

SENATE BILL REPORT

SB 6743

As Reported by Senate Committee On:
Government Operations & Elections, February 4, 2010

Title: An act relating to archaeological investigations on private land.

Brief Description: Regarding field investigations on privately owned lands.

Sponsors: Senators McDermott and Kauffman.

Brief History:

Committee Activity: Government Operations & Elections: 2/02/10, 2/04/10 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6743 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, McDermott, Pridemore and Swecker.

Staff: Sharon Swanson (786-7447)

Background: It is unlawful for any person to knowingly and willfully remove, alter, dig into, excavate, or remove an archeological object, site, or archeological resource without a permit. An archeological site is defined as a geographic locality in Washington, including but not limited to, submerged and submersible lands, and the bed of the sea within the state's jurisdiction that contains archeological objects.

A professional archaeologist is defined as a person with qualifications meeting the federal Secretary of the Interior's standards for a professional archaeologist. The minimum professional qualifications require a graduate degree in archeology, anthropology, or a closely related field. Additionally, the individual must have at least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management. Finally, the person must have at least four months of supervised field and analytical experience in general North American archeology and demonstrated ability to carry research to completion.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill (Recommended Substitute): It is the intention of the Legislature that field investigations on privately owned lands should be conducted by professional archaeologists.

A field investigation is defined as an onsite inspection by a professional archaeologist or by an individual under the direct supervision of a professional archaeologist employing archaeological inspection techniques for both the surface and subsurface identification of archaeological sources and artifacts, resulting in a professional archaeological report detailing the results of such inspection.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute): Adds a definition of field investigation.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This is a good bill that will add clarity to the law. The original intent was to discourage private citizens from conducting their own investigation into archaeological sites. This has been interpreted in a way that prohibits any investigation and that is not the intent. The intent to have a professional archaeologist conduct the investigation is one that is necessary.

Persons Testifying: PRO: Allyson Brooks, Department of Archaeology & Historic Preservation; Dawn Vyvyan, Yakima Nation.