

SENATE BILL NO. 56

State of Washington
38th Regular Session

By Senators Woodall, Hallauer,
Foster, Dore, DeGarmo and
McCormack
(By Legislative Council
Request)

Read first time January 17, 1963, and referred to Judiciary Committee.

1 AN ACT Relating to state jurisdiction over Indians, reservations and
2 other lands; amending section 1, chapter 240, Laws of 1957 and
3 RCW 37.12.010; amending section 3, chapter 240, Laws of 1957
4 and RCW 37.12.030; amending section 4, chapter 240, Laws of
5 1957 and RCW 37.12.040; amending section 6, chapter 240, Laws
6 of 1957 and RCW 37.12.060; adding a new section to chapter 240,
7 Laws of 1957 and chapter 37.12 RCW; and repealing section 2,
8 chapter 240, Laws of 1957 and RCW 37.12.020.

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

10 Section 1. Section 1, chapter 240, Laws of 1957 and RCW 37-
11 .12.010 are each amended to read as follows:

12 The state of Washington hereby obligates and binds itself to
13 assume (~~(?)-as-hereinafter-provided;~~) criminal and civil jurisdiction
14 over Indians and Indian territory, reservations, country, and lands
15 within this state in accordance with the consent of the United States
16 given by the act of August 15, 1953 (Public Law 280, 83rd Congress,
17 1st Session): PROVIDED, That such assumption of jurisdiction shall
18 not apply to Indians when on their tribal or allotted lands held in
19 trust by the United States except with respect to:

- 20 (1) Compulsory school attendance;
21 (2) Public assistance;
22 (3) Domestic relations;
23 (4) Mental illness;
24 (5) Juvenile delinquency;
25 (6) Dependent children; and
26 (7) Operation of motor vehicles upon the public streets, al-
27 leys, roads and highways: PROVIDED FURTHER, That Indian tribes that

1 petitioned for, were granted and became subject to state jurisdiction
2 pursuant to this chapter on or before the effective date of this a-
3 mendatory act shall remain subject to state civil and criminal juris-
4 diction as if this amendatory act had not been enacted.

5 Sec. 2. Section 3, chapter 240, Laws of 1957 and RCW 37.12-
6 .030 are each amended to read as follows:

7 ~~((Sixty-days-from-the-date-of-issuance-of-any-proclamation-of~~
8 ~~the-governor-as-provided-by-RGW-37.12.020;))~~ Upon the effective date
9 of this amendatory act the state of Washington shall assume jurisdic-
10 tion over offenses as set forth in section 1 of this amendatory act
11 committed by or against Indians in the lands prescribed in ((the-proc-
12 lamation)) section 1 of this amendatory act to the same extent that
13 this state has jurisdiction over offenses committed elsewhere within
14 this state, and ((the)) such criminal laws of this state shall have
15 the same force and effect within such lands as they have elsewhere
16 within this state.

17 Sec. 3. Section 4, chapter 240, Laws of 1957 and RCW 37.12-
18 .040 are each amended to read as follows:

19 ~~((Sixty-days-from-the-date-of-issuance-of-any-proclamation-of~~
20 ~~the-governor-as-provided-by-RGW-37.12.020;))~~ Upon the effective date
21 of this amendatory act the state of Washington shall assume jurisdic-
22 tion over civil causes of action as set forth in section 1 of this
23 amendatory act between Indians or to which Indians are parties which
24 arise in the Indian lands prescribed in ~~((the-proclamation))~~ section
25 1 of this amendatory act to the same extent that this state has juris-
26 isdiction over other civil causes of action and, except as otherwise
27 provided in this chapter, those civil laws of this state that are of
28 general application to private persons or private property shall have
29 the same force and effect within such Indian lands as they have else-
30 where within this state.

31 Sec. 4. Section 6, chapter 240, Laws of 1957 and RCW 37.12-
32 .060 are each amended to read as follows:

33 Nothing in this chapter shall authorize the alienation,

1 encumbrance, or taxation of any real or personal property, including
2 water rights and tidelands, belonging to any Indian or any Indian
3 tribe, band, or community that is held in trust by the United States
4 or is subject to a restriction against alienation imposed by the
5 United States; or shall authorize regulation of the use of such pro-
6 perty in a manner inconsistent with any federal treaty, agreement,
7 or statute or with any regulation made pursuant thereto; or shall
8 confer jurisdiction upon the state to adjudicate, in probate pro-
9 ceedings or otherwise, the ownership or right to possession of such
10 property or any interest therein; or shall deprive any Indian or any
11 Indian tribe, band, or community of any right, privilege, or immunity
12 afforded under federal treaty, agreement, statute, or executive order
13 with respect to Indian land grants, hunting, trapping, or fishing or
14 the control, licensing, or regulation thereof.

15 NEW SECTION. Sec. 5. There is hereby added to chapter 240,
16 Laws of 1957 and chapter 37.12 RCW a new section to read as follows:

17 Whenever the governor of this state shall receive from the
18 majority of any tribe or the tribal council or other governing body
19 of any Indian tribe, community, band or group in this state a resolu-
20 tion expressing its desire that its people and lands be subject to
21 the criminal and civil jurisdiction of the state of Washington to the
22 full extent authorized by federal law, he shall issue within sixty
23 days a proclamation to the effect that such jurisdiction shall apply
24 to all Indians and all Indian territory, reservations, country, and
25 lands of the Indian body involved to the same extent that this state
26 exercises civil and criminal jurisdiction elsewhere within the state;
27 PROVIDED, That jurisdiction assumed pursuant to this section shall
28 nevertheless be subject to the limitations set forth in section 4 of
29 this amendatory act.

30 NEW SECTION. Sec. 6. Section 2, chapter 240, Laws of 1957
31 and RCW 37.12.020 are each repealed.