
SENATE BILL 5097

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By Senators Haugen, Honeyford, Gardner, Patterson, Bauer, Rasmussen, McCaslin, Hale, Sellar, Benton, Swecker, Winsley, Eide, Prentice and Roach

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1 AN ACT Relating to the office of archaeology and historic
2 preservation; amending RCW 27.34.020, 27.34.210, 27.34.220, 27.34.230,
3 27.34.240, 27.34.270, 27.34.280, 27.34.310, and 88.02.053; and creating
4 a new section.

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

6 **Sec. 1.** RCW 27.34.020 and 1995 c 399 s 13 are each amended to read
7 as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter:

10 (1) "Advisory council" means the advisory council on historic
11 preservation.

12 (2) (~~("Department" means the department of community, trade, and~~
13 ~~economic development.~~

14 ~~(3) "Director" means the director of community, trade, and economic~~
15 ~~development.~~

16 ~~(4))~~ "Federal act" means the national historic preservation act of
17 1966 (Public Law 89-655; 80 Stat. 915).

18 ~~((5))~~ (3) "Heritage council" means the Washington state heritage
19 council.

1 (~~(6)~~) (4) "Historic preservation" includes the protection,
2 rehabilitation, restoration, identification, scientific excavation, and
3 reconstruction of districts, sites, buildings, structures, and objects
4 significant in American and Washington state history, architecture,
5 archaeology, or culture.

6 (~~(7)~~) (5) "Office" means the office of archaeology and historic
7 preservation (~~(within the department)~~).

8 (~~(8)~~) (6) "Preservation officer" means the state historic
9 preservation officer as provided for in RCW 27.34.210.

10 (~~(9)~~) (7) "Project" means programs leading to the preservation
11 for public benefit of historical properties, whether by state and local
12 governments or other public bodies, or private organizations or
13 individuals, including the acquisition of title or interests in, and
14 the development of, any district, site, building, structure, or object
15 that is significant in American and Washington state history,
16 architecture, archaeology, or culture, and property used in connection
17 therewith, or for its development.

18 (~~(10)~~) (8) "State historical agencies" means the state historical
19 societies and the office of archaeology and historic preservation
20 (~~(within the department)~~).

21 (~~(11)~~) (9) "State historical societies" means the Washington
22 state historical society and the eastern Washington state historical
23 society.

24 (~~(12)~~) (10) "Cultural resource management plan" means a
25 comprehensive plan which identifies and organizes information on the
26 state of Washington's historic, archaeological, and architectural
27 resources into a set of management criteria, and which is to be used
28 for producing reliable decisions, recommendations, and advice relative
29 to the identification, evaluation, and protection of these resources.

30 **Sec. 2.** RCW 27.34.210 and 1995 c 399 s 14 are each amended to read
31 as follows:

32 There is hereby established the office of archaeology and historic
33 preservation (~~(within the department)~~).

34 The (~~(director)~~) governor shall appoint the preservation officer
35 (~~(to)~~) from a list of five candidates proposed by the secretary of
36 state. The historic preservation officer shall assist the (~~(director)~~)
37 secretary of state in implementing this chapter. The preservation
38 officer shall have a background in program administration, an active

1 involvement in historic preservation, and a knowledge of the national,
2 state, and local preservation programs as they affect the state of
3 Washington.

4 **Sec. 3.** RCW 27.34.220 and 1997 c 145 s 1 are each amended to read
5 as follows:

6 The (~~director or the director's~~) secretary of state or the
7 secretary of state's designee is authorized:

8 (1) To promulgate and maintain the Washington heritage register of
9 districts, sites, buildings, structures, and objects significant in
10 American or Washington state history, architecture, archaeology, and
11 culture, and to prepare comprehensive state-wide historic surveys and
12 plans and research and evaluation of surveyed resources for the
13 preparation of nominations to the Washington heritage register and the
14 national register of historic places, in accordance with criteria
15 approved by the advisory council established under RCW 27.34.250.
16 Nominations to the national register of historic places shall comply
17 with any standards and regulations promulgated by the United States
18 secretary of the interior for the preservation, acquisition, and
19 development of such properties. Nominations to the Washington heritage
20 register shall comply with rules adopted under this chapter.

21 (2) To establish a program of matching grants-in-aid to public
22 agencies, public or private organizations, or individuals for projects
23 having as their purpose the preservation for public benefit of
24 properties that are significant in American or Washington state
25 history, architecture, archaeology, and culture.

26 (3) To promote historic preservation efforts throughout the state,
27 including private efforts and those of city, county, and state
28 agencies.

29 (4) To enhance the effectiveness of the state preservation program
30 through the initiation of legislation, the use of varied funding
31 sources, the creation of special purpose programs, and contact with
32 state, county, and city officials, civic groups, and professionals.

33 (5) To spend funds, subject to legislative appropriation and the
34 availability of funds, where necessary to assist the Indian tribes of
35 Washington state in removing prehistoric human remains for scientific
36 examination and reburial, if the human remains have been unearthed
37 inadvertently or through vandalism and if no other public agency is
38 legally responsible for their preservation.

1 (6) To consult with the governor and the legislature on issues
2 relating to the conservation of the man-made environment and their
3 impact on the well-being of the state and its citizens.

4 (7) To charge fees for professional and clerical services provided
5 by the office.

6 (8) To adopt such rules, in accordance with chapter 34.05 RCW, as
7 are necessary to carry out RCW 27.34.200 through 27.34.280.

8 **Sec. 4.** RCW 27.34.230 and 1986 c 266 s 12 are each amended to read
9 as follows:

10 The (~~director or the director's~~) secretary of state or the
11 secretary of state's designee shall:

12 (1) Submit the budget requests for the office to the heritage
13 council for review and comment;

14 (2) Receive, administer, and disburse such gifts, grants, and
15 endowments from private sources as may be made in trust or otherwise
16 for the purposes of RCW 27.34.200 through (~~27.34.290~~) 27.34.320 or
17 the federal act; and

18 (3) Develop and implement a cultural resource management plan.

19 **Sec. 5.** RCW 27.34.240 and 1986 c 266 s 13 are each amended to read
20 as follows:

21 The amounts made available for grants to the public agencies,
22 public or private organizations, or individuals for projects for each
23 fiscal year shall be apportioned among program applicants by the
24 (~~director or the director's~~) secretary of state or the secretary of
25 state's designee, with the advice of the preservation officer, in
26 accordance with needs as contained in state-wide archaeology and
27 historic preservation plans developed by the (~~department~~) office of
28 the secretary of state.

29 **Sec. 6.** RCW 27.34.270 and 1997 c 145 s 2 are each amended to read
30 as follows:

31 The advisory council shall:

32 (1) Advise the governor and the (~~department~~) office of the
33 secretary of state on matters relating to historic preservation;
34 recommend measures to coordinate activities of state and local
35 agencies, private institutions, and individuals relating to historic

1 preservation; and advise on the dissemination of information pertaining
2 to such activities; and

3 (2) Review and recommend nominations for the national register of
4 historic places to the preservation officer and the ~~((director))~~
5 secretary of state.

6 **Sec. 7.** RCW 27.34.280 and 1986 c 266 s 15 are each amended to read
7 as follows:

8 The ~~((department))~~ office of the secretary of state shall provide
9 administrative and financial services to the advisory council on
10 historic preservation and to the Washington state heritage council.

11 **Sec. 8.** RCW 27.34.310 and 1995 c 399 s 15 are each amended to read
12 as follows:

13 Unless the context clearly requires otherwise, the following
14 definitions apply throughout RCW 27.34.320.

15 (1) "Agency" means the state agency, department, or institution
16 that has ownership of historic property.

17 (2) "Historic properties" means those buildings, sites, objects,
18 structures, and districts that are listed in or eligible for listing in
19 the National Register of Historic Places.

20 (3) "Office" means the office of archaeology and historic
21 preservation ~~((within the department of community, trade, and economic
22 development))~~.

23 **Sec. 9.** RCW 88.02.053 and 1996 c 3 s 2 are each amended to read as
24 follows:

25 (1) The maritime historic restoration and preservation account is
26 created in the custody of the state treasurer. All receipts from the
27 voluntary donations made simultaneously with the registration of
28 vessels under chapter 88.02 RCW shall be deposited into this account.
29 These deposits are not public funds and are not subject to allotment
30 procedures under chapter 43.88 RCW.

31 (2) At the end of each fiscal year, the state treasurer shall pay
32 from this account to the department of licensing an amount equal to the
33 reasonable administrative expenses of that agency for that fiscal year
34 for collecting the voluntary donations and transmitting them to the
35 state treasurer and shall pay to the state treasurer an amount equal to

1 the reasonable administrative expenses of that agency for that fiscal
2 year for maintaining the account and disbursing funds from the account.

3 (3) At the end of each fiscal year, the state treasurer shall pay
4 one-half of the balance of the funds in the account after payment of
5 the administrative costs provided in subsection (2) of this section, to
6 the Grays Harbor historical seaport or its corporate successor and the
7 remainder to the Steamer Virginia V foundation or its corporate
8 successor.

9 (4) If either the Grays Harbor historical seaport and its corporate
10 successors or the Steamer Virginia V foundation and its corporate
11 successors legally ceases to exist, the state treasurer shall, at the
12 end of each fiscal year, pay the balance of the funds in the account to
13 the remaining organization.

14 (5) If both the Grays Harbor historical seaport and its corporate
15 successors and the Steamer Virginia V foundation and its corporate
16 successors legally cease to exist, the department of licensing shall
17 discontinue the collection of the voluntary donations in conjunction
18 with the registration of vessels under RCW 88.02.052, and the balance
19 of the funds in the account escheat to the state. If funds in the
20 account escheat to the state, one-half of the fund balance shall be
21 provided to the office of archaeology and historic preservation and the
22 remainder shall be deposited into the parks renewal and stewardship
23 account.

24 (6) The secretary of state, the directors of the state historical
25 societies, the ~~((director))~~ preservation officer of the office of
26 archaeology and historic preservation ~~((within the department of
27 community, trade, and economic development))~~, and two members
28 representing the recreational boating community appointed by the
29 secretary of state, shall review the success of the voluntary donation
30 program for maritime historic restoration and preservation established
31 under RCW 88.02.052 and report their findings to the appropriate
32 legislative committees by January 31, 1998. The findings must include
33 the progress of the program and the potential to expand the voluntary
34 funding to other historic vessels.

35 NEW SECTION. **Sec. 10.** (1) All powers, duties, and functions of
36 the department of community, trade, and economic development pertaining
37 to the office of archaeology and historic preservation are transferred
38 to the office of the secretary of state. All references to the

1 director or the department of community, trade, and economic
2 development in the Revised Code of Washington shall be construed to
3 mean the secretary of state when referring to the functions transferred
4 in this section.

5 (2)(a) All reports, documents, surveys, books, records, files,
6 papers, or written material in the possession of the department of
7 community, trade, and economic development pertaining to the powers,
8 functions, and duties transferred shall be delivered to the custody of
9 the office of the secretary of state. All cabinets, furniture, office
10 equipment, motor vehicles, and other tangible property employed by the
11 department of community, trade, and economic development in carrying
12 out the powers, functions, and duties transferred shall be made
13 available to the office of the secretary of state. All funds, credits,
14 or other assets held in connection with the powers, functions, and
15 duties transferred shall be assigned to the office of the secretary of
16 state.

17 (b) Any appropriations made to the department of community, trade,
18 and economic development for carrying out the powers, functions, and
19 duties transferred shall, on the effective date of this section, be
20 transferred and credited to the office of the secretary of state.

21 (c) Whenever any question arises as to the transfer of any
22 personnel, funds, books, documents, records, papers, files, equipment,
23 or other tangible property used or held in the exercise of the powers
24 and the performance of the duties and functions transferred, the
25 director of financial management shall make a determination as to the
26 proper allocation and certify the same to the state agencies concerned.

27 (3) All employees of the department of community, trade, and
28 economic development engaged in performing the powers, functions, and
29 duties transferred are transferred to the jurisdiction of the office of
30 the secretary of state. All employees classified under chapter 41.06
31 RCW, the state civil service law, are assigned to the office of the
32 secretary of state to perform their usual duties upon the same terms as
33 formerly, without any loss of rights, subject to any action that may be
34 appropriate thereafter in accordance with the laws and rules governing
35 state civil service.

36 (4) All rules and all pending business before the department of
37 community, trade, and economic development pertaining to the powers,
38 functions, and duties transferred shall be continued and acted upon by
39 the office of the secretary of state. All existing contracts and

1 obligations shall remain in full force and shall be performed by the
2 office of the secretary of state.

3 (5) The transfer of the powers, duties, functions, and personnel of
4 the department of community, trade, and economic development shall not
5 affect the validity of any act performed before the effective date of
6 this section.

7 (6) If apportionments of budgeted funds are required because of the
8 transfers directed by this section, the director of financial
9 management shall certify the apportionments to the agencies affected,
10 the state auditor, and the state treasurer. Each of these shall make
11 the appropriate transfer and adjustments in funds and appropriation
12 accounts and equipment records in accordance with the certification.

13 (7) Nothing contained in this section may be construed to alter any
14 existing collective bargaining unit or the provisions of any existing
15 collective bargaining agreement until the agreement has expired or
16 until the bargaining unit has been modified by action of the personnel
17 board as provided by law.

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