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SENATE BILL 6040

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State of Washington

53rd Legislature

1994 Regular Session

By Senator Owen

Read first time 01/10/94. Referred to Committee on Law & Justice.

1 AN ACT Relating to jurisdiction over Skokomish tribal lands; and  
2 amending RCW 37.12.100, 37.12.110, and 37.12.120.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 37.12.100 and 1988 c 108 s 1 are each amended to read  
5 as follows:

6 It is the intent of the legislature to authorize a procedure for  
7 the retrocession, to the Quileute Tribe, Chehalis Tribe, Swinomish  
8 Tribe, Skokomish Tribe, and the Colville Confederated Tribes of  
9 Washington and the United States, of criminal jurisdiction over Indians  
10 for acts occurring on tribal lands or allotted lands within the  
11 Quileute, Chehalis, Swinomish, Skokomish, or Colville Indian  
12 reservation and held in trust by the United States or subject to a  
13 restriction against alienation imposed by the United States.

14 RCW 37.12.100 through 37.12.140 in no way expand the Quileute,  
15 Chehalis, Swinomish, Skokomish, or Colville tribe's criminal or civil  
16 jurisdiction, if any, over non-Indians or fee title property. RCW  
17 37.12.100 through 37.12.140 shall have no effect whatsoever on water  
18 rights, hunting and fishing rights, the established pattern of civil  
19 jurisdiction existing on the lands of the Quileute, Chehalis,

1 Swinomish, Skokomish, or Colville Indian reservation, the established  
2 pattern of regulatory jurisdiction existing on the lands of the  
3 Quileute, Chehalis, Swinomish, Skokomish, or Colville Indian  
4 reservation, taxation, or any other matter not specifically included  
5 within the terms of RCW 37.12.100 through 37.12.140.

6 **Sec. 2.** RCW 37.12.110 and 1988 c 108 s 2 are each amended to read  
7 as follows:

8 Unless the context clearly requires otherwise, the following  
9 definitions apply throughout RCW 37.12.100 through 37.12.140:

10 (1) "Colville reservation(~~( )~~)" or "Colville Indian reservation,"  
11 "Quileute reservation(~~( )~~)" or "Quileute Indian reservation," "Chehalis  
12 reservation(~~( )~~)" or "Chehalis Indian reservation," "Swinomish  
13 reservation(~~( )~~)" or "Swinomish Indian reservation," or "Skokomish  
14 reservation" or "Skokomish Indian reservation" means all tribal lands  
15 or allotted lands lying within the reservation of the named tribe and  
16 held in trust by the United States or subject to a restriction against  
17 alienation imposed by the United States, but does not include those  
18 lands which lie north of the present Colville Indian reservation which  
19 were included in original reservation boundaries created in 1872 and  
20 which are referred to as the "diminished reservation."

21 (2) "Indian tribe," "tribe," "Colville tribes," or "Quileute,  
22 Chehalis, (~~( )~~) Swinomish, or Skokomish tribe" means the confederated  
23 tribes of the Colville reservation or the tribe of the Quileute,  
24 Chehalis, (~~( )~~) Swinomish, or Skokomish reservation.

25 (3) "Tribal court" means the trial and appellate courts of the  
26 Colville tribes or the Quileute, Chehalis, (~~( )~~) Swinomish, or  
27 Skokomish tribe.

28 **Sec. 3.** RCW 37.12.120 and 1988 c 108 s 3 are each amended to read  
29 as follows:

30 Whenever the governor receives from the confederated tribes of the  
31 Colville reservation or the Quileute, Chehalis, (~~( )~~) Swinomish, or  
32 Skokomish tribe a resolution expressing their desire for the  
33 retrocession by the state of all or any measure of the criminal  
34 jurisdiction acquired by the state pursuant to RCW 37.12.021 over lands  
35 of that tribe's reservation, the governor may, within ninety days,  
36 issue a proclamation retroceding to the United States the criminal  
37 jurisdiction previously acquired by the state over such reservation.

1 However, the state of Washington shall retain jurisdiction as provided  
2 in RCW 37.12.010. The proclamation of retrocession shall not become  
3 effective until it is accepted by an officer of the United States  
4 government in accordance with 25 U.S.C. Sec. 1323 (82 Stat. 78, 79) and  
5 in accordance with procedures established by the United States for  
6 acceptance of such retrocession of jurisdiction. The Colville tribes  
7 and the Quileute, Chehalis, (~~and~~) Swinomish, and Skokomish tribes  
8 shall not exercise criminal or civil jurisdiction over non-Indians.

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