspection of the officer
43 or public body awarding the contract, his or its deputies its
44 officers and agents, and to the chief of the division of labor
45 statistics and law enforcement of the state department of indus-
46 trial relations, his deputies and agents.

47 Sec. 3: Work done for irrigation, utility, reclamation and
48 improvement districts, and other districts of this type, as
49 well as street, sewer and other improvement work done under
50 the direction and supervision of the state, or of any political
51 subdivision, district or municipality thereof, whether such
52 political subdivision, district or municipality thereof operates



1 under a freeholder's charter heretofore or hereafter approved
2 or not, also any work paid for in whole or in part out of public
3 fund, shall be held to come under the provisions of this act.
4 The term "locality in which the work is performed" shall be
5 held to mean the county in which the work building, highway,
6 road, excavation, or other structure, project, development or
7 improvement, or major portion thereof, is to be done situated
8 in all cases in which the contract is awarded by the state, or
9 officer or public body thereof, and be held to mean the limits of
10 the county, city and county, city, town, township, district or
11 other political subdivision on whose behalf the contract is
12 awarded in all other cases. The term "highest prevailing rate
13 of per diem wages" shall be the rate determined upon as such
14 rate by the officer or public body awarding the contract, or
15 authorizing the work, or hiring the workers, or allowing the
16 claims, as the case may be, whose decision in the matter
17 shall be final. Nothing in this act, however, shall be construed
18 to prohibit the payment to any laborer, workman or mechanic
19 employed on any public work as aforesaid of more than the
20 said highest prevailing rate of wages, nor shall anything in
21 this act be construed to permit any overtime work in violation
22 of section 653c of the Penal Code. The term "legal holiday"
23 means such holidays as are designated as such in section 10
24 of the Political Code, including Saturday afternoon.

25 Sec. 4. Any officer, agent or representative of the State
26 of California, or of any political subdivision, district or
27 municipality thereof, who shall violate, or omit to comply
28 with, any of the provisions of the act, and any contractor, or
29 agent or representative of any contractor, doing public work
30 as aforesaid, who shall neglect to keep, or cause to be kept,
31 an accurate record of the names, occupation and actual wages
32 paid to each laborer, workman and mechanic employed by him,
33 or by any subcontractor under him, in connection with the
34 said public work, who shall refuse to allow access to same at
35 any reasonable hour to any person authorized to inspect same
36 under this act, shall be guilty of a misdemeanor, and upon
37 conviction shall be punished by a fine of not exceeding five
38 hundred dollars, or by imprisonment for not exceeding six
39 months, or by both such fine and imprisonment, in the dis-
40 cretion of the court.

AMENDED IN SENATE MARCH 23, 1931.
AMENDED IN SENATE MARCH 6, 1931.

SENATE BILL

No. 26

INTRODUCED BY SENATOR INMAN,

January 8, 1931.

REFERRED TO COMMITTEE ON LABOR AND CAPITAL.

An act to provide for the payment of the highest GENERAL prevailing rate of wages on public work, whether the work is done by contract or otherwise, and double pay for legal holiday work and for such overtime work as is permitted by law, providing for the ascertainment of such highest GENERAL prevailing rate by the public body awarding the contract and its insertion in the contract and bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

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

1 SECTION 1. Not less than the highest general prevailing rate
2 of per diem wages for work of a similar character in the
3 locality in which the work is performed and no less than
4 double such per diem rate for legal holiday work and
5 for such overtime work as is permitted by law, shall
6 be paid to all laborers, workmen and mechanics employed
7 by or on behalf of the State of California, or by or on behalf
8 of any county, city and county, city, town, district or other
9 political subdivision of the said state, and laborers, workmen
10 and mechanics employed by contractors or subcontractors in
11 the execution of any contract or contracts with the State of
12 California, or any officer or public body thereof, or in the
13 execution of any contract with any county, city and county,

(800) 666-1917

LEGISLATIVE INTENT SERVICE



1 city, town, township, district or other political subdivision of
2 said state, or any officer or public body thereof, shall be
3 deemed to be employed upon public works.

4 Sec. 2. The public body awarding any contract for public
5 work on behalf of the State of California, or on behalf of
6 any county, city and county, city, town, township, district or
7 other political subdivision thereof, shall ascertain the highest
8 *general* prevailing rate of per diem wages in the locality in
9 which the work is to be performed, for each craft or type of
10 workman or mechanic needed to execute the contract, and shall
11 specify in the bids for said contract, and in the contract itself,
12 what the highest *general* prevailing rate of per diem wages
13 in the said locality is for each craft or type of workman
14 needed to execute the contract, also the legal holiday and
15 overtime rate, and it shall be mandatory upon the contractor
16 to whom the contract is awarded, and upon any subcontractor
17 under him, to pay at least the said specified rates to all
18 laborers, workmen and mechanics employed by them in the
19 execution of the contract. The contractor shall forfeit as a
20 penalty to the state or political subdivision, district or municipi-
21 pality in on whose behalf the contract is made or awarded, ten
22 dollars for each laborer, workman or mechanic employed, for
23 each calendar day, or portion thereof, such laborer, workman
24 or mechanic is paid less than the said stipulated rates for any
25 work done under said contract or by virtue of said contract,
26 by him, or by any subcontractor under him, and the said
27 public body awarding the contract shall cause to be inserted
28 in the contract a stipulation to this effect. It shall be the
29 duty of such public body awarding the contract, and its officers
30 and agents, to take cognizance of all violations of the provisions
31 of this act committed in the course of the execution of the
32 contract, and, when making payments to the contractor of
33 moneys becoming due under said contract, to withhold and
34 retain therefrom all sums and amounts which shall have
35 been forfeited pursuant to the herein said stipulation and
36 the terms of this act. The contractor shall keep, or cause
37 to be kept, an accurate record showing the names and occupa-
38 tions of all laborers, workmen and mechanics employed by
39 him, or by any subcontractor under him, in connection with
40 the said public work, and showing also the actual per diem
41 wages paid to each of such workers, which record shall be
42 open at all reasonable hours to the inspection of the public
43 body awarding the contract, its officers and agents, and to the
44 chief of the division of labor statistics and law enforcement
45 of the state department of industrial relations, his deputies
46 and agents.

47 Sec. 3. Work done for irrigation, utility, reclamation and
48 improvement districts, and other districts of this type, as
49 well as street, sewer and other improvement work done under
50 the direction and supervision of the state, or of any political
51 subdivision, district or municipality thereof, whether such
52 political subdivision, district or municipality thereof operates

(800) 666-1917

LEGISLATIVE INTENT SERVICE



1. under a freholder's charter heretofore or hereafter approved
2. or not, also any work paid for in whole or in part out of public
3. fund funds, shall be held to come under the provisions of this
4. act. The term "locality in which the work is performed" shall
5. be held to mean the county in which the building, highway,
6. road, excavation, or other structure, project, development or
7. improvement, or major portion thereof, is situated in all cases
8. in which the contract is awarded by the state, or any public
9. body thereof, and be held to mean the limits of the county,
10. city and county, city, town, township, district or other politi-
11. cal subdivision on whose behalf the contract is awarded in all
12. other cases. The term "highest general prevailing rate of per
13. diem wages" shall be the rate determined upon as such rate by
14. the public body awarding the contract, or authorizing the work,
15. or hiring the workers, or allowing the claims, as the case may
16. be, whose decision in the matter shall be final. Nothing in
17. this act, however, shall be construed to prohibit the payment
18. to any laborer, workman or mechanic employed on any public
19. work as aforesaid of more than the said highest general pre-
20. vailing rate of wages, nor shall anything in this act be con-
21. strued to permit any overtime work in violation of section 653c
22. of the Penal Code. The term "legal holiday" means such holi-
23. days as are designated as such in section 10 of the Political
24. Code, including Saturday afternoon.

25. Sec. 4. Any officer, agent or representative of the State
26. of California, or of any political subdivision, district or
27. municipality thereof, who shall violate, or omit to comply
28. with, any of the provisions of the act, and any contractor, or
29. agent or representative of any contractor, doing public work
30. as aforesaid, who shall neglect to keep, or cause to be kept,
31. an accurate record of the names, occupation and actual wages
32. paid to each laborer, workman and mechanic employed by him,
33. or by any subcontractor under him, in connection with the
34. said public work or who shall refuse to allow access to same at
35. any reasonable hour to any person authorized to inspect same
36. under this act, shall be guilty of a misdemeanor, and upon
37. conviction shall be punished by a fine of not exceeding five
38. hundred dollars, or by imprisonment for not exceeding six
39. months, or by both such fine and imprisonment, in the dis-
40. cretion of the court.

(800) 666-1917

LEGISLATIVE INTENT SERVICE



AMENDED IN ASSEMBLY APRIL 6, 1931
 AMENDED IN SENATE MARCH 23, 1931
 AMENDED IN SENATE MARCH 5, 1931
 SENATE BILL No. 26

INTRODUCED BY SENATOR INMAN

January 8, 1931

REFERRED TO COMMITTEE ON LABOR AND CAPITAL.

An act to provide for the payment of the highest general prevailing rate of wages on public work, whether the work is WORKS done by contract or otherwise, and double pay for legal holiday work, and for the ascertainment of such highest general prevailing rate by the public body awarding the contract and its insertion in the contract and bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public CONTRACT work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day or portion thereof, any worker is paid less than the rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

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

Section 1. Not less than the highest general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed, and for less than double such per diem rate for legal holiday work and for such overtime work as is permitted by law, shall be paid to all laborers, workmen and mechanics employed by or on behalf of the State of California, or by or on behalf of any county, city and county, city, town, district or other political subdivision of the said state, and laborers, engaged in

(800) 666-1917

LEGISLATIVE INTENT SERVICE



1 the construction of public works, exclusive of maintenance
2 work or repairs not under contract. Laborers, workmen and
3 mechanics employed by contractors or subcontractors in the
4 execution of any contract or contracts for public works with
5 the State of California, or any officer or public body thereof,
6 or in the execution of any contract or contracts for public
7 works with any county, city and county, city, town, township,
8 district or other political subdivision of said state, or any
9 officer or public body thereof, shall be deemed to be employed
10 upon public works.

11 Sec. 2: The public body awarding any contract for public
12 work on behalf of the State of California, or on behalf of
13 any county, city and county, city, town, township, district or
14 other political subdivision thereof, shall ascertain the highest
15 general prevailing rate of per diem wages in the locality in
16 which the work is to be performed, for each craft or type of
17 workman or mechanic needed to execute the contract, and shall
18 specify in the bids for said contract, and in the contract itself,
19 what the highest general prevailing rate of per diem wages
20 in the said locality is for each craft or type of workman
21 needed to execute the contract, also the legal holiday and
22 overtime rate, and it shall be mandatory upon the contractor
23 to whom the contract is awarded, and upon any subcontractor
24 under him, to pay at least the said specified rates to all
25 laborers, workmen and mechanics employed by them in the
26 execution of the contract. The contractor shall forfeit as a
27 penalty to the state or political subdivision, district or municipi-
28 pality on whose behalf the contract is made or awarded, ten
29 dollars for each laborer, workman or mechanic employed, for
30 each calendar day, or portion thereof, such laborer, workman
31 or mechanic is paid less than the said stipulated rates for any
32 work done under said contract or by virtue of said contract,
33 by him, or by any subcontractor under him, and the said
34 public body awarding the contract shall cause to be inserted
35 in the contract a stipulation to this effect. It shall be the
36 duty of such public body awarding the contract, and its officers
37 and agents, to take cognizance of complaints of all violations
38 of the provisions of this act committed in the course of the
39 execution of the contract, and, when making payments to the
40 contractor of moneys becoming due under said contract, to
41 withhold and retain therefrom all sums and amounts which
42 shall have been forfeited pursuant to the herein said stipula-
43 tion and the terms of this act. The contractor shall keep, or
44 cause to be kept, an accurate record showing the names and
45 occupations of all laborers, workmen and mechanics employed
46 by him, or by any subcontractor under him, in connection
47 with the said public work, and showing also the actual per
48 diem wages paid to each of such workers, which record shall be
49 open at all reasonable hours to the inspection of the public
50 body awarding the contract, its officers and agents, and to the
51 chief of the division of labor statistics and law enforcement

(800) 666-1917

LEGISLATIVE INTENT SERVICE



1 of the state department of industrial relations, his deputies
2 and agents.

3 *Sec. 3. Work done Construction or repair work done*
4 *under contract for irrigation, utility, reclamation and improve-*
5 *ment districts, and other districts of this type, as well as*
6 *street, sewer and other improvement work done under the*
7 *direction and supervision of the state, or of any political*
8 *subdivision, district or municipality thereof, whether such*
9 *political subdivision, district or municipality thereof operates*
10 *under a freeholder's charter heretofore or hereafter approved*
11 *or not, also any construction or repair work done under con-*
12 *tract, and paid for in whole or in part out of public funds,*
13 *shall be held to come under the provisions of this act. The*
14 *term "locality in which the work is performed" shall be held*
15 *to mean the city and county, county or counties in which the*
16 *building, highway, road, excavation, or other structure,*
17 *project, development or improvement, or major portion*
18 *thereof, is situated in all cases in which the contract is*
19 *awarded by the state, or any public body thereof, and be held*
20 *to mean the limits of the county, city and county, city, town,*
21 *township, district or other political subdivision on whose*
22 *behalf the contract is awarded in all other cases. The term*
23 *"highest general prevailing rate of per diem wages" shall be*
24 *the rate determined upon as such rate by the public body*
25 *awarding the contract, or authorizing the work, or hiring the*
26 *workers, or allowing the claims, as the case may be, whose*
27 *decision in the matter shall be final. Nothing in this act,*
28 *however, shall be construed to prohibit the payment to any*
29 *laborer, workman or mechanic employed on any public work*
30 *as aforesaid of more than the said highest general prevailing*
31 *rate of wages, nor shall anything in this act be construed to*
32 *permit any overtime work in violation of section 653c of the*
33 *Penal Code. The term "legal holiday" means such holidays*
34 *as are designated as such in section 10 of the Political Code,*
35 *including Saturday afternoon.*

36 *Sec. 4. Any officer, agent or representative of the State*
37 *of California, or of any political subdivision, district or*
38 *municipality thereof, who wilfully shall violate, or omit to*
39 *comply with, any of the provisions of the act, and any con-*
40 *tractor, or agent or representative of any contractor, doing*
41 *public work as aforesaid, who shall neglect to keep, or cause to*
42 *be kept, an accurate record of the names, occupation and actual*
43 *wages paid to each laborer, workman and mechanic employed*
44 *by him, or by any subcontractor under him, in connection with*
45 *the said public work or who shall refuse to allow access to same*
46 *at any reasonable hour to any person authorized to inspect*
47 *same under this act, shall be guilty of a misdemeanor, and*
48 *upon conviction shall be punished by a fine of not exceeding*
49 *five hundred dollars, or by imprisonment for not exceeding six*
50 *months, or by both such fine and imprisonment, in the dis-*
51 *cretion of the court.*



AMENDED IN ASSEMBLY APRIL 21, 1931.

AMENDED IN ASSEMBLY APRIL 6, 1931.

AMENDED IN SENATE MARCH 23, 1931.

AMENDED IN SENATE MARCH 6, 1931.

SENATE BILL

No. 26

INTRODUCED BY SENATOR INMAN,

January 8, 1931.

REFERRED TO COMMITTEE ON LABOR AND CAPITAL.

An act to provide for the payment of the NOT LESS THAN THE general prevailing rate of wages on public works done by contract, performed on legal holidays, AND NOT LESS THAN THE GENERAL PREVAILING RATE OF WAGES FOR LEGAL HOLIDAY AND OVERTIME WORK ON PUBLIC WORKS, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and CALL FOR its insertion in the contract and bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public contract work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

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

- 1 SECTION 1. Not less than the general prevailing rate of per
- 2 diem wages for work of a similar character in the locality in
- 3 which the work is performed, and not less than the general
- 4 prevailing rate of per diem wages for legal holiday and over-
- 5 time work, shall be paid to all laborers, workmen and mechanics
- 6 employed by or on behalf of the State of California, or by or
- 7 on behalf of any county, city and county, city, town, district

(800) 666-1917

LEGISLATIVE INTENT SERVICE



1 or other political subdivision of the said state, engaged in the
2 construction of public works, exclusive of maintenance work
3 or repairs not under contract. Laborers, workmen and
4 mechanics employed by contractors or subcontractors in the
5 execution of any contract or contracts for public works with
6 the State of California, or any officer or public body thereof,
7 or in the execution of any contract or contracts for public
8 works with any county, city and county, city, town, township,
9 district or other political subdivision of said state, or any
10 officer or public body thereof, shall be deemed to be employed
11 upon public works.

12 Sec. 2. The public body awarding any contract for public
13 work on behalf of the State of California, or on behalf of
14 any county, city and county, city, town, township, district or
15 other political subdivision thereof, or otherwise undertaking
16 any public works, shall ascertain the general prevailing rate
17 of per diem wages in the locality in which the work is to be
18 performed, for each craft or type of workman or mechanic
19 needed to execute the contract, and shall specify in call for the
20 bids for said contract, and in the contract itself, what the gen-
21 eral prevailing rate of per diem wages in the said locality is
22 for each craft or type of workman needed to execute the con-
23 tract, also the general prevailing rate for legal holiday and
24 overtime work, and it shall be mandatory upon the contractor
25 to whom the contract is awarded, and upon any subcontractor
26 under him, to pay at least not less than the said specified rates
27 to all laborers, workmen and mechanics employed by them in the
28 execution of the contract. The contractor shall forfeit as a
29 penalty to the state or political subdivision, district or municip-
30 ality on whose behalf the contract is made or awarded, ten
31 dollars for each laborer, workman or mechanic employed, for
32 each calendar day, or portion thereof, such laborer, workman
33 or mechanic is paid less than the said stipulated rates for any
34 work done under said contract or by virtue of said contract,
35 by him, or by any subcontractor under him, and the said
36 public body awarding the contract shall cause to be inserted
37 in the contract a stipulation to this effect. It shall be the
38 duty of such public body awarding the contract, and its officers
39 and agents, to take cognizance of complaints of all violations
40 of the provisions of this act committed in the course of the
41 execution of the contract; and, when making payments to the
42 contractor of moneys becoming due under said contract, to
43 withhold and retain therefrom all sums and amounts which
44 shall have been forfeited pursuant to the herein said stipula-
45 tion and the terms of this act; provided, however, that no sum-
46 shall be so withheld, retained or forfeited, except from the final
47 payment, unless and until said contractor, or a subcontractor
48 under him, shall after full investigation by said awarding body
49 been found to have violated the provisions of this act. It shall
50 be lawful for any contractor to withhold from any subcon-
51 tractor under him sufficient sums to cover any penalties with-
52 held from him by the awarding body on account of the said



1 subcontractor's failure to comply with the terms of this act,
2 and if payment has already been made to him the contractor
3 may recover from him the amount of the penalty or forfeiture
4 in a suit at law.

5 SEC. 3. The contractor and each subcontractor shall keep,
6 or cause to be kept, an accurate record showing the names and
7 occupations of all laborers, workmen and mechanics employed
8 by him, or by any subcontractor under him, in connection with
9 the said public work, and showing also the actual per diem
10 wages paid to each of such workers, which record shall be open
11 at all reasonable hours to the inspection of the public body
12 awarding the contract, its officers and agents, and to the chief
13 of the division of labor statistics and law enforcement of the
14 state department of industrial relations, his deputies and
15 agents.

16 SEC. 3 4. Construction or repair work done under contract
17 for irrigation, utility, reclamation and improvement districts,
18 and other districts of this type, as well as street, sewer and
19 other improvement work done under the direction and super-
20 vision of the state, or of any political subdivision, district or
21 municipality thereof, whether such political subdivision, dis-
22 trict or municipality thereof operates under a freeholder's
23 charter heretofore or hereafter approved or not, also any con-
24 struction or repair work done under contract, and paid for in
25 whole or in part out of public funds, shall be held to come
26 under the provisions of this act. The term "locality in which
27 the work is performed" shall be held to mean the city and
28 county, county or counties in which the building, highway,
29 road, excavation, or other structure, project, development or
30 improvement, is situated in all cases in which the contract is
31 awarded by the state; or any public body thereof, and shall be
32 held to mean the limits of the county, city and county, city;
33 town, township, district or other political subdivisions on whose
34 behalf the contract is awarded in all other cases. The term
35 "general prevailing rate of per diem wages" shall be the rate
36 determined upon as such rate by the public body awarding
37 the contract, or authorizing the work whose decision in the
38 matter shall be final. Nothing in this act, however, shall be
39 construed to prohibit the payment to any laborer, workman
40 or mechanic employed on any public work as aforesaid of more
41 than the said general prevailing rate of wages, nor shall any-
42 thing in this act be construed to permit any overtime work in
43 violation of section 653c of the Penal Code.

44 SEC. 3 5. Any officer, agent or representative of the State
45 of California, or of any political subdivision, district or
46 municipality thereof, who wilfully shall violate, or omit to
47 comply with, any of the provisions of the act, and any con-
48 tractor, or agent or representative of any contractor, doing
49 public work as aforesaid, who shall neglect to keep, or cause to
50 be kept, an accurate record of the names, occupation and actual
51 wages paid to each laborer, workman and mechanic employed
52 by him, or by any subcontractor under him, in connection with



1. the said public work or who shall refuse to allow access to same
 2. at any reasonable hour to any person authorized to inspect
 3. same under this act, shall be guilty of a misdemeanor, and
 4. upon conviction shall be punished by a fine of not exceeding
 5. five hundred dollars, or by imprisonment for not exceeding six
 6. months, or by both such fine and imprisonment, in the dis-
 7. cretion of the court.

[The following text is extremely faint and largely illegible due to heavy noise and grain in the scan. It appears to be a continuation of a legislative act or a set of regulations.]

(800) 666-1917

LEGISLATIVE INTENT SERVICE



AMENDED IN ASSEMBLY APRIL 28, 1931.

AMENDED IN ASSEMBLY APRIL 21, 1931.

AMENDED IN ASSEMBLY APRIL 6, 1931.

AMENDED IN SENATE MARCH 23, 1931.

AMENDED IN SENATE MARCH 6, 1931.

SENATE BILL

No. 26

INTRODUCED BY SENATOR INMAN,

January 8, 1931.

REFERRED TO COMMITTEE ON LABOR AND CAPITAL.

An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and call for its insertion in the contract and CALL FOR bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions hereof.

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

- 1 SECTION 1. Not less than the general prevailing rate of per
- 2 diem wages for work of a similar character in the locality in
- 3 which the work is performed, and not less than the general
- 4 prevailing rate of per diem wages for legal holiday and over-
- 5 time work, shall be paid to all laborers, workmen and mechanics
- 6 employed by or on behalf of the State of California, or by or
- 7 on behalf of any county, city and county, city, town, district
- 8 or other political subdivision of the said state, engaged in the



1 construction of public works, exclusive of maintenance work;
2 Laborers, workmen and mechanics employed by contractors;
3 or subcontractors in the execution of any contract or contracts;
4 for public works with the State of California, or any officer
5 or public body thereof, or in the execution of any contract or
6 contracts for public works with any county, city and county,
7 city, town, township, district or other political subdivision of
8 said state, or any officer or public body thereof, shall be
9 deemed to be employed upon public works.

10 SEC. 2. The public body awarding any contract for public
11 work on behalf of the State of California, or on behalf of
12 any county, city and county, city, town, township, district or
13 other political subdivision thereof, or otherwise undertaking
14 any public works, shall ascertain the general prevailing rate
15 of per diem wages in the locality in which the work is to be
16 performed, for each craft or type of workman or mechanic
17 needed to execute the contract, and shall specify in the call for
18 the bids for said contract, and in the contract itself, what the
19 general prevailing rate of per diem wages in the said locality is
20 for each craft or type of workman needed to execute the con-
21 tract, also the general prevailing rate for legal holiday and
22 overtime work, and it shall be mandatory upon the contractor
23 to whom the contract is awarded, and upon any subcontractor
24 under him, to pay not less than the said specified rates to
25 all laborers, workmen and mechanics employed by them in the
26 execution of the contract. The contractor shall forfeit as a
27 penalty to the state or political subdivision, district or munic-
28 ipality on whose behalf the contract is made or awarded, ten
29 dollars for each laborer, workman or mechanic employed, for
30 each calendar day, or portion thereof, such laborer, workman
31 or mechanic is paid less than the said stipulated rates for any
32 work done under said contract, by him, or by any sub-
33 contractor under him, and the said public body awarding
34 the contract shall cause to be inserted in the contract a
35 stipulation to this effect. It shall be the duty of such public
36 body awarding the contract, and its officers and agents, to
37 take cognizance of complaints of all violations of the pro-
38 visions of this act committed in the course of the execution
39 of the contract, and, when making payments to the con-
40 tractor of moneys becoming due under said contract, to
41 withhold and retain therefrom all sums and amounts which
42 shall have been forfeited pursuant to the herein said stipula-
43 tion and the terms of this act, provided, however, that no sum
44 shall be so withheld, retained or forfeited, except from the final
45 payment, unless and until said contractor, or a subcontractor
46 under him, shall after full investigation by said awarding body
47 have been found to have violated the provisions of this act;
48 and provided further, that in all cases of assessment or
49 improvement districts or otherwise, wherein the contractor
50 receives final payment in the form of a warrant or other evi-
51 dence of full payment after completion and acceptance of the
52 work, the awarding body shall accept from the contractor in



1 the form of cash or securities or a satisfactory corporate surety
2 bond, a sum sufficient to equal any amount so withheld,
3 retained or forfeited from the final payment, and said award-
4 ing body shall then release the final warrant or payment in
5 full. It shall be lawful for any contractor to withhold from
6 any subcontractor under him sufficient sums to cover any
7 penalties withheld from him by the awarding body on account
8 of the said subcontractor's failure to comply with the terms of
9 this act, and if payment has already been made to him the
10 contractor may recover from him the amount of the penalty
11 or forfeiture in a suit at law.

12 Sec. 3. The contractor and each subcontractor shall keep,
13 or cause to be kept, an accurate record showing the names and
14 occupations of all laborers, workmen and mechanics employed
15 by him, in connection with the said public work, and showing
16 also the actual per diem wages paid to each of such workers,
17 which record shall be open at all reasonable hours to the
18 inspection of the public body awarding the contract, its officers
19 and agents, and to the chief of the division of labor statistics
20 and law enforcement of the state department of industrial
21 relations, his deputies and agents.

22 Sec. 4. Construction work done for irrigation, utility,
23 reclamation and improvement and other districts, and other
24 districts of this type, or other public agency or agencies, pub-
25 lic officer or body, as well as street, sewer and other improve-
26 ment work done under the direction and supervision of the
27 state, or of any political subdivision, or by the authority of
28 any officer or public body, district or municipality thereof,
29 whether such political subdivision, district or municipality
30 thereof operates under a freeholder's charter heretofore or
31 hereafter approved or not, also any construction or repair
32 work done under contract, and paid for in whole or in part
33 out of public funds, other than work done directly by any
34 public utility company pursuant to order of the railroad com-
35 mission or other public authority, whether or not done under
36 public supervision or direction, or paid for wholly or in part
37 out of public funds, shall be held to come under the provisions
38 of this act be "public works" within the meaning of this act.
39 The term "locality in which the work is performed" shall be
40 held to mean the city and county, county or counties in which
41 the building, highway, road, excavation, or other structure,
42 project, development or improvement is situated in all cases
43 in which the contract is awarded by the state, or any public
44 body thereof, and shall be held to mean the limits of the county,
45 city and county, city, town, township, district or other political
46 subdivisions on whose behalf the contract is awarded in all
47 other cases. The term "general prevailing rate of per diem
48 wages" shall be the rate determined upon as such rate by the
49 public body awarding the contract, or authorizing the work,
50 whose decision in the matter shall be final. Nothing in this
51 act, however, shall be construed to prohibit the payment to
52 any laborer, workman or mechanic employed on any public

LEGISLATIVE INTENT SERVICE (800) 666-1917



1 work as aforesaid of more than the said general prevailing rate
2 of wages; nor shall anything in this act be construed to permit
3 any overtime work in violation of section 653c of the Penal
4 Code.

5 SEC. 5. Any officer, agent or representative of the State
6 of California, or of any political subdivision, district or
7 municipality thereof, who wilfully shall violate, or omit to
8 comply with, any of the provisions of the *this act*, and any con-
9 tractor, or agent or representative of any contractor, or any
10 subcontractor under him, doing public work as aforesaid, who
11 shall neglect to keep, or cause to be kept, an accurate record
12 of the names, occupation and actual wages paid to each
13 laborer, workman and mechanic employed by him, or by any
14 subcontractor under him, in connection with the said public
15 work or who shall refuse to allow access to same at any reason-
16 able hour to any person authorized to inspect same under this
17 act, shall be guilty of a misdemeanor, and upon conviction
18 shall be punished by a fine of not exceeding five hundred
19 dollars, or by imprisonment for not exceeding six months, or
20 by both such fine and imprisonment, in the discretion of the
21 court.

22 SEC. 6. *If any section, sentence, clause or part of this act,*
23 *is for any reason held to be unconstitutional, such decision*
24 *shall not affect the remaining portions of this act. The Legis-*
25 *lature hereby declares that it would have passed this act, and*
26 *each section, sentence, clause, or part thereof, irrespective of*
27 *the fact that one or more sections, sentences, clauses, or parts*
28 *be declared unconstitutional.*



AMENDED IN ASSEMBLY MAY 1, 1931.
AMENDED IN ASSEMBLY APRIL 28, 1931.
AMENDED IN ASSEMBLY APRIL 21, 1931.
AMENDED IN ASSEMBLY APRIL 6, 1931.
AMENDED IN SENATE MARCH 23, 1931.
AMENDED IN SENATE MARCH 6, 1931.

SENATE BILL

No. 26

INTRODUCED BY SENATOR HNMAN,

January 8, 1931.

REFERRED TO COMMITTEE ON LABOR AND CAPITAL.

An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate, and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

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

- 1 SECTION 1. Not less than the general prevailing rate of per
- 2 diem wages for work of a similar character in the city in
- 3 which the work is performed, and not less than the general
- 4 prevailing rate of per diem wages for legal holiday and over-
- 5 time work, shall be paid to all laborers, workmen and mechanics
- 6 employed by or on behalf of the State of California, or by or
- 7 on behalf of any county, city and county, city, town, district
- 8 or other political subdivision of the said state, engaged in the

LEGISLATIVE INTENT SERVICE (800) 666-1917



1 construction of public works, exclusive of maintenance work.
2 Laborers, workmen and mechanics employed by contractors
3 or subcontractors in the execution of any contract or contracts
4 for public works with the State of California, or any officer
5 or public body thereof, or in the execution of any contract or
6 contracts for public works with any county, city and county,
7 city, town, township, district or other political subdivision of
8 said state, or any officer or public body thereof, shall be
9 deemed to be employed upon public works.

10 SEC. 2. The public body awarding any contract for public
11 work on behalf of the State of California, or on behalf of
12 any county, city and county, city, town, township, district or
13 other political subdivision thereof, or otherwise undertaking
14 any public works, shall ascertain the general prevailing rate
15 of per diem wages in the locality in which the work is to be
16 performed, for each craft or type of workman or mechanic
17 needed to execute the contract, and shall specify in the call
18 for bids for said contract, and in the contract itself, what the
19 general prevailing rate of per diem wages in the said locality is
20 for each craft or type of workman needed to execute the con-
21 tract, also the general prevailing rate for legal holiday and
22 overtime work, and it shall be mandatory upon the contractor
23 to whom the contract is awarded, and upon any subcontractor
24 under him, to pay not less than the said specified rates to
25 all laborers, workmen and mechanics employed by them in the
26 execution of the contract. The contractor shall forfeit as a
27 penalty to the state or political subdivision, district or munici-
28 pality on whose behalf the contract is made or awarded, ten
29 dollars for each laborer, workman or mechanic employed, for
30 each calendar day, or portion thereof, such laborer, workman
31 or mechanic is paid less than the said stipulated rates for any
32 work done under said contract, by him, or by any sub-
33 contractor under him, and the said public body awarding
34 the contract shall cause to be inserted in the contract a
35 stipulation to this effect. It shall be the duty of such public
36 body awarding the contract, and its officers and agents, to
37 take cognizance of complaints of all violations of the pro-
38 visions of this act committed in the course of the execution
39 of the contract, and, when making payments to the con-
40 tractor of moneys becoming due under said contract, to
41 withhold and retain therefrom all sums and amounts which
42 shall have been forfeited pursuant to the herein said stipula-
43 tion and the terms of this act; ; provided, however, that no sum
44 shall be so withheld, retained or forfeited, except from the final
45 payment, unless and until said contractor, ~~or a subcontractor~~
46 ~~under him, shall after without a full investigation by either~~
47 *the division of labor statistics and law enforcement of the*
48 *state department of industrial relations or by said awarding*
49 *body have been found to have violated the provisions of this*
50 *act; and provided, further, that in all cases of contracts with*
51 *assessment or improvement districts or otherwise, wherein the*
52 *contractor receives final payment in the form of a warrant or*

(800) 666-1917

LEGISLATIVE INTENT SERVICE



1 other evidence of full payment where full payment is made in
2 the form of a single warrant; or other evidence of full pay-
3 ment; after completion and acceptance of the work, the award-
4 ing body shall accept from the contractor in the form of cash
5 or securities or a satisfactory corporate surety bond, a sum
6 sufficient to equal any amount so withheld, retained or for-
7 feited from the final payment; cash a sum equal to, and in lieu
8 of, any amount required to be withheld, retained or forfeited
9 under the provisions of this section, and said awarding body
10 shall then release the final warrant or payment in full. It
11 shall be lawful for any contractor to withhold from any
12 subcontractor under him sufficient sums to cover any penal-
13 ties withheld from him by the awarding body on account
14 of the said subcontractor's failure to comply with the terms of
15 this act, and if payment has already been made to him the
16 contractor may recover from him the amount of the penalty
17 or forfeiture in a suit at law.

18 Sec. 3. The contractor and each subcontractor shall keep,
19 or cause to be kept, an accurate record showing the names and
20 occupations of all laborers, workmen and mechanics employed
21 by him, in connection with the said public work, and showing
22 also the actual per diem wages paid to each of such workers,
23 which record shall be open at all reasonable hours to the
24 inspection of the public body awarding the contract, its officers
25 and agents, and to the chief of the division of labor statistics
26 and law enforcement of the state department of industrial
27 relations, his deputies and agents.

28 Sec. 4. Construction work done for irrigation, utility,
29 reclamation, improvement and others districts, or other public
30 agency or agencies, public officer or body, as well as street,
31 sewer and other improvement work done under the direction
32 and supervision or by the authority of any officer or public
33 body of the state, or of any political subdivision, or by the
34 authority of any officer or public body district or munic-
35 ipality thereof, whether such political subdivision, district
36 or municipality thereof operates under a freeholder's charter
37 heretofore or hereafter approved or not, also any construction
38 or repair work done under contract, and paid for in whole
39 or in part out of public funds, other than work done directly
40 by any public utility company pursuant to order of the
41 railroad commission or other public authority, whether or
42 not done under public supervision or direction, or paid for
43 wholly or in part out of public funds, shall be held to
44 be "public works" within the meaning of this act. The
45 term "locality in which the work is performed" shall be
46 held to mean the city and county, county or counties in which
47 the building, highway, road, excavation, or other structure,
48 project, development or improvement is situated in all cases
49 in which the contract is awarded by the state, or any public
50 body thereof, and shall be held to mean the limits of the county,
51 city and county, city, town, township, district or other political
52 subdivisions on whose behalf the contract is awarded in all



1 other cases. The term "general prevailing rate of per diem
2 wages" shall be the rate determined upon as such rate by the
3 public body awarding the contract, or authorizing the work,
4 whose decision in the matter shall be final. Nothing in this
5 act, however, shall be construed to prohibit the payment to
6 any laborer, workman or mechanic employed on any public
7 work as aforesaid of more than the said general prevailing rate
8 of wages, nor shall anything in this act be construed to permit
9 any overtime work in violation of section 653c of the Penal
10 Code.

11 Sec. 5. Any officer, agent or representative of the State
12 of California, or of any political subdivision, district or
13 municipality thereof, who wilfully shall violate, or omit to
14 comply with, any of the provisions of this act, and any con-
15 tractor, or subcontractor or agent or representative of any
16 contractor, or any subcontractor under him, thereof doing
17 public work as aforesaid, who shall neglect to keep, or cause
18 to be kept, an accurate record of the names, occupation and
19 actual wages paid to each laborer, workman and mechanic
20 employed by him, in connection with the said public work
21 or who shall refuse to allow access to same at any reasonable
22 hour to any person authorized to inspect same under this
23 act, shall be guilty of a misdemeanor, and upon conviction
24 shall be punished by a fine of not exceeding five hundred
25 dollars, or by imprisonment for not exceeding six months, or
26 by both such fine and imprisonment, in the discretion of the
27 court.

28 Sec. 6. If any section, sentence, clause or part of this act,
29 is for any reason held to be unconstitutional, such decision
30 shall not affect the remaining portions of this act. The Legis-
31 lature hereby declares that it would have passed this act, and
32 each section, sentence, clause, or part thereof, irrespective of
33 the fact that one or more sections, sentences, clauses, or parts
34 be declared unconstitutional.

LEGISLATIVE INTENT SERVICE (800) 666-1917



247

CHAPTER 247

An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipitation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

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

SECTION 1. Not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed, and not less than the general prevailing rate of per diem wages for legal holiday and overtime work, shall be paid to all laborers, workmen and mechanics employed by or on behalf of the State of California, or by or on behalf of any county, city and county, city, town, district or other political subdivision of the said state, engaged in the construction of public works, exclusive of maintenance work. Laborers, workmen and mechanics employed by contractors or subcontractors in the execution of any contract or contracts for public works with the State of California, or any officer or public body thereof, or in the execution of any contract or contracts for public works with any county, city and county, city, town, township, district or other political subdivision of said state, or any officer or public body thereof, shall be deemed to be employed upon public works.

SEC. 2. The public body awarding any contract for public work on behalf of the State of California, or on behalf of any county, city and county, city, town, township, district or other political subdivision thereof, or otherwise undertaking any public works, shall ascertain the general prevailing rate of per diem wages in the locality in which the work is to be performed, for each craft or type of workman or mechanic needed to execute the contract, and shall specify in the call for bids for said contract, and in the contract itself, what the general prevailing rate of per diem wages in the said locality is for each craft or type of workman needed to execute the contract, also the general prevailing rate for legal holiday and

inspection of the public body awarding the contract, its officers and agents, and to the chief of the division of labor statistics and law enforcement of the state department of industrial relations, his deputies and agents.

SEC. 4. Construction work done for irrigation, utility, reclamation, improvement and others (districts, or other public agency or agencies, public officer or body, as well as street sewer and other improvement work done under the direction and supervision or by the authority of any officer or public body of the state, or of any political subdivision, district or municipality thereof, whether such political subdivision, district or municipality thereof operates under a freeholder's charter heretofore or hereafter approved or not, also any construction or repair work done under contract, and paid for in whole or in part out of public funds, other than work done directly by any public utility company pursuant to order of the railroad commission or other public authority, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds, shall be held to be "public works" within the meaning of this act. The term "locality in which the work is performed" shall be held to mean the city and county, county or counties in which the building, highway, road, excavation, or other structure, project, development or improvement is situated in all cases in which the contract is awarded by the state, or any public body thereof, and shall be held to mean the limits of the county, city and county, city, town, township, district or other political subdivisions on whose behalf the contract is awarded in all other cases. The term "general prevailing rate of per diem wages" shall be the rate determined upon as such rate by the public body awarding the contract, or authorizing the work, whose decision in the matter shall be final. Nothing in this act, however, shall be construed to prohibit the payment to any laborer, workman or mechanic employed on any public work as aforesaid of more than the said general prevailing rate of wages, nor shall anything in this act be construed to permit any overtime work in violation of section 653c of the Penal Code.

SEC. 5. Any officer, agent or representative of the State of California, or of any political subdivision, district or municipality thereof, who wilfully shall violate, or omit to comply with, any of the provisions of this act, and any contractor or subcontractor, or agent or representative thereof, doing public work as aforesaid, who shall neglect to keep, or cause to be kept, an accurate record of the names, occupation and actual wages paid to each laborer, workman and mechanic employed by him, in connection with the said public work or who shall refuse to allow access to same at any reasonable hour to any person authorized to inspect same under this

(800) 666-1917

overtime work, and it shall be mandatory upon the contractor to whom the contract is awarded, and upon any subcontractor under him, to pay not less than the said specified rates to all laborers, workmen and mechanics employed by them in the execution of the contract. The contractor shall forfeit as a penalty on whose behalf the contract is made or awarded, ten dollars for each laborer, workman or mechanic employed, for each calendar day, or portion thereof, such laborer, workman or mechanic is paid less than the said stipulated rates for any work done under said contract, by him, or by any subcontractor under him, and the said public body awarding the contract shall cause to be inserted in the contract a stipulation to this effect. It shall be the duty of such public body awarding the contract, and its officers and agents, to take cognizance of complaints of all violations of the provisions of this act committed in the course of the execution of the contract, and, when making payments to the contractor of moneys becoming due under said contract, to withhold and retain therefrom all sums and amounts which shall have been forfeited pursuant to the herein said stipulation and the terms of this act; provided, however, that no sum shall be so withheld, retained or forfeited, except from the final payment, without a full investigation by either the division of labor statistics and law enforcement of the state department of industrial relations or by said awarding body; and provided, further, that in all cases of contracts with assessment or improvement districts where full payment is made in the form of a single warrant, or other evidence of full payment, after completion and acceptance of the work, the awarding body shall accept from the contractor in cash a sum equal to, and in lieu of, any amount required to be withheld, retained or forfeited under the provisions of this section, and said awarding body shall then release the final warrant or payment in full. It shall be lawful for any contractor to withhold from any subcontractor under him sufficient sums to cover any penalties withheld from him by the awarding body on account of the said subcontractor's failure to comply with the terms of this act, and if payment has already been made to him the contractor may recover from him the amount of the penalty or forfeiture in a suit at law.

SEC. 3. The contractor and each subcontractor shall keep, or cause to be kept, an accurate record showing the names and occupations of all laborers, workmen and mechanics employed by him, in connection with the said public work, and showing also the actual per diem wages paid to each of such workers, which record shall be open at all reasonable hours to the



LEGISLATIVE INTENT

act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

Sec. 6. If any section, sentence, clause or part of this act, is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, sentence, clause, or part thereof, irrespective of the fact that one or more sections, sentences, clauses, or parts be declared unconstitutional.

President of the Senate

Speaker of the Assembly

Approved-----A. D. 1931.

Governor



those made by article 11, CHAPTER 397, to which reference is made in the act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

(Approved by the Governor, May 25, 1931. In effect August 14, 1931.)

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

SECTION 1. Not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed, and not less than the general prevailing rate of per diem wages for legal holiday and overtime work, shall be paid to all laborers, workmen and mechanics employed by or on behalf of the State of California, or by or on behalf of any county, city and county, city, town, district or other political subdivision of the said state, engaged in the construction of public works, exclusive of maintenance work, laborers, workmen and mechanics employed by contractors, or subcontractors in the execution of any contract or contracts for public works with the State of California, or any officer, or public body thereof, or in the execution of any contract or contracts for public works with any county, city and county, city, town, township, district, or other political subdivision of said state, or any officer or public body thereof, shall be deemed to be employed upon public works.

Sec. 2. The public body awarding any contract for public work on behalf of the State of California, or on behalf of any county, city and county, city, town, township, district or other political subdivision thereof, or otherwise undertaking any public works, shall ascertain the general prevailing rate of per diem wages in the locality in which the work is to be performed, for each craft or type of workman or mechanic needed to execute the contract, and shall specify in the call for bids for said contract, and in the contract itself, what the general prevailing rate of per diem wages in the said locality is for each craft or type of workman needed to execute the contract, also the general prevailing rate for legal holiday and overtime work, and it shall be mandatory upon the contractor to whom the contract is awarded, and upon any subcontractor under him, to pay not less than the said specified rates to

Determining wage rate to be paid.

Determination of rate.

Contracts.

all laborers, workmen and mechanics employed by them in the execution of the contract. The contractor shall forfeit as a penalty to the state or political subdivision, district or municipality on whose behalf the contract is made or awarded, ten dollars for each laborer, workman or mechanic employed, for each calendar day, or portion thereof, such laborer, workman or mechanic is paid less than the said stipulated rates for any work done under said contract, by him, or by any subcontractor under him, and the said public body awarding the contract shall cause to be inserted in the contract a stipulation to this effect. It shall be the duty of such public body awarding the contract, and its officers and agents, to take cognizance of complaints of all violations of the provisions of this act committed in the course of the execution of the contract, and, when making payments to the contractor of moneys becoming due under said contract, to withhold and retain therefrom all sums and amounts which shall have been forfeited pursuant to the herein said stipulation and the terms of this act; provided, however, that no sum shall be so withheld, retained or forfeited, except from the final payment, without a full investigation by either the division of labor statistics and law enforcement of the state department of industrial relations or by said awarding body; and provided, further, that in all cases of contracts with assessment or improvement districts where full payment is made in the form of a single warrant, or other evidence of full payment, after completion and acceptance of the work, the awarding body shall accept from the contractor in cash a sum equal to, and in lieu of, any amount required to be withheld, retained or forfeited under the provisions of this section, and said awarding body shall then release the final warrant or payment in full. It shall be lawful for any contractor to withhold from any subcontractor under him sufficient sums to cover any penalties withheld from him by the awarding body on account of the said subcontractor's failure to comply with the terms of this act, and if payment has already been made to him the contractor may recover from him the amount of the penalty or forfeiture in a suit at law.

Sec. 3. The contractor and each subcontractor shall keep, or cause to be kept, an accurate record showing the names and occupations of all laborers, workmen and mechanics employed by him, in connection with the said public work, and showing also the actual per diem wages paid to each of such workers, which record shall be open at all reasonable hours to the inspection of the public body awarding the contract, its officers and agents, and to the chief of the division of labor statistics and law enforcement of the state department of industrial relations, his deputies and agents.

Sec. 4. Construction work done for irrigation, utility, reclamation, improvement and others districts, or other public agency or agencies, public officer or body, as well as street, sewer and other improvement work done under the direction



and supervision or by the authority of any officer or public body of the state, or of any political subdivision, district or municipality thereof, whether such political subdivision, district or municipality thereof operates under a freeholder's charter heretofore or hereafter approved or not, also any construction or repair work done under contract, and paid for in whole or in part out of public funds, other than work done directly by any public utility company pursuant to order of the railroad commission or other public authority, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds, shall be held to be "public works" within the meaning of this act. The term "locality in which the work is performed" shall be held to mean the city and county, county or counties in which the building, highway, road, excavation, or other structure, project, development or improvement is situated in all cases in which the contract is awarded by the state, or any public body thereof, and shall be held to mean the limits of the county, city and county, city, town, township, district or other political subdivisions on whose behalf the contract is awarded in all other cases. The term "general prevailing rate of per diem wages" shall be the rate determined upon as such rate by the public body awarding the contract, or authorizing the work, whose decision in the matter shall be final. Nothing in this act, however, shall be construed to prohibit the payment to any laborer, workman or mechanic employed on any public work as aforesaid of more than the said general prevailing rate of wages, nor shall anything in this act be construed to permit any overtime work in violation of section 653c of the Penal Code.

Sec. 5. Any officer, agent or representative of the State of California, or of any political subdivision, district or municipality thereof, who willfully shall violate, or omit to comply with, any of the provisions of this act, and any contractor or subcontractor, or agent or representative thereof, doing public work as aforesaid, who shall neglect to keep, or cause to be kept, an accurate record of the names, occupation and actual wages paid to each laborer, workman and mechanic employed by him, in connection with the said public work or who shall refuse to allow access to same at any reasonable hour to any person authorized to inspect same under this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

Sec. 6. If any section, sentence, clause or part of this act, is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, sentence, clause, or part thereof, irrespective of the fact that one or more sections, sentences, clauses, or parts be declared unconstitutional.

"Locality in which the work is performed."

"General prevailing rate of per diem wages."

Violation of this section.

Constitutionality.

An act to prohibit the employment of aliens by contractors and subcontractors on all public work, except in certain cases of extraordinary emergency, providing for the keeping of such cases of extraordinary emergency and the keeping of records of the citizenship of workers employed by the public work and the inspection of such records by the proper officials, providing for a forfeiture for each calendar day, or portion thereof, any alien is knowingly permitted to work on public work and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

[Approved by the Governor May 25, 1931. In effect August 14, 1931.]

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

SECTION 1. No person, firm, partnership, association or corporation, or agent thereof, doing any work as a contractor or subcontractor upon any public work being done for or under the authority of the state, or any officer or department thereof, or for or under the authority of any county, city and county, city, town, township, district, or any other political subdivision thereof, or any officer or department thereof, shall knowingly employ or cause or allow to be employed thereon any alien, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, or except to work upon public military or naval defenses or works in time of war; provided, however, that within thirty days after any alien is permitted to work thereon due to such an extraordinary emergency, the contractor doing the work, or his duly authorized agent, shall file with the officer or public body awarding the contract a report, verified by his oath, setting forth the nature of the said emergency and containing the name of the said alien and each date he was permitted to work, and failure to file the said report within the said time shall be prima facie evidence that no such extraordinary emergency existed. Such contractor and each subcontractor shall also keep, or cause to be kept, an accurate record showing the names and citizenship of all workers employed by him, in connection with the said public work, which record shall be open at all reasonable hours to the inspection of the officer or public body awarding the contract, his or its deputies and agents, and to the chief of the division of labor statistics and law enforcement of the state department of industrial relations, his deputies and agents.

Sec. 2. The contractor to whom such contract for public work is awarded shall forfeit as a penalty to the state or county, city and county, city, town, township, district or other political subdivision on whose behalf the contract is made or awarded, ten dollars for each alien knowingly employed in the execu-



EXHIBIT B

INTRODUCED BY SENATOR MALONEY.

January 12, 1931.

REFERRED TO COMMITTEE ON LABOR AND CAPITAL.

An act to prohibit the employment of aliens by contractors and subcontractors on all public work, except in certain cases of extraordinary emergency, providing for the reporting of such cases of extraordinary emergency and the keeping of records of the citizenship of workers employed upon public work and the inspection of such records by the proper officials, providing for a forfeiture for each calendar day, or portion thereof, any alien is permitted to work on public work and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

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

1 SECTION 1. No person, firm, partnership, association or
2 corporation, or agent thereof, doing any work as a contractor
3 or subcontractor upon any public work being done for or under
4 the authority of the state, or any officer or department thereof,
5 or for or under the authority of any county, city and county,
6 city, town, township, district, or any other political subdivi-
7 sion thereof, or any officer or department thereof, shall employ
8 or cause or allow to be employed thereon any alien, except in
9 cases of extraordinary emergency caused by fire, flood, or
10 danger to life or property, or except to work upon public
11 military or naval defenses or works in time of war; provided,
12 however, that within thirty days after any alien is permitted
13 to work thereon due to such an extraordinary emergency, the
14 contractor doing the work, or his duly authorized agent, shall
15 file with the officer or public body awarding the contract a
16 report, verified by his oath, setting forth the nature of the said
17 emergency and containing the name of the said alien and each
18 date he was permitted to work, and failure to file the said report
19 within the said time shall be prima facie evidence that no such

LEGISLATIVE INTENT SERVICE

1 extraordinary emergency existed. Such contractor shall also
 2 keep, or cause to be kept, an accurate record showing the names
 3 and citizenship of all workers employed by him, or by any sub-
 4 contractor under him, in connection with the said public work,
 5 which record shall be open at all reasonable hours to the inspec-
 6 tion of the officer or public body awarding the contract, his or
 7 its deputies and agents, and to the chief of the division of labor
 8 statistics and law enforcement of the state department of
 9 industrial relations, his deputies and agents.

10 Sec. 2. The contractor to whom such contract for public
 11 work is awarded shall forfeit as a penalty to the state or county,
 12 city and county, city, town, township, district or other political
 13 subdivision on whose behalf the contract is made or awarded,
 14 ten dollars for each alien employed in the execution of said
 15 contract, or by virtue of the contract, by him, or by any subcon-
 16 tractor under him, upon any of the public works, or upon any
 17 work herein mentioned, for each calendar day, or portion
 18 thereof, during which such alien is permitted or required to
 19 labor in violation of the provisions of this act, and the officer
 20 of public body awarding the contract shall cause to be inserted
 21 in the contract a provision to this effect. It shall be the duty
 22 of such officer or public body to take cognizance of all violations
 23 of the provisions of this act committed in the course of the exe-
 24 cution of said contract, and, when making payments to the
 25 contractor, moneys becoming due him under said contract,
 26 to withhold and retain therefrom all sums and amounts which
 27 shall have been forfeited pursuant to the herein said stipulation
 28 and the terms of this act.

29 Work done for irrigation, utility, reclamation, and improve-
 30 ment districts, and other districts of this type, as well as street,
 31 sewer and other improvement work done under the direction
 32 and supervision of the state, or of any political subdivision or
 33 district thereof, whether such political subdivision or district
 34 operates under a freeholder's charter or not, shall be held to
 35 come under the provisions of this act.
 36 The term "alien" as used herein means any person who is
 37 not a born and fully naturalized citizen of the United States.
 38 Sec. 3. Any officer, agent or representative of the State of
 39 California, or of any political subdivision of district thereof,
 40 who shall violate, or omit to comply with, any of the provisions
 41 of this act, and any contractor, or agent or representative of
 42 any contractor, doing public work as aforesaid, who shall
 43 neglect to keep, or cause to be kept, an accurate record of the
 44 names and citizenship of the workers employed by him, or by
 45 any subcontractor under him, in connection with the said
 46 public work, or who shall refuse to allow access to the same at
 47 any reasonable hour to any person authorized to inspect same
 48 under this act, shall be guilty of a misdemeanor, and shall upon
 49 conviction be punished by a fine of not exceeding five hundred
 50 dollars, or by imprisonment for not exceeding six months, or by
 51 both such fine and imprisonment, in the discretion of the court.



AMENDED IN SENATE MARCH 23, 1931.

SENATE BILL

No. 83

INTRODUCED BY SENATOR MALONEY.

January 12, 1931.

REFERRED TO COMMITTEE ON LABOR AND CAPITAL.

An act to prohibit the employment of aliens by contractors and subcontractors on all public work, except in certain cases of extraordinary emergency, providing for the reporting of such cases of extraordinary emergency and the keeping of records of the citizenship of workers employed upon public work and the inspection of such records by the proper officials, providing for a forfeiture for each calendar day, or portion thereof, any alien is permitted to work on public work and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

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

- 1 SECTION 1. No person, firm, partnership, association or
- 2 corporation, or agent thereof, doing any work as a contractor
- 3 or subcontractor upon any public work being done for or under
- 4 the authority of the state, or any officer or department thereof,
- 5 or for or under the authority of any county, city and county,
- 6 city, town, township, district, or any other political subdivi-
- 7 sion thereof, or any officer or department thereof, shall employ
- 8 or cause or allow to be employed thereon any alien, except in
- 9 cases of extraordinary emergency caused by fire, flood, or
- 10 danger to life or property, or except to work upon public
- 11 military or naval defenses or works in time of war; provided,
- 12 however, that within thirty days after any alien is permitted
- 13 to work thereon due to such an extraordinary emergency, the
- 14 contractor doing the work, or his duly authorized agent, shall
- 15 file with the officer or public body awarding the contract a



1 report, verified by his oath, setting forth the nature of the said
 2 emergency and containing the name of the said alien and each
 3 date he was permitted to work, and failure to file the said report
 4 within the said time shall be prima facie evidence that no such
 5 extraordinary emergency existed. Such contractor shall also
 6 keep, or cause to be kept, an accurate record showing the names
 7 and citizenship of all workers employed by him, or by any sub-
 8 contractor under him, in connection with the said public work,
 9 which record shall be open at all reasonable hours to the inspec-
 10 tion of the officer or public body awarding the contract, his or
 11 its deputies and agents, and to the chief of the division of labor
 12 statistics and law enforcement of the state department of
 13 industrial relations, his deputies and agents.

14 Sec. 2. The contractor to whom such contract for public
 15 work is awarded shall forfeit as a penalty to the state or county,
 16 city and county, city, town, township, district or other political
 17 subdivision on whose behalf the contract is made or awarded,
 18 ten dollars for each alien employed in the execution of said
 19 contract, or by virtue of the contract, by him, or by any subcon-
 20 tractor under him, upon any of the public works, or upon any
 21 work herein mentioned, for each calendar day, or portion
 22 thereof, during which such alien is permitted or required to
 23 labor in violation of the provisions of this act, and the officer
 24 of public body awarding the contract shall cause to be inserted
 25 in the contract a provision to this effect: It shall be the duty
 26 of such officer or public body to take cognizance of all violations
 27 of the provisions of this act committed in the course of the exe-
 28 cution of said contract, and, when making payments to the
 29 contractor of moneys becoming due him under said contract,
 30 to withhold and retain therefrom all sums and amounts which
 31 shall have been forfeited pursuant to the herein said stipulation,
 32 and the terms of this act.

33 Work done for irrigation, utility, reclamation, and improve-
 34 ment districts, and other districts of this type, as well as street,
 35 sewer and other improvement work done under the direction
 36 and supervision of the state, or of any political subdivision or
 37 district thereof, whether such political subdivision or district
 38 operates under a freeholder's charter heretofore or hereafter
 39 approved or not, also any work paid for in whole or in part
 40 out of public funds, shall be held to come under the pro-
 41 visions of this act.

42 The term "alien" as used herein means any person who is
 43 not a born and or fully naturalized citizen of the United
 44 States.

45 Sec. 3. Any officer, agent or representative of the State of
 46 California, or of any political subdivision of district thereof,
 47 who shall violate, or omit to comply with, any of the provisions
 48 of this act, and any contractor, or agent or representative of
 49 any contractor, doing public work as aforesaid, who shall
 50 neglect to keep, or cause to be kept, an accurate record of the
 51 names and citizenship of the workers employed by him, or by
 52 any subcontractor under him, shall be deemed to be in violation of this act.

1 public work, or who shall refuse to allow access to the same at
 2 any reasonable hour to any person authorized to inspect same
 3 under this act, shall be guilty of a misdemeanor, and shall upon
 4 conviction be punished by a fine of not exceeding five hundred
 5 dollars, or by imprisonment for not exceeding six months, or by
 6 both such fine and imprisonment, in the discretion of the court.

AMENDED IN SENATE APRIL 14, 1931.
AMENDED IN SENATE MARCH 23, 1931.

SENATE BILL

No. 83

INTRODUCED BY SENATOR MALONEY,

January 12, 1931.

REFERRED TO COMMITTEE ON LABOR AND CAPITAL.

An act to prohibit the employment of aliens by contractors and subcontractors on all public work, except in certain cases of extraordinary emergency, providing for the keeping of such cases of extraordinary emergency and the keeping of records of the citizenship of workers employed upon public work and the inspection of such records by the proper officials, providing for a forfeiture for each calendar day, or portion thereof, any alien is KNOWINGLY permitted to work on public work and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

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

1 SECTION 1. No person, firm, partnership, association or
2 corporation, or agent thereof, doing any work as a contractor
3 or subcontractor upon any public work being done for or under
4 the authority of the state, or any officer or department thereof,
5 or for or under the authority of any county, city and county,
6 city, town, township, district, or any other political subdivi-
7 sion thereof, or any officer or department thereof, shall employ
8 knowingly or cause or allow to be employed thereon any alien,
9 except in cases of extraordinary emergency caused by fire, flood,
10 or danger to life or property, or except to work upon public
11 military or naval defenses or works in time of war; provided,
12 however, that within thirty days after any alien is permitted
13 to work thereon due to such an extraordinary emergency, the
14 contractor doing the work, or his duly authorized agent, shall

LEGISLATIVE INTENT

1 any reasonable hour to any person authorized to inspect same
 2 under this act, shall be guilty of a misdemeanor, and shall upon
 3 conviction be punished by a fine of not exceeding five hundred
 4 dollars, or by imprisonment for not exceeding six months, or by
 5 both such fine and imprisonment, in the discretion of the court.

1 report, verified by his oath, setting forth the nature of the said
 2 emergency and containing the name of the said alien and each
 3 date he was permitted to work, and failure to file the said report
 4 within the said time shall be prima facie evidence that no such
 5 extraordinary emergency existed. Such contractor shall also
 6 keep, or cause to be kept, an accurate record showing the names
 7 and citizenship of all workers employed by him, or by any sub-
 8 contractor under him, in connection with the said public work,
 9 which record shall be open at all reasonable hours to the inspec-
 10 tion of the officer or public body awarding the contract, his or
 11 its deputies and agents, and to the chief of the division of labor
 12 statistics and law enforcement of the state department of
 13 industrial relations, his deputies and agents.

14 Sec. 2. The contractor to whom such contract for public
 15 work is awarded shall forfeit as a penalty to the state or county,
 16 city and county, town, township, district or other political
 17 subdivision on whose behalf the contract is made or awarded,
 18 ten dollars for each alien *knowingly* employed in the execu-
 19 tion of said contract, or by virtue of the contract, by him, or
 20 by any subcontractor under him, upon any of the public
 21 works, or upon any work herein mentioned, for each calendar
 22 day, or portion thereof, during which such alien is permitted
 23 or required to labor in violation of the provisions of this act,
 24 and the officer or public body awarding the contract shall
 25 cause to be inserted in the contract a provision to this effect:
 26 It shall be the duty of such officer or public body to take
 27 cognizance of all violations of the provisions of this act com-
 28 mitted in the course of the execution of said contract, and,
 29 when making payments to the contractor of moneys becoming
 30 due him under said contract, to withhold and retain therefrom
 31 all sums and amounts which shall have been forfeited pur-
 32 suant to the herein said stipulation and the terms of this act.

33 Work done for irrigation, utility, reclamation, and improve-
 34 ment districts, and other districts of this type, as well as street,
 35 sewer and other improvement work done under the direction
 36 and supervision of the state, or of any political subdivision or
 37 district thereof, whether such political subdivision or district
 38 operates under a freeholder's charter heretofore or hereafter
 39 approved or not, also any work paid for in whole or in part
 40 out of public funds, shall be held to come under the pro-
 41 visions of this act.

42 The term "alien" as used herein means any person who is
 43 not a born or fully naturalized citizen of the United States.

44 Sec. 3. Any officer, agent or representative of the State of
 45 California, or of any political subdivision of or district thereof,
 46 who shall violate, or omit to comply with, any of the provisions
 47 of this act, and any contractor, or agent or representative of
 48 any contractor, doing public work as aforesaid, who shall
 49 neglect to keep, or cause to be kept, an accurate record of the
 50 names and citizenship of the workers employed by him, or by
 51 any subcontractor under him, or who shall refuse to give
 52 public work, or who shall refuse to give access to the same at

AMENDED IN SENATE APRIL 17, 1931.
AMENDED IN SENATE APRIL 14, 1931.
AMENDED IN SENATE MARCH 23, 1931.

SENATE BILL No. 83

INTRODUCED BY SENATOR MALONEY,

January 12, 1931.

REFERRED TO COMMITTEE ON LABOR AND CAPITAL.

An act to prohibit the employment of aliens by contractors and subcontractors on all public work, except in certain cases of extraordinary emergency, providing for the reporting of such cases of extraordinary emergency and the keeping of records of the citizenship of workers employed upon public work and the inspection of such records by the proper officials, providing for a forfeiture for each calendar day, or portion thereof, any alien is knowingly permitted to work on public work and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

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

- 1 SECTION 1. No person, firm, partnership, association or
- 2 corporation, or agent thereof, doing any work as a contractor
- 3 or subcontractor upon any public work being done for or under
- 4 the authority of the state, or any officer or department thereof,
- 5 or for or under the authority of any county, city and county,
- 6 city, town, township, district, or any other political subdivi-
- 7 sion thereof, or any officer or department thereof, shall know-
- 8 ingly employ ~~knowingly~~ or cause or allow to be employed
- 9 thereon any alien, except in cases of extraordinary emer-
- 10 gency caused by fire, flood, or danger to life or property,
- 11 or except to work upon public military or naval defenses or
- 12 works in time of war; provided, however, that within thirty
- 13 days after any alien is permitted to work thereon due to
- 14 such an extraordinary emergency, the contractor doing the

(800) 666-1917

LEGISLATIVE INTENT SERVICE



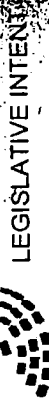
1 work, or his duly authorized agent, shall file with the officer
 2 or public body awarding the contract a report, verified by
 3 his oath, setting forth the nature of the said emergency and
 4 containing the name of the said alien and each date he was
 5 permitted to work, and failure to file the said report within
 6 the said time shall be prima facie evidence that no such
 7 extraordinary emergency existed. Such contractor shall also
 8 keep, or cause to be kept, an accurate record showing the names
 9 and citizenship of all workers employed by him, or by any sub-
 10 contractor under him, in connection with the said public work,
 11 which record shall be open at all reasonable hours to the inspec-
 12 tion of the officer or public body awarding the contract, his or
 13 its deputies and agents, and to the chief of the division of labor
 14 statistics and law enforcement of the state department of
 15 industrial relations, his deputies and agents.

16 Sec. 2. The contractor to whom such contract for public
 17 work is awarded shall forfeit as a penalty to the state or county,
 18 city and county, city, town, township, district or other political
 19 subdivision on whose behalf the contract is made or awarded,
 20 ten dollars for each alien knowingly employed in the execu-
 21 tion of said contract, or by virtue of the contract, by him, or
 22 by any subcontractor under him, upon any of the public
 23 works, or upon any work herein mentioned, for each calendar
 24 day, or portion thereof, during which such alien is permitted
 25 or required to labor in violation of the provisions of this act,
 26 and the officer or public body awarding the contract shall
 27 cause to be inserted in the contract a provision to this effect.
 28 It shall be the duty of such officer or public body to take
 29 cognizance of all violations of the provisions of this act com-
 30 mitted in the course of the execution of said contract, and,
 31 when making payments to the contractor of moneys becoming
 32 due him under said contract to withhold and retain therefrom
 33 all sums and amounts which shall have been forfeited pur-
 34 suant to the herein said stipulation and the terms of this act.

35 SEC. 3. Work done for irrigation, utility, reclamation, and
 36 improvement and other districts, and other districts of this
 37 type, or other public agency or agencies, as well as street,
 38 sewer and other improvement work done under the direction
 39 and supervision or by the authority of the state, or of any
 40 political subdivision or district thereof, whether such political
 41 subdivision or district operates under a freeholder's charter
 42 heretofore or hereafter approved or not, also any work paid for
 43 in whole or in part out of public funds, other than work done
 44 by any public utility company, or agent or contractor thereof,
 45 pursuant to order of the railroad commission or otherwise,
 46 whether or not done under public supervision or direction, or
 47 paid for wholly or in part out of public funds, shall be held
 48 to come under the provisions of this act be "public work"
 49 within the meaning of this act.

50 The term "alien" as used herein means any person who is
 51 not a born or fully naturalized citizen of the United States

1 SEC. 4. Any officer, agent or representative of the State of
 2 California, or of any political subdivision or district thereof,
 3 who shall violate, or omit to comply with, any of the provisions
 4 of this act, and any contractor, or agent or representative of
 5 any contractor, doing public work as aforesaid, who shall
 6 neglect to keep, or cause to be kept, an accurate record of the
 7 names and citizenship of the workers employed by him, or by
 8 any subcontractor under him, in connection with the said
 9 public work, or who shall refuse to allow access to the same at
 10 any reasonable hour to any person authorized to inspect same
 11 under this act, shall be guilty of a misdemeanor, and shall upon
 12 conviction be punished by a fine of not exceeding five hundred
 13 dollars, or by imprisonment for not exceeding six months, or by
 14 both such fine and imprisonment, in the discretion of the court.



AMENDED IN ASSEMBLY APRIL 27, 1931.
AMENDED IN SENATE APRIL 17, 1931.
AMENDED IN SENATE APRIL 14, 1931.
AMENDED IN SENATE MARCH 23, 1931.

SENATE BILL

No. 83

INTRODUCED BY SENATOR MALONEY.

January 12, 1931.

REFERRED TO COMMITTEE ON LABOR AND CAPITAL.

An act to prohibit the employment of aliens by contractors and subcontractors on all public work, except in certain cases of extraordinary emergency, providing for the reporting of such cases of extraordinary emergency and the keeping of records of the citizenship of workers employed upon public work and the inspection of such records by the proper officials, providing for a forfeiture for each calendar day, or portion thereof, any alien is knowingly permitted to work on public work and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

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

- 1 SECTION 1. No person, firm, partnership, association or
- 2 corporation, or agent thereof, doing any work as a contractor
- 3 or subcontractor upon any public work being done for or under
- 4 the authority of the state, or any officer or department thereof,
- 5 or for or under the authority of any county, city and county,
- 6 city, town, township, district, or any other political subdivi-
- 7 sion thereof, or any officer or department thereof, shall know-
- 8 ingly employ or cause or allow to be employed thereon any
- 9 alien, except in cases of extraordinary emergency caused by
- 10 fire, flood, or danger to life or property, or except to work
- 11 upon public military or naval defenses or works in time of
- 12 war; provided, however, that within thirty days after any
- 13 alien is permitted to work thereon due to such an extraordi-
- 14 nary emergency, the contractor doing the work, or his duly
- 15 authorized agent, shall file with the officer or public body

LEGISLATIVE INTENT

1 awarding the contract a report, verified by his oath, setting
 2 forth the nature of the said emergency and containing the
 3 name of the said alien and each date he was permitted to work,
 4 and failure to file the said report within the said time shall be
 5 prima facie evidence that no such extraordinary emergency
 6 existed. Such contractor shall also keep, or cause to be kept,
 7 an accurate record showing the names and citizenship of all
 8 workers employed by him, or by any subcontractor under him,
 9 in connection with the said public work, which record shall be
 10 open at all reasonable hours to the inspection of the officer or
 11 public body awarding the contract, his or its deputies and
 12 agents, and to the chief of the division of labor statistics and
 13 law enforcement of the state department of industrial rela-
 14 tions, his deputies and agents.

15 Sec. 2. The contractor to whom such contract for public
 16 work is awarded shall forfeit as a penalty to the state or county
 17 city and county, city, town, township, district or other political
 18 subdivision on whose behalf the contract is made or awarded
 19 ten dollars for each alien knowingly employed in the execu-
 20 tion of said contract, by him, or by any subcontractor under
 21 him, upon any of the public works, or upon any work herein
 22 mentioned, for each calendar day, or portion thereof, during
 23 which such alien is permitted or required to labor in violation
 24 of the provisions of this act, and the officer or public body
 25 awarding the contract shall cause to be inserted in the con-
 26 tract a provision to this effect. It shall be the duty of such
 27 officer or public body to take cognizance of all violations of
 28 the provisions of this act committed in the course of the
 29 execution of said contract, and, when making payments to
 30 the contractor of moneys becoming due him under said con-
 31 tract, to withhold and retain therefrom all sums and amounts
 32 which shall have been forfeited pursuant to the herein said
 33 stipulation and the terms of this act.

34 Sec. 3. Work done for irrigation, utility, reclamation,
 35 improvement and other districts, or other public agency or
 36 agencies, public officer or body, as well as street, sewer and
 37 other improvement work done under the direction and super-
 38 vision or by the authority of any officer or public body of the
 39 state, or of any political subdivision or district thereof,
 40 whether such political subdivision or district operates under
 41 a freeholder's charter heretofore or hereafter approved or not,
 42 also any work paid for in whole or in part out of public funds
 43 other than work done directly by any public utility company
 44 or agent or contractor thereof, pursuant to order of the rail-
 45 road commission or otherwise or other public authority
 46 whether or not done under public supervision or direction, or
 47 paid for wholly or in part out of public funds, shall be held
 48 to be "public work", within the meaning of this act.

49 The term "alien" as used herein means any person who is
 50 not a born or fully naturalized citizen of the United States.
 51 Sec. 4. Any officer, agent or representative of the State of
 52 California, or of any pol

LEGISLATIVE ADVISORY SERVICE

1 who shall violate, or omit to comply with, any of the provisions
 2 of this act, and any contractor, or agent or representative of
 3 any contractor, doing public work as aforesaid, who shall
 4 neglect to keep, or cause to be kept, an accurate record of the
 5 names and citizenship of the workers employed by him, or by
 6 any subcontractor under him, in connection with the said
 7 public work, or who shall refuse to allow access to the same at
 8 any reasonable hour to any person authorized to inspect same
 9 under this act, shall be guilty of a misdemeanor, and shall upon
 10 conviction be punished by a fine of not exceeding five hundred
 11 dollars, or by imprisonment for not exceeding six months, or by
 12 both such fine and imprisonment, in the discretion of the court.
 13 SEC. 5. If any section, sentence, clause or part of this act,
 14 is for any reason held to be unconstitutional, such decision
 15 shall not affect the remaining portions of this act. The Legis-
 16 lature hereby declares that it would have passed this act, and
 17 each section, sentence, clause, or part thereof, irrespective of
 18 the fact that one or more sections, sentences, clauses, or parts
 19 be declared unconstitutional.

AMENDED IN ASSEMBLY MAY 1, 1931.
AMENDED IN ASSEMBLY APRIL 27, 1931.
AMENDED IN SENATE APRIL 17, 1931.
AMENDED IN SENATE APRIL 14, 1931.
AMENDED IN SENATE MARCH 23, 1931.

No. 83

SENATE BILL

INTRODUCED BY SENATOR MALONEY.

January 12, 1931.

REFERRED TO COMMITTEE ON LABOR AND CAPITAL.

An act to prohibit the employment of aliens by contractors and subcontractors on all public work, except in certain cases of extraordinary emergency, providing for the reporting of such cases of extraordinary emergency and the keeping of records of the citizenship of workers employed upon public work and the inspection of such records by the proper officials, providing for a forfeiture for each calendar day, or portion thereof, any alien is knowingly permitted to work on public work and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

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

1 SECTION 1. No person, firm, partnership, association or
2 corporation, or agent thereof, doing any work as a contractor
3 or subcontractor upon any public work being done for or under
4 the authority of the state, or any officer or department thereof,
5 or for or under the authority of any county, city and county,
6 city, town, township, district, or any other political subdivi-
7 sion thereof, or any officer or department thereof, shall know-
8 ingly employ or cause or allow to be employed thereon any
9 alien, except in cases of extraordinary emergency caused by
10 fire, flood, or danger to life or property, or except to work
11 upon public military or naval defenses or works in time of
12 war; provided, however, that within thirty days after any
13 alien is permitted to work thereon due to such an extraordi-
14 nary emergency, the contractor doing the work, or his duly
15 authorized agent, shall file with the officer or public body

LEGISLATIVE INTENT SERVICE

1 awarding the contract a report, verified by his oath, setting
 2 forth the nature of the said emergency and containing the
 3 name of the said alien and each date he was permitted to work,
 4 and failure to file the said report within the said time shall be
 5 prima facie evidence that no such extraordinary emergency
 6 existed. Such contractor and each subcontractor shall also keep
 7 or cause to be kept, an accurate record showing the names and
 8 citizenship of all workers employed by him, or by any subcon-
 9 tractor under him, in connection with the said public work,
 10 which record shall be open at all reasonable hours to the inspec-
 11 tion of the officer or public body awarding the contract, his or
 12 its deputies and agents, and to the chief of the division of labor
 13 statistics and law enforcement of the state department of indus-
 14 trial relations, his deputies and agents.

15 Sec. 2. The contractor to whom such contract for public
 16 work is awarded shall forfeit as a penalty to the state or county,
 17 city and county, city, town, township, district or other political
 18 subdivision on whose behalf the contract is made or awarded,
 19 ten dollars for each alien knowingly employed in the execu-
 20 tion of said contract, by him, or by any subcontractor under
 21 him, upon any of the public works, or upon any work herein
 22 mentioned, for each calendar day, or portion thereof, during
 23 which such alien is permitted or required to labor in violation
 24 of the provisions of this act, and the officer or public body
 25 awarding the contract shall cause to be inserted in the con-
 26 tract a provision to this effect. It shall be the duty of such
 27 officer or public body to take cognizance of all violations of
 28 the provisions of this act committed in the course of the
 29 execution of said contract, and, when making payments to
 30 the contractor of moneys becoming due him under said con-
 31 tract, to withhold and retain therefrom all sums and amounts
 32 which shall have been forfeited pursuant to the herein said
 33 stipulation and the terms of this act; provided, however, that
 34 no sum shall be so withheld, retained or forfeited, except from
 35 the final payment, without a full investigation by either the
 36 division of labor statistics and law enforcement of the state
 37 department of industrial relations or by said awarding body;
 38 and provided, further, that in all cases of contracts with assess-
 39 ment or improvement districts where the full payment is made
 40 in the form of a single warrant, or other evidence of full pay-
 41 ment, after the completion and acceptance of the work, the
 42 awarding body shall accept from the contractor in cash a sum
 43 equal to, and in lieu of, any amount required to be withheld or
 44 retained under the provisions of this section, and said awarding
 45 body shall then release the final warrant or payment in full.
 46 It shall be lawful for any contractor to withhold from any sub-
 47 contractor under him sufficient sums to cover any penalties
 48 withheld from him by the awarding body on account of the
 49 said subcontractor's failure to comply with the terms of this
 50 act; and if payment has already been made to him the con-
 51 tractor may recover from him the amount of the penalty or
 52 forfeiture in a suit at law.

1 Sec. 3. Work done for irrigation, utility, reclamation,
 2 improvement and other districts, or other public agency or
 3 agencies, public officer or body, as well as street, sewer and
 4 other improvement work done under the direction and super-
 5 vision or by the authority of any officer or public body of the
 6 state, or of any political subdivision or district thereof,
 7 whether such political subdivision or district operates under
 8 a freeholder's charter heretofore or hereafter approved or not,
 9 also any work paid for in whole or in part out of public funds,
 10 other than work done directly by any public utility company,
 11 pursuant to order of the railroad commission or other public
 12 authority, whether or not done under public supervision or
 13 direction, or paid for wholly or in part out of public funds,
 14 shall be held to be "public work" within the meaning of
 15 this act.

16 The term "alien" as used herein means any person who is
 17 not a born or fully naturalized citizen of the United States.

18 Sec. 4. Any officer, agent or representative of the State of
 19 California, or of any political subdivision or district thereof,
 20 who shall violate, or omit to comply with, any of the provisions
 21 of this act, and any contractor or subcontractor, or agent or
 22 representative of any contractor thereof, doing public work as
 23 aforesaid, who shall neglect to keep, or cause to be kept, an
 24 accurate record of the names and citizenship of the workers
 25 employed by him, or by any subcontractor under him, in con-
 26 nection with the said public work, or who shall refuse to allow
 27 access to the same at any reasonable hour to any person author-
 28 ized to inspect same under this act, shall be guilty of a mis-
 29 demeanor, and shall upon conviction be punished by a fine of
 30 not exceeding five hundred dollars, or by imprisonment for not
 31 exceeding six months, or by both such fine and imprisonment,
 32 in the discretion of the court.

33 Sec. 5. If any section, sentence, clause or part of this act,
 34 is for any reason held to be unconstitutional, such decision
 35 shall not affect the remaining portions of this act. The Legis-
 36 lature hereby declares that it would have passed this act, and
 37 each section, sentence, clause, or part thereof, irrespective of
 38 the fact that one or more sections, sentences, clauses, or parts
 39 be declared unconstitutional.



Senate Bill No. 83.

Passed the Senate April 21, 1931.

Secretary of the Senate

Passed the Assembly May 12, 1931.

Chief Clerk of the Assembly

This bill was received by the Governor, this-----

day of-----A. D. 1931, at-----o'clock---M.

Private Secretary of the Governor

(800) 666-1917

LEGISLATIVE INTENT SERVICE



CHAPTER

An act to prohibit the employment of aliens by contractors and subcontractors on all public work, except in certain cases of extraordinary emergency, providing for the reporting of such cases of extraordinary emergency and the keeping of records of the citizenship of workers employed upon public work and the inspection of such records by the proper officials, providing for a forfeiture for each calendar day, or portion thereof, any alien is knowingly permitted to work on public work and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

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

SECTION 1. No person, firm, partnership, association or corporation, or agent thereof, doing any work as a contractor or subcontractor upon any public work being done for or under the authority of the state, or any officer or department thereof, or for or under the authority of any county, city and county, city, town, township, district, or any other political subdivision thereof, or any officer or department thereof, shall knowingly employ or cause or allow to be employed thereon any alien, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, or except to work upon public military or naval defenses or works in time of war; provided, however, that within thirty days after any alien is permitted to work thereon due to such an extraordinary emergency, the contractor (doing the work, or his duly authorized agent, shall file with the officer or public body awarding the contract a report, verified by his oath, setting forth the nature of the said emergency and containing the name of the said alien and each date he was permitted to work, and failure to file the said report within the said time shall be prima facie evidence that no such extraordinary emergency existed. Such contractor and each subcontractor shall also keep, or cause to be kept, an accurate record showing the names and citizenship of all workers employed by him, in connection with the said public work, which record shall be open at all reasonable hours to the inspection of the officer or public body awarding the contract, his or its deputies and agents, and to the chief of the division of labor statistics and law enforcement of the state department of industrial relations, his deputies and agents.

Sec. 2. The contractor to whom such contract for public work is awarded shall forfeit as a penalty to the state or county,

LEGISLATIVE INTENT SERVICE (800) 666-1917

shall be held to be "public work" within the meaning of this act.

The term "alien" as used herein means any person who is not a born or fully naturalized citizen of the United States. Sec. 4. Any officer, agent or representative of the State of California, or of any political subdivision or district thereof, who shall violate, or omit to comply with, any of the provisions of this act, and any contractor or subcontractor, or agent or representative thereof, doing public work as aforesaid, who shall neglect to keep, or cause to be kept, an accurate record of the names and citizenship of the workers employed by him, in connection with the said public work, or who shall refuse to allow access to the same at any reasonable hour to any person authorized to inspect same under this act, shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine of not exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

Sec. 5. If any section, sentence, clause or part of this act, is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, sentence, clause, or part thereof, irrespective of the fact that one or more sections, sentences, clauses, or parts be declared unconstitutional.

President of the Senate

Speaker of the Assembly

Approved----- A. D. 1931.

Governor

(800) 666-1917

city and county, city, town, township, district or other political subdivision on whose behalf the contract is made or awarded, ten dollars for each alien knowingly employed in the execution of said contract, by him, or by any subcontractor under him, upon any of the public works, or upon any work herein mentioned, for each calendar day, or portion thereof, during which such alien is permitted or required to labor in violation of the provisions of this act, and the officer or public body awarding the contract shall cause to be inserted in the contract a provision to this effect. It shall be the duty of such officer or public body to take cognizance of all violations of the provisions of this act committed in the course of the execution of said contract, and, when making payments to the contractor of moneys becoming due him under said contract, to withhold and retain therefrom all sums and amounts which shall have been forfeited pursuant to the herein said stipulation and the terms of this act; provided, however, that no sum shall be so withheld, retained or forfeited, except from the final payment, without a full investigation by either the division of labor statistics and law enforcement of the state department of industrial relations or by said awarding body; and provided, further, that in all cases of contracts with assessment or improvement districts where the full payment is made in the form of a single warrant, or other evidence of full payment, after the completion and acceptance of the work, the awarding body shall accept from the contractor in cash a sum equal to, and in lieu of, any amount required to be withheld or retained under the provisions of this section, and said awarding body shall then release the final warrant or payment in full. It shall be lawful for any contractor to withhold from any subcontractor under him sufficient sums to cover any penalties withheld from him by the awarding body on account of this said subcontractor's failure to comply with the terms of this act, and if payment has already been made to him the contractor may recover from him the amount of the penalty or forfeiture in a suit at law.

Sec. 3. Work done for irrigation, utility, reclamation, improvement and other districts, or other public agency or agencies, public officer or body, as well as street, sewer and other improvement work done under the direction and supervision or by the authority of any officer or public body of the state, or of any political subdivision or district thereof, whether such political subdivision or district operates under a freeholder's charter heretofore or hereafter approved or not, other than work done directly by any public utility company, pursuant to order of the railroad commission or other public authority, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds,

LEGISLATIVE INTENT SERVICE



An act to prohibit the employment of aliens by contractors and subcontractors on all public work, except in certain cases of extraordinary emergency, providing for the keeping of such cases of extraordinary emergency and the keeping of records of the citizenship of workers employed upon public work and the inspection of such records by the proper officials, providing for a forfeiture for each calendar day, or portion thereof, any alien is knowingly permitted to work on public work and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

[Approved by the Governor May 25, 1931. In effect August 14, 1931.]

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

SECTION 1. No person, firm, partnership, association or corporation, or agent thereof, doing any work as a contractor or subcontractor upon any public work being done for or under the authority of the state, or any officer or department thereof, or for or under the authority of any county, city and county, city, town, township, district, or any other political subdivision thereof, or any officer or department thereof, shall knowingly employ or cause or allow to be employed thereon any alien, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, or except to work upon public military or naval defenses or works in time of war; provided, however, that within thirty days after any alien is permitted to work thereon due to such an extraordinary emergency, the contractor doing the work, or his duly authorized agent, shall file with the officer or public body awarding the contract a report, verified by his oath, setting forth the nature of the said emergency and containing the name of the said alien and each date he was permitted to work, and failure to file the said report within the said time shall be prima facie evidence that no such extraordinary emergency existed. Such contractor and each subcontractor shall also keep, or cause to be kept, an accurate record showing the names and citizenship of all workers employed by him, in connection with the said public work, which record shall be open at all reasonable hours to the inspection of the officer or public body awarding the contract, his or its deputies and agents, and to the chief of the division of labor statistics and law enforcement of the state department of industrial relations, his deputies and agents.

Sec. 2. The contractor to whom such contract for public work is awarded shall forfeit as a penalty to the state or county, city and county, city, town, township, district or other political subdivision on whose behalf the contract is made or awarded, ten dollars for each alien knowingly employed in the execu-

and supervision or by the authority of any officer or public body of the state, or of any political subdivision, district or municipality thereof, whether such political subdivision, district or municipality thereof operates under a franchisor's charter heretofore or hereafter approved or not, also any construction or repair work done under contract, and paid for in whole or in part out of public funds, other than work done directly by any public utility company pursuant to order of the railroad commission or other public authority, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds, shall be held to be "public works" within the meaning of this act. The term "locality in which the work is performed" shall be held to mean the city and county, county or counties in which the building, highway, road, excavation, or other structure, project, development or improvement is situated in all cases in which the contract is awarded by the state, or any public body thereof, and shall be held to mean the limits of the county, city and county, city, town, township, district or other political subdivisions on whose behalf the contract is awarded in all other cases. The term "general prevailing rate of per diem wages" shall be the rate determined upon as such rate by the public body awarding the contract, or authorizing the work, whose decision in the matter shall be final. Nothing in this act, however, shall be construed to prohibit the payment to any laborer, workman or mechanic employed on any public work as aforesaid of more than the said general prevailing rate of wages, nor shall anything in this act be construed to permit any overtime work in violation of section 653c of the Penal Code.

Sec. 5. Any officer, agent or representative of the State of California, or of any political subdivision, district or municipality thereof, who wilfully shall violate, or omit to comply with, any of the provisions of this act, and any contractor or subcontractor, or agent or representative thereof, doing public work as aforesaid, who shall neglect to keep, or cause to be kept, an accurate record of the names, occupation and actual wages paid to each laborer, workman and mechanic employed by him, in connection with the said public work or who shall refuse to allow access to same at any reasonable hour to any person authorized to inspect same under this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

Sec. 6. If any section, sentence, clause or part of this act, is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, sentence, clause, or part thereof, irrespective of the fact that one or more sections, sentences, clauses, or parts be declared unconstitutional.

"Locality in which the work is performed."

"General prevailing rate of per diem wages."

Violation is punishable."

Constitutionality."



tion of said contract, by him, or by any subcontractor under him, upon any of the public works, or upon any work herein mentioned, for each calendar day, or portion thereof, during which such alien is permitted or required to labor in violation of the provisions of this act, and the officer or public body awarding the contract shall cause to be inserted in the contract a provision to this effect. It shall be the duty of such officer or public body to take cognizance of all violations of the provisions of this act committed in the course of the execution of said contract, and, when making payments to the contractor of moneys becoming due him under said contract, to withhold and retain therefrom all sums and amounts which shall have been forfeited pursuant to the herein said stipulation and the terms of this act; provided, however, that no sum shall be so withheld, retained or forfeited, except from the final payment, without a full investigation by either the division of labor statistics and law enforcement of the state department of industrial relations or by said awarding body; and provided, further, that in all cases of contracts with assessment or improvement districts where the full payment is made in the form of a single warrant, or other evidence of full payment, after the completion and acceptance of the work, the awarding body shall accept from the contractor in cash a sum equal to, and in lieu of, any amount required to be withheld or retained under the provisions of this section, and said awarding body shall then release the final warrant or payment in full. It shall be lawful for any contractor to withhold from any subcontractor under him sufficient sums to cover any penalties withheld from him by the awarding body on account of the said subcontractor's failure to comply with the terms of this act, and if payment has already been made to him the contractor may recover from him the amount of the penalty or forfeiture in a suit at law.

SEC. 3. Work done for irrigation, utility, reclamation, improvement and other districts, or other public agency or agencies, public officer or body, as well as street, sewer and other improvement work done under the direction and supervision or by the authority of any officer or public body of the state, or of any political subdivision or district thereof, whether such political subdivision or district operates under a freeholder's charter heretofore or hereafter approved or not, other than work done directly by any public utility company, pursuant to order of the railroad commission or other public authority, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds, shall be held to be "public work" within the meaning of this act.

The term "alien" as used herein means any person who is not a born or fully naturalized citizen of the United States.

SEC. 4. Any officer, agent or representative of the State of California, or of any political subdivision or district thereof, who shall violate, or omit to comply with, any of the provisions

914

withholding or penalty.

"Public work."

"Alien."

Violation a misdemeanor.

of this act, and any contractor or subcontractor, or agent or representative thereof, doing public work as aforesaid, who shall neglect to keep, or cause to be kept, an accurate record of the names and citizenship of the workers employed by him, in connection with the said public work, or who shall refuse to allow access to the same at any reasonable hour to any person authorized to inspect same under this act, shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine of not exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 5. If any section, sentence, clause or part of this act, enacted for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, sentence, clause, or part thereof, irrespective of the fact that one or more sections, sentences, clauses, or parts be declared unconstitutional.

CHAPTER 399.

An act to amend section 1 of an act entitled "An act authorizing California toll bridge authority and the department of public works of the State of California to lay out, acquire and construct a highway crossing from the city of San Francisco across the bay of San Francisco to the county of Alameda and providing for the payment of the cost thereof," approved June 10, 1929, relating to the cost of said bridge and its adoption as a state highway.

(Approved by the Governor May 25, 1931. In effect August 14, 1931.)

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

Stat. 1929, p. 1189.

SECTION 1. Section 1 of an act entitled "An act authorizing California toll bridge authority and the department of public works of the State of California to lay out, acquire and construct a highway crossing from the city of San Francisco across the bay of San Francisco to the county of Alameda and providing for the payment of the cost thereof," approved June 10, 1929, is hereby amended to read as follows:

Highway crossing: San Francisco-Alameda county.

Section 1. The California toll bridge authority and the department of public works of the State of California are hereby authorized to lay out, acquire and construct a highway crossing, including such bridges, tubes, tunnels and approaches in connection therewith as may be deemed to be necessary, from the city of San Francisco across the bay of San Francisco to the county of Alameda, under and pursuant to the provisions of the act approved June 10, 1929, chapter



bribe upon any understanding or agreement that such person shall not attend upon any trial, or every person who attempts by means of any offer of a bribe to dissuade any such person from attending upon any trial, is guilty of a felony.

CHAPTER 90.*

An act to establish a Labor Code, thereby consolidating and revising the law relating to labor and employment relations, and to repeal acts and parts of acts specified herein.

[Approved by the Governor April 24, 1937. In effect August 27, 1937.]

NOTE.—The Labor Code, as prepared by the California Code Commission, consists of Chapter 90, as originally enacted. As here set forth, Chapter 90 also contains all the amendments to the Labor Code made during the fifty-second session of the Legislature, namely by Chapters 357, 506, 701, 848, and 872.

All of the foregoing chapters are effective August 27, 1937.

For the approval dates, see the respective chapters in their numerical sequence.

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

GENERAL PROVISIONS.

- 1. This act shall be known as the Labor Code.
- 2. The provisions of this code, in so far as they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments. Title
Continuation
of existing
law
- 3. All persons who, at the time this code goes into effect, hold office under any of the acts repealed by this code, which offices are continued by this code, continue to hold the same according to the former tenure thereof. Tenure
- 4. No action or proceeding commenced before this code takes effect, and no right accrued, is affected by the provisions of this code, but all procedure thereafter taken therein shall conform to the provisions of this code so far as possible. Pending pro-
ceedings
- 5. Unless the context otherwise requires, the general provisions hereinafter set forth shall govern the construction of this code. Construction
- 6. Division, part, chapter, article, and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning, or intent of the provisions of any division, part, chapter, article, or section hereof. Headings
- 7. Whenever, by the provisions of this code, an administrative power is granted to a public officer or a duty imposed upon such an officer, the power may be exercised or the duty performed by a deputy of the officer or by a person authorized pursuant to law. Delegation
of power

* A cross-reference table showing the origin of each section appears in the appendix to this volume

(800) 666-1917

LEGISLATIVE INTENT SERVICE



8. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required by this code, it shall be made in writing in the English language.
9. Whenever any reference is made to any portion of this code or of any other law of this State, such reference shall apply to all amendments and additions thereto now or hereafter made.
10. "Section" means a section of this code unless some other statute is specifically mentioned.
11. The present tense includes the past and future tenses; and the future, the present.
12. The masculine gender includes the feminine and neuter.
13. The singular number includes the plural, and the plural the singular.
14. "County" includes "city and county."
15. "Shall" is mandatory and "may" is permissive.
16. "Oath" includes affirmation.
17. "Signature" or "subscription" includes mark when the signer or subscriber can not write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.
18. "Person" means any person, association, organization, partnership, business trust, or corporation.
19. "Department" means Department of Industrial Relations.
20. "Director" means Director of Industrial Relations.
21. "Labor Commissioner" means Chief of the Division of Labor Statistics and Law Enforcement.
22. "Violation" includes a failure to comply with any requirement of the code.
23. Except in cases where a different punishment is prescribed, every offense declared by this code to be a misdemeanor is punishable by imprisonment in a county jail, not exceeding six months, or by a fine not exceeding five hundred dollars, or both.
24. If any provision of this code, or the application thereof to any person or circumstances, is held invalid the remainder of the code, and the application of its provisions to other persons or circumstances, shall not be affected thereby.

DIVISION I. DEPARTMENT OF INDUSTRIAL RELATIONS.

CHAPTER 1. GENERAL POWERS AND DUTIES.

50. There is in the State government the Department of Industrial Relations.
51. The department shall be conducted under the control of an executive officer known as Director of Industrial Rela-



1681. The Division of State Employment Agencies shall: Duties of division

(a) Procure, by lease or otherwise, suitable offices, and incur the necessary expenses in the conduct thereof.

(b) Appoint, in accordance with law, the necessary officers, assistants, and clerks, and fix the compensation thereof.

(c) Promulgate rules and regulations for the conduct of free employment bureaus in order to carry out this chapter.

PART 7. PUBLIC WORKS AND PUBLIC AGENCIES.

CHAPTER 1. PUBLIC WORKS.

Article 1. Scope and Operation.

1720. As used in this chapter "public works" means: Definitions

(a) Construction or repair work done under contract and paid for in whole or in part out of public funds, except work done directly by any public utility company pursuant to order of the Railroad Commission or other public authority.

(b) Work done for irrigation, utility, reclamation and improvement districts, and other districts of this type. "Public work" shall not include the operation of the irrigation or drainage system of any irrigation or reclamation district, except as used in sections 1850 to 1854 of this code relating to employment of aliens, and section 1778 relating to retaining wages.

(c) Street, sewer or other improvement work done under the direction and supervision or by the authority of any officer or public body of the State, or of any political subdivision or district thereof, whether such political subdivision or district operates under a freeholder's charter or not.

1721. "Political subdivision" includes any county, city, district, township or public agency of the State, and assessment or improvement districts.

1722. "Awarding body" or "body awarding the contract" means department, board, authority, officer or agent awarding a contract for public work.

1723. "Workman" includes laborer, workman, or mechanic.

1724. "Locality in which public work is performed" means the county in which the public work is done in cases in which the contract is awarded by the State, and means the limits of the political subdivision on whose behalf the contract is awarded in other cases.

1725. "Alien" means any person who is not a born or fully naturalized citizen of the United States.

1726. The body awarding the contract for public work shall take cognizance of violations of the provisions of this chapter committed in the course of the execution of the contract. Taking cognizance of law violations

1727. Before making payments to the contractor of money due under a contract for public work, the awarding body shall withhold and retain therefrom all amounts which have been forfeited pursuant to any stipulation in a contract for public work, and the terms of this chapter. But no sum shall be Withholding sums forfeited

(803) 696-1817

LEGISLATIVE INTENT SERVICE



withheld, retained or forfeited, except from the final payment, without a full investigation by either the Division of Labor Statistics and Law Enforcement or by the awarding body.

Same When
payment
made by
warrants

1728. In cases of contracts with assessment or improvement districts where full payment is made in the form of a single warrant, or other evidence of full payment, after completion and acceptance of the work, the awarding body shall accept from the contractor in cash a sum equal to, and in lieu of, any amount required to be withheld, retained, or forfeited under the provisions of this section, and said awarding body shall then release the final warrant or payment in full.

Withholding
sums due
subcon-
tractor

1729. It shall be lawful for any contractor to withhold from any subcontractor under him sufficient sums to cover any penalties withheld from him by the awarding body on account of the subcontractor's failure to comply with the terms of this chapter, and if payment has already been made to the subcontractor the contractor may recover from him the amount of the penalty or forfeiture in a suit at law.

Disposition
of penalties
and for-
feitures

1730. Every awarding body that withholds any penalty or forfeiture from any contract payment, for failure of a contractor or subcontractor to comply with any provision of this chapter or any of the labor laws on public works, or with any provision of a contract based on such labor laws, shall at the expiration of ninety days after the completion of the contract and the formal acceptance of the job, transfer all penalties and forfeitures, whether withheld from a progress payment or final payment, to the State Treasurer to become a part of the general fund.

Retention of
penalties and
forfeitures
pending suit

1731. If suit is brought against the awarding body within the ninety-day period and formal notice thereof is given to the awarding body within the ninety-day period either by service of summons or by registered mail which is received within the ninety-day period, the penalties and forfeitures shall be retained by the awarding body pending the outcome of the suit, and be forwarded to the State Treasurer only in the event of a final court judgment against the contractor or his assignee. Otherwise the penalties and forfeitures are subject to any final judgment which is obtained by the contractor or his assignee.

Limitation
of actions

1732. The time for action by the contractor or his assignee for the recovery of penalties or forfeitures is limited to the ninety-day period and such suit on the contract for alleged breach thereof in not making the payment is the exclusive remedy of the contractor or his assignees with reference to such penalties or forfeitures.

Suit to
recover
penalties or
forfeitures

1733. Suit may be brought by the contractor or his assignee without permission from the State or other authority and is limited to the recovery of the penalties or forfeitures without prejudice to the contractor's or assignee's rights in regard to other matters affecting the contract. No other issues shall be presented to the court in such case and the burden shall be on the plaintiff to establish his right to the penalties or for-

(800) 866-1917

LEGISLATIVE INTENT SERVICE



feitures withheld In case the action is not commenced and actual notice thereof received by the awarding body within the ninety-day period, the action shall be dismissed on motion of the awarding body.

1734. Any court collecting any fines or penalties under the criminal provisions of this chapter or any of the labor laws pertaining to public works shall immediately transmit such fines and penalties to the State Treasurer to become a part of the general fund.

Disposition of fines and penalties

Article 2. Wages.

1770. The body awarding the contract, or authorizing the public work shall determine the general prevailing rate of per diem wages and its decision in the matter shall be final. Nothing in this article, however, shall prohibit the payment of more than the general prevailing rate of wages to any workman employed on public work. Nothing in this act shall permit any overtime work in violation of Article 3 of this chapter.

Determination of general prevailing rate

1771. Not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for legal holiday and overtime work shall be paid to all workmen employed on public works, exclusive of maintenance work.

Payment of general prevailing rate

1772. Workmen employed by contractors or subcontractors in the execution of any contract for public work are deemed to be employed upon public work.

Employees of contractors or subcontractors

1773. The body awarding any contract for public work, or otherwise undertaking any public work, shall ascertain the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft or type of workman needed to execute the contract, and shall specify in the call for bids for the contract, and in the contract itself, what the general prevailing rate of per diem wages and the general prevailing rate for legal holiday and overtime work in the locality is for each craft or type of workman needed to execute the contract.

Specification in calls for bids

1774. The contractor to whom the contract is awarded, and any subcontractor under him, shall pay not less than the specified prevailing rates of wages to all workmen employed in the execution of the contract.

Payment by contractors and subcontractors

1775. The contractor shall, as a penalty to the State or political subdivision on whose behalf the contract is made or awarded, forfeit ten dollars for each calendar day, or portion thereof, for each workman paid less than the stipulated prevailing rates for any public work done under the contract by him or by any subcontractor under him, and the body awarding the contract shall cause to be inserted in the contract a stipulation to this effect.

Forfeiture

1776. Every contractor and subcontractor shall keep an accurate record showing the name, occupation, and the actual per diem wages paid to each workman employed by him in connection with the public work. The record shall be kept

Records of wages paid

LEGISLATIVE PRINTING SERVICE (800) 666-1917



open at all reasonable hours to the inspection of the body awarding the contract and to the Division of Labor Statistics and Law Enforcement.

Penalty

1777. Any officer, agent, or representative of the State or of any political subdivision who wilfully violates any provision of this article, and any contractor, or subcontractor, or agent or representative thereof, doing public work who neglects to comply with any provision of section 1776 is guilty of a misdemeanor.

Employment
of inden-
tured ap-
prentices.

1777.5. Nothing in this chapter shall prevent the employment of properly indentured apprentices upon public works. Every such apprentice shall be indentured to the contractor doing the work and shall be steadily employed by him, shall be paid the standard wage paid to apprentices under the regulations of the trade at which he is employed, and shall be employed only at the work of the trade to which he is indentured.

Ratio of
apprentices

The ratio of apprentices to be employed shall not exceed one apprentice to each five journeymen regularly employed by the employer. The initial wage to be paid an apprentice shall be not less than twenty-five per cent (25%) of the journeymen's wage being paid and shall be increased each six months in an amount not less than fifteen per cent (15%). The definition of the term "regularly indentured apprentice" as used in this chapter shall be deemed to be an apprentice indentured by a group representing bona fide associations of employers and employees.

(Added by Ch. 872, Stats. 1937.)

Penalty for
taking or
receiving for
own use,
wages of
employees on
public works

1778. Every person, who individually or as a representative of an awarding or public body or officer, or as a contractor or subcontractor doing public work, or agent or officer thereof, who takes, receives, or conspires with another to take or receive, for his own use or the use of any other person any portion of the wages of any workman or working subcontractor, in connection with services rendered upon any public work is guilty of a felony.

Penalty for
charging fee
for register-
ing person
for public
work, etc

1779. Any person or agent or officer thereof who charges, collects, or attempts to charge or collect, directly or indirectly, a fee or valuable consideration for registering any person for public work, or for giving information as to where such employment may be procured, or for placing, assisting in placing, or attempting to place, any person in public work, whether the person is to work directly for the State, or any political subdivision or for a contractor or subcontractor doing public work is guilty of a misdemeanor.

Penalty for
placing
orders for
employment
where charg-
ing of fee
is involved

1780. Any person acting on behalf of the State or any political subdivision, or any contractor or subcontractor or agent or representative thereof, doing any public work who places any order for the employment of a workman on public work where the filling of the order for employment involves



the charging of a fee, or the receiving of a valuable consideration from any applicant for employment is guilty of a misdemeanor.

1781. The penalties and remedies provided for in sections 1775 and 1777 shall be the exclusive penalties and remedies against any contractor or subcontractor for any violation of sections 1770 to 1777 or of the provisions inserted in any call for bids, specifications or contracts pursuant thereto. Application of penalties

Article 3. Working Hours.

1810. Eight hours labor constitutes a legal day's work in all cases where the same is performed under the authority of any law of this State, or under the direction, or control, or by the authority of any officer of this State acting in his official capacity, or under the direction, or control or by the authority of any municipal corporation, or of any officer thereof. A stipulation to that effect shall be made a part of all contracts to which the State or any municipal corporation therein is a party. Legal day's work

1811. The time of service of any workman employed upon public work is limited and restricted to eight hours during any one calendar day. Maximum hours per day

1812. No awarding body or contractor or subcontractor who employs, directs, or controls the work of any workman employed on public work, shall require or permit such workman to labor more than eight hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property or except on work upon public military or naval defenses or works in time of war. Prohibition of employment for more than maximum hours Exceptions

1813. Within thirty days after any workman is permitted to work over eight hours in one calendar day due to such an extraordinary emergency, the contractor doing the public work shall file with the awarding body a verified report setting forth the nature of the emergency. The report shall contain the name of the workman and the hours worked by him on the particular day. Failure to file the report within the thirty day period shall be prima facie evidence that no extraordinary emergency existed. Reports of extraordinary emergencies

1814. Every contractor and subcontractor shall keep an accurate record showing the name of and actual hours worked by each workman employed by him in connection with the public work. The record shall be kept open at all reasonable hours to the inspection of the awarding body and to the Division of Labor Statistics and Law Enforcement. Record of hours of labor

1815. In awarding any contract, the execution of which involves or may involve the employment of any workman upon public work, the awarding body shall cause to be inserted therein a stipulation which provides that the contractor to whom the contract is awarded shall forfeit as a penalty, to the Stipulation for payment of penalty

LEGISLATIVE INTENT SERVICE (300) 666-1917



CALIFORNIA LAWS, STATUTES, ETC.

PROPOSED LABOR CODE

Prepared by

The California Code Commission
Office: 218 State Capitol
Sacramento, California

HONORABLE EDWARD CRAIG HONORABLE JOHN H. O'DONNELL
Speaker of the Assembly Speaker pro tem of the Assembly

ARTHUR A. O'HANIMUS
Chief Clerk of the Assembly



CALIFORNIA STATE PRINTING OFFICE
GEORGE H. MOORE, STATE PRINTER
SACRAMENTO, 1966

APPROVED BY
STAFF COUNCIL
FEB 14 1968
LEGISLATIVE SERVICE

LEGISLATIVE INTENT SERVICE (400) 600-1917

L400
L330
C.Z.

PREFACE.

In this proposed code there are assembled and consolidated the existing statutes relating to the subject of labor, including employment relations, conditions of employment, workmen's compensation, and the organization of the Department of Industrial Relations.

The purpose of the proposed code is to present in a single statute all of the existing statutory law relating to this subject, without change in legal effect, but at the same time removing ambiguities and obsolete provisions.

This proposed code is presented with the hope that it will receive the careful scrutiny of all interested persons, and that the code commission may have the benefit of all suggestions as to defects in form or substance, in order that such suggestions may be considered at the earliest possible date.

In this connection it should be noted that a tentative draft of this code was prepared in so called "ditto", or typewritten form, and submitted to interested persons and groups prior to the 1935 session of the legislature.

The code commission has received from such persons comments and suggestions, many of which have been incorporated into this proposed code.

Due to the fact that the statutes embraced in the proposed Labor Code unquestionably affect more intimately the rights and duties of a larger group of people than does any other group of statutes, it seemed desirable and appropriate to print it and give it a wider distribution than is ordinarily given a proposed code. Accordingly, the Assembly by resolution provided for such printing and distribution.

Changes in the wording of statutes embraced in this proposed code have been indicated by printing new matter in italics and matter to be omitted in strike-out type.

It is the hope of the commission that the many persons and groups to whom this proposed code is submitted will examine it, carefully checking to see that changes are merely changes in form and not in substance, and report to the California Code Commission, 218 State Capitol, Sacramento, all suggestions which they desire to make.

The commission earnestly requests that all such suggestions be sent to it as promptly as possible in order that the final draft of this code may be completed well in advance of the date of the commencement of the 1937 legislative session and ready for consideration by the legislature at that session.

SOURCE NOTES.

Under each section of the proposed code appears a citation to the code section or section of a general law upon which the proposed code section is based. In the case of general laws the act number assigned to the particular act in Deering's compilation is given. Following the number of the section is a citation to the year, chapter, and page of the official statutes in which the latest amended form of the section appears.

For example, at the end of section 50 we find the following, "(Pol. C. 364, 1st sent., 1927:440-733)." This means that section 50 is based on the first sentence of section 364 of the Political Code and that section 364 was last amended in 1927 and appears in chapter 440 at page 733 of that volume of the statutes.

Following section 77 appears the following, "(D. A. 3546, sec. 4; 1913:318:613)." This means that section 77 is based upon section 4 of Deering Act 3546 and that the latest amended form of the section is found in Statutes of 1913, in chapter 318, at page 613.

CROSS-REFERENCE TABLE.

A cross-reference table from the existing law to the section of the proposed code now embracing the material formerly contained in any section of any law or in any code section is included herewith.

ABBREVIATIONS.

The following is a table of abbreviations used in the code:

- Ch.—Chapter.
- Civ. C.—Civil Code.
- D. A.—Deering Act.
- Incl.—Inclusive.
- Par.—Paragraph.
- Pen. C.—Penal Code.
- Pol. C.—Political Code.
- Sec.—Section.
- Sent.—Sentence.
- Subd.—Subdivision.

CROSS-REFERENCE TABLE.

Disposition of Former Statutes in Labor Code.

Civ. O. Sec.	CIVIL CODE.		Labor Code Sec.
	Latest form in statutes		
Yr.	Ch.	P.	
1905:	417:	560	3070
1905:	417:	560	3071, 3073 to 3076, incl.
1905:	417:	560	3077 to 3079, incl.
1905:	417:	560	3072
1905:	417:	560	3080
1905:	417:	560	3081 to 3082, incl.
1905:	417:	560	3083
1905:	417:	560	3084
1905:	417:	560	3085
1905:	417:	560	3086
1905:	417:	560	3087 to 3088, incl.
1915:	417:	560	3090
1905:	417:	560	3089
1913:	287:	537	300 to 304, incl.
1901:	157:	332	2750
Civ. C. of 1872			2802
1907:	97:	119	2803 and 2804
Civ. C. of 1872			2800
Civ. C. of 1872			2850
Civ. C. of 1872			2851
Civ. C. of 1872			2852
Civ. C. of 1872			2854
Civ. C. of 1872			2853
1931:	705:	1493	2855
1873-4:	612:	181	2856
Civ. C. of 1872			2857
Civ. C. of 1872			2858
1873-4:	612:	181	2859
Civ. C. of 1872			2860
Civ. C. of 1872			2861
Civ. C. of 1872			2862
1873-4:	612:	181	2863
Civ. C. of 1872			2864
1901:	157:	332	2865
Civ. C. of 1872			2866
Civ. C. of 1872			2921
Civ. C. of 1872			2920
Civ. C. of 1872			2923
1915:	433:	720	2922
1915:	433:	720	2924
1915:	433:	720	2925
1915:	433:	720	2926



CIVIL CODE—Continued

Civ. C. Sec.	Latest form in statutes		Labor Code Sec.
	Yr.	P.	
2003	1915: 433:	720	2927
2004	1921: 901:	1698	2928
2009	Civ. C. of 1872	3000	
2010	Civ. C. of 1872	3001	
2011	Civ. C. of 1872	3002	
2012	Civ. C. of 1872	3003	
2014	Civ. C. of 1872	3004	
2015	Civ. C. of 1872	3005	

PENAL CODE.

Pen. C. Sec.	Latest form in statutes		Labor Code Sec.
	Yr.	P.	
272	1905: 568:	758	1308
273	1905: 568:	758	1309
273c	1905: 568:	758	1310
349a	1911: 181:	357	1011
349b	1915: 487:	816	1014 and 1015
349c	1915: 487:	816	1012
368a	1913: 290:	543	7600 and 7601
402c	1921: 55:	63	7156
646	Pen. C. of 1872	3091	
651	Pen. C. of 1872	1392	
653c	1931: 1144:	2430	1811 to 1816, incl.
653d	1933: 154:	606	1778
653e	1929: 586:	988	1050 to 1054, incl.
653g	1933: 174:	620	1779 and 1780
679	1893: 149:	176	922

POLITICAL CODE.

Pol. C. Sec.	Latest form in statutes		Labor Code Sec.
	Yr.	P.	
364	1927: 440:	733	50 to 53, incl., and 113
364a	1931: 597:	1289	55 to 57, incl.
364b	1931: 979:	1990	111 and 112
364c	1931: 978:	1989	70 to 72, incl.
364d	1927: 440:	733	75 and 76
364e	1927: 440:	733	54
364f	1927: 440:	733	58
364h	1927: 440:	733	59
364i	1927: 440:	733	62
364j	1927: 440:	733	114
3244	1887: 85:	101	510
3245	Pol. C. of 1872	1810	

GENERAL LAWS.

Deering Act Sec.	Latest form in statutes		Labor Code Sec.
	Yr.	P.	
258	1921: 366:	546	1941, 1944
258	1915: 417:	690	1942
258	1915: 417:	690	1943
258	1915: 417:	690	1940
1606	1903: 235:	289	1110
2295	1913: 275:	507	7200
2295	1921: 332:	450	7201 to 7203, incl.
2295	1921: 332:	450	7204
2295	1913: 275:	507	7205
2296	1921: 330:	445	7301 to 7303, incl.
2296	1917: 74:	84	7317
2296	1921: 330:	445	7304 to 7308, 7318
2296	1921: 330:	445	7309 to 7312, incl.
2296	1921: 330:	445	7314 to 7316, incl.
2296	1917: 74:	84	7313
2297	1921: 115:	106	7319
2349	1929: 89:	166	1550 to 1557, incl.
2349	1927: 333:	550	1581, 1587, 1595
2349	1927: 333:	550	1582
2349	1931: 827:	1710	1583 to 1586, incl., and 1596 to 1599, incl.
2349	1913: 282:	515	1592, 1593
2349	1913: 282:	515	1594
2349	1927: 263:	482	1588 to 1591, incl.
2349	1913: 282:	515	1620 and 1621
2349	1913: 282:	515	1622
2349	1913: 282:	515	1623
2349	1923: 412:	934	1624 to 1630, incl.
2349	1923: 413:	936	1631 and 1632
2349	1923: 414:	937	1633 to 1636, incl.
2349	1929: 215:	379	1637 to 1639, incl.
2349	1913: 282:	515	1640
2349	1915: 551:	929	1641 to 1646, incl.
2349	1913: 282:	515	1647
2349	1913: 282:	515	1648
2349	1913: 282:	515	1649
2349	1913: 282:	515	1652
2349	1927: 264:	483	1652
2349	1913: 282:	515	1650 and 1651
2350	1915: 302:	486	1680
2350	1915: 302:	486	1681
3456	1929: 286:	588	1350 to 1352, incl.
3456	1913: 352:	713	1253 and 1256
3456	1913: 352:	713	1356
3456	1929: 266:	571	1353
3456	1929: 40:	98	1255, 1354 and 1355
3456	1913: 318:	613	77

(509) 669-1917

LEGISLATIVE INTENT SERVICE

Deering Act Sec.	Latest form in statutes		Labor Code Sec.
	Yr.	Ch. P.	
3546 5	1913: 318:	608	1461 to 1464, incl.
3546 6	1913: 318:	608	1465 to 1468, incl.
3546 7	1913: 318:	608	1469 to 1472, incl.
3546 8	1913: 318:	608	1473 to 1476, incl.
3546 9	1913: 318:	608	1482 and 1483
3546 10	1915: 520:	848	1485
3546 11	1913: 318:	608	1460
3546 12	1913: 318:	608	1486
3546 13	1913: 318:	608	1487
3546 15	1917: 740:	1514	1478 to 1480, incl.
3546 16	1917: 740:	1514	1481
3546 17	1913: 324:	632	73
3613 2	1929: 256:	554	1172 to 1175, incl.
3613 3	1913: 324:	632	1176 to 1178, incl.
3613 4	1921: 279:	378	1179 to 1181, incl.
3613 5	1927: 248:	438	1182 to 1185, incl.
3613 6	1913: 324:	632	1186
3613 7	1915: 571:	950	1191 to 1193, incl.
3613 8	1913: 324:	632	1202
3613 9	1913: 324:	632	1196
3613 10	1915: 571:	950	1197
3613 11	1927: 248:	438	1198
3613 11a	1921: 279:	378	1187 to 1189, incl., and 1200
3613 12	1913: 324:	632	1194
3613 13	1913: 324:	632	1195
3613 14	1929: 256:	554	1203
3613 15	1913: 324:	632	1201
3613 17	1913: 324:	632	1171
3613 19	1919: 259:	415	1290 and 1291
3625 1	1919: 259:	415	1391
3625 2	1919: 259:	415	1297
3625 3	1919: 259:	415	1298
3625 3½	1919: 259:	415	1292 to 1296, incl.
3625 4	1919: 259:	415	1390, 1394 to 1397, incl.
3625 5	1929: 546:	951	1299 to 1301, incl.
3625 6	1925: 123:	273	1303 to 1306, incl., and 1391
3625 7	1919: 259:	415	1302, 1311, 1398
3625 8	1911: 688:	1341	1393
3625 1, 2	1909: 138:	209	1307
3629 1	1911: 21:	39	79
4089 1	1883: 21:	27	81 to 84, incl.
4089 3	1883: 21:	27	91
4089 5	1883: 21:	27	94
4089 6	1931: 524:	1706	90, 92 and 93, 96 to 102, incl.
4089 7	1889: 10:	6	88
4089 8	1925: 282:	469	89
4089 9	1925: 282:	469	80
4089 10	1925: 282:	469	80



Deering Act Sec.	Latest form in statutes		Labor Code Sec.
	Yr.	Ch. P.	
4736 3	1921: 767: 1326	2417	
4736 4	1919: 164: 245	2418 and 2419	
4736 5	1919: 164: 245	2420	
4736 6	1919: 164: 245	2421	
4736 7	1921: 767: 1326	2422 to 2424, incl.	
4736 8	1915: 329: 497	2425	
4736a 1	1927: 743: 1400	2101	
4736a 2	1927: 743: 1400	2100, 2102	
4736a 3	1927: 743: 1400	2103 and 2104	
4736a 4	1927: 743: 1400	2104	
4736a 5	1927: 743: 1400	2106	
4736a 6	1927: 743: 1400	2107, 2140	
4736a 7	1927: 743: 1400	2141	
4736a 8	1927: 743: 1400	2142 and 2143	
4736a 9	1927: 743: 1400	2144	
4736a 10	1927: 743: 1400	2145	
4736a 11	1927: 743: 1400	2146	
4736a 12	1927: 743: 1400	2147	
4736a 13	1927: 743: 1400	2180 to 2188, incl.	
4737 1	1929: 768: 1517	1250 to 1252, incl.	
4737 2	1929: 768: 1517	1254, 1256	
4738 1	1935: 786: 2179	212 to 214, incl.	
4740 1	1913: 198: 343	250	
4740 2	1935: 49: 382	252	
4740 3	1913: 198: 343	253	
4740 4	1935: 49: 382	254	
4740 5	1935: 49: 382	255, 257	
4740 6	1913: 198: 343	251	
4740 7	1919: 202: 294	201 and 202	
4743 1	1919: 202: 294	204 and 205	
4743 2	1931: 1090: 2300	200, 219	
4743 3	1927: 217: 391	207 to 211, incl., 215	
4743 4	1919: 202: 294	203	
4743 5	1931: 1047: 2201	206	
4743 5a	1919: 202: 294	216	
4743 6	1931: 878: 1887	217	
4743 7	1931: 878: 1887	218	
4743 8	1919: 202: 294	220	
4743 10	1917: 201: 296	6800	
4744 1	1917: 201: 296	6801	
4744 2	1917: 201: 296	6802	
4744 3	1911: 399: 796	2801	
4747 1, 2	1913: 176: 279	115	
4748 4	1913: 176: 279	116	
4748 5	1913: 176: 279	117	
4748 6	1913: 176: 279	118 to 123, incl.	
4748 7	1929: 257: 556	124	
4748 8	1913: 176: 279	125 and 126	
4748 10	1913: 176: 279	125 and 126	

Deering Act Sec.	Latest form in statutes		Labor Code Sec.	Deering Act Sec.	Latest form in statutes		Labor Code Sec.
	Yr.	Ch.			Yr.	Ch.	
4749 39	1917	586: 831	6500 and 6501	4923	3	1871-2: 305: 413	7403 to 7405, incl.
4749 40	1917	586: 831	6502	4924	1	1873-4: 498: 726	7452
4749 41	1917	586: 831	6503	4924	3	1873-4: 498: 726	7453
4749 42	1917	586: 831	6504	4924	4	1873-4: 498: 726	7454
4749 43	1917	586: 831	6505	4924	5	1873-4: 498: 726	7455 and 7456
4749 44	1917	586: 831	6506	4924	6	1873-4: 498: 726	7457
4749 45	1917	586: 831	6500	4924	7	1873-4: 498: 726	7450
4749 46	1917	586: 831	6317 and 6318	4924	8	1873-4: 498: 726	7459
4749 46½	1925	383: 710	6508 to 6511, incl.	4924	9	1873-4: 498: 726	7460
4749 47	1917	586: 831	6316	4924	10	1873-4: 498: 726	7458
4749 48	1917	586: 831	6507	4933	1	1913: 186: 331	750 and 751
4749 49	1917	586: 831	6414	4933	2	1913: 186: 331	752
4749 50	1917	586: 831	6415	4937	1	1913: 368: 782	7500
4749 51	1927	761: 1475	6320	4937	2	1913: 368: 782	7501
4749 52	1917	586: 831	6319	4940	1, 2	1935: 200: 860	258
4749 53	1919	471: 910	6407 to 6413, incl.	5130e	1	1935: 370: 1321	650 to 654, incl.
4749 54	1919	471: 910	6313 to 6315, incl.	5212	1	1917: 783: 1644	1900
4749 55	1917	586: 831	5300 to 5302, incl.	5212	2	1917: 783: 1644	1901
4749 55½	1927	586: 1020	128	5887	1	1925: 394: 738	850, 855
4749 56	1917	586: 831	5316 and 5317, 129	5887	2	1925: 394: 738	851 and 852
4749 57	1917	586: 831	5307 and 5308	5887	3	1925: 394: 738	853 and 854
4749 58	1917	586: 831	5305	5887	4	1925: 394: 738	856
4749 59	1917	586: 831	5309 to 5315, incl.	6428	1	1921: 246: 356	2011
4749 60	1933	864: 2246	5708 to 5710, incl.	6428	2	1921: 246: 356	2012
4749 61	1917	586: 831	130 and 131	6428	3	1921: 246: 356	2013
4749 62	1917	586: 831	132	6428	4	1921: 246: 356	2014 and 2015
4749 63	1917	586: 831	133 and 134	6429	1	1931: 397: 910	1771 and 1772
4749 64	1917	586: 831	5900 to 5902, incl., 5904 to 5909, incl.	6429	2	1931: 397: 910	1773 to 1775, incl., 1726 to 1729, incl.
4749 65	1917	586: 831	5903	6429	3	1931: 397: 910	1776
4749 66	1917	586: 831	6602 and 6603	6429	4	1931: 397: 910	1770, 1724
4749 67	1917	586: 831	5950 to 5955, incl.	6429	4a	1935: 506: 1577	1781
4749 68	1917	586: 831	5910, 5956, 6000, 6001, 6003	6429	5	1931: 397: 910	1777
4749 69	1917	586: 831	3202 and 3203	6430	1	1931: 398: 913	1850 to 1852, incl.
4749 70	1917	586: 831	4150 to 4156, incl.	6430	2	1931: 398: 913	1853, 1726 and 1727
4749a 1	1931	955: 1962	4250 and 4257	6430	3	1931: 398: 913	1725
4749a 2	1927	834: 1681	4251 to 4253, incl.	6430	4	1931: 398: 913	1854
4749a 3	1927	834: 1681	4254	6432	1	1933: 580: 1503	1730 to 1733, incl.
4749a 4	1927	834: 1681	4255	6432	2	1933: 580: 1503	1734
4749a 5	1927	834: 1681	4256	6478	1	1913: 168: 249	6901
4754	1929	891: 1971	350	6478	2	1915: 501: 332	6902
4754	1929	891: 1971	351 to 353, incl.	6478	3	1915: 501: 332	6903 to 6905, incl.
4754	1929	891: 1971	354	6478	4	1913: 168: 249	6906 and 6907
4754	1929	891: 1971	355	6478	5	1913: 168: 249	6908
4754	1929	891: 1971	356	6478	6	1913: 168: 249	6909
4756	1 to 5	1935: 425: 1479	430 to 434, incl.	6478	7	1913: 168: 249	6910
4923	1	1871-2: 305: 413	7401, 7451	6479	1	1913: 226: 381	601 to 604, incl.
4923	2	1871-2: 305: 413	7402	6479	3	1911: 484: 952	605

(800) 555-1317
LEGISLATIVE INTENT SERVICE

GENERAL LAWS—Continued

Deering Act Sec.	Latest form in statutes			Labor Code Sec.
	Yr.	Ch.	P.	
6479 4	1911:	484:	952	606
6479 5	1911:	484:	952	607
6485 1, 2	1921:	900:	1697	6952
6486 1	1921:	902:	1698	6950
6486 2	1921:	902:	1698	6951
8559 1	1921:	897:	1693	2261 to 2263, incl.
8559 2	1921:	897:	1693	2260
8560 1	1927:	205:	374	2261
8773 1	1933:	956:	2483	2051
8773 2	1933:	956:	2483	2052
8773 3	1933:	956:	2483	2053
8773 4	1933:	956:	2483	2054
8773 5	1933:	956:	2483	2055 and 2056

TABLE OF CONTENTS OF THE LABOR CODE.

	Sections	Pages
General Provisions	1- 21	1, 2
Division I. Department of Industrial Relations	50- 134	3- 18
Chapter 1. General Powers and Duties	50- 62	3- 5
Chapter 2. Division of Industrial Welfare	70- 73	5, 6
Chapter 3. Division of Immigration and Housing	75- 77	6, 7
Chapter 4. Division of Labor Statistics and Law Enforcement	79- 102	7- 12
Chapter 5. Industrial Accident Commission	110- 134	12- 18
Division II. Employment and Supervision	200-2606	19-109
Part 1. Compensation	200- 452	19- 32
Chapter 1. Payment of Wages	200- 258	19- 25
Article 1. General Occupations	200- 220	19- 24
Article 2. Special Occupations	250- 258	24, 25
Chapter 2. Assignment of Wages	300- 304	26
Chapter 3. Privileges and Perquisites	350- 452	27- 32
Article 1. Gratuities	350- 356	27- 29
Article 2. Bonds and Photographs	400- 410	29- 31
Article 3. Contracts and Applications for Employment	430- 434	31
Article 4. Purchases	450- 452	31, 32
Part 2. Working Hours	510- 856	32- 37
Chapter 1. General	510- 554	32
Chapter 2. Railroads	600- 607	32- 34
Chapter 3. Truck and Stage Operators	650- 654	34, 35
Chapter 4. Smelters and Underground Workings	750- 752	35
Chapter 5. Lumber Industries	800- 801	36
Chapter 6. Pharmacies	850- 856	36, 37
Part 3. Privileges and Immunities	920-1110	37- 44
Chapter 1. Contracts Against Public Policy	920- 923	37, 38
Chapter 2. Solicitation of Employees by Misrepresentation	970- 974	38- 40
Chapter 3. Class of Labor Employed; Labor Union Insignia	1010-1017	40, 41
Chapter 4. Reemployment Privileges	1050-1056	41- 43
Chapter 5. Political Affiliations	1100-1105	43, 44
Chapter 6. Agreements in Connection with Trade Disputes	1110	44

LEGISLATIVE INTENT SERVICE (800) 666-1811



TABLE OF CONTENTS—Continued

	Sections	Pages
Division III. Employment Relations	2700-3091	109-119
Chapter 1. Scope of Division	2700	109
Chapter 2. Employer and Employee	2750-2928	109-114
Article 1. The Contract of Employment	2750	109
Article 2. Obligations of Employer	2800-2804	110, 111
Article 3. Obligations of Employee	2850-2866	111-113
Article 4. Termination of Employment	2920-2928	113, 114
Chapter 3. Master and Servant	3000-3005	114, 115
Chapter 4. Master and Apprentice	3070-3091	115-119
Division IV. Workmen's Compensation and Insurance	3201-6002	119-169
Part 1. Scope and Operation	3201-4257	119-136
Chapter 1. General Provisions	3201-3212	119, 120
Chapter 2. Employers, Employees, and Dependents	3300-3503	121-124
Article 1. Employers	3300	121
Article 2. Employees	3350-3361	121-123
Article 3. Dependents	3500-3503	123, 124
Chapter 3. Conditions of Compensation Liability	3600-3604	124, 125
Chapter 4. Compensation Insurance and Security	3700-3755	125-128
Article 1. Insurance and Security	3700-3711	125-127
Article 2. Insurance Rights and Privileges	3750-3755	128
Chapter 5. Subrogation of Employer	3850-3861	129-131
Chapter 6. Hospital Inspection	3950-3954	131, 132
Chapter 7. Medical Examinations	4050-4056	132
Chapter 8. Adoption of Compensation Insurance	4150-4156	133, 134
Chapter 9. Rejection of Compensation	4250-4257	134-136
Part 2. Computation of Compensation	4450-4803	136-146
Chapter 1. Average Earnings	4450-4459	136-138
Chapter 2. Compensation Schedules	4450-4803	138-146
Article 1. General Provisions	4550-4555	138, 139
Article 2. Medical and Hospital Treatment	4600-4605	140
Article 3. Disability Payments	4650-4663	140-143
Article 4. Death Benefits	4700-4706	143, 144
Article 5. Subsequent Injuries Payments	4750-4751	145



TABLE OF CONTENTS—Continued

	Sections	Pages
Part 4. Women and Minors	1171-1398	44-63
Chapter 1. Wages, Hours, and Working Conditions	1171-1203	44-51
Chapter 2. Occupational Privileges and Restrictions	1250-1311	52-59
Article 1. Female Employees	1250-1256	52, 53
Article 2. Minors	1290-1311	53-59
Chapter 3. Working Hours	1350-1398	59-63
Article 1. Female Employees	1350-1356	59-61
Article 2. Minors	1390-1398	61-63
Article 3. Immigrants	1460-1487	63-69
Part 5. Employment Agencies	1550-1681	69-84
Chapter 1. Private Employment Agencies	1550-1652	69-84
Article 1. Scope and Definitions	1550-1557	69-72
Article 2. Licenses	1581-1599	72-76
Article 3. Operation and Management	1620-1652	76-84
Chapter 2. State Employment Bureaus	1680-1681	84
Part 7. Public Works and Public Agencies	1720-1944	84-95
Chapter 1. Public Works	1720-1854	84-93
Article 1. Scope and Operation	1720-1734	84-87
Article 2. Wages	1770-1781	87-90
Article 3. Working Hours	1810-1816	90-92
Article 4. Employment of Aliens	1850-1854	92, 93
Chapter 2. Public Agencies	1900-1944	94, 95
Article 1. Municipal Employees	1900-1901	94
Article 2. Employment of Aliens	1940-1944	94, 95
Part 8. Unemployment Relief	2010-2183	95-101
Chapter 1. Extension of Public Works	2010-2015	95, 96
Chapter 2. Unemployment Relief Camps	2050-2056	96, 97
Chapter 3. Public Service Districts	2100-2183	97-101
Article 1. Formation	2100-2107	97-99
Article 2. Organization and Management	2140-2147	99, 100
Article 3. Exclusion of Territory	2180-2183	101
Part 9. Health	2260-2606	102-109
Chapter 1. Sanitary Conditions	2260-2425	102-106
Article 1. Theaters	2260-2263	102, 103
Article 2. Foundries and Metal Shops	2330-2333	103
Article 3. Camps	2410-2425	103-106
Chapter 2. Hospital Service	2500-2509	106-108
Chapter 3. Registration of Factories	2600-2606	108-109

Proposed Labor Code

An act to establish a Labor Code, thereby consolidating and revising the law relating to labor and employment relations, and to repeal acts and parts of acts specified herein.
(Note: The title of this code needs careful study. The above is suggestive only.)

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

GENERAL PROVISIONS.

1. This act shall be known as the Labor Code. (New.)
2. The provisions of this code, in so far as they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments. (New.)
3. All persons who, at the time this code goes into effect, hold office under any of the acts repealed by this code, which offices are continued by this code, continue to hold the same according to the former tenure thereof. (New.)
4. No action or proceeding commenced before this code takes effect, and no right accrued, is affected by the provisions of this code, but all procedure thereafter taken therein shall conform to the provisions of this code so far as possible. (New.)
5. Unless the context otherwise requires, the general provisions hereinafter set forth shall govern the construction of this code. (New.)
6. Division, part, chapter, article, and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning, or intent of the provisions of any division, part, chapter, article, or section hereof. (New.)
7. Whenever, by the provisions of this code, a power is granted to a public officer or a duty imposed upon such an officer, the power may be exercised or the duty performed by a deputy of the officer or by a person authorized pursuant to law by the officer. (New.)
8. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any

TABLE OF CONTENTS—Continued

Sections	Pages
Article 6. Special Payments to California Highway Patrol	145, 146
Part 3. Compensation Claims	146-151
Chapter 1. Payment and Assignment	146-148
Chapter 2. Compromise and Release	148, 149
Chapter 3. Lump Sum Payments	149-151
Part 4. Compensation Proceedings	151-169
Chapter 1. Jurisdiction	151-155
Chapter 2. Limitations of Proceedings	155-158
Chapter 3. Applications and Answers	158, 159
Chapter 4. Attachments	159, 160
Chapter 5. Hearings	160-163
Chapter 6. Findings and Awards	163-165
Chapter 7. Hearings and Judicial Review	165-169
Article 1. Hearings	165-167
Article 2. Judicial Review	167, 168
Article 3. Undertaking on Stay Order	169
Division V. Safety in Employment	170-197
Part 1. Workmen's Safety	170-180
Chapter 1. Jurisdiction	170-173
Chapter 2. Safety Devices and Safeguards	174-176
Chapter 3. Hearings and Orders	176-179
Chapter 4. Hearings and Judicial Review	179, 180
Part 2. Safeguards on Railroads	180-184
Chapter 1. Jurisdiction of Industrial Accident Commission	180, 181
Chapter 2. Operation Personnel	181-184
Chapter 3. Safety Devices	184
Chapter 1. Buildings Under Construction or Repair	185-193
Article 1. Floors and Walls	185-190
Article 2. Scaffolding	185-187
Article 3. Construction Elevators	187-189
Chapter 2. Elevators	189, 190
Chapter 3. Mining Industries	190-193
Chapter 1. Quartz Mines	193-196
Chapter 2. Coal Mines	193, 194
Chapter 3. Underground Telephones	194-196
Part 5. Ships and Vessels	196, 197
Division VI. Construction and Repairs	197-200



1 relating to employment of aliens, and section 1778 relating
 2 to retaining wages.
 3 (c) as well as Street, sewer or other improvement work
 4 done under the direction and supervision or by the authority
 5 of any officer or public body of the State, or of any political
 6 subdivision or district thereof, whether such political subdivi-
 7 sion or district operates under a freeholder's charter here-
 8 before or hereafter approved or not.
 9 Note.—The term "public work" is defined in several existing statutes.

10 Sec.
 11 D. A. 6429; 1931:397:910, re prevailing wages on public work.
 12 D. A. 6430; 1931:398:913, re employment of aliens on public work.
 13 Pen. C. 653c; 1931:1144:2430, re hours of labor on public work.
 14 Pen. C. 653d, 1933:154:606, re retaining wages of employes.
 15 Pen. C. 653e; 1933:174:620, re fees for obtaining work.

16 Of these definitions which are similar in general substance the first
 17 three in the above list are similar in form also.
 18 The provisions common to all these definitions have been placed in
 19 the above section. The form is taken from the first three statutes
 20 listed above.

21 Subdivision (a) at present appears verbatim at line 10, sec. 4,
 22 1931:397:910. The exception in this subdivision appears also at present
 23 as line 9 of sec. 3, 1931:398:913.

24 Subdivision (b) at present appears in substance in all statutes listed
 25 above and the exception is from the last clause of the last par. of sec.
 26 653c Pen. C. The only definitions which seem broad enough to include
 27 as public work the operation of irrigation and drainage districts, are
 28 D. A. 6430 (aliens) and Pen. C. 653(d) (retaining wages). The other
 29 statutes have either expressly exempted such operation or by the use of
 30 such words as "construction and repair work" have excluded opera-
 31 tion work.

32 Subdivision (c) at present appears in substance in all the statutes
 33 listed above.

34 1721. "Political subdivision" includes any county, city,
 35 district, township or public agency of the State, and assess-
 36 ment or improvement districts.

37 (New.)
 38 1722. "Awarding body" or "body awarding the contract"
 39 means department, board, authority, officer or agent awarding
 40 a contract for public work.

41 (New.)
 42 1723. "Workman" includes laborer, workman, employee, or
 43 mechanic.

44 (New.)
 45 1724. "Locality in which public work is performed" means
 46 the county or counties in which the public work is done in
 47 cases in which the contract is awarded by the State, and
 48 means the limits of the political subdivision on whose behalf
 49 the contract is awarded in other cases.

50 (D. A. 6429, sec. 4, 2d sent. 1931:397:910.)
 51 1725. "Alien" means any person who is not a born or
 52 fully naturalized citizen of the United States.
 53 (D. A. 6430, sec. 3, last sent. 1931:398:913.)

1 power and authority of sheriffs and other peace officers to
 2 make arrests for violations of the provisions of this act and
 3 to serve any process or notice throughout the state.
 4 (D. A. 2349, sec. 19, remainder; 1922:412:934.)

5 1652. Any person, firm, or corporation, or any agent or
 6 officer thereof, violating or emitting who violates to comply
 7 with any of the provision of this act chapter shall be is
 8 guilty of a misdemeanor, and upon conviction thereof shall
 9 be punished punishable by a fine of not less than twenty-five
 10 dollars or \$25 nor more than two hundred fifty dollars, \$250
 11 or by imprisonment for a period of not more than sixty days,
 12 or by both such fine and imprisonment.
 13 (D. A. 2349, sec. 18; 1927:264:483.)

14 CHAPTER 2. STATE EMPLOYMENT BUREAUS.

15 1680. The Division of State Employment Agencies commis-
 16 sioner of the bureau of labor statistics; hereinafter called
 17 "commissions;" shall establish free employment bureaus in
 18 the cities of San Francisco, Los Angeles, Oakland, and Sacra-
 19 mento, and, thereafter, whenever the chief of the division
 20 deems it necessary, in other cities and towns.
 21 (D. A. 2350, sec. 1; 1915:302:486.)

22 1681. The Division of State Employment Agencies shall:
 23 (a) Procure, by lease or otherwise, suitable offices, and incur
 24 the necessary expenses in the conduct thereof.

25 (b) Appoint, in accordance with law, the necessary officers,
 26 assistants, and clerks, and fix the compensation therefor
 27 thereof; and

28 (c) Promulgate rules and regulations for the conduct of
 29 free employment bureaus in order to carry out the purposes
 30 of this act chapter.
 31 (D. A. 2350, sec. 2; 1915:302:486.)

32 PART 7. PUBLIC WORKS AND PUBLIC AGENCIES.

33 CHAPTER 1. PUBLIC WORKS.

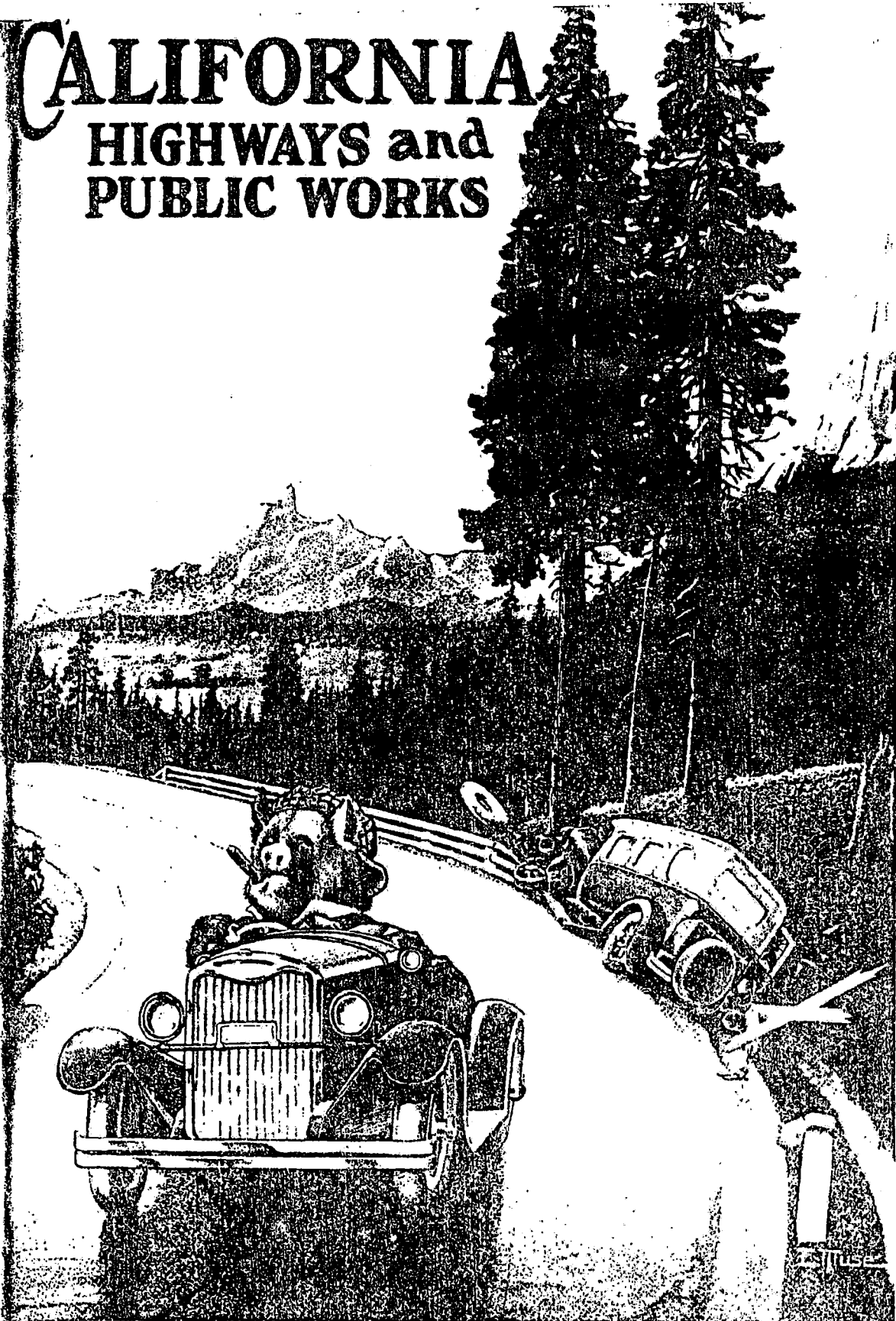
34 Article 1. Scope and Operation.

35 1720. As used in this chapter "public works" shall mean:
 36 (a) Construction or repair work done under contract and
 37 paid for in whole or in part out of public funds, other than
 38 except work done directly by any public utility company pur-
 39 suant to order of the railroad commission or other public
 40 authority.

41 (b) Work done for irrigation, utility, reclamation and
 42 improvement districts, and other districts of this type. "Pub-
 43 lic work" shall not however include the operation of the
 44 irrigation or drainage system of any irrigation or reclamation
 45 district, except as used in sections 1850 to 1854 of this code.

46 LEGISLATIVE INQUIRY
 47 48
 49
 50
 51

CALIFORNIA HIGHWAYS and PUBLIC WORKS



LEGISLATIVE INTENT SERVICE (800) 566-1917

SPECIAL JOURNAL OF THE DEPARTMENT OF PUBLIC WORKS, STATE OF CALIFORNIA

JULY, 1931

LIS-4



Table of Contents

	PAGE
Huge Work Program for Next Six Months.....	1
State Agencies Unite on Fire Program.....	2
Highways Become Fire Barriers.....	4
Radio's Worth in Crime Prevention.....	6
<i>By James Roche, Bureau of Communications Inspector</i>	
Patrolman's Heroism Nets Auto Thief.....	8
Works Department's Activities Analyzed.....	9
<i>By James L. Hez, Deputy Director</i>	
Spectacular Job at Bottom of Sea.....	12
Pictorial Story of Diver's Work.....	13
Status of California Water Problem.....	14
Just One Day in a Policeman's Life.....	16
<i>By Russell Berans, Chief Inspector</i>	
Inner Workings of Highway Commission.....	17
<i>By Harry A. Hopkins, Commissioner from Test</i>	
Letters Laud Work of Patrol.....	21
Stately Redwoods to Be Saved.....	25
Dam and Water Statistics.....	28
Ancient and Modern Refrigeration.....	30
<i>By C. A. Henderlong, Assistant Engineer</i>	
How Land Is Secured for New Roads.....	32
<i>By C. C. Carlton, Chief, Division Contracts and Rights of Way</i>	
Highway Bids and Awards for June.....	34
Selfish Driving Held Cause of Accidents.....	36
Arizona Models After State Patrol.....	37
Engineers Discuss Western Problems.....	38
Activities of Division of Water Resources.....	39
Lodge to Mark Historic Spot with Tablet.....	42
Value of Prison Camps Outlined.....	43
<i>By Fred R. Seymour, Supervisor, Prison Road Camps</i>	
Division of Motor Vehicles Report.....	44



LEGISLATIVE INTENT SERVICE (800) 666-1917





SIX MILLION DOLLARS worth of contracts are to be awarded by the Department of Public Works during the next three months for highway work!

And the total contracts under way on July 31st amounted to \$17,522,969.

The total number of men employed by the Highway Division on that date was 6261.

Thus does the Department of Public Works enter the third quarter of the year with expectation of awarding additional contracts of \$7,265,500 and bringing the total for the period to the not insignificant sum of \$26,500.

GOES TO LABOR

Seventy per cent of this expenditure is passed on to labor.

The Division of Architecture is shaping its work so that additional employment may be given 1700 men during the July-September period. Already 2042 are at work on various projects.

Awards already made total \$5,868,010 for 60 projects. Those to be undertaken during July, August and September call for an estimated cost of \$4,858,273, involving 69 projects.

Thus it is shown that the two divisions alone will employ more than 9000 men!

LARGE INCREASE

Activities of the Division of Water Resources are largely technical, but this service comprehends work costing \$1,658,000. The regular staff of 250 trained men represents a considerable increase, made necessary by the expanding services of the division.

Summing up, the Department of Public Works is right up to its schedule of activities, given up under Governor Rolph's program for speeding up public improvements as a means of alleviating unemployment.

Nor must the fact be lost sight of that the employment of more than 9000 men on State projects does not nearly represent the total given work under this speeding-up

process. Considerable labor is necessary in preparing materials and machinery to be used on contracts let by the various divisions.

ENFORCE NEW LAWS

While it is impossible accurately to estimate how many are so employed, it should be noted that the Department is preparing strictly to enforce the provisions of the two so-called labor bills passed at the last session of the Legislature and signed by the Governor. One of these, Chapter 398, Statutes of 1931, provides that **NONE BUT AMERICAN CITIZENS MAY BE EMPLOYED ON STATE PROJECTS** unless in the event of extraordinary emergency. The other, Chapter 397, Statutes of 1931, assures the worker payment of **NOT LESS THAN THE GENERAL PREVAILING RATE OF WAGES** on public works.

Some idea of the work planned by the Highway Division from July to December may be gleaned from the following table, which is an estimate of the jobs to be done, although it shows the jobs which it is proposed will be advertised up until December 31st. Perusal of this list will show that the work is distributed over the entire State, thus giving employment in every section.

PROPOSED WORK		
Road	Limits	Amount
I-Men	Cedar Creek and Dunn Creek bridges	\$284,000
V-Mon	Rocky Creek to Divide	311,500
VI-Mad	At Madera	40,500
II-Sha	Clear Creek approaches	9,100
V-SB	S. boundary to San Benito River	344,600
IV-SM-SC	Redwood City to Oregon Ave.	561,400
IV-Ala	Greenville to Livermore	166,100
II-Las	Willards to Susanville	252,000
II-Clb	In Willows	25,700
II-Pla	Lincoln to Sheridan	54,700
VII-Ora	Pullerton to westerly boundary	158,800
V-SB	San Benito River bridge	140,000
VI-Mer	Bridges	40,000

(Continued on page 22.)

(800) 660-1917

LEGISLATIVE INTENT SERVICE





LEGISLATIVE INTENT SERVICE, INC.

712 Main Street, Suite 200, Woodland, CA 95695
(800) 666-1917 • Fax (530) 668-5866 • www.legintent.com

DECLARATION OF ANNA MARIA BERECKZY-ANDERSON

I, Anna Maria Bereckzy-Anderson, declare:

I am an attorney licensed to practice in California, State Bar No. 227794, and am employed by Legislative Intent Service, Inc., a company specializing in researching the history and intent of legislation.

Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service, Inc. undertook to locate and obtain all documents relevant to the enactment of Senate Bill 26 of 1931. Senate Bill 26 was approved by the Legislature and was enacted as Chapter 397 of the Statutes of 1931.

The following list identifies all documents obtained by the staff of Legislative Intent Service, Inc. on Senate Bill 26 of 1931. All listed documents have been forwarded with this Declaration except as otherwise noted in this Declaration. All documents gathered by Legislative Intent Service, Inc. and all copies forwarded with this Declaration are true and correct copies of the originals located by Legislative Intent Service, Inc. In compiling this collection, the staff of Legislative Intent Service, Inc. operated under directions to locate and obtain all available material on the bill.

EXHIBIT C - SENATE BILL 26 OF 1931:

1. All versions of Senate Bill 26 (Inman-1931);
2. Procedural history of Senate Bill 26 from the 1931 *Senate Final History*;
3. Excerpt regarding Senate Bill 26 from the 1931 *Legislative Digest*, prepared by Legislative Counsel;
4. Inaugural Address of Governor James Rolph, Jr, excerpted from the *Journal of the Senate*, 1931;
5. Excerpt regarding Senate Bill 26 from the *Journal of the Senate*, 1931;

6. Excerpt regarding Senate Bill 26 from the *Journal of the Assembly*, 1931;
7. Excerpt regarding Senator J. M. Inman from the 1931 "Legislative Handbook."

**EXHIBIT D - BACKGROUND MATERIAL ON
SENATE BILL 26 AND SENATE BILL 83 (1931):**

1. Excerpts regarding Senate Bill 26 and Senate Bill 83 from the *Journal of the Assembly*, dated February 25 and May 12, 1931;
2. Excerpt regarding wages from the *First Biennial Report of the Department of Industrial Relations*, 1927-1930;
3. Excerpt regarding wages from the *Second Biennial Report of the Department of Industrial Relations*, 1930-1932;
4. Excerpt regarding Chapters 397 and 398 (Senate Bills 26 and 83-1931) from *California Highways and Public Works*, the Official Journal of the Department of Public Works, State of California, July 1931;
5. Excerpts regarding labor legislation from the *Labor Clarion*, January 9, May 22, and December 25, 1931;
6. Article entitled "Municipal Corporations: Home Rule Charters: Application of Public Works Alien Employment Act to Charter Cities," excerpted from *California Law Review*, Vol. XXI, 1932-1933;
7. Material from the file of the Attorney General on Senate Bill 26 and Senate Bill 83;
8. Article entitled "Prevailing Wage Law," from *The Tax Digest*, Volume 9, Number 10, October 1931;
9. Excerpt regarding hourly wages from the *Second Biennial Report of the Bureau of Labor Statistics*, 1885 and 1886;
10. Excerpt regarding hourly wages from the *Seventh Biennial Report of the Bureau of Labor Statistics*, 1895-1896;
11. Excerpt regarding hourly wages from the *Ninth Biennial Report of the Bureau of Labor Statistics*, 1899-1900;
12. Excerpt regarding hourly wages from the *Tenth Biennial Report of the Bureau of Labor Statistics*, 1901-1902;
13. Excerpt regarding hourly wages from the *Eleventh Biennial Report of the Bureau of Labor Statistics*, 1904;

14. Excerpt regarding Labor Code sections 1720 through 1778 from the *Proposed Labor Code*, prepared by the California Code Commission;
15. Chapter 90, Statutes of 1937.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 7th day of March, 2019 at Woodland, California.

Anna Maria Bereczky-Anderson

ANNA MARIA BERECZKY-ANDERSON



LEGISLATIVE INTENT SERVICE, INC.

712 Main Street, Suite 200, Woodland, CA 95695
(800) 666-1917 • Fax (530) 668-5866 • www.legintent.com

DECLARATION OF ANNA MARIA BERECZKY-ANDERSON

I, Anna Maria Bereczky-Anderson, declare:

I am an attorney licensed to practice in California, State Bar No. 227794, and am employed by Legislative Intent Service, Inc., a company specializing in researching the history and intent of legislation.

Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service, Inc. undertook to locate and obtain all documents relevant to the enactment of Senate Bill 83 of 1931. Senate Bill 83 was approved by the Legislature and was enacted as Chapter 398 of the Statutes of 1931.

The following list identifies all documents obtained by the staff of Legislative Intent Service, Inc. on Senate Bill 83 of 1931. All listed documents have been forwarded with this Declaration except as otherwise noted in this Declaration. All documents gathered by Legislative Intent Service, Inc. and all copies forwarded with this Declaration are true and correct copies of the originals located by Legislative Intent Service, Inc. In compiling this collection, the staff of Legislative Intent Service, Inc. operated under directions to locate and obtain all available material on the bill.

EXHIBIT A - SENATE BILL 83 OF 1931:

1. All versions of Senate Bill 83 (Maloney-1931);
2. Procedural history of Senate Bill 83 from the 1931 *Senate Final History*;
3. Excerpt regarding Senate Bill 83 from the 1931 *Legislative Digest*, prepared by Legislative Counsel;
4. Inaugural Address of Governor James Rolph, Jr., excerpted from the *Journal of the Senate*, 1931;
5. Excerpt regarding Senate Bill 83 from the *Journal of the Senate*, 1931;
6. Excerpt regarding Senate Bill 83 from the *Journal of the Assembly*, 1931;

7. Excerpt regarding Senator Thomas A. Maloney from the 1931 "Legislative Handbook."

EXHIBIT B – ASSEMBLY BILL 54 (FAILED COMPETITOR):

1. All versions of Assembly Bill 54 (Quigley-1931);
2. Procedural history of Assembly Bill 54 from the 1931 *Assembly Final History*;
3. Excerpt regarding Assembly Bill 54 from the 1931 *Legislative Digest*, prepared by Legislative Counsel;
4. Excerpt regarding Assembly Bill 54 from the *Journal of the Assembly*, 1931;
5. Excerpt regarding Assemblymember James Quigley from the 1931 "Legislative Handbook."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 7th day of March, 2019 at Woodland, California.

Anna Maria Bereczky-Anderson

ANNA MARIA BERECZKY-ANDERSON



LEGISLATIVE INTENT SERVICE, INC.

712 Main Street, Suite 200, Woodland, CA 95695
(800) 666-1917 • Fax (530) 668-5866 • www.legintent.com

DECLARATION OF ANNA MARIA BERECZKY-ANDERSON

I, Anna Maria Bereczky-Anderson, declare:

I am an attorney licensed to practice in California, State Bar No. 227794, and am employed by Legislative Intent Service, Inc., a company specializing in researching the history and intent of legislation.

Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service, Inc. undertook to locate and obtain all documents relevant to the enactment of Assembly Bill 2100 of 1937. Assembly Bill 2100 was enacted as Chapter 90 of the Statutes of 1937.

The following list identifies all documents obtained by the staff of Legislative Intent Service, Inc. on the enactment of Assembly Bill 2100 of 1937. All listed documents have been forwarded with this Declaration except as otherwise noted in this Declaration. All documents gathered by Legislative Intent Service, Inc. and all copies forwarded with this Declaration are true and correct copies of the originals located by Legislative Intent Service, Inc. In compiling this collection, the staff of Legislative Intent Service, Inc. operated under directions to locate and obtain all available material on the bill.

ASSEMBLY BILL 2100 OF 1937:

1. All versions of Assembly Bill 2100 (Maloney-1937);
2. Procedural history of Assembly Bill 2100 from the 1937 *Assembly Final History*;
3. Excerpt regarding Assembly Bill 2100 from the 1937 *Legislative Digest*, prepared by Legislative Counsel;
4. Excerpt of the Governor's Message from the *Journal of the Assembly*, 1937;
5. Excerpt regarding Assembly Bill 2100 from the *Journal of the Assembly*, 1937;
6. Excerpt regarding Assembly Bill 2100 from the *Journal of the Senate*, 1937;

7. Report of the California Code Commission to the Governor and the Legislature, 1935;
8. Excerpt regarding the Labor Code from Volume 24 of the California Code Commission Publications, 1934;
9. *Proposed Labor Code*, prepared by the California Code Commission, 1936;
10. The Department of Industrial Relations' *Report to Governor's Council*, September 1936;
11. Excerpt regarding the Labor Code from Report of the California Code Commission to the Governor of the State of California, January 1, 1937;
12. Report of Timothy A. Reardon, Director of Industrial Relations, to His Excellency, Governor Frank F. Merriam, 1933 through 1937;
13. Excerpt regarding Assembly Bill 2100 from the 1937 *Summary Digest of Statutes Enacted*, prepared by Legislative Counsel;
14. Excerpt regarding Assemblymembers Thomas A. Maloney and Ray Williamson from the 1937 "Legislative Handbook."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 7th day of March, 2019 at Woodland, California.

Anna Maria Bereczky-Anderson

ANNA MARIA BERECZKY-ANDERSON

should provide you with insight as to the development of the language of interest to you as the bill proceeded through the Legislature. (Id.)

**Labor Code section 1720,
As historically derived from uncodified section 3 of the 1931 Act:**

Labor Code section 1720 is historically derived from uncodified section 3 of the 1931 Public Works Alien Employment Act. Your research focus involves current subdivision (b) of section 1720. The proposal to add some of the language of what was ultimately enacted as former uncodified section 3 first occurred in the introduced version of Senate Bill 83. (See Exhibit A, #1a, page 2) At this time, the language was added within former uncodified section 2. (Id.) Failed Assembly Bill 54, mentioned above, also contained some of your language of interest in its uncodified section 2. (See Exhibit B, #1, page 2)

In the first amended version of the bill, dated March 23, 1931, the Senate inserted the phrase "*heretofore or hereafter approved... also any work paid for in whole or in part out of public funds*" after "freeholder's charter." (See Exhibit A, #1b, page 2) The third amended version of the bill of April 17, 1931, placed your language into uncodified section 3 and made substantive changes. (See Exhibit A, #1d, page 2) Additional substantive changes were made in the next two versions of the bill, dated April 27 and May 1, 1931. (See Exhibit A, #1e and #1f) No additional changes were made to this section, and the bill was enacted into law. (See Exhibit A, #1h)

Your careful review of the documents enclosed may reveal helpful discussion on the issue before you. You should also be able to draw some conclusions based upon the assumption that the language was intended to be consistent with the overall goal of the legislation. Thus, if you are unable to find specific discussion regarding your research question, the analyses contained in the legislative bill files enclosed herewith may provide you with an arguable assessment of the goals and purpose that could be applicable to your particular situation.

Any analysis provided in this report is based upon the nature and extent of your request to us, as well as a brief review of the enclosed documents. As such, it must be considered tentative in nature. A more conclusive statement of the impact of the legislative history in your case would be dependent upon a complete understanding of all of the factual issues involved and the applicable legal principles.

We appreciate the opportunity to provide this assistance and hope that these efforts will be of value to you.

PROOF OF SERVICE

Kaanaana, et al. v. Barrett Business Services, Inc., et al.
California Supreme Court, Case No. S253458

I, Sherry Bernal, state:

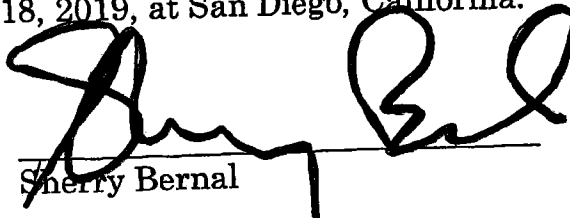
I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 701 B Street, Suite 1900, San Diego, California 92101.

On September 18, 2019, I served the following document described as **MOTION FOR JUDICIAL NOTICE, DECLARATION AND POINTS AND AUTHORITIES OF AMICI CURIAE COUNTY SANITATION DISTRICT NO. 2 OF LOS ANGELES COUNTY, LEAGUE OF CALIFORNIA CITIES, CALIFORNIA STATE ASSOCIATION OF COUNTIES, CALIFORNIA SPECIAL DISTRICTS ASSOCIATION, CALIFORNIA ASSOCIATION OF SANITATION AGENCIES AND ASSOCIATION OF CALIFORNIA WATER AGENCIES IN SUPPORT OF RESPONDENTS BARRETT BUSINESS SERVICES, INC. and MICHAEL ALVAREZ** by placing a true copy enclosed in a sealed envelope addressed as stated on the attached service list.

I am readily familiar with the firm's practice for collection and processing correspondence for regular and overnight mailing. Under that practice, this document will be deposited with the Overnight Mail provider and/or U.S. Postal Service on this date with postage thereon fully prepaid at San Diego, California to

addresses listed on the attached service list in the ordinary course of business.

Executed on September 18, 2019, at San Diego, California.



Sherry Bernal

SERVICE LIST

Kaanaana, et al. v. Barrett Business Services, Inc., et al.
California Supreme Court, Case No. S253458

Kye Douglas Pawlenko
Matthew Bryan Hayes
Hayes Pawlenko LLP
595 East Colorado Boulevard, Suite 303
Pasadena, CA 91101
Matthew Bryan Hayes
*Attorneys for Plaintiffs and Appellants, David
Kaanaana, Kathy Canterberry and Tiffany L. Montoya*

Filomena E. Meyer
Frederick J. Ufkes
Hinshaw & Culbertson LLP
11601 Wilshire Boulevard, Suite 800
Los Angeles, CA 90025-1744
*Attorneys for Defendant and Respondents, Barrett
Business Services, Inc. and Michael Alvarez*

California Court of Appeal
Second District, Division Eight
Ronald Reagan State Building
300 S. Spring St., 2nd Floor-North Tower
Los Angeles, CA 90013

Los Angeles County Superior Court
Attn: Hon. John Wiley, Jr. (Dept. 311)
111 North Hill Street
Los Angeles, CA 90012