

the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House February 27, 1957.

Passed the Senate March 11, 1957.

Approved by the Governor March 23, 1957.

CHAPTER 240.

[H. B. 404.]

INDIANS—CRIMINAL AND CIVIL JURISDICTION OF STATE.

AN ACT providing for the assumption of criminal and civil jurisdiction over certain Indians and their reservations and lands as authorized by federal law; providing the time and method thereof, and the duty of the governor with respect thereto; and declaring an emergency.

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

SECTION 1. The state of Washington hereby obligates and binds itself to assume, as hereinafter provided, criminal and civil jurisdiction over Indians and Indian territory, reservation, 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 Congress, 1st Session).

Jurisdiction
over Indians,
Indian lands.
Assumption
by state.

SEC. 2. Whenever the governor of this state shall receive from the tribal council or other governing body 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 and civil jurisdiction of the state of Washington to the 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, reservation, country, and lands of the Indian body involved in accordance with the provisions of this act: *Provided*, That with respect to

Resolution of
request—Proc-
lamation by
governor.

the Colville, Spokane, or Yakima tribes or reservations, he shall not issue such proclamation unless the resolution of the tribal council has been ratified by a two-thirds majority of the adult enrolled members of the tribe voting in a referendum called for that purpose.

Jurisdiction
over Indians,
Indian lands.
Effective date
—Criminal
causes.

SEC. 3. Sixty days from the date of issuance of any proclamation of the governor as provided by section 2 of this act, the state of Washington shall assume jurisdiction over offenses committed by or against Indians in the lands prescribed in the proclamation to the same extent that this state has jurisdiction over offenses committed elsewhere within this state, and the criminal laws of this state shall have the same force and effect within such lands as they have elsewhere within this state.

Civil causes.

SEC. 4. Sixty days from the date of issuance of any proclamation of the governor as provided by section 2 of this act, the state of Washington shall assume jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the Indian lands prescribed in the proclamation to the same extent that this state has jurisdiction over other civil causes of action and 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 Indian lands as they have elsewhere within this state.

Limitation,
federal law.

SEC. 5. The jurisdiction assumed pursuant to this act shall be subject to the limitations and provisions of the federal act of August 15, 1953 (Public Law 280, 83rd Congress, 1st Session).

Act limited in
application.

SEC. 6. Nothing in this act shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, 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 hunting, trapping, or fishing or the control, licensing, or regulation thereof.

SEC. 7. Any tribal ordinance or custom heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the state, be given full force and effect in the determination of civil causes of action pursuant to this section.

Tribal ordinance, custom
—Effect in
civil causes.

SEC. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, and for the support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the House February 26, 1957.

Passed the Senate March 11, 1957.

Approved by the Governor March 23, 1957.