

Judiciary

HB 1189

Title: An act relating to the protection of archaeological sites.

Brief Description: Enforcing protection of archaeological sites.

Sponsors: Representatives Lantz (co-prime sponsor), Dunn (co-prime sponsor), Edmonds, Hunt, Dunshee, Ogden, Kenney and Wood.

Brief Summary of Bill

- *Authorizes the director of the Office of Community Development to impose a civil penalty of up to \$5,000 for any violation of the archaeological sites and resources law.*
- *Makes it a class C felony (rather than a misdemeanor) to disturb or damage a historic or prehistoric archaeological resource or site, or remove an artifact from a site, without a permit and removes the exception for artifacts found on the surface of the ground.*
- *Requires the director of the Office of Community Development, when determining whether to grant or condition a permit, to give great weight to the applicant's record of previous civil or criminal violations of archaeological resource laws.*
- *Requires archaeologists who are conducting resource location and evaluation studies on public lands to notify the entity that is responsible for managing the lands.*

Hearing Date: 1/30/01

Staff: Edie Adams (786-7180).

Background:

The state's archaeological sites and resources law contains provisions for the identification, protection, inventory, excavation, and study of the state's archaeological resources. The Office of Archaeology and Historic Preservation, located within the Office of Community

Development (OCD), is the agency that carries out these responsibilities.

A person or entity must obtain a permit from the director of the OCD before removing, altering, digging, or excavating archaeological objects or sites, glyptics or painted records of tribes or people, or native Indian cairns or graves. The director must obtain the consent of the private or public property owner or agency responsible for management of the land before issuing the permit. Guidelines for the issuance and processing of permits are contained in rules adopted by the OCD.

A person or entity that knowingly removes, alters, digs, excavates, damages, defaces, or destroys any historic or prehistoric archaeological resource or site, or removes any archaeological object from a site, without a written permit from the director, is guilty of a misdemeanor. If the violation occurs with respect to Indian graves or cairns, glyptic or painted records of tribes or peoples, or historic graves, the violation is a class C felony. This provision does not apply to the removal of artifacts from the surface of the ground which are not historic archaeological resources or sites.

Qualified and professional archaeologists may enter on public lands for the purpose of doing archaeological resource location and evaluation studies. Scientific excavations may be carried out only upon agreement between the archaeologist or a higher education institution and the agency or political subdivision that is responsible for the public lands.

Summary of Bill:

The director of the OCD may impose a civil penalty of up to \$5,000 for a violation of any provision of the chapter on archaeological sites and resources, or any rules adopted under the chapter. A person who violates the chapter is subject also to reasonable investigative and restoration costs.

The crime of knowingly removing, altering, digging, excavating, damaging, defacing or destroying any archaeological resource or site, or removing an archaeological resource from a site, without a permit is made a class C felony. The exception from the crime for the removal of surface artifacts is deleted.

When a person or entity applies for a permit to disturb an archaeological site, the director must give great weight to the applicant's record of previous civil or criminal violations under state or federal archaeological resource laws when determining whether to grant or condition the permit.

An archaeologist conducting archaeological resource location and evaluation studies on public lands must first notify the entity that is responsible for managing those lands. In addition, the results of these studies must be made known to the Office of Archaeology and Historic Preservation and are confidential unless the director of the OCD declares in writing otherwise.

References to "Washington Archaeological Research Center" are replaced with "Office of Archaeology and Historic Preservation."

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

Appropriation: *None.*

Fiscal Note: *Not Requested.*