

The CALIFORNIA LICENSED CONTRACTOR



NOVEMBER, 1946

CURRENT IMPROVEMENTS IN UNEMPLOYMENT INSURANCE SYSTEM

By T. H. MUGFORD, Vice Chairman, California Employment Stabilization Commission

(EDITOR'S NOTE.—Mr. Mugford, before accepting appointment by Governor Warren to the Commission, was Administrator of the California Sales Tax for the Board of Equalization. In addition to being Vice Chairman of the California Employment Stabilization Commission, he is also Chief of the Division of Accounts and Tax Collections)

While unemployment is certainly not one of the current problems of California contractors, two important developments in the employment security system administered by the State Department of Employment will be of interest. First, the public Employment Service, which has been operated by the Federal Government since 1942 will return to State operation on November 16. Then on December 1, benefits will first become payable under the disability insurance measure enacted at the special session of the Legislature early this year.

With the return of the Employment Service to State operation there will be a much closer integration with the unemployment insurance system and every effort will be made by the Department of Employment to make the Employment Service of greater value, both to employers and job seekers. No criticism of the operation of this service by Federal authorities is intended. The United States Employment Service and the Federal War Manpower Commission had a tremendous responsibility during the war in recruiting and maintaining manpower for war industries. The State will bring the operation of job placement closer to the community. It will seek the cooperation and counsel of employer and labor representatives in each area with the objective of the most prompt placement of job seekers in job openings. The assistance of all employers and worker organizations is earnestly solicited by the department to this end. Only by such cooperation and assistance can the community be most effectively served and can abuses by those who seek to draw unemployment insurance benefits when they are not actually in the labor market be prevented.

The task of funnelling Californians who had been employed in war production jobs into peace-time employment was greater than that faced by any other State in the Union. Between VJ Day and the end of 1945, 247,000 jobs disappeared in California, as compared to a loss of only 4,000 in Pennsylvania, and a net gain of 44,000 in New York. The fact that two separate agencies have been charged with the duties of finding employment and of paying unemployment insurance benefits tended to make the task more difficult. Finding work for unemployed persons has been the responsibility of the United States Employment Service. Paying unemployment insurance benefits has been, and continues to be, the responsibility of the California Department of Employment. While the two agencies have exerted great effort to coordinate their separate responsibilities, the results have not been, and could not be, entirely satisfactory.

Return of the Employment Service function to the State eliminates the weaknesses resulting from the two-agency system.

The primary purpose of any employment service must be that of matching men and jobs. Paying of unemployment insurance benefits, while it is of great importance, is secondary to the basic task of filling available jobs with available people. It is obvious that the objective of matching men and jobs can best be accomplished where the men and the jobs are located; that is, on the community level. Under State administration, integration at the community level of the employment service and the benefits payment function can be accomplished.

Increased use of the Employment Service by employers will hasten the successful accomplishment of this objective. It is clearly apparent that prospective employees cannot be directed to possible jobs if the job openings have not been reported to the Employment Service. Full cooperation by employing units in making known to the Employment Service their needs for certain types of employees will do much to increase the efficiency of the service's effort to find good jobs at good wages for all workers.

Employers have as great an interest in the successful placing of workers as have the employees because of the effect upon their unemployment experience rating accounts. Listing of available jobs will speed the placing of unemployed individuals in the jobs, with a resultant reduction in insurance payments charged against the individual employer's experience rating account. Savings resulting from lower taxes made possible by a favorable merit rating are of importance to any business.

The task of fitting men and jobs today is somewhat different than it was during the prewar years. During the years immediately preceding the war the task was largely one of finding employment for a surplus of job-seekers. Today the task is primarily one of meeting job specifications which are becoming increasingly rigid. This condition has created a situation of simultaneous labor shortages and extensive unemployment. Demand for labor is great, but it cannot readily be met in spite of the large number of persons seeking employment because many of the job-hunters are not qualified to fill the vacancies. It will be the task of the Employment Service to survey with great care the qualifications of job seekers and to direct them to jobs which they are capable of filling. And this can be done with the greatest degree of efficiency only if employers cooperate fully in making known their needs.

With the advent of the Unemployment Compensation Disability Benefits program the people of California are embarking upon a new aspect of the endeavor to provide for themselves a logical and workable system of employment security.

California is the second State in the Union to establish a system of insurance benefits for individuals who suffer wage losses because of illness or injury. While it is true that the actual pioneering in this type of legislation was done by the State of Rhode Island, it is equally true that California's present endeavor is the real testing ground on which the feasibility and workability of an insurance system of this form will be determined. Rhode Island has enjoyed a good measure of success with its comparatively small-scale operation. But it remains to California to prove whether the same, or greater, measure of success can be attained by an operation embracing nearly four million working people.

The Unemployment Compensation Disability Benefits program was created as the result of an amendment to the Unemployment Insurance Act. The amendment adds Article 10 to the Unemployment Insurance law. It passed both houses of the State Legislature last February, and was approved by Governor Earl Warren on March 5.

For all practical purposes, the Disability Insurance system becomes effective on December 1. Immediately thereafter the California Department of Employment will begin accepting claims for insurance payments provided by the law.

The basic purpose of Disability Insurance, as stated in the law itself, is to "compensate in part for the wage loss sustained by individuals unemployed because of sickness or injury and to reduce to a minimum the suffering caused by unemployment resulting therefrom." Under the original Unemployment Insurance act, no provision was made for compensating individuals who were unable to work because of disability. In fact, it was specifically provided no person could establish eligibility for Unemployment Insurance unless he was "able" and "available" for work. Because many thoughtful Californians realized that a worker who is both unemployed and disabled stands in need of protection even more than the worker who is unemployed and able to work, Governor Warren asked the Legislature to expand the Unemployment Insurance Act to provide such protection.

Significant to both employers and employees is the fact that the new insurance system will not add to the financial burden of either group. Disability Insurance is being financed by the one per cent tax on their wages that employees formerly paid into the Unemployment Insurance Fund. Employee contributions began going into the new Disability Fund on May 21, 1946, and it is estimated that by December 1 the balance in the Disability Fund will amount to \$26 million. In addition to the worker contributions which are now going into the Disability Fund, the Congress of the United States in August passed a measure permitting the transferral of employee contributions for 1944 and 1945 from the Federal Unemployment Insurance Trust Fund to the Disability Fund. This action made available more than \$103 million upon request by the California Employment Stabilization Commission.

Contributions made by employers continue to go into the Unemployment Insurance Fund. No increase was made in the amount of this tax.

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THE CALIFORNIA LICENSED CONTRACTOR

DEPARTMENT OF PROFESSIONAL AND VOCATIONAL STANDARDS

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JAMES A. ARNERICH Director
FRED A. TAYLOR Assistant Director

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Disability Insurance protection is given to all employees whose jobs are covered by the Unemployment Insurance act, and who have earned a minimum of \$300 during their base periods in those jobs. In addition to the requirement of minimum earnings, there are other basic eligibility requirements which must be met before the employee may be paid Disability Insurance. In the first place, his unemployment must be due to illness or non-industrial injury. The law specifies that the words "disability" or "disabled" include both mental or physical illness and mental or physical injury. The law further provides that an individual shall be deemed disabled in any week in which, because of his physical or mental condition, he is unable to perform his regular or customary work.

The second basic requirement for disability insurance eligibility is that the worker must file a claim in accordance with the regulations established by the Department of Employment. Claims for Disability Insurance are handled differently than claims for Unemployment Insurance. Applicants for Disability Insurance mail their first claims for benefit payments to the Sacramento office of the Department of Employment, using claim forms furnished them by their doctors or by the local offices of the department. Claims for continuation of payments for the same spell of disability are mailed to the Disability Insurance office serving the locality in which the claimant resides.

Claims for Disability Insurance may be filed by an individual who has been continuously unemployed and disabled for a period of 14 days, and they must be filed by the twenty-first day of the spell of disability. No compensation will be paid for the first week of the disability, that week being known as the "waiting period."

The third basic requirement is that the applicant must file a physician's certificate verifying the disability. This certificate is a part of the first claim form and is filled out and signed by the attending doctor before the claim is mailed to the Department of Employment. Each applicant for Disability Insurance must be attended by or under the care of a physician sometime during the first seven days of his disability. In addition to the physician's certificate of disability, the department may, if it deems advisable, require the claimant to submit to an additional examination. This provision in the

INTRODUCING OUR NEW DIRECTOR

James A. Arnerich, recently appointed by Governor Warren as Director of The Department of Professional and Vocational Standards, is 32 years of age and was born in Los Angeles.

He has been a resident of San Jose since moving there with his parents in 1921. He attended the San Jose public schools, and graduated from San Jose High School in 1931. Entering the University of Santa Clara that same year, he graduated in 1935 with an AB degree. While at the University he played on the football team during the 1932, 1933 and 1934 seasons, and also played on the basketball team during the 1932 and 1933 seasons. During his senior year he was president of the Block SC Society.

He entered law school at the University of Santa Clara in 1935 and graduated in 1938 with an LLB degree. He was a member of Woolsack, the Legal Honor Society at the University, and during his final year was Chancellor (President) of that Society. Upon graduation from law school, he received the Bancroft-Whitney Award for the highest three-year law school scholastic average of those graduating.

He was admitted to the State Bar in 1938 and entered private practice in San Jose with the law firm of Rea, Free and Jacka. In May, 1940, he received an appointment as Deputy Attorney General, State of California, from the Honorable Earl Warren, then Attorney General.

In September, 1942, he was commissioned an Ensign in the United States Naval Reserve, and obtained a military leave of absence from the Office of Attorney General to enter active naval service. He received two promotions, to Lieutenant (Junior Grade), and to Lieutenant, and was released to inactive duty on August 14, 1946, with terminal leave extending to October 10.

While in the naval service, he served for one year as Gunnery Officer on an oil tanker in the Asiatic-Pacific area. From August, 1944, to March, 1946, he was attached to the staff of the Officer-in-Charge, Advanced Technical Service Schools, in Washington, D. C., in an administrative capacity with the title of Liaison Officer, Fire Control Design. From April, 1946, until his release from active duty he was attached to the Office of Naval Research, San Francisco, as Legal Officer.

He was married in September, 1940, to Wilma Evelyn Holm of San Francisco. He is a member of the State Bar of California, American Bar Association, and San Jose Lodge, 522, B.P.O.E.

law is designed to eliminate malingering by giving the State a means of verifying the disability in questionable cases.

Recognizing the fact that many Californians observe religious beliefs which do not embrace the use of medicine, the Disability Insurance act liberalizes the requirement of a doctor's certificate for these persons. The law provides that if an individual adheres to the teachings of a bona fide religious organization which depends on prayer or spiritual means for healing, the department will accept the certificate of a duly accredited practitioner of that faith in lieu of the physician's certificate.

Osteopaths and chiropractors holding valid, unrevoked licenses to practice in California also may sign the certificate of disability.

It is highly noteworthy that the law does not require a claimant to be attended by a specified physician. The individual has the right of complete freedom in selecting his doctor. Only in the event the Department of Employment finds it necessary to require an additional examina-

tion of the applicant does the State select the examiner.

Although there is a very pronounced difference between Unemployment Insurance and Disability Insurance, the benefits payable under both systems are identical, except for one limitation. Weekly rates will vary within the limit of \$10 and \$20, depending upon the individual's average wages. The total amount of benefits payable within a single benefit year also varies and is determined by the total wages earned by the applicant during his base period. If the total earnings are only \$300, he would qualify for a maximum of \$160 during his benefit year. If his total earnings equal or exceed \$2,000, he would qualify for a maximum of \$468. The complete schedule of weekly rates and total amounts is contained in Sections 53 and 54 of the Unemployment Insurance Act.

The one limitation referred to concerns the total amount of both Unemployment Insurance and Disability Benefits which an individual may receive during the same benefit year. An employee is entitled to benefits from both types of insurance, but he can not receive the full amount of both benefits during the same year. The law provides a limit of 150 per cent of the award for either benefit can be paid to a person receiving benefits under both programs. Nor can payments for one insurance alone exceed 100 per cent of the award for that program.

Although payments under both forms of insurance will be made during the same year, they can not be made during the same week.

Disability Insurance payments will be made every two weeks, except in cases where the claimant specifically requests weekly payments. Benefits may be continued for as long as 23.4 weeks if the claimant's wage credits are sufficiently large and he remains eligible in other respects. However, the length of time during which benefits may be paid is also subject to the limitation imposed on total payments under both forms of insurance. There are no restrictions as to the number of separate spells of disability for which an individual may claim benefits, but a waiting period of one week must be served for each separate period of disability.

Care was taken by the Legislature to prevent unwarranted payment of benefits and payments under more than one form of insurance. The same disqualifications in regard to Unemployment Insurance are also applicable to Disability Insurance. However, the Employment Stabilization Commission may award benefits if it finds the claimant is suffering from a bona fide illness or injury and that there is good cause for paying the benefits. Major reasons for disqualification directly applicable to Disability Insurance are making false statements in order to obtain benefits and failure to be attached to the labor market.

Disability Insurance will not be paid a person who receives or is entitled to receive unemployment compensation from any other State, Workmen's Compensation, or Servicemen's Readjustment Allowances. Under ordinary circumstance a person who is receiving his regular wages during a period of illness is not entitled to Disability Insurance. However, if the wages he does receive are less than he would be entitled to in benefit payments, he will receive the difference between the two amounts.

A particularly significant aspect of the Disability Insurance system is the provision of the law granting employers, or employee groups, the privilege of establishing their own program for paying benefits. This type of program is officially called "Voluntary Plans" and present indications are that many employers in California will take advantage of this opportunity to enhance their labor relations programs.

Certain requirements are set forth in the law covering voluntary plans, which are designed to

safeguard the rights of the employee. But it is obligatory upon the Employment Stabilization Commission to approve a plan if all these requirements are met.

The requirements are:

1. The rights afforded the covered employees are greater than those provided by the State's plan. A voluntary plan must meet the State's standards in regard to the weekly rate of payments, duration of benefits, eligibility for benefits, and cost to the employee, and must provide a greater benefit in at least one of these factors.
2. The plan must be made available to all of the employees. If the employer has more than one separate establishment within the State, the plan may cover one or more of the separate establishments without covering all of them.
3. The majority of the employees must consent to the plan.
4. The State Insurance Commissioner must approve the form of the insurance policy, if one is used. The policy must be issued by an admitted disability insurer.
5. The employer must consent to the plan and agree to make whatever payroll deductions are required.
6. The voluntary plan must provide for the inclusion of future employees of the concern operating the plan.
7. The plan must be in effect for a period of not less than two years, and thereafter continuously unless legally terminated.
8. The plan must not result in a substantial selection of risks adverse to the Disability Fund.

The Employment Stabilization Commission has prepared a standard form on which applications for approval of a voluntary plan must be submitted. This form may be obtained upon written request to the Department of Employment in Sacramento.

Voluntary plans may be financed entirely by the employer, thus eliminating the necessity of deducting the one per cent contribution from the employees' wages. Or the one per cent contribution may be used to defray the cost of the disability benefits provided in the plan. But in no event may the worker's contribution to the disability insurance provision of a voluntary plan exceed one per cent of his wages.

Establishment of a voluntary plan eliminates the payment of the wage-earner's contribution to the State's Disability Fund. But employers are cautioned not to discontinue collecting and reporting the wage-earners' contributions until they have received official notice from the commission that their voluntary plan has been approved, and an effective date set.

The California Employment Stabilization Commission will assess employers operating voluntary plans their pro-rated portion of the cost of added administrative work arising out of the voluntary plan system. The amount assessed will not exceed .02 per cent of the amount of wages paid to individuals participating in the voluntary plan.

Voluntary plans which are instigated by employee groups are subject to the same rules covering approval, including the specific consent of the employing unit.

Merit ratings form an important element of the Unemployment Insurance system, but they may have no part in Disability Insurance. No payments of disability benefits are charged against an employer's unemployment experience rating account.

Appeal rights of both employers and employees are protected by law. The rights of appeal by the wage-earner are the same as in Unem-

ployment Insurance cases. The claimant's last employer, or any of his base period employers, is required to notify the Department of Employment of any reason which might render the claimant ineligible for benefits. The law requires that the interested employers be notified of any claim for disability insurance filed by a former employee.

California's Unemployment Insurance system is not a one-sided program bestowing privileges only upon the worker. It is not the purpose of the system merely to pay weekly benefits to individuals who are not working, but to be of assistance to employers and the community at large as well. The system is designed to build up reserves in good times so that the economy may be stabilized in periods of unemployment by maintaining the purchasing power of those who are thrown out of work. It helps to maintain an available labor supply by paying benefits to unemployment workers who are compelled to stand by until work is resumed. Industry as well as labor has an important stake in this system.

Improvement in the Unemployment Insurance program is never-ending. Return of the Employment Service to California, and establishment of the Disability Insurance function are important steps forward. They are also great challenges to the Employment Stabilization Commission, and the wage-earners and employers of California. Only through the full cooperation of all three can our combined program of employment security become the most progressive and best administered in the Nation.



ELECTRICAL CASE

Horwith v. City of Fresno, 74 A. C. A. 483 (May 10, 1946). Hearing denied in Supreme Court July 8, 1946. (Decision became final on this latter date.)

[Civ. No. 3523. Fourth Dist. May 10, 1946.]

WILLIAM HORWITH, Appellant v. CITY OF FRESNO, et al., Respondents.

[1] MUNICIPAL CORPORATIONS—LEGISLATIVE CONTROL—MUNICIPAL AFFAIRS.—It is generally regarded as the rule that if the subject matter affected by state legislation is of state-wide concern and deals with matters beyond the exclusive control of a municipality, it is not a municipal affair subject to local control.

[2] ID.—LEGISLATIVE CONTROL—MUNICIPAL AFFAIRS—LICENSES.—The licensing of contractors throughout the state is a matter of general and state-wide concern and is not a municipal affair that concerns only the inhabitants of a chartered city and which is subject to local regulation.

[3] LICENSES—VALIDITY OF ORDINANCES—CONFLICTING REGULATIONS.—A municipal ordinance requiring an electrical contractor to obtain a business license before engaging in business is invalid if the ordinance attempts to impose additional requirements in a field which is fully occupied by statute, such as the State Contractors' Law. (See Bus. & Prof. Code, § 7000 et seq.) Where a state license granted to an electrical contractor implies permission to the licensee to conduct his business at any place within the state, such permission should not be circumscribed by local authorities, though this does not limit the right of such local governmental agencies to protect property and life through the enforcement of local regulations as to the quality and character of the electrical installations.

[1] See 18 Cal.Jur. 783, 785; 37 Am.Jur. 689. McK. Dig. References: [1] Municipal Corporations, § 86; [2] Municipal Corporations, § 86(1); [3] Licenses, § 12(2).

APPEAL from a judgment of the Superior Court of Fresno County. Dan F. Conway, Judge. Reversed with directions.

Action for declaratory relief and to require the issuance of a business license. Judgment of dismissal on sustaining demurrer to complaint without leave to amend, reversed with directions.

Robert M. Barnard for Appellant.
C. M. Ozias, City Attorney, for Respondents.

MARKS, J.—This is an appeal from a judgment dismissing the action after a demurrer to plaintiff's amended complaint had been sustained without leave to amend.

Plaintiff has a license as an electrical contractor issued by the Contractors' State License Board after

he had successfully passed the examination required by that board under the provisions of sections 7000, et seq., of the Business and Professions Code.

The city of Fresno is a municipal corporation organized and existing under a city charter. An ordinance of that city requires an electrical contractor to obtain and pay for a business license before engaging in business. Plaintiff applied for such a business license which was refused because he had neglected to pass an examination before the electrical board of examiners of the city as required by the provisions of Ordinance No. 2728. He brought this action to determine his rights and to require the issuance of a business license to him.

The issues presented by the appeal are clear. Plaintiff contends that the state has provided a comprehensive system for the examination and licensing of all contractors; that the state law has occupied the entire field so that no municipality may provide for any further examination of a contractor licensed under state authority as a prerequisite to his engaging in business within its limits. No question is presented of the right of a city to impose a license fee on such contractor for doing business in such municipality. We understand that right is conceded by the plaintiff.

On the other hand defendants maintain that the licensing of contractors doing business in the city is a municipal affair solely within the regulatory power of the municipality; that requiring a contractor to pass an examination given by a local board is a proper prerequisite to the issuance of a business license under the police powers of the city. It is also argued that "the ordinance does not, as a matter of fact, conflict with the State Contractors' Law." Counsel for defendants states his position under this contention as follows:

"The ordinance of Fresno under consideration operates to require a much higher degree of skill and competence on the part of those making electrical installations than is required under the more or less superficial state contractors' law. The state law was never designed to, and in fact does not, 'occupy the field.'"

So far as we are advised the precise question thus presented is of first impression in California.

Section 17 of Ordinance 2728 of the city of Fresno creates an Electrical Board of Examiners to examine applicants for master and journeyman electricians' certificates. Section 18 of the ordinance provides for such examinations and prohibits the issuance of certificates to applicants who do not attain a required grade. Section 14 makes it unlawful for any person to engage in the business of master electrician without first having secured a city license and prohibits the issuance of such license to any person not possessing a master electrician's certificate issued by the city electrical board of examiners.

Article 1 of division 3, chapter 9 of the Business and Professions Code provides for a Contractors' State License Board. Article 2 of the same chapter defines those coming within the jurisdiction of the board, particularly sections 7026 and 7027. It is admitted here that the board has established the classification of electrical contractors which includes both master electricians and journeyman electricians as defined by sections 11 and 12 of Ordinance number 2728 of the city of Fresno.

Section 7028 of the Business and Professions Code prohibits any person from engaging in the business of contractor without first having obtained a state license permitting him to do so.

Article 5, division 3, chapter 9 of the Business and Professions Code has to do with the examination and licensing of contractors and vests those duties and powers in the Contractors' State License Board. Article 7 of this same chapter provides for disciplinary proceedings against contractors, and for review of the board's actions by the courts. Section 7110 of the same chapter provides as follows:

"Wilful or deliberate disregard and violation of the building laws of the State, or of any political subdivision thereof, or of the safety laws or labor laws or compensation insurance laws of the State constitutes a cause for disciplinary action."

Section 6 of article XI of the Constitution, generally referred to as the home rule amendment, gives certain chartered cities exclusive control over municipal affairs. Section 1 of article I of the Fresno Charter (Stats. 1921, p. 1821) accepts the power tendered by the Constitution so that it must be conceded that the city has exclusive control of its municipal affairs. The first question confronting us is whether or not an examination of electricians prior to their licensing to permit them to do business within the city is a municipal affair.

What is strictly a municipal affair is not always easy of determination. In *Butterworth v. Boyd*, 12 Cal.2d 140 [82 P.2d 434, 126 A. L. R. 838], it was said:

"No exact definition of the term 'municipal affairs' can be formulated, and the courts have made no attempt to do so, but instead have indicated that judicial interpretation is necessary to give it meaning in each controverted case. The comprehensive nature of the power is, however, conceded in all the decisions, and it is recognized that it is not fixed but fluctuates in scope, and that changes in conditions make necessary new and broader applications thereof."

[1] The generally approved rule on the question seems to be that if the subject matter affected by the state legislation is of state-wide concern and deals with

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matters beyond the exclusive control of the municipality, it is not a municipal affair subject to local control. (See *Department of Water and Power v. Inyo Chemical Co.*, 16 Cal.2d 744 [108 P.2d 410]; *Pipoly v. Benson*, 20 Cal.2d 366 [125 P.2d 482, 147 A. L. R. 515]; *Wilkes v. City and County of San Francisco*, 44 Cal. App.2d 393 [112 P.2d 759]; *Lossman v. City of Stockton*, 6 Cal.App.2d 324 [44 P.2d 397]; *Ryan v. San Diego Electric Ry. Co.*, 52 Cal.App.2d 460 [126 P.2d 401]; *Phelps v. Prussia*, 60 Cal.App.2d 732 [141 P.2d 440].)

Many additional cases illustrating what are and what are not municipal affairs are cited in 18 California Jurisprudence, page 783, sections 95 and 96, and under the same sections in volume 8, "Municipal Corporations" of the Ten Year Supplement.

[2] It is apparent that the state has adopted a broad and comprehensive plan for licensing contractors throughout the entire state, for examination as to their qualifications and fitness to engage in their various activities, for licensing only those who prove themselves qualified by satisfactorily passing examinations, and for punishing those who prove themselves incompetent or unfaithful to the trust imposed in them. This is a matter of state-wide concern and is not one that can be safely entrusted to regulation by each chartered city. Residents of the smaller municipalities and of rural districts are as much concerned with the safety of their citizens and the property within their limits as those in the larger cities that may operate under charters.

As the licensing of contractors throughout the state is a matter of general and state-wide concern we must conclude that it is not a municipal affair that concerns only the inhabitants of a chartered city and which is subject to local regulation such as that attempted to be imposed by the city of Fresno.

In *Pipoly v. Benson*, *supra*, in discussing the question of municipal affairs and the right of a chartered city to legislate on a subject fully covered by a state law, it is said:

"This general rule permitting the adoption of additional local regulations supplementary to the state statutes is subject to an exception, however, which is important in the present case. Regardless of whether there is any actual grammatical conflict between an ordinance and a statute, the ordinance is invalid if it attempts to impose additional requirements in a field which is fully occupied by the statute."

In *Ex parte Grey*, 11 Cal.App. 125 [104 P. 476], it appears that the Legislature had passed a general law requiring master or journeyman plumbers to obtain a license from the board of health of a city in order to carry on business therein. In San Jose an ordinance was passed requiring such plumbers to secure licenses from a board of plumbing examiners, a board differing in personnel from the board of health. Grey was convicted and imprisoned for violating the city ordinance. In ordering his release the court said:

"The act just quoted makes it the express duty of the board of health in any incorporated city to examine plumbers, and to issue a license to them if found qualified after such examination. The law is general, uniform in its operation, and applies to every board of health in every incorporated city and every city and county in the State. The ordinance of the city of San Jose attempting to delegate to the board of police and fire commissioners the power to appoint a board of plumbing examiners to examine and issue licenses to plumbers is in conflict with the general law, and hence void." (See, also, *In re Means*, 14 Cal.2d 254 [93 P.2d 105].)

[3] The argument that the ordinance of the city of Fresno does not, as a matter of fact, conflict with the State Contractors' Law divides itself into two parts: First, that it is a reasonable police regulation passed under the general police powers of the city under the provisions of section 11 of article XI of the Constitution, and, second, that in the exercise of this police power the city has required a higher degree of skill and efficiency of the contractors than does the state law.

We may concede that the examination and licensing of electricians comes under the general police powers as an endeavor to protect property and promote the safety of citizens.

GOVERNOR WARREN APPOINTS McNEIL TO BOARD

On July 5, 1946, Governor Earl Warren appointed Joseph A McNeil to membership on the Contractors' State License Board for the term ending January 15, 1950.

McNeil is a general contractor with offices in Los Angeles and heads the J. A. McNeil Company, Inc. (A name synonymous with building construction for over 50 years). While he was Vice President of McNeil Construction Company, they did many millions of dollars worth of defense work. At the present time their principal work is the erection of schools and commercial buildings in the Los Angeles area.

McNeil was born in Los Angeles in 1904; received his early education in the Los Angeles public schools and later attended St. Marys College. Upon graduation he entered the employ of his father, J. V. McNeil, a general contractor, and secured his practical training as a field worker, eventually rising to the position of Vice President of the J. V. McNeil Co., Contractors, Inc. His training and background in all phases of the industry will prove invaluable to the Board.

McNeil is well known to the industry, particularly because of his active participation in numerous organizations within the industry, as well as being prominent in many civic organizations.

McNeil is married and the father of two daughters. His residence is in Pasadena.

We find nothing in the record before us, other than statements in the brief of defendants, indicating that in taking the city examination the applicant for a city license must exhibit a greater degree of skill and efficiency than is required by the state law. In both the state law and the city ordinance the details of examinations to be given are left to the examining boards. However, we regard this matter as unimportant as "the ordinance is invalid if it attempts to impose additional requirements in a field which is fully occupied by the statute." (*Pipoly v. Benson*, *supra*.)

The state license implies permission to the licensee to conduct his business at any place within the state. This permission should not be circumscribed by local authorities. This does not limit the right of local governmental agencies to protect property and life through the enforcement of local regulations as to the quality and character of the installations. The right to enforce local ordinances is still in the hands of municipalities through the power of inspections and permits. In fact section 7110 of the Business and Professions Code shows clearly the intention of the Legislature to have state authorities assist in the enforcement of local ordinances pertaining to electrical installations.

If the arguments of defendants are sound, and if they should be sustained, there is no reason why the city of Fresno could not require lawyers, doctors, dentists, and others holding state licenses, to pass other and more strict examinations before being permitted to practice there.

The judgment is reversed with instructions to overrule the demurrer and give defendants a reasonable time in which to answer if they be so advised.

Griffin, Acting P. J., concurred.

Barnard, P. J., being disqualified, has not participated herein.

REGISTRATION BY CLASSIFICATION

(As of September 30, 1946)

A	General Engineering Contractors	1,664
B-1	General Building Contractors	16,032
C-1	Acoustical (other than plaster)	24
C-5	Alarm and Time Systems (all types)	12
C-3	Awnings and Canvas Installation	32
C-4	Boilers, Steam Fitting	84
C-6	Cabinet and Mill Work	216
C-8	Cement and Concrete, Gunite	1,028
C-9	Cement Pipe Laying	44
C-45	Electric Signs (all types)	84
C-10	Electrical (general)	2,603
C-11	Elevator Installation (all types)	36
C-12	Excavating, Grading, Trenching	416
C-13	Fencing (all types)	64
C-15	Flooring (all types)	508
C-17	Glazing	160
C-20	Heating, Ventilating, Air-Conditioning	327
C-21	House and Building Moving	72
C-2	Insulation, Pipe Covering, etc.	88
C-27	Landscaping	216
C-26	Lathing (all types)	204
C-37	Machinery, Pumps, etc.	124
C-29	Masonry (brick, granite, marble, etc.)	648
C-14	Metal Sash and Door	44
C-23	Ornamental Metals	108
C-33	Painting, Decorating, Paperhanging	5,964
C-24	Paving and Surfacing	100
C-35	Plastering (all types)	1,280
C-36	Plumbing	2,860
C-38	Refrigeration (all types of installations)	
C-16	Rig Building (all types)	
C-39	Roofing (all types)	1,031
C-42	Sewers, Sewage Disposal, Drains	248
C-43	Sheet Metal (all types)	540
C-46	Sprinkler Systems (all types)	32
C-50	Steel, Reinforcing	28
C-51	Steel, Structural	88
C-22	Structural Pest Control	60
C-28	Terrazzo and Mosaic	28
C-54	Tile (all types)	620
C-56	Waterproofing, Weatherproofing, Damp-proofing	40
C-60	Welding (all types) Metal Pipe Laying	256
C-57	Well Drilling (all types), Test Holes	231
C-59	Wrecking and Demolition	68
C-61	Miscellaneous Specialty	876

Total 39,460

REGISTRATION IN FIVE PRINCIPAL CLASSIFICATIONS

B-1	16,032
C-33	5,964
C-36	2,860
C-10	2,603
A	1,664



CONTRACTORS DIRECTORY TO BE PUBLISHED

By direction of the Contractors Board, the Registrar is publishing the Annual Directory of California Licensed Contractors.

The Directory will consist of an alphabetical listing of all licenses issued through September 30, 1946, for the current fiscal year which commenced on July 1, 1946. Monthly supplements are issued to the end of the year.

The Directory is furnished to public officials and organizations engaged in or allied with the construction industry. Individual copies for personal or private use may be secured at the price of \$10 from the Sacramento office of the Board.

