

# SENATE BILL REPORT

## ESB 5097

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As Passed Senate, March 17, 1999

**Title:** An act relating to the office of archaeology and historic preservation.

**Brief Description:** Transferring the office of archaeology and historic preservation from the department of community, trade, and economic development to the office of the secretary of state.

**Sponsors:** Senators Haugen, Honeyford, Gardner, Patterson, Bauer, Rasmussen, McCaslin, Hale, Sellar, Benton, Swecker, Winsley, Eide, Prentice and Roach.

**Brief History:**

**Committee Activity:** State & Local Government: 1/28/99, 2/17/99 [DP].  
Passed Senate, 3/17/99, 48-0.

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### SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

**Majority Report:** Do pass.

Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

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

**Background:** A bill in the 1998 session proposed the creation of a Cultural Resources Department. Questions that arose as a result of that bill prompted an interim study on the most effective location for the Office of Archaeology and Historic Preservation (OAHP) in state government.

The main duties of OAHP are to administer the federal investment tax credit program, to award federal grant money to certified local governments, to certify local governments, to conduct statutory administrative reviews, to make recommendations to the National Register of Historic Places, to maintain the State Register of Historic Sites, to inventory state-owned and nonstate-owned properties of archaeological or historic significance, and to provide technical assistance, education and outreach.

The Department of Community, Trade, and Economic Development (CTED) houses OAHP as one of 12 offices under the local government division, one of the department's seven divisions. In 1986, OAHP, the State Fire Policy Board and the Department of Emergency Management were moved into the predecessor of CTED. Both the State Fire Policy Board and the Department of Emergency Management have since been extracted from CTED, going to the Washington State Patrol and the Military Department, respectively. Until the third week of January 1999, the state of Washington had not had a State Historic Preservation Officer for approximately three years.

**Summary of Bill:** An 11 member task force is created to study the issue of the Office of Archaeology and Historic Preservation. A single recommendation for the location of the office within state government must be made to the Legislature and the Governor by January 1, 2000.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** OAHP is too far down in the bureaucracy to get the attention of the budget people at CTED. The office of Secretary of State is the best opportunity for OAHP to thrive because it would have a direct relationship to the Governor. The direct appointment by the Governor is critical to the State Historic Preservation Officer's credibility in high-level land-use negotiations with tribes, other states, and the federal government. This location gives OAHP the leadership it has lacked. The 38 percent overhead fee charged by CTED is money that is better spent on doing OAHP's work, which is regulatory in nature.

**Testimony Against:** The 38 percent overhead fee is calculated by a fair formula that is equitable for all the offices under CTED. Local ownership of historic preservation issues is incredibly important. CTED has a housing program that can provide tools for the adaptive use of older structures. CTED does AMA reviews and wants to build the same local ownership that tourism has.

**Testified:** Mary Thompson, WA Trust for Historic Preservation (pro); Malcolm Munsey, Steamer Virginia V Foundation (pro); Larry Johnson, Maritime Heritage Foundation (pro); Tim Douglas, Director, CTED (con); Joanne Schwartz, Chehalis Historic Preservation Commission.