
SUBSTITUTE SENATE BILL 5332

State of Washington

62nd Legislature

2011 Regular Session

By Senate Government Operations, Tribal Relations & Elections
(originally sponsored by Senators Rockefeller, Chase, Harper, Nelson,
Prentice, and Kline)

READ FIRST TIME 02/15/11.

1 AN ACT Relating to authorizing a procedure for the retrocession to
2 the United States of civil jurisdiction over Indians for acts occurring
3 on tribal lands or allotted lands within the Confederated Tribes and
4 Bands of the Yakama Nation and held in trust by the United States or
5 subject to a restriction against alienation imposed by the United
6 States; and adding new sections to chapter 37.12 RCW.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 37.12 RCW
9 to read as follows:

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

16 (2) This section and section 2 of this act in no way expands the
17 Yakama Nation's criminal or civil jurisdiction, if any, over non-
18 Indians or fee title property. This section and section 2 of this act
19 has no effect whatsoever on water rights, hunting and fishing rights,

1 the established pattern of regulatory jurisdiction existing on the
2 lands of the Yakama Nation Indian reservation, taxation, or any other
3 matter not specifically included within the terms of this section or
4 section 2 of this act.

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

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

9 (1) To initiate a request for retrocession of civil jurisdiction to
10 the United States, the Yakama Nation must submit to the governor a
11 resolution expressing their desire for the retrocession by the state of
12 all or any measure of the civil jurisdiction acquired by the state over
13 Indians for acts occurring on tribal lands or allotted lands within the
14 Yakama Nation Indian reservation and held in trust by the United States
15 or subject to a restriction against alienation imposed by the United
16 States.

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

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

26 (a) Request a government-to-government consultation with the Yakama
27 Nation to discuss the request for retrocession; the Yakama Nation's
28 interest in the United States accepting retrocession; and the Yakama
29 Nation's plan for managing, along with the United States government,
30 the areas of civil jurisdiction identified in the resolution;

31 (b) Consider the interests of nontribal entities located within the
32 boundaries of the Indian reservation and the public interests of local
33 areas adjacent to the Indian reservation; and

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

1 (4) In lieu of declining to issue a proclamation at the end of the
2 ninety-day period, the governor may extend the period to further pursue
3 the activities described in subsection (3) of this section for up to an
4 additional ninety days. At the end of the first extension period, the
5 governor must decide whether or not to issue a proclamation, unless by
6 mutual agreement the governor and the Yakama Nation agree to a second
7 extension period of up to an additional ninety days. At the end of the
8 first extension period, or the end of any second extension period
9 mutually agreed upon, whichever is later, the governor must notify the
10 Yakama Nation and the legislature of his or her decision and may
11 request a meeting with the Yakama Nation's leaders and the legislature
12 to discuss the decision.

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

16 (6) The proclamation of retrocession becomes effective only when it
17 is accepted by an officer of the United States government in accordance
18 with 25 U.S.C. Sec. 1323 (82 Stat. 78, 79) and in accordance with
19 procedures established by the United States for acceptance of such
20 retrocession of civil jurisdiction. The Yakama Nation shall not
21 exercise criminal or civil jurisdiction over non-Indians.

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

26 (8) For the purposes of this section and section 1 of this act,
27 "Yakama Nation" means "the federally recognized Confederated Tribes and
28 Bands of the Yakama Nation."

29 NEW SECTION. **Sec. 3.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

--- END ---