

# SENATE BILL REPORT

## SHB 1189

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As Reported By Senate Committee On:  
State & Local Government, February 25, 2002

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

**Brief Description:** Enforcing protection of archaeological sites.

**Sponsors:** House Committee on Judiciary (originally sponsored by Representatives Lantz, Dunn, Edmonds, Hunt, Dunshee, Ogden, Kenney and Wood; by request of Department of Community, Trade, and Economic Development).

**Brief History:**

**Committee Activity:** State & Local Government: 2/20/02, 2/25/02 [DP].

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### SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

**Majority Report:** Do pass.

Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, Kline, T. Sheldon and Swecker.

**Staff:** Diane Smith (786-7410)

**Background:** Any disturbance of an historic or prehistoric archaeological resource on private or public land without a written permit from the director of the Department of Community, Trade, and Economic Development (CTED) is a class C felony punishable by imprisonment for up to five years and a fine of up to \$10,000.

Any violation of the laws protecting archaeological sites and resources is also a misdemeanor.

**Summary of Bill:** The director of CTED or his or her designee may assess a civil penalty of up to \$5,000 for every violation of the chapter of laws protecting archaeological sites and resources, and may deny applications for permits to disturb archaeological sites. The aggrieved party in both instances may request an administrative hearing.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Without this bill, many permittees will be allowed to be out of compliance with their permits. This is because the department does not have remedies for enforcement of permits and has no authority to deny permits. The bill does not apply to surface collection and only applies to intentional disturbance of human material culture (archaeological artifacts), not fossils.

**Testimony Against:** None.

**Testified:** PRO: Allysea Brooks, State Historic Pres. Officer; Bruce Barlett, Weyerhaeuser; Mike Moran, Samish Tribe;