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**HOUSE BILL 1271**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representative Buys

AN ACT Relating to increasing rock collecting opportunities on state lands; amending RCW 79A.80.010, 79A.80.050, 79A.80.080, 79A.80.090, 79A.80.100, 79A.05.165, and 77.15.750; adding a new section to chapter 79A.80 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature finds that there is great public interest in encouraging citizens to engage in Washington's magnificent outdoor recreational facilities. This interest is evident in the public investments Washington makes in facilities and was highlighted in 2014 by the governor's executive order 14-01, which created the governor's blue ribbon task force on parks and outdoor recreation. Enhanced outdoor recreation is important for the state both for economic growth and for the health and welfare of its citizens.

(2) The legislature further finds that accessing Washington's great outdoor spaces for the purposes of recreational rock collecting is a legitimate use of the state's outdoor recreational resources. Rock collecting is a hobby enjoyed by entire families and is an educational experience for school children that can separate them from electronic screens and create a lifetime bond with the outdoors and with nature. Rock collecting represents the type of hands-on, outdoor environmental and physical sciences education proven to make a difference in inspiring an outdoor recreational culture.

(3) The legislature further finds that allowing recreational, noncommercial rock collecting on state-owned recreation lands has a de minimums effect on state resources when conducted under appropriate conditions. Recreational rock collectors do not take significant quantities of any materials as part of their hobby.

(4) The legislature further finds that accommodating rock collecting enthusiasts benefits both state revenues and local economies. Increased rock collecting activity on state lands will lead to more discover pass sales and generate economic activity in the communities that host the destination state lands. Rock collectors choose to spend their discretionary income in pursuit of their hobby; spending that will occur in other states if Washington does not support their needs.

**Sec.**  RCW 79A.80.010 and 2013 2nd sp.s. c 23 s 22 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" or "agencies" means the department of fish and wildlife, the department of natural resources, and the parks and recreation commission.

(2) "Annual natural investment permit" means the annual permit issued by the parks and recreation commission for the purpose of launching boats from the designated state parks boat launch sites.

(3) "Camper registration" means proof of payment of a camping fee on recreational lands managed by the parks and recreation commission.

(4) "Day-use permit" means the permit created in RCW 79A.80.030.

(5) "Discover pass" means the annual pass created in RCW 79A.80.020.

(6) "Motor vehicle" has the same meaning as defined in RCW 46.04.320 and which are required to be registered under chapter 46.16A RCW. "Motor vehicle" does not include those motor vehicles exempt from registration under RCW 46.16A.080, wheeled all-terrain vehicles registered for use under RCW 46.09.442, and state and publicly owned motor vehicles as provided in RCW 46.16A.170.

(7) "Recreation site or lands" means a state park, state lands and state forest lands as those terms are defined in RCW 79.02.010, natural resources conservation areas as that term is defined in RCW 79.71.030, natural area preserves as that term is defined in RCW 79.70.020, and fish and wildlife conservation sites including water access areas, boat ramps, wildlife areas, parking areas, roads, and trailheads.

(8)(a) "Rock collecting" means the collection of recreational quantities of rocks, minerals, and other naturally occurring objects that are put to personal, noncommercial use and collected using only nonexplosive hand tools, such as shovels and picks.

(b) "Rock collecting" does not include the collection of petrified wood or any objects of historical or archaeological value.

(c) "Rock collecting" includes both the act of collecting the allowable materials and locating the materials. The use of a metal detector to locate materials is included in the scope of the definition of "rock collecting."

(9) "Rock collecting endorsement" means the endorsement created under section 3 of this act allowing for the collection of rocks, minerals, and other naturally occurring objects on land owned or managed by the agencies.

(10) "Sno‑park seasonal permit" means the seasonal permit issued by the parks and recreation commission for providing access to winter recreational facilities for the period of November 1st through March 31st.

((~~(9)~~))(11) "Vehicle access pass" means the pass created in RCW 79A.80.040.

NEW SECTION. **Sec.**  A new section is added to chapter 79A.80 RCW to read as follows:

(1) One or more rock collecting endorsements must be made available to any person purchasing a discover pass or day-use permit and must also be made available as a free standing purchase. The holder of an endorsement is entitled to, consistent with this section, collect rocks, minerals, and other naturally occurring objects on land owned or managed by the agencies.

(2) The cost of a rock collecting endorsement is five dollars and each endorsement is valid for one year. A rock collecting endorsement must be issued to an individual. However, the rock collecting endorsement allows for all members of the endorsement holder's immediate family to participate in rock collecting activities. The possession of a rock collecting endorsement serves as a permit from the agency for rock collecting as long as the rock collecting is done consistent with the provisions of this chapter.

(3) Each rock collecting endorsement allows the holder and the holder's immediate family members to collect and keep up to fifty cumulative pounds of material in any one day from land owned or managed by the agencies.

(4) Any person engaging in rock collecting on land owned or managed by an agency must replace or fill all divots, holes, or other disturbances caused by rock collecting.

(5) The agencies may designate areas where rock collecting is not allowed:

(a) In order to protect environmental, cultural, archaeological, or historical resources;

(b) In order to protect the safety of the rock collector;

(c) Where rock collecting activities are inconsistent with the management mandate of the land in question;

(d) Where the state does not own the mineral rights of the land; and

(e) Where grant or deed restrictions, or other legal limitations, makes rock collection an ineligible activity.

(6) Any rock collecting activity that satisfies the definition of "hydraulic project" in RCW 77.55.011 must, in addition to procuring a rock collecting endorsement, obtain permission to undertake the project from the department of fish and wildlife consistent with chapter 77.55 RCW.

(7) An agency may, by rule, specify specific rock or mineral types of high value that may not be collected under a rock collecting endorsement.

**Sec.**  RCW 79A.80.050 and 2012 c 261 s 6 are each amended to read as follows:

(1) A discover pass or a day-use permit are not required within a state park for persons who have a valid camper registration, or annual natural investment permit, issued by the state parks and recreation commission.

(2) The state parks and recreation commission must provide up to twelve days a year where entry to state parks is free. At least three of those days must be on weekends. When practicable, the free access days should be timed to correspond with any similar free access days planned by the national park service for national parks located in the general region of high volume state parks.

(3) A rock collecting endorsement issued under section 3 of this act is still required to engage in rock collecting on free access days and when camping.

**Sec.**  RCW 79A.80.080 and 2013 2nd sp.s. c 15 s 3 are each amended to read as follows:

(1) A discover pass, vehicle access pass, or day-use permit must be visibly displayed in the front windshield, or otherwise in a prominent location for motor vehicles without a windshield, of any motor vehicle:

(a) Operating on any recreation site or lands; or

(b) Parking at any recreation site or lands.

(2) A person rock collecting on land owned or managed by the agencies must possess a valid rock collecting endorsement.

(3) The discover pass, the vehicle access pass, or the day-use permit is not required:

(a) On private lands, state-owned aquatic lands other than water access areas, or at agency offices, hatcheries, or other facilities where public business is conducted;

(b) For persons who use, possess, or enter lands owned or managed by the agencies for nonrecreational purposes consistent with a written authorization from the agency, including but not limited to leases, contracts, and easements;

(c) On department of fish and wildlife lands only, for persons possessing a current vehicle access pass pursuant to RCW 79A.80.040; or

(d) When operating on a road managed by the department of natural resources or the department of fish and wildlife, including a forest or land management road, that is not blocked by a gate.

((~~(3)~~))(4)(a) An agency may waive the requirements of this section for any person who has secured the ability to access specific recreational land through the provision of monetary consideration to the agency or for any person attending an event or function that required the provision of monetary compensation to the agency.

(b) Special events and group activities are core recreational activities and major public service opportunities within state parks. When waiving the requirements of this section for special events, the state parks and recreation commission must consider the direct and indirect costs and benefits to the state, local market rental rates, the public service functions of the event sponsor, and other public interest factors when setting appropriate fees for each event or activity.

((~~(4)~~))(5) Failure to comply with subsections (1) and (2) of this section is a natural resource infraction under chapter 7.84 RCW. An agency is authorized to issue a notice of infraction to any person who fails to comply with subsection (1)(a) of this section or to any motor vehicle that fails to comply with subsection (1)(b) of this section.

((~~(5)~~))(6) The penalty for failure to comply with the requirements of this section is ninety-nine dollars. This penalty must be reduced to fifty-nine dollars if an individual provides proof of purchase of a discover pass, or, if applicable, a rock collecting endorsement, to the court within fifteen days after the issuance of the notice of violation.

**Sec.**  RCW 79A.80.090 and 2011 c 320 s 10 are each amended to read as follows:

(1) The recreation access pass account is created in the state treasury. All moneys received from the sale of discover passes ((~~and~~)), day-use permits, and rock collecting endorsements must be deposited into the account.

(2) Each fiscal biennium, the first seventy-one million dollars in revenue must be distributed to the agencies in the following manner:

(a) Eight percent to the department of fish and wildlife and deposited into the state wildlife account created in RCW 77.12.170;

(b) Eight percent to the department of natural resources and deposited into the park land trust revolving fund created in RCW 43.30.385; and

(c) Eighty-four percent to the state parks and recreation commission and deposited into the state parks renewal and stewardship account created in RCW 79A.05.215.

(3) Each fiscal biennium, revenues in excess of seventy-one million dollars must be distributed equally among the agencies to the accounts identified in subsection (2) of this section.

**Sec.**  RCW 79A.80.100 and 2012 c 261 s 4 are each amended to read as follows:

(1) Discover passes ((~~and~~)), day-use permits, and rock collecting endorsements may be made available for purchase:

(a) Through vendors under contract with one or more of the agencies. The agencies may provide vendors with discover passes ((~~and~~)), day-use permits, and rock collecting endorsements at the sales price established under RCW 79A.80.020 and 79A.80.030 to sell at retail;

(b) Directly from the state parks and recreation commission, both through that agency's parks reservation system, directly from agency employees or volunteers at staffed state parks, or as otherwise provided in RCW 79A.05.070;

(c) From the department of licensing as provided in RCW 46.16A.090 and 46.01.370;

(d) From other outlets authorized by law to sell state licenses, permits, or passes; and

(e) Consistent with RCW 77.32.050, through the department of fish and wildlife's automated licensing system.

(2) The agencies must maintain a policy to address conditions related to return, replacements, and for providing the full year of recreational lands access that the discover pass provides to individuals who are required by the department of licensing to change license plate numbers during the effective dates of a discover pass tied to the affected vehicle.

(3) For discover passes and day-use permits purchased through the department of licensing, county auditors, or other agents or subagents appointed by the director of the department of licensing, the selling entity is not responsible for delivering the purchased discover pass to the purchaser. The responsibility for delivering the discover pass belongs to the agencies.

**Sec.**  RCW 79A.05.165 and 2007 c 441 s 2 are each amended to read as follows:

(1) Every person is guilty of a misdemeanor who:

(a) Cuts, breaks, injures, destroys, takes, or removes any tree, shrub, timber, plant, or natural object in any park or parkway except in accordance with ((~~such~~)) rules ((~~as~~))of the commission ((~~may prescribe~~))or the conditions of a rock collecting endorsement offered under section 3 of this act; or

(b) Kills, or pursues with intent to kill, any bird or animal in any park or parkway except in accordance with a research pass, permit, or other approval issued by the commission, pursuant to rule, for scientific research purposes; or

(c) Takes any fish from the waters of any park or parkway, except in conformity with such general rules as the commission may prescribe; or

(d) Willfully mutilates, injures, defaces, or destroys any guidepost, notice, tablet, fence, inclosure, or work for the protection or ornamentation of any park or parkway; or

(e) Lights any fire upon any park or parkway, except in such places as the commission has authorized, or willfully or carelessly permits any fire which he or she has lighted or which is under his or her charge, to spread or extend to or burn any of the shrubbery, trees, timber, ornaments, or improvements upon any park or parkway, or leaves any campfire which he or she has lighted or which has been left in his or her charge, unattended by a competent person, without extinguishing it; or

(f) Places within any park or parkway or affixes to any object therein contained, without a written license from the commission, any word, character, or device designed to advertise any business, profession, article, thing, exhibition, matter, or event.

(2)(a) Except as provided in (b) of this subsection, a person who violates any rule adopted, promulgated, or issued by the commission pursuant to the provisions of this chapter is guilty of a misdemeanor.

(b) The commission may specify by rule, when not inconsistent with applicable statutes, that violation of the rule is an infraction under chapter 7.84 RCW.

**Sec.**  RCW 77.15.750 and 2011 c 320 s 20 are each amended to read as follows:

(1) A person is guilty of unlawful use of a department permit if the person:

(a) Violates any terms or conditions of the permit issued by the department or the director; or

(b) Violates any rule of the commission or the director applicable to the requirement for, issuance of, or use of the permit.

(2)(a) Permits covered under subsection (1) of this section include, but are not limited to, master hunter permits, crab pot removal permits and shellfish pot removal permits under RCW 77.70.500, depredation permits, landowner hunting permits, commercial carp license permits, permits to possess or dispense beer or malt liquor pursuant to RCW 66.28.210, and permits to hold, sponsor, or attend an event requiring a banquet permit from the liquor control board.

(b) Permits excluded from subsection (1) of this section include the discover pass created in RCW 79A.80.020, the vehicle access pass created in RCW 79A.80.040, the day-use permit created in RCW 79A.80.030, the rock collecting endorsement created in section 3 of this act, commercial use or activity permits, noncommercial use or activity permits, parking permits, experimental fishery permits, trial commercial fishery permits, and scientific collection permits.

(3) Unlawful use of a department permit is a misdemeanor.

(4) A person is guilty of unlawful use of an experimental fishery permit or a trial commercial fishery permit if the person:

(a) Violates any terms or conditions of the permit issued by the department or the director; or

(b) Violates any rule of the commission or the director applicable to the issuance or use of the permit.

(5) Unlawful use of an experimental fishery permit or a trial commercial fishery permit is a gross misdemeanor.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Experimental fishery permit" means a permit issued by the director for either:

(i) An "emerging commercial fishery," defined as a fishery for a newly classified species for which the department has determined that there is a need to limit participation; or

(ii) An "expanding commercial fishery," defined as a fishery for a previously classified species in a new area, by a new method, or at a new effort level, for which the department has determined that there is a need to limit participation.

(b) "Trial commercial fishery permit" means a permit issued by the department for trial harvest of a newly classified species or harvest of a previously classified species in a new area or by a new means.

**--- END ---**