

that a bulk reinsurance of such policies may be effected, the court shall have authority to order such assessment.

(5) In addition to any other rights of the association acquired by assignment or otherwise, the association shall be subrogated to the rights of any person entitled to receive benefits under this chapter against the liquidating insurer, or the receiver, rehabilitator, liquidator, or conservator, as the case may be, under the policy or contract with respect to which a payment is made or guaranteed, or obligation assumed by the association pursuant to this section, and the association may require an assignment to it of such rights by any such persons as a condition precedent to the receipt by such person of payment of any benefits under this chapter.

(6) For the purpose of carrying out its obligations under this chapter, the association shall be deemed to be a creditor of the liquidating insurer to the extent of assets attributable to covered policies and contracts reduced by any amounts to which the association is entitled as a subrogee. All assets of the liquidating insurer attributable to covered policies and contracts shall be used to continue all covered policies and contracts and pay all contractual obligations of the liquidating insurer as required by this chapter. Assets attributable to covered policies and contracts, as used in this subsection, are those in that proportion of the assets which the reserves that should have been established for such policies and contracts bear to the reserves that should have been established for all insurances written by the liquidating insurer.

(7) The association shall have the power to petition the superior court for an order appointing the commissioner as receiver of a domestic insurer upon any of the grounds set forth in RCW 48.31.030.

Passed the Senate April 11, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 2, 1975.

Filed in Office of Secretary of State June 2, 1975.

CHAPTER 134

[Reengrossed Substitute Senate Bill No. 2526]

CONSERVATION AND PROTECTION OF ARCHAEOLOGICAL RESOURCES

AN ACT Relating to ecology and historic preservation; providing for the conservation and protection of archaeological resource; adding a new chapter to Title 27 RCW; defining crimes; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. The legislature hereby declares that the public has an interest in the conservation, preservation, and protection of the state's archaeological resources, and the knowledge to be derived and gained from the scientific study of these resources.

NEW SECTION. Sec. 2. The location, excavation, and study of the state's archaeological resources, the providing of information on archaeological sites for their nomination to the state and national registers of historic places, the maintaining of a complete inventory of archaeological sites and collections, and the

providing of information to state, federal, and private construction agencies regarding the possible impact of construction activities on the state's archaeological resources, are proper public functions; and the Washington archaeological research center is hereby designated as an appropriate agency to carry out these functions. The legislature directs that there shall be full cooperation amongst the office of archaeological and historic preservation, the Washington archaeological research center and other agencies of the state.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout this chapter.

(1) "Archaeology" means systematic, scientific study of man's past through his material remains.

(2) "Historic" means peoples and cultures who are known through written documents in their own or other languages.

(3) "Prehistoric" means peoples and cultures who are unknown through contemporaneous written documents in any language.

(4) "Professional archaeologist" means a person who has extensive formal training and experience in systematic, scientific archaeology as defined in subsection (1) of this section, and who makes his or her living primarily through research in, teaching of, and/or publication on archaeology, and who is so recognized by members of the profession of archaeology through his or her participation in the activities of professional organizations of archaeologists.

(5) "Qualified archaeologist" means a person who has had formal training and/or experience in archaeology over a period of at least three years, and has been certified in writing to be a qualified archaeologist by two professional archaeologists.

(6) "Amateur society" means any organization composed primarily of persons who are not professional archaeologists, whose primary interest is in the archaeological resources of the state, and which has been certified in writing by two professional archaeologists.

NEW SECTION. Sec. 4. All sites, objects, structures, artifacts, implements, and locations of prehistorical or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material that are located in, on, or under the surface of any lands or waters owned by or under the possession, custody, or control of the state of Washington or any county, city, or political subdivision of the state are hereby declared to be archaeological resources.

NEW SECTION. Sec. 5. Any archaeological site located upon private lands or state trust lands, which is recorded according to the provisions of RCW 43.51.770(1), on the state or federal register of historic sites and places shall be included as an archaeological resource under the provisions of this chapter: PROVIDED, That no such site located upon private or state trust land shall be so

included under the provisions of this chapter without the written consent of the landowner in a recordable form sufficiently describing the site so that it may be located upon the ground. The consent of the landowner shall be recorded by the office of archaeological and historic preservation in the records of the county auditor of the county in which the land is located and a copy of such consent shall be transmitted by the office of archaeological and historic preservation to the Washington archaeological research center.

NEW SECTION. Sec. 6. On the private and public lands of this state it shall be unlawful for any person, firm, or corporation to wilfully alter, dig into, or excavate by use of any mechanical, hydraulic, or other means, or to damage, deface, or destroy any historic or prehistoric archaeological resource or site, American Indian or aboriginal camp site, dwelling site, rock shelter, cave dwelling site, storage site, grave, burial site, or skeletal remains and grave goods, cairn, or tool making site, or to remove from any such land, site, or area, grave, burial site, cave, rock shelter, or cairn, any skeletal remains, artifact or implement of stone, bone, wood, or any other material, including, but not limited to, projectile points, arrowheads, knives, awls, scrapers, beads or ornaments, basketry, matting, mauls, pestles, grinding stones, rock carvings or paintings, or any other artifacts or implements, or portions or fragments thereof without having obtained the written permission of the public or private landowner. Such written permission shall be physically present while any such activity is being conducted. The provisions of this section shall not apply to the removal of artifacts found exposed on the surface of the ground nor to the excavation and removal of artifacts from state owned shorelands below the line of ordinary high water and from state owned tidelands below the line of ordinary high tide.

NEW SECTION. Sec. 7. It is the declared intention of the legislature that field investigations on privately owned lands should be discouraged except in accordance with both the provisions and spirit of this chapter and persons having knowledge of the location of archaeological sites or resources are encouraged to communicate such information to the Washington archaeological research center.

NEW SECTION. Sec. 8. Qualified or professional archaeologists, in performance of their duties, are hereby authorized to enter upon public lands of the state of Washington and its political subdivisions, at such times and in such manner as not to interfere with the normal management thereof, for the purposes of doing archaeological resource location and evaluation studies, including site sampling activities. Scientific excavations are to be carried out only after appropriate agreement has been made between the archaeologist and the agency or political subdivision responsible for such lands. Notice of such agreement shall be filed with the Washington archaeological research center and by them to the office of archaeological and historic preservation. Amateur societies may engage in such activities by submitting and having approved by the responsible agency or political subdivision a written proposal detailing the scope and duration of the activity. Before approval, a proposal from an amateur society shall be submitted to the Washington archaeological research center for review and recommendation.

NEW SECTION. Sec. 9. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. Each day of continued violation of any provision of this chapter shall constitute a distinct and separate offense.

NEW SECTION. Sec. 10. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act shall constitute a new chapter in Title 27 RCW.

Passed the Senate May 7, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 2, 1975.

Filed in Office of Secretary of State June 2, 1975.

CHAPTER 135

[Substitute Senate Bill No. 2654]

REAL ESTATE EXCISE TAX

PROCEEDS—DISTRIBUTION

AN ACT Relating to the excise tax on real estate sales for school purposes; and amending section 28A.45.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.050.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 28A.45.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.050 are each amended to read as follows:

The county commissioners of any county are authorized by ordinance to levy an excise tax upon sales of real estate not exceeding one percent of the selling price. The rate of the levy shall be determined annually by the commissioners. The proceeds of the tax provided for in this chapter shall be placed in the county school fund and shall be used exclusively for the support of the common schools: PROVIDED, That one percent of the proceeds of the tax provided for herein may be placed in the current expense fund of the county: PROVIDED, That each intermediate school district superintendent shall certify each month the distribution of the real estate excise tax from the county school fund, for each county whose seat of government is within the intermediate school district, to the general fund of each school district in the county: PROVIDED FURTHER, That when a local school district board of directors, by properly executed resolution, instructs that the distribution in whole or part be credited to the building fund and/or bond interest and redemption fund of the local school district, the intermediate school district superintendent shall certify the distribution in accordance with such resolution: AND PROVIDED FURTHER, That such certification of distribution to each school district in the county shall be in proportion (using the most recent data) to the number of weighted students enrolled in each district to the number of weighted students in the county.

Passed the Senate May 12, 1975.

Passed the House May 24, 1975.

Approved by the Governor June 2, 1975.

Filed in Office of Secretary of State June 2, 1975.