

SENATE BILL REPORT

SB 5918

As Amended by House, April 12, 2019

Title: An act relating to providing whale watching guidelines in the boating safety education program.

Brief Description: Providing whale watching guidelines in the boating safety education program.

Sponsors: Senators Lovelett, Warnick, Van De Wege, Conway, Hasegawa, Hobbs, King, Wilson, C., Randall, Nguyen, Dhingra, Frockt, Hawkins, Billig, Das, Hunt, Darneille, Wagoner and Palumbo.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 2/19/19, 2/21/19 [DP-WM].

Ways & Means: 2/27/19, 2/28/19 [DP, w/oRec].

Floor Activity:

Passed Senate: 3/07/19, 48-0.

Passed House: 4/12/19, 90-5.

Brief Summary of Bill

- Requires the Boating Safety Education Program to include educational materials on whale watching guidelines and other voluntary and regulatory measures related to whale watching.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford, McCoy, Rolfes and Short.

Staff: Karen Epps (786-7424)

SENATE COMMITTEE ON WAYS & MEANS

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.

Majority Report: Do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Honeyford, Assistant Ranking Member, Capital; Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Liias, Palumbo, Pedersen, Rivers, Schoesler, Van De Wege, Wagoner and Warnick.

Minority Report: That it be referred without recommendation.

Signed by Senators Brown, Assistant Ranking Member, Operating; Bailey, Becker and Wilson, L..

Staff: Jed Herman (786-7346)

Background: Boating Safety Education Program. The State Parks and Recreation Commission (commission) must, among other things, adopt and enforce recreational boating safety rules, including equipment and navigating requirements, consistent with U.S. Coast Guard regulations. Additionally, the commission must coordinate a statewide boating safety education program. The program includes a minimum standard of boating safety education accomplishment, minimum standards for boating safety course of instruction and examination, and accreditation to boating safety education courses operated by entities such as the U.S. Coast Guard Auxiliary and the U.S. Power Squadrons. Additionally, an equivalency exam may be taken as an alternative to the boating safety education course.

In order to operate a motor driven boat or vessel of 15 horsepower or greater, a person must be at least twelve years old and: (1) possess a boater education card; or (2) be accompanied by and under the supervision of a person at least sixteen years old who has a boater education card.

Certain individuals are not required to have a boater education card, including:

- any person born before Jan. 1, 1955;
- operators with a commercial fishing license operating a commercial fishing boat;
- operators with U.S. Coast Guard marine operator license when operating the vessel authorized under the license;
- operators of exempt vessels, including vessels for law enforcement or official government work;
- operators of rented, leased, or chartered vessels who complete the commission-approved educational checklist in lieu of a boater education card;
- an operator who is a resident of another state or country and does not operate the vessel for more than 60 consecutive days;
- an operator who is a resident of another state or country who has a valid card from that state or country; or
- any person who has purchased a vessel within the last 60 days.

Southern Resident Killer Whale Task Force. The Governor issued an executive order in 2018 convening the Southern Resident Killer Whale Task Force (task force). The task force was directed to identify, prioritize, and support implementing a plan to address three threats to southern resident orca whales identified in the order: (1) prey availability; (2) contaminants; and (3) disturbance from vessel noise. The task force in its November 2018 report

recommended that additional education should be provided to commercial and recreational boaters.

Summary of Bill: The Boating Safety Education Program must include educational materials on whale watching guidelines and other voluntary and regulatory measures related to whale watching in the program.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony (Agriculture, Water, Natural Resources & Parks):

PRO: This bill seeks to add additional education for boaters to understand safe whale watching distances, including keeping about 400 yards away from whale if at all possible, turning their engines off, and other measures to help the orca. The boating program provides recreational boating safety, including boating education cards. Another area of the program is marine law enforcement and State Parks administers grants to over 50 jurisdictions around the state and partners with those jurisdictions to educate enforcement officers. The boating safety program at State Parks is a good match for the direction in this bill. State Parks has a great deal of contact with recreational boaters around the state, as well as marine law enforcement divisions, educating them on how best to interact on our waterways.

Persons Testifying (Agriculture, Water, Natural Resources & Parks): PRO: Senator Liz Lovelett, Prime Sponsor; Rob Sendak, Boating Program Manager, Washington State Parks; Owen Rowe, Governmental Affairs Director, Washington State Parks.

Persons Signed In To Testify But Not Testifying (Agriculture, Water, Natural Resources & Parks): No one.

Staff Summary of Public Testimony (Ways & Means): PRO: Since 2005 there have been over 350,000 boater certificates issued. We also train marine law enforcement. Costs are associated with updating the exam, producing educational materials, and producing boating stickers. This program needs the state general fund support to make the program work. I take this issue seriously, we cannot love this species to death.

OTHER: Signed up to speak to the other orca bill.

Persons Testifying (Ways & Means): PRO: Doug Levy, Recreational Boating Association of Washington; Owen Rowe, Washington State Parks, Governmental Affairs Director.

OTHER: Janet Thomas, Executive Director, Orca Relief Citizens' Alliance.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.

EFFECT OF HOUSE AMENDMENT(S): Adds a null and void clause.