

# SENATE BILL REPORT

## SB 5353

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As Reported by Senate Committee On:  
State & Local Government, January 24, 2002

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

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

**Sponsors:** Senators Prentice, Kline, Honeyford, Fraser, Patterson, Fairley, Costa, Regala, Jacobsen, Kohl-Welles and Swecker; by request of Department of Community, Trade, and Economic Development.

**Brief History:**

**Committee Activity:** State & Local Government: 1/31/01, 2/26/01 [DPS, DNP]; 1/21/02, 1/24/02[DPS].

Ways & Means: 3/7/01, 3/8/01 [DPS (SLG)]; 1/17/02 [w/o Rec-SLG].

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### SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

**Majority Report:** That Substitute Senate Bill No. 5353 be substituted therefor, and the substitute bill do pass.

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

**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 Substitute 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.

**Substitute Bill Compared to Original Bill:** The substitute bill includes the right to request an administrative hearing. The substitute bill removes amendments to the existing law on collecting of archaeological items from the surface of the ground. The civil penalty section is clarified.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This bill provides a mechanism for better protecting our archaeological heritage and helps preserve the past for the future. This enhanced civil penalty authority does not apply to surface collection. It does require the director of CTED to find that the person knowingly and willfully failed to comply with the permitting laws before penalties and costs can be assessed.

**Testimony Against:** None.

**Testified:** Allyson Brooks, State Historic Preservation Office (pro); Kristen Sawin, Assn. of WA Business (pro substitute).