



United States Power Squadrons
Executive Department
Government and Partner Relations Committee
P/D/C James Spencer Jr, SN
176 E New England Drive
Elkton, FL 32033
904 679-3990 vtspencers@comcast.net

24 August 2015

To: GPR Committee

From: State Legislation - Region C

Alaska:

No Report

Arizona : Tim Baumgarten State Boating Law Administrator Arizona Game and Fish Department

In terms of legislative proposals, we have proposals, but they are such and nothing has been forwarded legislatively beyond that stage. We are considering an "omnibus" package that may or may not be sponsored at this point. We currently have nothing "in process", but after obtaining proper approvals, I see no reason not to provide you with an overview of our proposals.

California: D/Lt Frank Radomsky, AP

As far as the Calif Department of Boating and Waterways Website for Legislation contemplated or in the works for this year, the site is blank so I have to rely on other modes of information such as Boat US, & The U. S. Coast Guard publications for my research material which is sparse from what it used to be.

Renewable Fuel Standard Reform Act of 2015: Boaters and Ethanol Gas. New Legislation would fix renewable fuel standard.

i.e. Presently Engine Warranties are voided for using gas mixture of MORE than 10% Ethanol. Engine damage (major) to engine parts and/or components. Metal failure in some cases, Valves, rods, etc. Some States (several) look to waive requirement for Ethanol all together.

Invasive Species in California Waterways: Ongoing preventive measures to control the spread of mussels and other infestations of the waterways, Lakes and Reservoirs, are ongoing with stricter regulations regarding trailer boats traveling from location to another until sterilization has been performed to prevent transport of species from one place to another. Steam cleaning of hull cavities recommended in known infested areas.

Colorado: Kris Wahlers Colorado Boating Safety Program Manager

At this point, the only legislative action regarding recreational boating safety that's on our radar is the vessel registration sunset review. Many pieces of regulatory legislation passed in Colorado have a shelf life; they go through an independent review periodically to ensure they're still meeting the original intent and purpose. We've spent this year doing research and providing our reviewer with materials. The official report will be made public in October and will go in front of the next legislative session in January 2016.

After that, we anticipate putting together a legislative package to bring us into compliance with the latest USCG requirements for the 2017 legislative session.

Idaho: David Dahms, Idaho Boating Program Manager

There is no pending legislation that I am aware of. It has been very quiet on the legislative front the last few years with the exception of some minor language changes for our negligent operation law two years ago.

The new language can be found at:

<http://www.legislature.idaho.gov/idstat/Title67/T67CH70SECT67-7017.htm>

Hawaii: D/Lt Frank Radmonsky, AP

Safe Boating Course Requirement for Hawaiian Waters: Both the Hawaii and Honolulu Squadrons are teaching the Safe Boating Course with great attendance since it has been made a requirement to operate a vessel in Hawaiian Waters.

Notable mention goes to the Hawaii Squadron who are teaching the Courses **Inter-Island** as requested from individuals wanting same. They have also been active in hearings on proposed Boating Legislation affecting boating in Hawaiian Waters.

Montana : Ron Jendro Montana Boating Law Administrator

Two bills were introduced that had implications in boating. One would have made our BUI very similar to the states DUI statute except for the suspensions of drivers license. The other was a clean-up bill that would get rid of the Type I, II, III, IV and V descriptors for PFD's and some other clean-up language. Both bills died in committee.

Nebraska : Lt/C Michael J. Bahr, AP

No Report

New Mexico: Toby G. Velasquez, Deputy Director New Mexico State Parks Division

There is no anticipated recreational boating legislation for the upcoming legislative session (January 2016) here in New Mexico.

In addition, the past session had no recreational boating legislation proposed. However, if something develops, I will share that information with you along the way.

North Dakota:

No Report

Oregon:

No Report

South Dakota : Brandon Gust Law Enforcement Specialis South Dakota Game, Fish & Parks

Our legislative session ended in March for 2015. Our next session will be in January of 2016. The only boating related statute that was modified this year addressed PWCs being allowed to operate 1/2 hour prior to sunrise and 1/2 hour after sunset set without navigation lights. The language within that specific law was changed to bring PWCs in line with the remainder of our vessels requiring navigation lights between the hours of sunset and sunrise.

Please let me know if you need anything else.

Utah :Ty Hunter Utah Boating Law Administrator

As of today the State of Utah has no new legislation for the next session in 2016. I will know more about any legislation in Dec/Jan

Washington : P/C Loyd A. Walker III, SN

.
The 2015 Washington Legislative Session, was the longest ever at a regular 105 day and three extended sessions for a total of 176 days. The central theme revolved around arriving at new operating and capital budgets, a new transportation package since the last ten years ago, all while the Legislature is held in contempt of the state Supreme Court for not fully funding state education per the state Constitution. Boating related issues has a tough fight without getting lost in the process or held hostage as pawns in the budget games.

Boating program or program related results for 2015 are as follows:

- The biggest impact item is the first transportation package approved in 10 years and the resulting 11.9 cents per gallon gasoline tax increase. Boating advocacy group presence and pressure succeeded in getting all the [pro-rated] gas tax increase [approx. \$3.4 million in 2015-17] from boats directed to the Marine fund for potential refund and/or ultimately the Recreation Resource Account for boating infrastructure improvement grants. Additionally, the current 23 cents tax collection [approx. \$9.6 million] was successfully protected from being robbed in the budget wars as has happened in past sessions. To top it off, after several tough years, Bill SHB 1738 was passed to reclaim the 14.5 cents [from the 2003 & 2005 gas tax increases] incorrectly diverted for highway projects and re-direct it to the Marine fund after the committed general obligation bonds are retired. At that point, all off road tax paid by boaters will be properly applied to boating programs.

- The Marine Tourism Bill ESSB 6057 was passed to now allow out of state LLC boats to visit state waters for up to 180 days, similar to privately owned boats for a Cruising Permit Fee. Previously, LLC boats after 60 days either had to register and pay the sales tax or pay the equivalent excise tax [1/2% of the boat value] –this just didn't happen and lots of big money in moorage, supplies and repairs went to other states or British Columbia instead. This is expected to result in a biennium revenue increase of \$20+ million dollars and further benefit dealers, boatyards and increased job production.
- Headed off were attempts to increase boat registration fees again for:
 - invasive species control [already paid by recreational boaters and in need of expanded funding sources],
 - fee increases for diverting derelict vessel removal funds to unspecified prevention programs [current fees paid by recreational boaters adequately cover derelict vessel issues under 65 feet but not the huge costs of the commercial fleet],
 - fee increases based on charging sales tax on vessel trade-ins,
 - and a move to relieve marinas in cities from the DNR lease fees [which would simply ratchet up all the rest of the state leaseholders fees to cover the loss].
- One loss was Bill SB5762, where a cap would be put on sales tax of new boats at \$19,500. This was an attempt by the Northwest Yacht Brokers to promote more construction and hence registering of large yachts in the state. It died in committee and will likely be reintroduced in next year's second biennial session
- Another minor setback was Bill SSB 5397 sponsored by recreational boaters to protect vessel registration owner records similar to that for vehicle owners. [State department of Licensing currently treats vessels the same as vehicles but in the absence of a federal law for vessels similar to vehicles, has declared that their rulemaking has no foundation and will be eliminated.] There was no opposition to the Bill and it passed both House and Senate Committees but was held hostage on the floor of the House during the budget wars. It is expected to be resurrected next year and hopefully it will sail through in the 2016 session

Two other large issues are at play in the state outside the Legislative arena:

The state Dept. of Ecology is in the process of submitting to the federal EPA a request to establish the entire Puget Sound as a "No Discharge Area" under the Clean Water Act. Currently it is already illegal to discharge untreated sewage in these waters and this will punish those with USCG approved on-board treatment systems. This is being viewed as a huge political power grab by Ecology [under the guise of inadequate federal water quality management and the need for local control] and is being vigorously opposed by recreational as well as commercial boaters. It opens the door for state intervention in management of gray water and other issues now managed by the EPA in the states federally controlled waters and is questionable in its ability to show a current problem or demonstrate improvement. It is currently somewhat delayed by the opposition but is an ongoing issue with.

The state Dept. of Natural Resources has created a draft "Habitat Conservation Plan" for aquatic lands managed by the department with extensive design changes for overwater structures above and beyond those imposed by Federal Fisheries and Corp of Engineers for protection of endangered species while permitting for marine projects. This is being viewed as a huge political power grab by DNR [under the guise of more effectively protecting endangered species while reducing liability risk of DNR liability] and is being vigorously opposed by recreational as well as commercial boaters, marinas, yacht clubs and port associations. It sets the stage for separate and unequal treatment of facilities over DNR and non-DNR owned land and is questionable in its ability to show a current

problem or demonstrate improvement. It is currently withdrawn due to the opposition but is an ongoing issue with boating stakeholder input.

Wyoming: Aaron Kerr Wyoming Boating Law Administrator

Currently there is no new legislation being proposed in Wyoming that will impact recreational boating. Our legislative session won't begin until late January. If anything coming out of legislative committees prior to the session, I'll pass it on.

Respectfully submitted by the Region C team

P/D/C James Spencer Jr, SN