



RBOC

Protecting your boating interests.

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SUMMER 2018

BOATER BRIEF

RBOC Key Legislation Update

With the June 1 deadline for the 2018 legislation to pass through the houses of origin, here are updates on each of the key boating-related measures.

Office of Sustainable Outdoor Recreation

AB 1918 [Garcia] has passed the Assembly and next proceeds to the Senate for consideration.

This bill, which has now passed its first Assembly test, proposes the establishment of a new Office of Sustainable Outdoor Recreation. While RBOC has expressed support for the concept, it has made it clear that there are open questions and key issues that must be addressed as the legislation progresses through the Legislature.

Office Position re Other Entities: Clarification is needed in where the new agency would fit within state government. This will enable stakeholders to understand the standing of the proposed office and its relationship with other agencies.

It is important that the functions of the new office be very clear in the law, and that those functions do not impede, supersede, cannibalize or duplicate the important functions currently performed by other entities of state government.

Funding: It is equally important that the sources of public funding are set forth in the legislation, existing fees and taxes paid by recreational boaters are not re-directed to the office, and the office does not have statutory authority to impose fees on recreational boaters.

Importance of Outdoor

Recreation: California offers remarkable, extensive and unique recreational opportunities. Californians – including recreational boaters - understand and appreciate the intrinsic value of outdoor recreation, its contributions to the economy including jobs and tourism, and the opportunities to grow each of these values.

RBOC appreciates being part of this dialogue, and looks forward to further discussions.

Smoking Ban on State Beaches and in Parks

AB 1097 [Levine] and SB 835 and SB 836 [Glazer] have each passed the Assembly and Senate, respectively, and proceed to the second house for consideration.



RBOC has been provided an informal opinion of Legislative Counsel that the proposed smoking bans would not apply to boaters on their boats on lakes.

Governor Brown vetoed similar legislation last year.

Vessels involved in Crimes

AB 2175 [Aguiar-Curry] has passed the Assembly and next proceeds to the Senate.

The bill would authorize a peace officer or marine safety officer, while engaged in the performance of official duties, to remove a vessel from, and, if necessary, store a vessel if it has been used in the commission of a crime.

The bill would also authorize a court to order a person convicted of a crime involving the use of a vessel that is removed and impounded pursuant to these provisions to pay the costs of towing and storage of the vessel

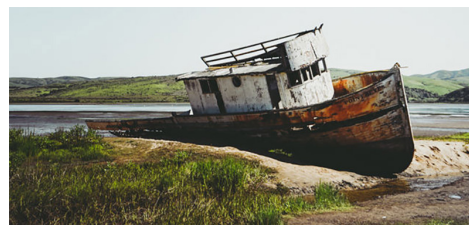
and any related administrative costs imposed in connection with the removal, impoundment, storage, or release of the vessel.

RBOC is supporting AB 2175 as a measure that would enhance boating safety law enforcement efforts.

Cleanup of Abandoned Commercial Vessels in the Delta

AB 2441 [Frazier] has passed the Assembly and next proceeds to the Senate for consideration.

The bill would create the Sacramento-San Joaquin Delta Abandoned Vessel Removal Account in the General Fund and would require that moneys in the account be available, upon appropriation by the Legislature, to fund the removal of abandoned and derelict commercial vessels from lands and waterways, including tidelands and submerged lands, within the Sacramento-San Joaquin Delta.



RBOC has testified on this measure in the Legislature, expressing support for the concept of commercial interests being identified to financially support efforts to remove abandoned and derelict vessels from the state's waterways, and also noting the organization's caution that the bill in its final form not target recreational boaters to fund this important effort.

In its current form, AB 2441 would require that rental income from surface

uses for lands in the Sacramento San Joaquin Delta be used for the removal of abandoned and derelict commercial vessels from lands and waterways, including tidelands and submerged lands within the Delta.

Invasive Species



AB 2470 [Grayson] has passed the Assembly and proceeds to the Senate for consideration.

This bill would establish the Invasive Species Council of California as well as an Advisory Committee to help coordinate a comprehensive effort to prevent the introduction of invasive species in the state and to provide for the control or eradication of invasive species already established in the state.

The bill would establish the Invasive Species Fund and, upon appropriation by the Legislature, moneys in the fund would be available for funding invasive species projects. The bill would provide funding to the University of California for invasive species research and outreach activities.

Operating Under the Influence

SB 1247 [Gaines] did not pass through the Senate and will not proceed this year.

This bill would have extended the authority of a peace officer having reasonable cause to believe that any person operating a vessel, or manipulating water skis, aquaplane, or similar device under the influence of an alcoholic beverage or any drug, or both, to request that the person submit to that chemical testing of his or her blood, breath, or urine. The bill would expand this authority to law enforcement.

Tax on Services

SB 993 [Hertzberg] did not pass through the Senate and will not proceed this year.

This measure proposes a new state tax on services. The bill, beginning on January 1, 2020, would impose a tax on the receipt of a benefit in this state of a service that is purchased by a qualified business from any retailer, as measured by a percentage of the sales price for the service. The new sales tax would apply to boating-related services provided to businesses.

The bill would incrementally increase the rate of the tax every calendar year until January 1, 2022, at which time the rate would be 3%.

Elimination of Judicial Review for [Twin Tunnels]



RBOC urges boaters to contact California Senators Dianne Feinstein and Kamala Harris as soon as possible, urging them to vote against a new “rider” that would prevent judicial review of the RBOC-opposed California WaterFix [Twin Tunnels]. Visit RBOC.org and visit our “Call to Action” to email the Senators.

The rider has been introduced by California representative Ken Calvert [R-Corona]. It is Section 437 of the US House of Representatives Fiscal Year 2019 Interior Appropriations Spending Bill. The passage and enactment of this provision would pre-empt state law and prevent litigation including cases filed pursuant to the California Environmental Quality Act, the California Endangered Species Act, and other laws.

RBOC is concerned that the proposed prohibition against federal and state judicial review of the environmental provisions of the California WaterFix [Twin Tunnels] would be contrary to important, long-standing state environmental laws and policies. The California WaterFix [Twin Tunnels] should not have a special exception to these laws.

Join our Cause – Become a Friend of RBOC

Joining the Friends of RBOC is the best and easiest way to show your support! Your contribution at any level helps RBOC continue the grassroots effort and advocacy activities needed in California to ensure boaters can continue to enjoy boating!

By contributing at least \$20 for the 2018 year, and providing your eMail address, you will be included in exclusive communication from RBOC about upcoming boating issues and successes.

Join us today at any one of our contribution levels at:

www.rbo.org/friendssignup

\$20 Bronze

\$50 Silver

\$100 Gold

\$500 Platinum

Please note that, due to RBOC’s extensive lobbying activities, contributions are not tax deductible.

