

Volume 1

STATUTES OF CALIFORNIA

AND DIGESTS OF MEASURES

1976

Constitution of 1879 as Amended

**Measures Submitted to Vote of Electors,
Primary Election, June 8, 1976,
and General Election, November 2, 1976**

**General Laws, Amendments to the Codes, Resolutions,
and Constitutional Amendments passed by the
California Legislature**

1975-76 Regular Session



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psychosocial aspects of relationships within a marriage and family.

A marriage, family and child counselor may use hypnosis in the course of performing marriage, family and child counseling provided that he can demonstrate experience in the clinical use of hypnosis which satisfies the criteria established by the board. The criteria shall include evidence of (a) coursework in hypnosis from qualified instructors and (b) experience in a clinical setting using hypnosis under the supervision of a physician, dentist, or licensed psychologist.

SEC. 2. Section 17821 of the Business and Professions Code is amended to read:

17821. In addition to the grounds contained in Section 17820 the board shall revoke the license of any person, other than a physician and surgeon who uses or offers to use drugs in the course of performing marriage, family, or child counseling services.

CHAPTER 686

An act to amend Section 126 of the Government Code, relating to cession of concurrent jurisdiction to the United States within land held by the United States and used for federal purposes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1976. Filed with
Secretary of State August 30, 1976]

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

SECTION 1. Section 126 of the Government Code is amended to read:

126. Notwithstanding any other provision of law, general or special, the Legislature of California hereby cedes concurrent criminal jurisdiction to the United States within land held by the United States upon and subject to each and all of the following express limitations, conditions, and reservations, in addition to any other limitations, conditions, or reservations prescribed by law:

(a) The lands must be held by the United States for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, or other public purpose within the purview of clause 17 of Section 8 of Article I of the Constitution of the United States, or for the establishment, consolidation and extension of national forests under the provisions of the act of Congress approved March 1, 1911, (36 Stat. 961) known as the "Weeks Act," or for any other federal purposes.

(b) The cession must be pursuant to and in compliance with the laws of the United States.

(c) The United States must in writing have requested the state to cede concurrent criminal jurisdiction within such land and subject to

each and all of the conditions and reservations in this section and in Section 4 of Article XIV of the Constitution prescribed.

(d) The State Lands Commission is authorized for the state to cede concurrent criminal jurisdiction to the United States, upon having found and declared that the conditions and reservations prescribed in subdivisions (a), (b), (c), and (g) of this section have occurred and exist and that such cession is in the interest of the state. Certified copies of its orders or resolutions making such findings and declarations shall be filed in the office of the Secretary of State and recorded in the office of the county recorder of each county in which any part of the land is situated. The purposes for which such concurrent criminal jurisdiction is ceded shall be specified in and made a part of such orders or resolutions.

(e) Jurisdiction ceded pursuant to this section continues only so long as the land continues to belong to the United States and is held by it for the purpose for which jurisdiction is ceded in accordance and in compliance with each and all of the limitations, conditions, and reservations in this section prescribed, or for five years, whichever period is less.

(f) "Land held by the United States", as used in this section means: (1) lands acquired in fee by purchase or condemnation, (2) lands owned by the United States that are included in the military reservation by presidential proclamation or act of Congress, (3) leaseholds acquired by the United States over private lands or state-owned lands, and (4) any other lands owned by the United States including, but not limited to, public domain lands which are held for a public purpose.

(g) In ceding such concurrent criminal jurisdiction, the Legislature and the state reserve jurisdiction over the land, water and use of water with full power to control and regulate the acquisition, use, control and distribution of water with respect to the land affected by such cession.

(h) In ceding concurrent criminal jurisdiction, the Legislature and the state except and reserve to the state all deposits of minerals, including oil and gas, in the land, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the land.

(i) Concurrent criminal jurisdiction shall vest when certified copies of the State Lands Commission's orders or resolutions, making such finding or declaration, have been filed in the office of the Secretary of State and recorded in the office of the county recorder of each county in which any part of the lands is situated.

The finding and declaration of the State Lands Commission provided for in subdivision (d) of this section shall be made only after a public hearing. Notice of such hearing shall be published pursuant to Section 6061 in each county in which the land or any part thereof is situated and a copy of such notice shall be personally served upon the clerk of the board of supervisors of each such county. The State Lands Commission shall make rules and regulations governing the

conditions and procedure of such hearings, which shall provide that the cost of publication and service of notice and all other expenses incurred by the commission shall be borne by the United States.

The provisions of this section do not apply to any land or water areas heretofore or hereafter acquired by the United States for migratory bird reservations in accordance with the provisions of Sections 10680 to 10685, inclusive, of the Fish and Game Code.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Serious law enforcement problems exist within a number of national monuments of the United States located throughout the state. Local law enforcement personnel in the affected areas are not sufficient to deal with the problems presented. Federal authorities do not have sufficient authority to act without a cession of criminal jurisdiction by the state. Federal law enforcement personnel are available for assignment to the affected monuments upon such a cession of criminal jurisdiction. No statutory authority exists for the transfer of criminal jurisdiction to the federal government in the instant circumstances. The following entities by formal action have urged the prompt granting of concurrent criminal jurisdiction to the federal government to alleviate this serious problem: National Park Service, United States Department of Interior, Shasta County Board of Supervisors, Marin County Board of Supervisors, Modoc County Board of Supervisors, San Benito County Sheriff's office, Siskiyou County Sheriff's office, and Monterey County Sheriff's office.

For the foregoing reasons it is imperative that this bill which provides for cessions of concurrent criminal jurisdiction in such situations as those presented go into effect as early as possible. Thereby, a means to provide for the public peace, health, and safety in such situations will be assured.

CHAPTER 687

An act to amend Section 1229 of the Health and Safety Code, relating to clinics.

[Approved by Governor August 30, 1976. Filed with
Secretary of State August 30, 1976.]

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

SECTION 1. Section 1229 of the Health and Safety Code is amended to read:

1229. Each application for a license under this chapter shall be accompanied by a fee determined by the director by regulation based on a percentage of the annual gross operating cost for the clinic