

Superior court judges—Benton, Franklin, Clallam, Jefferson, Snohomish, Asotin, Columbia, Garfield, Cowlitz, Klickitat and Skamania counties.

There shall be in the counties of Benton and Franklin jointly, two judges of the superior court; in the counties of Clallam and Jefferson jointly, one judge of the superior court; in the county of Snohomish four judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, two judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

Passed the Senate February 12, 1963.

Passed the House March 7, 1963.

Approved by the Governor March 13, 1963.

CHAPTER 36.

[S. B. 56.]

INDIANS—STATE JURISDICTION.

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

Be it enacted by the Legislature of the State of Washington:

RCW 37.12.010 amended.

SECTION 1. Section 1, chapter 240, Laws of 1957 and RCW 37.12.010 are each amended to read as follows:

Indians, Indian lands. Assumption of criminal and civil jurisdiction by state.

The state of Washington hereby obligates and binds itself to assume criminal and civil jurisdiction over Indians and Indian territory, reservations, country, and lands within this state in accordance with the consent of the United States given by the act of August 15, 1953 (Public Law 280, 83rd Con-

gress, 1st Session), but such assumption of jurisdiction shall not apply to Indians when on their tribal lands or allotted lands within an established Indian reservation and held in trust by the United States or subject to a restriction against alienation imposed by the United States, unless the provisions of section 5 of this amendatory act have been invoked, except for the following:

- (1) Compulsory school attendance;
- (2) Public assistance;
- (3) Domestic relations;
- (4) Mental illness;
- (5) Juvenile delinquency;
- (6) Adoption proceedings;
- (7) Dependent children; and

(8) Operation of motor vehicles upon the public streets, alleys, roads and highways: *Provided further*, Proviso.
That Indian tribes that petitioned for, were granted and became subject to state jurisdiction pursuant to this chapter on or before the effective date of this amendatory act shall remain subject to state civil and criminal jurisdiction as if this amendatory act had not been enacted.

SEC. 2. Section 3, chapter 240, Laws of 1957 and RCW 37.12.030 are each amended to read as follows:

Upon the effective date of this amendatory act the state of Washington shall assume jurisdiction over offenses as set forth in section 1 of this amendatory act committed by or against Indians in the lands prescribed in section 1 of this amendatory act to the same extent that this state has jurisdiction over offenses committed elsewhere within this state, and such criminal laws of this state shall have the same force and effect within such lands as they have elsewhere within this state.

SEC. 3. Section 4, chapter 240, Laws of 1957 and RCW 37.12.040 are each amended to read as follows:

Effective date
for assumption
of jurisdiction
—Civil causes.

Upon the effective date of this amendatory act the state of Washington shall assume jurisdiction over civil causes of action as set forth in section 1 of this amendatory act between Indians or to which Indians are parties which arise in the lands prescribed in section 1 of this amendatory act to the same extent that this state has jurisdiction over other civil causes of action and, except as otherwise provided in this chapter, those civil laws of this state that are of general application to private persons or private property shall have the same force and effect within such lands as they have elsewhere within this state.

RCW 37.12.060
amended.

SEC. 4. Section 6, chapter 240, Laws of 1957 and RCW 37.12.060 are each amended to read as follows:

Chapter lim-
ited in ap-
plication.

Nothing in this chapter shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights and tidelands, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall confer jurisdiction upon the state to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under federal treaty, agreement, statute, or executive order with respect to Indian land grants, hunting, trapping, or fishing or the control, licensing, or regulation thereof.

New section.

SEC. 5. There is hereby added to chapter 240, Laws of 1957 and chapter 37.12 RCW a new section to read as follows:

Whenever the governor of this state shall receive

from the majority of any tribe or the tribal council or other governing body, duly recognized by the Bureau of Indian Affairs, of any Indian tribe, community, band or group in this state a resolution expressing its desire that its people and lands be subject to the criminal or civil jurisdiction of the state of Washington to the full extent authorized by federal law, he shall issue within sixty days a proclamation to the effect that such jurisdiction shall apply to all Indians and all Indian territory, reservations, country, and lands of the Indian body involved to the same extent that this state exercises civil and criminal jurisdiction or both elsewhere within the state: *Provided*, That jurisdiction assumed pursuant to this section shall nevertheless be subject to the limitations set forth in section 4 of this amendatory act.

Resolution of request for total possible jurisdiction—Proclamation by governor.

SEC. 6. Section 2, chapter 240, Laws of 1957 and RCW 37.12.020 are each repealed.

Repeal.

SEC. 7. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the Senate March 6, 1963.

Passed the House March 5, 1963.

Approved by the Governor March 13, 1963.