

SENATE BILL REPORT

SB 5282

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, February 8, 2011

Title: An act relating to archaeological investigations on private land.

Brief Description: Regarding field investigations on privately owned lands.

Sponsors: Senators Chase, Prentice, Swecker and Nelson.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 1/27/11, 2/08/11 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5282 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Chase, Nelson and Roach.

Staff: Sharon Swanson (786-7447)

Background: It is unlawful for any person to knowingly and willfully remove, alter, dig into, excavate, or remove an archeological object, site, or archeological resource without a permit. An archaeological site is defined as a geographic locality in Washington, including but not limited to, submerged and submersible lands, and the bed of the sea within the state's jurisdiction that contains archaeological objects.

A professional archaeologist is defined as a person with qualifications meeting the federal Secretary of the Interior's standards for a professional archaeologist. The minimum professional qualifications require a graduate degree in archaeology, anthropology, or a closely related field. Additionally, the individual must have at least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management. Finally, the person must have at least four months of supervised field and analytical experience in general North American archeology and demonstrated ability to carry research to completion.

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.

Summary of Bill (Recommended Substitute): It is the intention of the Legislature that field investigations on privately owned lands should be discouraged except when conducted by professional archaeologists.

A field investigation is defined as an onsite inspection by a professional archaeologist or by an individual under the direct supervision of a professional archaeologist employing archaeological inspection techniques for both the surface and subsurface identification of archaeological sources and artifacts, resulting in a professional archaeological report detailing the results of such inspection.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS COMMITTEE (Recommended Substitute): The substitute clarifies that field investigations on privately owned lands are discouraged except when conducted by a professional archaeologist.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This bill is the same as the bill this committee heard last session. The purpose of the bill is to clarify the intent of the Legislature. Archaeological findings need to be treated with dignity and respect. A trained archaeologist will know the appropriate manner in which to treat findings.

Persons Testifying: PRO: Dawn Vyvyan, Yakama Nation.