

Finally, I have vetoed section 140 so that the transfer of the Office of Archaeology and Historic Preservation and the Department of Emergency Management to the Department of Community Development can take place in June 1986 rather than in January 1987. The departments indicate the change can be accomplished earlier and the delay is not necessary.

For these reasons, I have vetoed sections 46, 47, 55 in part, and 140. With the exception of these vetoes, Substitute House Bill No. 1709 has been approved."

CHAPTER 267

[Engrossed Substitute House Bill No. 495]

COLVILLE INDIAN RESERVATION—RETROCESSION OF CRIMINAL JURISDICTION

AN ACT Relating to the health, safety, and welfare of the confederated tribes of the Colville reservation; authorizing retrocession of jurisdiction over Indian lands; and adding new sections to chapter 37.12 RCW.

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

NEW SECTION. Sec. 1. Sections 1 through 6 of this act may be known and cited as the Colville Indian reservation criminal jurisdiction retrocession act.

NEW SECTION. Sec. 2. It is the intent of the legislature to authorize a procedure for the retrocession, to the Colville Confederated Tribes of Washington and the United States, of criminal jurisdiction over Indians for acts occurring on tribal lands or allotted lands within the Colville Indian reservation and held in trust by the United States or subject to a restriction against alienation imposed by the United States.

Sections 1 through 6 of this act in no way expand the Colville tribe's criminal or civil jurisdiction, if any, over non-Indians or fee title property. Sections 1 through 6 of this act shall have no effect whatsoever on water rights, hunting and fishing rights, the established pattern of civil jurisdiction existing on the lands of the Colville Indian reservation, the established pattern of regulatory jurisdiction existing on the lands of the Colville Indian reservation, taxation, or any other matter not specifically included within the terms of sections 1 through 6 of this act.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the following definitions apply throughout sections 1 through 6 of this act:

(1) "Colville reservation," or "Colville Indian reservation," means all tribal lands or allotted lands lying within the Colville Indian reservation and held in trust by the United States or subject to a restriction against alienation imposed by the United States, but does not include those lands which lie north of the present reservation which were included in original reservation boundaries created in 1872 and which are referred to as the "diminished reservation."

(2) "Indian tribe," "tribe," or "Colville tribes" means the confederated tribes of the Colville reservation.

(3) "Tribal court" means the trial and appellate courts of the Colville tribes.

NEW SECTION. Sec. 4. Whenever the governor receives from the confederated tribes of the Colville reservation a resolution expressing their desire for the retrocession by the state of all or any measure of the criminal jurisdiction acquired by the state pursuant to section 5, chapter 36, Laws of 1963 over lands of the Colville Indian reservation, the governor may, within ninety days, issue a proclamation retroceding to the United States the criminal jurisdiction previously acquired by the state over such reservation. However, the state of Washington shall retain jurisdiction as provided in RCW 37.12.010. The proclamation of retrocession shall not become effective until it is accepted by an officer of the United States government in accordance with 25 U.S.C. Sec. 1323 (82 Stat. 78, 79) and in accordance with procedures established by the United States for acceptance of such retrocession of jurisdiction. The Colville tribes shall not exercise criminal or civil jurisdiction over non-Indians.

****NEW SECTION. Sec. 5. The confederated tribes of the Colville reservation may express their desire under section 4 of this act only by a resolution approved by a majority vote of the enrolled adult members of the tribes voting at the next general tribal election.***

*Sec. 5 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 6. An action or proceeding which has been filed with any court or agency of the state or local government preceding the effective date of retrocession of jurisdiction under sections 1 through 6 of this act shall not abate by reason of the retrocession or determination of jurisdiction.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are each added to chapter 37.12 RCW.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 11, 1986.

Passed the Senate March 10, 1986.

Approved by the Governor April 3, 1986, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State April 3, 1986.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 5, Substitute House Bill No. 495, entitled:

"AN ACT Relating to the health, safety, and welfare of the confederated tribes of the Colville reservation; authorizing retrocession of jurisdiction over Indian lands; and adding new sections to Chapter 37.12 RCW."

This bill authorizes a procedure for the state to retrocede (return) partial criminal jurisdiction to the United States over the Colville Indian reservation. The primary purpose of this bill is to make possible the Colville Tribe's application for federal funds for law enforcement functions. Currently, sixteen other tribal reservations in Washington State are already under a partial state jurisdiction similar to what this bill will allow. However, section 5 requires the Colville tribe to express their desire for retrocession by a majority vote of its enrolled adult members during the next general tribal election. Through their legitimate, elected governing body, the Colville Business Council, the tribal members have already expressed their official support for retrocession. The elected Boards of Commissioners from both Ferry and Okanogan Counties have also officially endorsed retrocession. The strong tribal and local expressions of support for retrocession make the tribal election vote called for in Section 5 unnecessary and I have vetoed this section.

With the exception of section 5, Substitute House Bill No. 495 is approved.

CHAPTER 268

[Substitute House Bill No. 588]

RETIREMENT CONTRIBUTION RATES MODIFIED—UNFUNDED LIABILITY REVISED—CONTRIBUTIONS REQUIRED ONLY IF SERVICE CREDIT EARNED

AN ACT Relating to setting retirement system contribution rates; amending RCW 41.26.450, 41.32.775, 41.40.330, 41.40.361, 41.40.370, and 41.40.650; and creating a new section.

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

Sec. 1. Section 6, chapter 294, Laws of 1977 ex. sess. as amended by section 10, chapter 184, Laws of 1984 and RCW 41.26.450 are each amended to read as follows:

The required contribution rates to the retirement system for members, employers, and the state of Washington shall be established by the director from time to time as may be necessary upon the advice of the state actuary. The state actuary shall use the aggregate actuarial cost method to calculate contribution rates.

The member, the employer and the state shall each contribute the following shares of the cost of the retirement system:

Member	50%
Employer	30%
State	20%

Effective January 1, 1987, however, no member or employer contributions are required for any calendar month in which the member is not granted service credit.

Any adjustments in contribution rates required from time to time for future costs shall likewise be shared proportionally by the members, employers, and the state: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system (~~(; in existence on)~~) for persons who established membership before September 30, 1977, shall be borne in full by the state.