

SENATE BILL REPORT

SB 5056

As Reported By Senate Committee On:
Government Operations & Elections, February 1, 2005
Ways & Means, March 2, 2005

Title: An act relating to creating the department of archaeology and historic preservation.

Brief Description: Creating the department of archaeology and historic preservation.

Sponsors: Senators Haugen, Swecker, Prentice, Kastama, Fairley, Honeyford, Zarelli, Hewitt, Berkey, Fraser, Thibaudeau, Jacobsen, McAuliffe, Rasmussen, Kline and Rockefeller.

Brief History:

Committee Activity: Government Operations & Elections: 2/1/05 [DPS-WM].
Ways & Means: 3/1/05, 3/2/05 [DP2S].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5056 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach.

Staff: Diane Smith (786-7410)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5056 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prentice, Chair; Doumit, Vice Chair; Fraser, Vice Chair; Zarelli, Ranking Minority Member; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau.

Staff: Kirstan Arestad (786-7708)

Background: The Office of Archaeology and Historic Preservation (OAHP) is part of the Department of Community, Trade and Economic Development (CTED). Within CTED, OAHP is supervised by the assistant director for local government who, in turn, reports to the director of CTED, who in turn, reports to the Governor.

The executive head of the OAHP is the State Historic Preservation Officer (SHPO). The title derives from federal law. For a state historic preservation program to be approved by the Secretary of the Interior, the Governor must designate a SHPO to undertake many federal responsibilities, some of which are: to administer the State Historic Preservation Program; to administer the state program of federal assistance for historic preservation within the state; to ensure that historic properties are taken into consideration at all levels of planning and

development; and to assist local governments in becoming certified local governments (CLGs) so that they become eligible to receive federal grant money. Once certified, a local government may then also offer state property tax incentives and federal investment tax credits to landowners whose property is listed on the federal, state or local historic registers.

Another area of federal law that is regulatory in nature is administered by the OAHP. This involves arriving at memoranda of agreement with proponents of development projects that have potential impacts on historical or archaeological sites. The ultimate consequence of inability to arrive at an agreement to mitigate the effects of the project can be the loss of the federal permit required for the project to proceed.

The OAHP also nominates historic places to the State and National Historic Registers; maintains an inventory of both state and nonstate-owned historic properties and archaeological sites that are searchable through the GIS system of computerized mapping; provides technical assistance and outreach services to local governments, private parties and foundations; and engages in various educational activities, often in conjunction with other state agencies, state universities, states, and federal agencies.

Summary of Second Substitute Bill: The OAHP is removed from CTED and made a separate department of state government. The director, who is also the SHPO, is appointed by the Governor, with the consent of the Senate.

Second Substitute Bill Compared to Substitute Bill: The second substitute bill makes a technical correction by omitting an erroneous reference to "other agencies".

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Requested on January 31, 2005.

Committee/Commission/Task Force Created: No.

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

Testimony For (Government Operations & Elections): The independent position of the office will facilitate involvement of the SHPO early in the planning and design processes. Especially for large projects, this will allow shaping of decision-making so that work can be pursued with maximum efficiency and sensitivity to sites of archaeological and historical significance. Having an active and independent SHPO is critical when under-surface projects are in progress so that expert response to unexpected events can be immediate and accurate. The Office can not afford the 40 percent overhead charges from its parent agency, CTED. Every dollar that can be saved in overhead expense is important to small heritage groups for education and outreach as well as preservation. An important duty of the Office is mapping, since less than five percent of the state's area has been surveyed for cultural resources. There is a latent and potentially disastrous problem in that 80 percent of the Office's funding comes from federal sources that have a 25 percent limitation on the amount of their pass-through money that can go to overhead.

Testimony Against (Government Operations & Elections): None.

Who Testified (Government Operations & Elections): Douglas B. MacDonald, WA State Department of Transportation; Shanna Stevenson, Tumwater, Olympia & Thurston County Historic Commission; Joanne Schwartz, City of Chehalis. PRO: Mary Thompson WA Trust for Historic Preservation; Dave Nicandri, WA State Historical Society; Don Brubeck, American Institute of Architects WA Council.

Testimony For (Ways & Means): If the Office of Archaeology and Historic Preservation is a separate state agency, the \$373,000 Office pays to CTED for overhead costs could go back to local jurisdictions. Adding \$400,000 to OAHP's budget of about \$1 million is important to keeping federal funding match requirements. OAHP always worked best when it operated as a separate agency.

Testimony Against (Ways & Means): None.

Who Testified (Ways & Means): PRO: Mary Margaret Haugen, prime sponsor, Michael Sullivan, Washington Trust for Historical Preservation, Dave Nicandri, Washington State Historical Society.