

# SENATE BILL REPORT

## SHB 2724

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As Reported by Senate Committee On:  
Governmental Operations, February 27, 2014

**Title:** An act relating to the exemption of information concerning archaeological resources and traditional cultural places from public disclosure.

**Brief Description:** Exempting information concerning archaeological resources and traditional cultural places from public disclosure.

**Sponsors:** House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Ortiz-Self, Appleton, Walkinshaw, Sawyer, Ryu, Roberts, Stanford and Wylie).

**Brief History:** Passed House: 2/13/14, 97-0.

**Committee Activity:** Governmental Operations: 2/27/14 [DP, w/oRec].

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### SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

**Majority Report:** Do pass.

Signed by Senators Roach, Chair; Hasegawa, Ranking Member; Conway and McCoy.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Dandel.

**Staff:** Samuel Brown (786-7470)

**Background:** Department of Archeology and Historic Preservation (DAHP). DAHP maintains a complete inventory of archeological resource sites and collections within the state. Archeological resources include historic and prehistoric objects, structures, artifacts, implements, and locations pertaining, but not limited to, American Indian or aboriginal sites.

DAHP gathers information about archeological sites and resources by conducting studies and evaluations on public lands and through investigation with permission on private lands, and maintains a complete inventory of archeological sites and collections. DAHP also receives information about archeological sites and resources from professional archeologists practicing in the state.

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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.*

DAHP Agency Information Sharing. DAHP is responsible for sharing the information in its archeological resource inventory with state, federal, and private construction agencies regarding the possible impact that construction activities may have on archeological resources. DAHP also shares information with agencies that are required to consider the impact of activities on archeological, historical, or cultural resources.

DAHP inventory is managed through a geographic information system database that helps agencies plan around archeological and historic sites to avoid protected resources. To protect against the abuse of such information from potential looting or vandalism, DAHP requires agencies to enter into a memorandum of understanding in order to access the database. DAHP also enters into such agreements with tribes to access and share archeological information for purposes of resource protection.

Public Records Act (PRA). The PRA requires that all state and local government agencies make all records available for public inspection and copying unless they fall within certain statutory exemptions. Exemptions are narrowly construed in order to promote public access to government information.

Certain exemptions are made for the purpose of protecting archeological sites from looting and depredation. Records and maps identifying the location of archeological sites are exempt from disclosure. Another exemption precludes disclosure of records and maps that identify archeological or historic sites or traditional sites used by a tribe that are obtained through a watershed analysis.

**Summary of Bill:** Any site forms, reports, specific fields, and tables relating to site form data within a database, and geographic information systems spatial layers, that are related to historical archeological resources, archeological resources, or traditional cultural places obtained by a state agency or local government, or shared between a state agency, local government, or tribal government are exempt from public disclosure.

**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:** PRO: This bill is about respect for our tribes. They have concerns about information regarding sensitive cultural data being subject to public records requests, and this bill addresses their concerns. DAHP has not seen archaeological sites decrease property values. They do not stop projects; there may be a delay where materials are removed. DAHP tries to work with landowners to balance development of their site with removal of artifacts. Tribes will often come out and work for free with the property owners to remove remains or artifacts.

OTHER: The original bill was vague, but the substitute ties the exemption to the agencies that actually have access to the database where this material is reported.

**Persons Testifying:** PRO: Representative Ortiz-Self, prime sponsor; Allyson Brooks, DAHP; Carl Schroeder, Assn. of WA Cities.

OTHER: Rowland Thompson, Allied Daily Newspapers.