

TO: RBAW Board

FROM: Doug Levy – 4/1/2020

RE: **MARCH 2020** Report from State Lobbyist

RESPONSE NEEDED: For use at Thursday, April 2 Board Meeting (*Doug will participate via Zoom*)

Good Morning, All:

In many ways, I wish I could write this introduction and cap it with a whimsical, “April Fools!” Unfortunately, I cannot. The COVID-19 outbreak has changed our lives immeasurably over these last few weeks and the 2020 Session of the Legislature seems like a distant memory.

The coronavirus outbreak crashed the legislative party late in the 60-day Session, and yet one of the hallmark moments was a \$200 million investment toward Washington State’s response via **Engrossed House Bill 2965**, which was rolled out, passed, signed into law, and in effect in a Mach speed two weeks (*introduced March 2; effective date March 17*).

Within a couple of weeks, Congress had passed H.R. 748, the “CARES” Act (Coronavirus Aid Relief & Economic Security), a \$2.2 *trillion* response including up to \$1200-per-person replacement checks; unprecedented unemployment assistance; \$350 billion in Small Business Assistance (SBA) loans that are forgivable for up to a year; hundreds of billions to assist hard-hit sectors such as aerospace, airlines, and health care; and \$150 billion in relief for state and local governments.

It’s been breathtaking to watch a previously-torrid economy become a recessed one almost overnight, and for a society built on human contact and hugs and high-fives to be told its best weapon against an invisible virus is to “Stay Home/Stay Healthy.” But we humans have proved time and again our resiliency, and I suspect we will once more.

With that, here is my report on the 2020 Session – one we can record as a very successful one!

Lakebay Marina: In a Supplemental Budget year where Capital Budget capacity was less than 1/40th of what it would be in a biennial year (*a little over \$70 million in bonding capacity compared to about \$3 billion in a typical biennial budget year*), we faced impossible odds in securing the \$970,000 we requested. Additionally, after we learned that area legislators may not have listed our project as their top “Local and Community Projects request,” we were in grave danger of not receiving any capital funds at all. But we scrambled and worked closely with House Capital Budget Ranking Member Richard DeBolt (R-Chehalis/20th Dist.) and House Capital Budget Chair Steve Tharinger (D-Dungeness/24th Dist.) in particular, and we ended up with a \$100,000 allocation. That’s obviously not the grand prize but I feel good about what we obtained in a tough Capital Budget environment. We are now up to nearly \$400,000 in total governmental and private-sector funding and pledges, and Bob Wise, Steve Finney, me and others are formulating an aggressive fund-raising strategy that we hope will land us other dollars.

PFD and Boater Education Card Bills (HB 2443, HB 2444): Both these bills ‘died’ for the 2020 Session, which is a very good outcome for us. No one cares more about safety out on the water than boaters do, but both bills were fraught with problems and premature in our view. My thanks, again, to past President Steve Greaves, Treasurer Loyd Walker, Past President Wayne Gilham, and Board Member Kevin Haistings for the time they lent to testimony (Steve), bill reviews, and excellent critical commentary on those bills.

The **HB 2443** bill on Personal Flotation Devices (PFDs) *initially* mandated that life jackets would have to be worn in open waters at all times by all under-19-foot “vessel” operators (*motorized and human-powered*) no matter the conditions or the age(s) of the on-board users (*current law = below age 13*). The **ESHB 2443** that passed narrowly off the House Floor was designed to require all those age 18 and younger and operating “human-propelled” vessels to wear a PFD while those vessels were underway. The bill never received a hearing in the Senate Agriculture, Water, Natural Resources, and Parks Committee.

HB 2444 would have changed the Boater Education *Card* into a 10-year recurring *license* with recurring fees. Our vocal opposition testimony helped ensure **2444** didn’t go forward. We expect the prime sponsor of both **ESHB 2443** and **HB 2444**, House Housing, Community Development and Veterans Committee Chair Cindy Ryu (D-Shoreline/32nd Dist.) Cindy Ryu (D-Shoreline/32nd), to convene interim discussions on these issues in an attempt to see what can be done in 2021.

Issues with pump-out services – 1) mobile pump-outs provided by Mr. Terry Durfee of Terry & Sons; and 2) pending federal rule-making on what ‘vessels’ are covered under the Clean Vessel Act: We spent considerable time with State Parks on both these issues. With regard to the decision by State Parks to terminate the CVA grant-funding agreement with Terry & Sons at the end of February, we still have an agitated recreational boating community. We’ve reviewed a series of public records regarding this decision and a federal audit of the State Parks contract, and I think we can safely say there were mistakes and inadequate accountability measures on both sides. Our task *had* been to assure a mobile pump-out service in time for boating season Opening Day, but that COVID-19-forced cancellation buys us time to look at other long-term solutions. As for the rule-making that will be undertaken by U.S. Fish & Wildlife, our leaning as an organization is to protect the pump-out rights of recreational boaters and recreational live-aboards vs. stationary house barges. Stay tuned on that front.

Derelict Vessel Removal Program Bill 2SSB 6528: This Department of Natural Resources (DNR) request bill, prime-sponsored by Sen. Liz Lovelett (D-Anacortes/40th Dist.), ended up passing both the Senate and House unanimously and awaits a final signature from the Governor. That said, we had touch-and-go challenges getting the bill heard in and passed out of Senate Ways & Means and placed onto the House Floor Calendar. We spent considerable time helping DNR put **6528** over the top, which should enhance our credibility for interim discussion on DVRP funding/funding equity with Commissioner Hilary Franz. The thing we like most about DNR’s bill is that it removes the cap on the Vessel Turn-In Incentive Program. We arrived at an ‘OK’ place with other provisions of the bill and we support a proposed study of ways to recycle vessels that is also woven into **6528**. As-passed Legislature version of **6528**: <http://lawfilesext.leg.wa.gov/biennium/2019-20/Pdf/Bills/Senate%20Passed%20Legislature/6528-S2.PL.pdf?q=20200401073332>

No Discharge Zones: We've been part of both recent meetings and recent telephone surveys with Department of Ecology and its marketing/communications consultant on NDZ. While the Puget Sound-wide NDZ is in effect, there has been little outreach work done to the boating community thus far and there have been no enforcement efforts – which is OK by us. Meanwhile, American Waterway Operators' (AWO's) litigation is still in process.

NOAA/NMFS Marina Mitigation Issue: Still very little to report on this front. There were no March meetings among Bob Wise and Logan Brown of the Marine Floats Corporation (*both are also NMTA Members*) and NMFS Branch Division Chief Jennifer Quan and her staff. The idea behind the meeting is that we would be shown specific project-cost details associated with a potential programmatic permit for marina mitigation projects around Puget Sound and elsewhere. This issue remains a big concern for NMTA and RBAW. We did have a by-phone meeting with The Nature Conservancy and FutureWise, which have obtained Boeing grant funding (pre-COVID-19) toward the potential establishment of a mitigation bank for near-shore preservation. This concept could be helpful down the road but is still in its infancy.

Copper Bottom Paint Bills – SSB 6210: Bravo to our colleagues at NMTA, who helped lead a coalition effort to push **6210** across the finish line. The successfully negotiated version of **6210** ended up passing the Senate and House Floors unanimously and it has already been signed into law. **SSB 6210** takes effect June 11, 2020. Initial versions of the bill would have just extended by five (5) years the previously enacted 2021 phase-out date on the use of copper bottom paint on recreational vessels. Amendments to the bill require a detailed assessment by Ecology and require that environmentally sustainable market alternatives be identified before the ban takes effect. The As-passed-Legislature version of **6210** is here:

<http://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bills/Senate%20Passed%20Legislature/6210-S.PL.pdf?q=20200401074153>

Bill dealing with “floating residences” and more explicitly defining ‘house barges’ as “water-dependent” uses – 2SSB 6027: The amended version of **6027** end up passing unanimously off both the Senate and House floors and it awaits the Governor's signature. **6027** initially gave blanket coverage to house barges as “water-dependent uses.” It was amended to require that replaced or remodeled floating on-water residences must be similar to the original residence in size and height. The Lake Union Live-Aboard Association (LULA) led the effort to get this bill passed. We at RBAW took a neutral stand on the measure.

Technical changes to Boating Under the Influence (BUI) statute – SHB 2431: This bill by Rep. Brad Klippert (R-Kennewick/8th Dist.), who works as a law enforcement officer during his non-legislative days and hours, passed out of a House policy committee. However, it never received a House Floor vote and ‘died’ for the 2020 Session. I have on my to-do list to schedule a sit down in the interim with the King County prosecutor who brought the bill idea to Rep. Klippert. The basic premise of the bill was to have BUI and DUI statutes more closely parallel one another.
