

# HOUSE BILL REPORT

## HB 3156

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### As Reported by House Committee On: General Government Appropriations

**Title:** An act relating to authorizing the department of archaeology and historic preservation to impose a fee for access to certain online report systems.

**Brief Description:** Authorizing the department of archaeology and historic preservation to impose a fee for access to certain online report systems.

**Sponsors:** Representative Van De Wege.

#### **Brief History:**

##### **Committee Activity:**

General Government Appropriations: 2/4/10, 2/5/10 [DPS].

#### **Brief Summary of Substitute Bill**

- Creates the Historic and Archaeological Geographic Information System Account in the treasury.
- Creates a fee of \$2,500 for access to information that provides archaeological, historic archaeological, cultural, or burial importance related to cemeteries, burials and graves (human remains).
- Permits direct transfer of data to clients up to four times per year.
- Exempts students doing research from fee on a case-by-case basis.
- Exempts businesses with fewer than five employees and less than \$50,000 in annual revenue.

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### HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Darneille, Chair; Takko, Vice Chair; Blake, Hudgins, Kenney, Pedersen, Sells, Van De Wege and Williams.

**Minority Report:** Do not pass. Signed by 3 members: Representatives McCune, Ranking Minority Member; Klippert and Short.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Steve Smith (786-7178).

**Background:**

The Department of Archaeology and Historic Preservation (Department) provides historic records to the general public, as well as archaeological, historical, cemetery, cultural, and human remains information to environmental and engineering consulting groups, state agencies, universities, and tribes. This information is important for construction purposes, for academic purposes, and for Washington and regional tribes. Until recently, this information was accessed mostly in paper form.

For about two years, the Department has been providing this information electronically through their Geographic Information System (GIS) web site. This web site, called the Washington Information System for Architectural and Archaeological Records Data (WISAARD), has a free, public site that does not require a password, and it also has a restricted-access portal for clients that require information that is more sensitive in nature. Currently, this restricted-access portal requires an account, but it is still free.

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**Summary of Substitute Bill:**

Access to the WISAARD restricted-access portal requires paying a fee of \$2,500 annually, which is deposited into the Historic and Archaeological Geographic Information System Account. Definitions are provided for the types of data that are made covered under the fee. Conditions are created on transfer of information and makes exemptions to fee for students and small businesses. This new revenue source would help to cover the costs of maintenance and operations of the WISAARD web site.

**Substitute Bill Compared to Original Bill:**

The substitute bill exempts businesses with fewer than five employees and less than \$50,000 in annual revenue. It provides additional definition to types of information provided based on a GIS fee, and changes the account name from the Geographic Information System Account to the Historic and Archaeological Geographic Information System Account.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) None.

(Opposed) There was tribal opposition to the bill not due to the concept of the service being necessary, but because small tribes that rely on grants and contracts and plan their expenses accordingly, simply can't afford them. Incurring sudden costs leave the tribes in a bind. It is important that governments use this system as a matter of policy because it is important for land-use planning and permitting to know where these potential cultural sites may be. The liabilities associated with harming these sites could be enormous, and users should be able to access the data.

**Persons Testifying:** Mike Moran, Samish Tribe; and Dawn Vyvyan, Yakama Nation.

**Persons Signed In To Testify But Not Testifying:** None.