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HOUSE BILL 1271

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State of Washington

64th Legislature

2015 Regular Session

By Representative Buys

Read first time 01/16/15. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to increasing rock collecting opportunities on  
2 state lands; amending RCW 79A.80.010, 79A.80.050, 79A.80.080,  
3 79A.80.090, 79A.80.100, 79A.05.165, and 77.15.750; adding a new  
4 section to chapter 79A.80 RCW; and creating a new section.

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

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

15 (2) The legislature further finds that accessing Washington's  
16 great outdoor spaces for the purposes of recreational rock collecting  
17 is a legitimate use of the state's outdoor recreational  
18 resources. Rock collecting is a hobby enjoyed by entire families and  
19 is an educational experience for school children that can separate  
20 them from electronic screens and create a lifetime bond with the  
21 outdoors and with nature. Rock collecting represents the type of

1 hands-on, outdoor environmental and physical sciences education  
2 proven to make a difference in inspiring an outdoor recreational  
3 culture.

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

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

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

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

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

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

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

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

30 (5) "Discover pass" means the annual pass created in RCW  
31 79A.80.020.

32 (6) "Motor vehicle" has the same meaning as defined in RCW  
33 46.04.320 and which are required to be registered under chapter  
34 46.16A RCW. "Motor vehicle" does not include those motor vehicles  
35 exempt from registration under RCW 46.16A.080, wheeled all-terrain  
36 vehicles registered for use under RCW 46.09.442, and state and  
37 publicly owned motor vehicles as provided in RCW 46.16A.170.

38 (7) "Recreation site or lands" means a state park, state lands  
39 and state forest lands as those terms are defined in RCW 79.02.010,

1 natural resources conservation areas as that term is defined in RCW  
2 79.71.030, natural area preserves as that term is defined in RCW  
3 79.70.020, and fish and wildlife conservation sites including water  
4 access areas, boat ramps, wildlife areas, parking areas, roads, and  
5 trailheads.

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

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

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

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

20 (10) "Sno-park seasonal permit" means the seasonal permit issued  
21 by the parks and recreation commission for providing access to winter  
22 recreational facilities for the period of November 1st through March  
23 31st.

24 ~~((+9))~~ (11) "Vehicle access pass" means the pass created in RCW  
25 79A.80.040.

26 NEW SECTION. Sec. 3. A new section is added to chapter 79A.80  
27 RCW to read as follows:

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

34 (2) The cost of a rock collecting endorsement is five dollars and  
35 each endorsement is valid for one year. A rock collecting endorsement  
36 must be issued to an individual. However, the rock collecting  
37 endorsement allows for all members of the endorsement holder's  
38 immediate family to participate in rock collecting activities. The  
39 possession of a rock collecting endorsement serves as a permit from

1 the agency for rock collecting as long as the rock collecting is done  
2 consistent with the provisions of this chapter.

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

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

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

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

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

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

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

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

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

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

29 **Sec. 4.** RCW 79A.80.050 and 2012 c 261 s 6 are each amended to  
30 read as follows:

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

35 (2) The state parks and recreation commission must provide up to  
36 twelve days a year where entry to state parks is free. At least three  
37 of those days must be on weekends. When practicable, the free access  
38 days should be timed to correspond with any similar free access days

1 planned by the national park service for national parks located in  
2 the general region of high volume state parks.

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

6 **Sec. 5.** RCW 79A.80.080 and 2013 2nd sp.s. c 15 s 3 are each  
7 amended to read as follows:

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

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

13 (b) Parking at any recreation site or lands.

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

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

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

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

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

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

31 ~~((3))~~ (4)(a) An agency may waive the requirements of this  
32 section for any person who has secured the ability to access specific  
33 recreational land through the provision of monetary consideration to  
34 the agency or for any person attending an event or function that  
35 required the provision of monetary compensation to the agency.

36 (b) Special events and group activities are core recreational  
37 activities and major public service opportunities within state parks.  
38 When waiving the requirements of this section for special events, the  
39 state parks and recreation commission must consider the direct and

1 indirect costs and benefits to the state, local market rental rates,  
2 the public service functions of the event sponsor, and other public  
3 interest factors when setting appropriate fees for each event or  
4 activity.

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

11 ~~((+5))~~ (6) The penalty for failure to comply with the  
12 requirements of this section is ninety-nine dollars. This penalty  
13 must be reduced to fifty-nine dollars if an individual provides proof  
14 of purchase of a discover pass, or, if applicable, a rock collecting  
15 endorsement, to the court within fifteen days after the issuance of  
16 the notice of violation.

17 **Sec. 6.** RCW 79A.80.090 and 2011 c 320 s 10 are each amended to  
18 read as follows:

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

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

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

28 (b) Eight percent to the department of natural resources and  
29 deposited into the park land trust revolving fund created in RCW  
30 43.30.385; and

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

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

37 **Sec. 7.** RCW 79A.80.100 and 2012 c 261 s 4 are each amended to  
38 read as follows:

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

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

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

12 (c) From the department of licensing as provided in RCW  
13 46.16A.090 and 46.01.370;

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

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

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

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

30 **Sec. 8.** RCW 79A.05.165 and 2007 c 441 s 2 are each amended to  
31 read as follows:

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

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

38 (b) Kills, or pursues with intent to kill, any bird or animal in  
39 any park or parkway except in accordance with a research pass,

1 permit, or other approval issued by the commission, pursuant to rule,  
2 for scientific research purposes; or

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

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

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

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

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

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

28 **Sec. 9.** RCW 77.15.750 and 2011 c 320 s 20 are each amended to  
29 read as follows:

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

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

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

36 (2)(a) Permits covered under subsection (1) of this section  
37 include, but are not limited to, master hunter permits, crab pot  
38 removal permits and shellfish pot removal permits under RCW  
39 77.70.500, depredation permits, landowner hunting permits, commercial



1 carp license permits, permits to possess or dispense beer or malt  
2 liquor pursuant to RCW 66.28.210, and permits to hold, sponsor, or  
3 attend an event requiring a banquet permit from the liquor control  
4 board.

5 (b) Permits excluded from subsection (1) of this section include  
6 the discover pass created in RCW 79A.80.020, the vehicle access pass  
7 created in RCW 79A.80.040, the day-use permit created in RCW  
8 79A.80.030, the rock collecting endorsement created in section 3 of  
9 this act, commercial use or activity permits, noncommercial use or  
10 activity permits, parking permits, experimental fishery permits,  
11 trial commercial fishery permits, and scientific collection permits.

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

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

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

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

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

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

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

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

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

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

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