

SENATE BILL REPORT

SB 5515

As of February 6, 1995

Title: An act relating to metal detectors in state parks.

Brief Description: Restricting the state parks and recreation commission authority to regulate metal detectors.

Sponsors: Senators Owen, Oke and Hargrove.

Brief History:

Committee Activity: Ecology & Parks: 2/9/95.

SENATE COMMITTEE ON ECOLOGY & PARKS

Staff: David Danner (786-7784)

Background: The State Parks and Recreation Commission manages 250 different park facilities throughout the state, encompassing approximately 90,000 acres. A number of these facilities contain documented archaeological resources or are located on sites of historic significance. Although State Parks properties may contain significant archaeological and historic resources, extensive surveys have not been conducted. In recent years, the agency has performed archaeological surveys prior to any excavation associated with new capital development or major maintenance projects, but these surveys have been limited in scope.

In 1987, the commission first adopted administrative rules dealing with the use of metal detectors within state parks. The rules specify where and when metal detectors may be used within state parks, and limit the amount of digging that may be done as part of metal detecting activities. The rules include registration requirements and provide that park facilities and historic archaeological resources shall not be disturbed. The rules also state that items which appear to be of historical or archaeological significance may not be removed.

Under the state law dealing with archaeological sites and resources, "historic archaeological resources" are defined as those properties which are listed in or eligible for listing in the Washington State Register of Historic Places or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966. The state Department of Community Development (DCD) is directed to maintain the state register.

Existing state law provides for criminal penalties for any person who knowingly removes, alters, excavates, damages, destroys or defaces any historic or prehistoric archaeological resource or site without first obtaining a permit from the Office of Archaeology and Historic Preservation within DCD.

Summary of Bill: The State Parks and Recreation Commission may not prohibit the use of metal detectors for recreational purposes except in areas where an historic archaeological resource has been identified.

In those state park areas that do not contain historic archaeological resources, the use of metal detectors is permitted subject to reasonable rules set forth by the commission. The commission must adopt rules consistent with this policy.

Appropriation: None.

Fiscal Note: Requested on February 6, 1995.

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