

901, chapter 312, Laws of 1986, section 3, chapter 122, Laws of 1987 and RCW 41.05.040;

(6) Section 2, chapter 122, Laws of 1987 and RCW 41.05.045;

(7) Section 6, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.060;

(8) Section 7, chapter 39, Laws of 1970 ex. sess., section 5, chapter 106, Laws of 1975-'76 2nd ex. sess., section 5, chapter 136, Laws of 1977 ex. sess. and RCW 41.05.070; and

(9) Section 6, chapter 303, Laws of 1986 and RCW 70.14.010.

**NEW SECTION.** Sec. 1. (1) The state health care authority shall be established and shall take such steps as are necessary to ensure that this act is fully implemented on October 1, 1988.

There is hereby appropriated for the biennium ending June 30, 1989, the sum of one million three hundred thousand dollars, or as much thereof as is necessary, to the office of the governor from the state employees' insurance administrative account, for the purposes of implementing this subsection.

(2) Subsection (1) of this section and sections 13, 31, 32, and 33 of this act are 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.

(3) The remainder of this act shall take effect on October 1, 1988.

Passed the House March 10, 1988.

Passed the Senate March 10, 1988.

Approved by the Governor March 16, 1988.

Filed in Office of Secretary of State March 16, 1988.

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## CHAPTER 108

[Substitute Senate Bill No. 6736]

### QUILEUTE, CHEHALIS, AND SWINOMISH TRIBAL LANDS—RETROCESSION OF CRIMINAL JURISDICTION

AN ACT Relating to jurisdiction over tribal lands; amending RCW 37.12.100, 37.12.110, 37.12.120, and 37.12.140; and adding a new section to chapter 37.12 RCW.

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

Sec. 1. Section 2, chapter 267, Laws of 1986 and RCW 37.12.100 are each amended to read as follows:

It is the intent of the legislature to authorize a procedure for the retrocession, to the Quileute Tribe, Chehalis Tribe, Swinomish Tribe, and 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 Quileute, Chehalis, Swinomish, or Colville Indian reservation and held in trust by the United States or subject to a restriction against alienation imposed by the United States.

RCW 37.12.100 through 37.12.140 in no way expand the Quileute, Chehalis, Swinomish, or Colville tribe's criminal or civil jurisdiction, if any, over non-Indians or fee title property. RCW 37.12.100 through 37.12.140 shall have no effect whatsoever on water rights, hunting and fishing rights, the established pattern of civil jurisdiction existing on the lands of the Quileute, Chehalis, Swinomish, or Colville Indian reservation, the established pattern of regulatory jurisdiction existing on the lands of the Quileute, Chehalis, Swinomish, or Colville Indian reservation, taxation, or any other matter not specifically included within the terms of RCW 37.12.100 through 37.12.140.

Sec. 2. Section 3, chapter 267, Laws of 1986 and RCW 37.12.110 are each amended to read as follows:

Unless the context clearly requires otherwise, the following definitions apply throughout RCW 37.12.100 through 37.12.140:

(1) "Colville reservation," ~~((or))~~ "Colville Indian reservation," "Quileute reservation," or "Quileute Indian reservation," "Chehalis reservation," or "Chehalis Indian reservation," "Swinomish reservation," or "Swinomish Indian reservation" means all tribal lands or allotted lands lying within the ~~((Colville Indian))~~ reservation of the named tribe 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 Colville Indian 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," or "Quileute, Chehalis, or Swinomish tribe" means the confederated tribes of the Colville reservation or the tribe of the Quileute, Chehalis, or Swinomish reservation.

(3) "Tribal court" means the trial and appellate courts of the Colville tribes or the Quileute, Chehalis, or Swinomish tribe.

Sec. 3. Section 4, chapter 267, Laws of 1986 and RCW 37.12.120 are each amended to read as follows:

Whenever the governor receives from the confederated tribes of the Colville reservation or the Quileute, Chehalis, or Swinomish tribe 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 RCW 37.12.021 over lands of ~~((the Colville Indian))~~ that tribe's 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 and the Quileute,

Chehalis, and Swinomish tribes shall not exercise criminal or civil jurisdiction over non-Indians.

Sec. 4. Section 1, chapter 267, Laws of 1986 and RCW 37.12.140 are each amended to read as follows:

RCW 37.12.100 through 37.12.140 may be known and cited as the ((Colville)) Indian reservation criminal jurisdiction retrocession act.

NEW SECTION. Sec. 5. A new section is added to chapter 37.12 RCW to read as follows:

The state of Washington hereby accepts retrocession from the United States of the jurisdiction which the United States acquired over those lands excluded from the boundaries of the Olympic National Park by 16 U.S.C. Sec. 251e. The lands restored to the Quileute Indian Reservation by Public Law 94-578 shall be subject to the same Washington state and tribal jurisdiction as all other lands within the Quileute Reservation.

Passed the Senate February 15, 1988.

Passed the House March 2, 1988.

Approved by the Governor March 18, 1988.

Filed in Office of Secretary of State March 18, 1988.

## CHAPTER 109

[Substitute House Bill No. 1366]

### JUDGES—RETIREMENT BENEFITS

AN ACT Relating to retirement benefits for judges of the state supreme court, court of appeals and superior courts; amending RCW 2.10.030, 2.10.040, 2.10.100, 2.10.140, 41.40.690, 2.56.030, 41.04.445, and 41.40.120; adding new sections to chapter 2.10 RCW; adding new sections to chapter 41.40 RCW; adding a new chapter to Title 2 RCW; repealing RCW 2.10.150 and 2.10.160; and providing an effective date.

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

Sec. 1. Section 3, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.030 are each amended to read as follows:

(1) "Retirement system" means the "Washington judicial retirement system" provided herein.

(2) "Judge" means a person elected or appointed to serve as judge of a court of record as provided in chapters 2.04, 2.06, and 2.08 RCW. Said word shall not include a person serving as a judge pro tempore.

(3) "Retirement board" means the "Washington judicial retirement board" established herein.

(4) "Surviving spouse" means the surviving widow or widower of a judge. The word shall not include the divorced spouse of a judge.

(5) "Retirement fund" means the "Washington judicial retirement fund" established herein.

(6) "Beneficiary" means any person in receipt of a retirement allowance, disability allowance or any other benefit described herein.