

SENATE BILL REPORT

SB 5691

As of March 5, 2009

Title: An act relating to boating safety.

Brief Description: Increasing boating safety. [Revised for 1st Substitute: Improving boating programs.]

Sponsors: Senators Brandland, Jacobsen, Shin and Parlette.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 2/09/09, 2/18/09 [DPS-WM].

Ways & Means: 3/02/09.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 5691 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Hatfield, Stevens and Swecker.

Staff: Sherry McNamara (786-7402)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Maria Hovde (786-7710)

Background: Current law requires the State Parks and Recreation Commission (Commission) to adopt and enforce recreational boating safety rules, including equipment and navigating requirements, consistent with the United States Coast Guard (Coast Guard) regulations.

In 2005 the Legislature required the Commission to establish and provide a mandatory Boating Safety Education Program. The program is being phased in so that all nonexempt boaters are required to obtain a boater education card by January 1, 2016.

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.

The Coast Guard administers the Recreational Boating Safety (RBS) Grant Program. The Commission receives an RBS grant, which requires Washington State's Recreational Boating Safety Program to have:

- a vessel numbering system;
- a Cooperative Boating Safety Assistance Program with the Coast Guard, including sufficient patrol and other activity to ensure adequate enforcement of applicable state boating safety laws and regulations;
- a state boating safety education program that includes the dissemination of information concerning the hazards of operating a vessel under the influence of alcohol or drugs; and
- a marine casualty reporting system.

The Coast Guard's RBS grant is limited to one-half of the total cost of the state's boating program. The state must provide matching funds from general state revenues, undocumented vessel numbering and license fees, or state marine fuels taxes. The RBS grant funds are distributed on a reimbursement basis; the state receives no funds in advance. The state must first spend state resource funds and then be reimbursed up to 50 percent by the RBS grant funds.

Summary of Bill (Recommended Second Substitute): Within funds appropriated for this specific purpose, the Recreation and Conservation Office (RCO) must consult with the Commission, recreational boating stakeholders, and the Washington Association of Sheriffs and Police Chiefs to:

- contract for a quantification of the needs identified in past studies and reports;
- develop program standards for recreational boating programs;
- determine state and local responsibility;
- evaluate the effectiveness of the boating programs;
- establish a plan for standardized and specialized training;
- identify best practices for law enforcement on-the-water activities; and
- review the funding and expenditures of the state's boating program.

The RCO must submit a preliminary report to the Governor and the Legislature by January 1, 2010. The final report is due by December 1, 2010.

The Commission must designate the Department of Fish and Wildlife (DFW) as an approved boating program for the purpose of obtaining increased federal matching funds.

This act may be referred to as the Recreational Boating Services and Safety Improvement Act of 2009.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Proposed Second Substitute): Specifies that if funding for the purposes of this act is not provided by June 30, 2009 in the omnibus appropriations act, this act is null and void.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION COMMITTEE (Recommended First Substitute): Requires, within funds appropriated for this specific purpose, the RCO, in consultation with the Commission,

recreational boating stakeholders, and the Washington Association of Sheriffs and Police Chiefs to:

- contract for a quantification of the needs identified in past studies and reports;
- develop program standards;
- determine state and local responsibilities;
- establish a standardized and specialized training plan;
- identify best practices for education and law enforcement activities; and
- review the funding and expenditures of the state's boating programs.

Requires a preliminary report to the Governor and the Legislature by January 1, 2010. The final report is due by December 1, 2010.

Designates the DFW as an approved boating program for the purpose of obtaining increased federal matching funds and for the ability to compete for funds administered by the Commission.

The act may be referred to as the Recreational Boating Services and Safety Improvement Act of 2009.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill (Natural Resources, Ocean & Recreation): PRO: The bill creates a plan for a structured discussion on how to increase boating safety on our waterways. It is important to examine the efficiencies of the current funding levels in the State Park's program and the allocation of the federal grant funds. In order to improve safety on the water it would help to put more money into local marine law enforcement. Various studies have stated the need for more local marine law enforcement on the waterways to enforce the boating laws. Boater education is best when done right on the water.

CON: The reallocation of 80 percent of the federal funds for local marine law enforcement will throw the rest of the state program out of balance. The other required elements of the state program are essential as well and should not be neglected. Spending only 20 percent of the federal funds on these required components could jeopardize all the federal monies. There are currently 52 local boating safety programs that receive 70 to 75 percent of the state's Recreational Boating Safety Distribution. The current State Parks Boating Program is well-rounded and provides for a balance of funds for local marine law enforcement and boating safety education.

Persons Testifying (Natural Resources, Ocean & Recreation): PRO: Senator Brandland, prime sponsor; Mike Harum, Ed Holmes, Jo Arlow, Washington Association of Sheriffs and

Police Chiefs; Bruce Bjork, DFW; James McMahan, Washington Association of County Officials.

CON: Steve Greaves, Washington Boating Alliance; Jim King, David Kutz, Recreational Boating Association of Washington; Steven Meacham, Windseekers Sailing Club; Fred Romero, James Horan, Washington State Parks and Recreation Commission.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: This legislation is to look at the way we provide boating safety in the state and to improve these programs and implement better law enforcement. It would be very difficult for local sheriffs offices to provide this service within their current funding. The money for this purpose does not come from the general fund, but rather from the recreation resource account. This is a result of collaboration between law enforcement and stakeholders to coordinate these programs in the state. This bill will also allow the Department of Fish and Wildlife to gain access to additional federal funds.

Persons Testifying (Ways & Means): PRO: Senator Dale Brandland, prime sponsor; Jim King, Recreational Boating Association of Washington; Mike Harem, Chelan County Sheriff, Washington Association of Police Chiefs; Jo Arlow, Washington Association of Sheriffs and Police Chiefs; Cliff Webster, Northwest Marine Trade Association