



RECREATIONAL BOATING ASSOCIATION OF WASHINGTON

2008 WASHINGTON STATE LEGISLATIVE REPORT

By David Kutz, Government Affairs Director

This year was our “short” 60 Day Legislative Session in Olympia. In Washington State, we alternate years from the “short” 60-day session to a “long” 90-day session. This session wrapped up on March 13, 2008. Here is a summary of the 2008 boating bills worked on by RBAW Lobbyist Jim King and the RBAW Legislative crew.

SHB 2687 Striker. This was a last minute budget amendment by the Senate to eliminate the funding for our newly created Boater Activity Account. Both RBAW and NMTA alerted the boating public and industry with requests for citizens to call the Legislative Hotline or send e-mails in protest. We caused somewhat of a stir in Olympia and were successful.

Thankfully the Legislative Budget came out with good news, our funding was fully restored! We can be proud that our efforts paid off. We know for sure our good friend of Boating, Senator Phil Rockefeller (D-North Kitsap) went to bat for us to restore the \$1 million Boater Activity Account appropriation. We're certain all the calls to the Hotline and E-mails made it easier for Sen. Rockefeller to help get the funding restored.

Thanks to you, the boaters of Washington, our grassroots efforts have paid off again. Credit and thanks also needs to be extended to our good friends at the Northwest Marine Trades Association, and their members, who also worked hard to restore this funding. We also had support from the Northwestern Boating Council, IOBG District 1, Washington Sheriffs Association (Marine Patrol Units), Puget Sound Anglers, Whatcom Recreational Boaters, and hundreds of individuals. Thank you all.

SHB 2514/SB 6395 – ORCA WHALE PROTECTION FROM VESSELS

This was a bill to protect southern resident Orca Whales from impacts from vessels. The original bill prohibited boats from knowingly being within 300 feet, or feeding, an Orca whale. RBAW was in favor of the *original* bill. However, the Bill was amended by WDFW recommendations to remove the word “knowingly”. We supported the bill with the word “*knowingly*” or equivalent meaning. We wanted to make sure boaters would not be illegal if unintentionally caught in the middle of a pod of orcas.

On Feb. 25, 2008 RBAW members testified on the Senate Bill for the House Committee on Ag. & Natural Resources. This committee amended this bill to state “It is an affirmative defense to a violation if the defendant can prove by a preponderance of evidence that he or she did not knowingly approach.....” This would have been a successful conclusion but unfortunately the Senate bill died and the House bill was passed without our amendment. It was unfortunate we did not get a chance to testify our position to the Senate.

This issue was a conundrum for RBAW because we didn't want to kill the bill and make it appear to the Legislature that boaters don't care about Orca whales. We feel it's a good bill; we love Orcas, but would have been much better with our proposed amendment. So we tried

to work with the Legislature and fix it, but WDFW wanted an easy law to enforce and had a more convincing argument.

We'll express our concerns to the Governor for the record. We also have WDFW on record testifying that they promise not to harass boaters and will use good judgment when enforcing the new State law. We'd like to hear back from any boaters affected by this new law.

Further, a probable scenario is the new State Orca protection law may just be temporary until the Federal government makes a ruling to the same effect. The southern resident Orca is now on the Federal Endangered Species Act (ESA). The Federal Register has already called for comments on proposed Federal rulemaking regarding vessel impacts on Orcas. The Federal Register recognizes the problem of boaters inadvertently finding themselves close to whales through no fault of their own. We have not heard the end of this yet.

ESSB 6532 – MARINA/ DNR LEASE BILL

Authorizes certain cities (namely Oak Harbor) to enter in a new agreement with the Department of Natural Resources (DNR) to get free lease rent from the DNR. The justification is that Port Districts (Port Marinas) now get this exemption and Oak Harbor wants the same advantage. To have the rent exemption, they must operate under the DNR's Aquatic Land Management policies. The Bill passed.

HB 2505 – PATROL VESSEL BILL

Would have provided funding for the Island Co Sheriff's Office for a patrol boat. Would have directed the county to do coastal defense, anti-piracy, anti-smuggling, fisheries patrol, border protection and emergency/disaster aid. RBAW testified for this bill with concerns that the vessel does not become a burden on recreational boating programs and that jurisdiction of this vessels falls outside of recreational boating programs. The Bill was amended to result in a working group to study the issue, but died in the Rules Committee.

HB 2589 – HISTORIC VESSEL GRANT PROGRAM BILL

Would have used \$1.00 of existing vessel registration fee for creating a grant program for maritime historic restoration and preservation. RBAW had testified in favor with suggested amendments and concerns the \$1 comes from the general fund portion of vessel registration and does not come from funding any existing marine programs. The Bill almost made it through the House, but died in committee.

SB 6218 – COLLECTOR STATUS VESSEL BILL

Would have created a historic vessel category for boats 40 years and older; requires a separate decal for such vessels. Vessels that are 'historic' would only pay ¼% excise tax instead of the usual ½% for all boats now in effect. The bill is modeled after the collector car discounted licensing fees. The Senate Ways & Means committee set a 60 years old requirement, rather than forty years old. RBAW testified in support of the bill, but it died in the final moments. ***Actually we feel we had success with this measure – just getting it on the table was a good thing and having it stall this year, gives us a chance to work on the bill language and promote it next session.***

On behalf of RBAW, and our lobbyist Jim King, we would like to thank you very much for your good efforts this session to support RBAW. With your continued support, we'll continue to improve boating programs and boating safety in the State of Washington.