

SSB 5332 - S AMD 16

By Senator Rockefeller

NOT CONSIDERED 05/25/2011

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 37.12 RCW  
4 to read as follows:

5 (1) It is the intent of the legislature to authorize a procedure  
6 for the retrocession, to the Yakama Nation of Washington and to the  
7 United States, of civil jurisdiction over Indians for acts occurring on  
8 tribal lands or allotted lands within the Yakama Nation Indian  
9 reservation and held in trust by the United States or subject to a  
10 restriction against alienation imposed by the United States.

11 (2) This section and section 2 of this act in no way expands or  
12 diminishes the Yakama Nation's criminal or civil jurisdiction, if any,  
13 over non-Indians or fee title property. This section and section 2 of  
14 this act has no effect whatsoever on water rights, hunting and fishing  
15 rights, the established pattern of regulatory jurisdiction existing on  
16 the lands of the Yakama Nation Indian reservation, taxation, or any  
17 other matter not specifically included within the terms of this section  
18 or section 2 of this act.

19 (3) For the purposes of this section, "Yakama Nation" has the same  
20 meaning as provided in section 2 of this act.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 37.12 RCW  
22 to read as follows:

23 (1) To initiate a request for retrocession of civil jurisdiction to  
24 the United States, the Yakama Nation must submit to the governor a  
25 resolution expressing their desire for the retrocession by the state of  
26 all or any measure of the civil jurisdiction acquired by the state over  
27 Indians for acts occurring on tribal lands or allotted lands within the  
28 Yakama Nation Indian reservation and held in trust by the United States

1 or subject to a restriction against alienation imposed by the United  
2 States.

3 (2) Whenever the governor receives a resolution requesting  
4 retrocession under this section, the governor may, within ninety days  
5 or within any extension of this period as allowed under subsection (4)  
6 of this section, issue a proclamation retroceding to the United States  
7 the civil jurisdiction previously acquired by the state over such  
8 reservation if the governor determines that retrocession is in the best  
9 interests of the public.

10 (3) When determining whether or not to issue a proclamation under  
11 this section, the governor must:

12 (a) Request a government-to-government consultation with the Yakama  
13 Nation to discuss the request for retrocession; the Yakama Nation's  
14 interest in the United States accepting retrocession; and the Yakama  
15 Nation's plan for managing, along with the United States government,  
16 the areas of civil jurisdiction identified in the resolution;

17 (b) Consider the interests of nontribal entities located within the  
18 boundaries of the Indian reservation and the public interests of local  
19 areas adjacent to the Indian reservation; and

20 (c) In concert with the Yakama Nation, develop sufficient mutual  
21 understanding through agreed protocols or memoranda to support  
22 continued government-to-government communication and cooperation  
23 regarding the management of civil matters.

24 (4) In lieu of declining to issue a proclamation at the end of the  
25 ninety-day period, the governor may extend the period to further pursue  
26 the activities described in subsection (3) of this section for up to an  
27 additional ninety days. At the end of the first extension period, the  
28 governor must decide whether or not to issue a proclamation, unless by  
29 mutual agreement the governor and the Yakama Nation agree to a second  
30 extension period of up to an additional ninety days. At the end of the  
31 first extension period, or the end of any second extension period  
32 mutually agreed upon, whichever is later, the governor must notify the  
33 Yakama Nation and the legislature of his or her decision and may  
34 request a meeting with the Yakama Nation's leaders and the legislature  
35 to discuss the decision.

36 (5) Nothing in this section prevents the Yakama Nation from  
37 submitting a subsequent resolution under this section after the  
38 governor has issued a decision under subsection (4) of this section.

1 (6) The proclamation of retrocession becomes effective only when it  
2 is accepted by an officer of the United States government in accordance  
3 with 25 U.S.C. Sec. 1323 (82 Stat. 78, 79) and in accordance with  
4 procedures established by the United States for acceptance of such  
5 retrocession of civil jurisdiction. Nothing in this section shall in  
6 any way expand or diminish the jurisdiction exercised by the Yakama  
7 Nation over non-Indians.

8 (7) An action or proceeding which has been filed with any court or  
9 agency of the state or local government preceding the effective date of  
10 the retrocession of civil jurisdiction under this act shall not abate  
11 by reason of the retrocession or determination of jurisdiction.

12 (8) For the purposes of this section and section 1 of this act,  
13 "Yakama Nation" means "the federally recognized Confederated Tribes and  
14 Bands of the Yakama Nation."

15 NEW SECTION. **Sec. 3.** If any provision of this act or its  
16 application to any person or circumstance is held invalid, the  
17 remainder of the act or the application of the provision to other  
18 persons or circumstances is not affected."

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19 On page 1, line 6 of the title, after "States;" strike the  
20 remainder of the title and insert "and adding new sections to chapter  
21 37.12 RCW."

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