STATUTES OF CALIFORNIA
1943

CONSTITUTION OF 1879 AS AMENDED

MEASURES SUBMITTED TO VOTE
OF ELECTORS, 1942

GENERAL LAWS, AMENDMENTS TO CODES, RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

PASSED AT THE

FIRST AND SECOND EXTRA SESSIONS OF THE
FIFTY-FOURTH LEGISLATURE, 1941–1942

THE

REGULAR SESSION OF THE FIFTY-FIFTH
LEGISLATURE, 1943

AND THE

FIRST AND SECOND EXTRA SESSIONS OF THE
FIFTY-FIFTH LEGISLATURE, 1943

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(f) An examination fee of twenty-five dollars ($25).

(g) A copy fee of twenty-five cents ($0.25) per 100 words copied.

New section

SEC. 2. Section 30044 is added to said code, to read:

Repeal

30044. Chapter 485 of the Statutes of 1927, at page 822, together with all acts amendatory thereof and supplementary thereto, is repealed.

CHAPTER 134*

An act to establish a Government Code, thereby consolidating and revising the law relating to the organization, operation, and maintenance of a system of State and local government, and repealing acts and parts of acts specified herein.

In effect August 4, 1943

[Approved by Governor April 13, 1943. Filed with Secretary of State April 13, 1943]

NOTE—The Government Code, as prepared by the California Code Commission, consists of this chapter as originally enacted. As here set forth, Chapter 134 also contains all of the amendments to the Code made during the Fifty-fifth Session of the Legislature, namely by Chapters 96, 186, 319, 328, 381, 385, 469, 536, 557, 746, 1010, 1012, 1019.

Chapter 134 is in effect August 4, 1943. For approval, filing and effective dates of the amendatory chapters see the respective chapters in their numerical sequence.

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

GENERAL PROVISIONS

Short title

1. This act shall be known as the Government Code.

Code restatement of law

2. The provisions of this code in so far as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments.

Existing officers

3. All persons who at the time this code takes effect, hold office under any of the acts repealed by this code, which offices are continued by this code, continue to hold them according to their former tenure.

Existing rights

4. No action or proceeding commenced before this code takes effect, and no right accrued, is affected by this code, but all procedure thereafter taken therein shall conform to the provisions of this code so far as possible.

Construction of code

5. Unless the provision or the context otherwise requires, these general provisions, rules of construction, and definitions shall govern the construction of this code.

Headings

6. Title, division, part, chapter, article, and section headings do not in any manner affect the scope, meaning, or intent of the provisions of this code.

Deputies

7. Whenever a power is granted to, or a duty is imposed upon, a public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person

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

TITLE 1. GENERAL

DIVISION 1. SOVEREIGNTY AND PEOPLE OF THE STATE

CHAPTER 1. SOVEREIGNTY OF THE STATE

Article 1. Residence of Sovereignty

"Sovereignty" "Process"

100. The sovereignty of the State resides in the people thereof, and all writs and processes shall issue in their name.

Article 2. Territorial Jurisdiction

Sovereignty and jurisdiction

110. The sovereignty and jurisdiction of this State extends to all places within its boundaries as established by the constitution. The extent of such jurisdiction over places that have been or may be ceded to, purchased, or condemned by the United States is qualified by the terms of the cession or the laws under which the purchase or condemnation is made.

Acquisition of land by United States for military purposes

111. The Legislature consents to the purchase or condemnation by the United States of any tract of land within the State for the purpose of erecting forts, magazines, arsenals, dockyards, and other needful buildings, reserving the authority to serve and execute process and the State's entire power of taxation as provided in this article.

Acquisition of land by United States for National forests

112. The Legislature consents to the acquisition by the United States by purchase, gift or condemnation of such lands in the State as in the opinion of the United States may be needed for the establishment, consolidation and extension of National forests in this State under the provisions of the act of Congress approved March 1, 1911, and entitled "An act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended. The State reserves:

Concurrent jurisdiction of State for civil and criminal process

(a) A concurrent jurisdiction with the United States in and over lands so acquired for the execution thereon, in like manner as if consent had not been given, of civil process in all cases, and such criminal process as may issue under the authority of the State against any person charged with the commission of any crime without or within the lands.

(b) The State's entire power of taxation.

Exclusive jurisdiction of United States while owner of land

113. The State cedes to the United States exclusive jurisdiction over such land as has been or may be ceded or conveyed to the United States, during the time the United States is the owner thereof, reserving the administration of the criminal law of the State, the authority to serve and execute process and the State's entire power of taxation.

Exclusive jurisdiction of United States over land ceded for military purposes

114. The State cedes to the United States exclusive jurisdiction over all lands within the State held, occupied, or reserved on March 2, 1897 by the United States for military purposes or defense, and over all land which thereafter has

been or which may be ceded or conveyed to the United States for such purposes reserving the authority to serve and execute process, and the State's entire power of taxation. A sufficient description by metes and bounds and a map or plat of the lands shall first be filed in the proper office of record in the county in which the lands are situated.

Limitation of jurisdiction of United States

115. All jurisdiction ceded to the United States by this article is limited by the terms of any retrocession of jurisdiction heretofore or hereafter granted by the United States and accepted by the State.

Reservation by State of right of process and taxation in lands ceded to United States

116. Any law to the contrary notwithstanding, the State reserves the authority to serve and execute process and the State's entire power of taxation with respect to any land over which any jurisdiction is ceded or granted by the State to the United States under any law of the State now in effect or which may hereafter be adopted.

Service of civil and criminal process

117. All civil process issued from the courts of the State, and such criminal process as may issue under the authority of the State, against any person charged with crime, may be served and executed on any land purchased or condemned by the United States with the State's consent or over which any jurisdiction is ceded or granted by the State to the United States in the same mode and manner and by the same officers as if the purchase or condemnation had not been made or jurisdiction had not been ceded or granted. The State reserves its entire power of taxation with respect to such land and may levy and collect all taxes now or hereafter imposed in the same manner and to the same extent as if consent had not been granted or jurisdiction had not been ceded or granted.

Reservation of tax power by State

Use of adjacent State waters by United States for military purposes

118. The State consents to the use by the United States of the territorial waters of the State adjacent to any land on the coast of the State now or hereafter owned by or under the control of the United States, and occupied for military purposes, in connection with conducting target practice operations of any type on the land. Before any of the waters are used in connection with conducting target practice operations of any type the United States shall take all appropriate measures and shall make and publish necessary regulations for the protection of the person and property of all persons using the waters. The use herein consented to shall not be so exercised as to interfere unreasonably with the public use of the waters

Exemption of State liability

This section shall not be construed to impose any liability whatsoever upon the State in connection with the use of the waters as herein set forth.

Exclusive jurisdiction of United States over "Kings Canyon National Park"; reservations by State

119. Exclusive jurisdiction shall be and the same is hereby ceded to the United States over and within all of the territory which is now or may hereafter be included in those several tracts of land in the State of California set aside and dedicated for park purposes by the United States as "Kings Canyon National Park"; saving however to the State of California

the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park, and the right to fix and collect license fees for fishing in said park; and saving also to the persons residing in said park now or hereafter the right to vote at all elections held within the county or counties in which said park is situate. The jurisdiction granted by this section shall not vest until the United States through the proper officer notifies the State of California that it assumes police jurisdiction over said park.

Acceptance of jurisdiction by United States

(Added by Stats. 1943, Ch. 93.)

120. Upon receipt of notification of the acceptance by the United States of exclusive jurisdiction over lands situated within the State of California, the Governor shall cause to be filed a true and correct copy of said notification in the office of the recorder of the county in which said lands are located and in the office of the clerk of the board of supervisors of the county in which said lands are located.

Recordation by Governor of notification of acceptance

(Added by Stats. 1943, Ch. 536.)

Article 3. State Boundaries

State boundaries

160. The line run and marked by the Surveyor General of the State in accordance with Chapter 402 of the Statutes of 1863 from the southern boundary of the State of Oregon to the 39th degree of north latitude and the line established and marked by the United States coast and geodetic survey, as completed in 1900, extending southeastward from the intersection of the 39th degree of north latitude with the 120th degree of longitude west from Greenwich to the Colorado River comprise the legal eastern boundary line of the State from the Oregon boundary to the Colorado River, and shall be so considered by the courts of the State.

Article 4. Rights Over Property

"Property"

180. As used herein, "property" includes real and personal property.

Right to property

181. The original and ultimate right to all property within the limits of the State is in the people thereof.

Escheat

182. All property within the limits of the State, which does not belong to any person, belongs to the people. Whenever the title to any property fails for want of heirs or next of kin, it reverts to the people.

Acquisition of property by State by taxation

183. The State may acquire property by taxation in the modes authorized by law.

Acquisition of property by State or others for public use

184. The State may acquire or authorize others to acquire title to property for public use in the cases and in the mode provided by law.