

Multiple Agency Fiscal Note Summary

Bill Number: 5365 SB	Title: Cannabis commission
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Estimated Cash Receipts

Agency Name	2021-23			2023-25			2025-27		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of State Treasurer	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Revenue	0	0	3,900,000	0	0	5,600,000	0	0	6,700,000
Total \$	0	0	3,900,000	0	0	5,600,000	0	0	6,700,000

Estimated Operating Expenditures

Agency Name	2021-23				2023-25				2025-27			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of State Treasurer	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	Fiscal note not available											
Department of Revenue	1.2	508,700	508,700	508,700	.3	68,400	68,400	68,400	.2	45,600	45,600	45,600
Liquor and Cannabis Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	1.2	508,700	508,700	508,700	0.3	68,400	68,400	68,400	0.2	45,600	45,600	45,600

Estimated Capital Budget Expenditures

Agency Name	2021-23			2023-25			2025-27		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of State Treasurer	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	Fiscal note not available								
Department of Revenue	.0	0	0	.0	0	0	.0	0	0
Liquor and Cannabis Board	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

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Prepared by: Ramona Nabors, OFM	Phone: (360) 902-0547	Date Published: Preliminary 1/31/2021
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Individual State Agency Fiscal Note

Bill Number: 5365 SB	Title: Cannabis commission	Agency: 090-Office of State Treasurer
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 01/26/2021
Agency Preparation: Dan Mason	Phone: (360) 902-8990	Date: 01/28/2021
Agency Approval: Dan Mason	Phone: (360) 902-8990	Date: 01/28/2021
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 01/31/2021

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

SB 5365 creates the Washington state cannabis commission account, coupled with the general fund as the recipient of the earnings from investments under RCW 43.84.092(4).

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

Projected cash flows are currently unavailable; therefore, estimated earnings from investments are indeterminable.

There may be an impact on the debt service limitation calculation. Any change to the earnings credited to the general fund will change, by an equal amount, general state revenues.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

IV. D - Capital FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part IVB*

NONE

Part V: New Rule Making Required

Department of Revenue Fiscal Note

Bill Number: 5365 SB	Title: Cannabis commission	Agency: 140-Department of Revenue
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2022	FY 2023	2021-23	2023-25	2025-27
NEW-State 01 - Taxes 05 - Bus and Occup Tax	1,500,000	2,400,000	3,900,000	5,600,000	6,700,000
Total \$	1,500,000	2,400,000	3,900,000	5,600,000	6,700,000

Estimated Expenditures from:

Account	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	1.8	0.6	1.2	0.3	0.2
GF-STATE-State 001-1	440,400	68,300	508,700	68,400	45,600
Total \$	440,400	68,300	508,700	68,400	45,600

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 01/26/2021
Agency Preparation: Van Huynh	Phone: 360-534-1512	Date: 01/31/2021
Agency Approval: Don Gutmann	Phone: 360-534-1510	Date: 01/31/2021
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 01/31/2021

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Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe, by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

This bill creates the Washington State Cannabis Commission (“Commission”).

Some of the activities of the Commission include:

- Establish plans and conduct programs for cannabis-related matters;
- Provide for conducting research;
- Cooperate with and act in an advisory capacity to local, state, and federal agencies or other interested parties with respect to cannabis-related matters;
- Cooperate with other interested parties toward standardizing methods by which to identify and determine the genetics, strains, cultivars, phenotypes, standards, and grades of cannabis and advise on packaging and labeling requirements with respect to the same;
- Conduct reviews, surveys, and inquiries regarding market metrics and analytics, including trends, revenues, profitability, projections, production, business practices, and other economic drivers of the industry;
- Inform and advise producers in all matters regarding cannabis including, but not limited to, educational information on its cultivation, usage, risks, and related technical and scientific developments;
- Provide cannabis-related education and training to producers, processors, researchers, and their employees, including health and safety information;
- Assist and cooperate with local, state, or federal government agencies in the investigation and control of pests, diseases, and other factors that could adversely affect the cultivation, quality, or safety of Washington-produced cannabis;
- Advance knowledge and practice of the production of cannabis in this state through the research and testing of methods to improve pest management, worker protection and safety training, energy efficiency, and environmental protection;
- Foster economic conditions favorable to investment in the production of Washington cannabis consistent with state and federal laws;
- Limit youth access and youth exposure to cannabis; and
- Encourage favorable legislative and regulatory treatment of Washington cannabis.

The bill also creates the Washington state cannabis commission account in the state treasury.

New Business & Occupation (B&O) tax surcharges are created:

Beginning October 1, 2021, in addition to the tax imposed under RCW 82.04.270 (B&O tax on wholesalers), a surcharge is imposed on persons engaging within this state in the business of making wholesale sales of marijuana or marijuana products.

The surcharge is:

- 0.29 percent of the gross proceeds of sales at wholesale of marijuana including mature marijuana plants, immature marijuana plants or clones, marijuana plant tissue culture, and marijuana seeds; and
- 0.145 percent of the gross proceeds of sales at wholesale of marijuana products ready for a consumer.

All revenues from the surcharge must be deposited into the Washington state cannabis commission account.

"Marijuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

"Marijuana products" means useable marijuana, marijuana concentrates, and marijuana-infused products.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

ASSUMPTIONS

- Of the total wholesale sales, processed products make up 57 percent of the dollars.
- Marijuana wholesaling will grow 10 percent annually.
- Effective date of October 1, 2021 results in 8-months cash collections in Fiscal Year 2022.

DATA SOURCES

- Department of Revenue excise tax returns
- Liquor and Cannabis Board

REVENUE ESTIMATES

This bill will generate revenues of \$1.5 million in Fiscal Year 2022 and \$3.9 million in the 2021-2023 Biennium.

TOTAL REVENUE IMPACT:

State Government (cash basis, \$000):

FY 2022 -	\$ 1,500
FY 2023 -	\$ 2,400
FY 2024 -	\$ 2,700
FY 2025 -	\$ 2,900
FY 2026 -	\$ 3,200
FY 2027 -	\$ 3,500

Local Government, if applicable (cash basis, \$000): None.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

ASSUMPTIONS:

- This legislation will affect 800 taxpayers.
- Expenditures would be reduced if penalties and interest on the surcharge were not directed to a dedicated account, as required in Section 13(4).

FIRST YEAR COSTS:

The Department will incur total costs of \$440,000 in Fiscal Year 2022. These costs include:

Labor Costs - Time and effort equates to 1.83 FTEs.

- Test and verify computer systems to create a new account type for marijuana wholesalers with penalty and interest configured with the dedicated funding.

- Create new tax return that includes two new reporting lines, billings and reports.

- Create a new paper return for taxpayers who do not file returns electronically.

- Create a Special Notice and identify publications and information that need to be created or updated on the Department's website.

- Respond to letter ruling requests, email inquiries, and more difficult call backs from the telephone information center.

- Process tax return work items, assist taxpayers with reporting questions and respond to inquiries via email and web

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message and paper correspondence.
 - Adopt one new administrative rule.

Object Costs - \$220,700.
 - Contract computer system programming
 - Print and mail a special notice to all affected taxpayers.

SECOND YEAR COSTS:

The Department will incur total costs of \$68,300 in Fiscal Year 2023. These costs include:

Labor Costs - Time and effort equates to 0.6 FTE.
 - Ongoing computer system testing and maintenance.

ONGOING COSTS:

Ongoing costs for the 2023-2025 Biennium equal \$68,400 and include similar activities described in the second year costs. Time and effort equates to 0.4 FTE in Fiscal Year 2024 and 0.2 FTE in Fiscal Year 2025.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	1.8	0.6	1.2	0.3	0.2
A-Salaries and Wages	135,300	44,800	180,100	44,800	29,800
B-Employee Benefits	48,700	16,100	64,800	16,200	10,800
C-Professional Service Contracts	220,000		220,000		
E-Goods and Other Services	23,700	6,700	30,400	6,700	4,600
J-Capital Outlays	12,700	700	13,400	700	400
Total \$	\$440,400	\$68,300	\$508,700	\$68,400	\$45,600

III. B - Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2022	FY 2023	2021-23	2023-25	2025-27
EMS BAND 4	119,061	0.0		0.0		
EMS BAND 5	139,090	0.0		0.0		
EXCISE TAX EX 3	59,688	0.1		0.1		
IT QA-JOURNEY	85,644	0.3		0.2		
MGMT ANALYST4	70,956	0.5	0.3	0.4	0.2	0.1
MGMT ANALYST5	78,408	0.5	0.3	0.4	0.2	0.1
RECORDS MGMT SUPV	67,560	0.2		0.1		
TAX INFO SPEC 4	64,332	0.1		0.1		
TAX POLICY SP 2	72,756	0.0		0.0		
TAX POLICY SP 3	82,344	0.1		0.0		
TAX POLICY SP 4	88,644	0.0		0.0		
WMS BAND 3	101,257	0.0		0.0		
Total FTEs		1.8	0.6	1.3	0.3	0.2

III. C - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

None.

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

Should this legislation become law, the Department will use the standard rule-making process to adopt one new rule under chapter 458-20 WAC. Persons affected by this rule-making would include cannabis businesses subject to the surcharge.

Individual State Agency Fiscal Note

Bill Number: 5365 SB	Title: Cannabis commission	Agency: 195-Liquor and Cannabis Board
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	1.0	1.0	1.0	1.0	1.0
Account					
Total \$					

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 01/26/2021
Agency Preparation: Thea McNally	Phone: 360-664-4552	Date: 01/29/2021
Agency Approval: Aaron Hanson	Phone: 360-664-1701	Date: 01/29/2021
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 01/31/2021

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Sec. 1. The legislature finds that the board exists to promote safe communities and public safety. However, there is no agency to promote the growth and development of the cannabis industry within the state. The legislature therefore declares:

(1) The Washington state cannabis commission is established to benefit the people of the state of Washington and its economy;

Sec. 5.(20) The commission may obtain from the Liquor and Cannabis Board (Board) a list of the names and addresses of producers, processors, and retailers, and such other available data from the state as requested by the commission to be used to disseminate information among and solicit the opinions of producers with respect to the discharge of the duties of the commission, directly, or by arrangement with trade associations or other instrumentalities;

Sec. 6. (1) The director of the Board is to appoint 13 voting members to the commission.

Sec. 6 (2) A nonvoting advisory council is created to assist the commission. The director of the Board must appoint the following to the advisory council: One board representative, one processor only member, one retailer member, and one testing laboratory member.

Sec. 7. The commission must submit to the director of the Board for approval its research plan, education and training plan, and budget for the fiscal year.

Sec. 12. All costs incurred by the Board necessary to carry out this chapter must be reimbursed by the commission.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

No cash receipt impact

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Sec. 5.(20) The commission may obtain from the Liquor and Cannabis Board (Board) a list of the names and addresses of producers, processors, and retailers, and such other available data from the state as requested by the commission to be used to disseminate information among and solicit the opinions of producers with respect to the discharge of the duties of the commission, directly, or by arrangement with trade associations or other instrumentalities;

Sec. 12. All costs incurred by the board, including the adoption of rules and other actions necessary to carry out this chapter, must be reimbursed by the commission.

The Board has determined, based on the language in Sec. 5. (20), that it would require one Data Consultant 1 position to facilitate the requests and generate the data for the commission. The language is vague about what information could be requested from the Board, and opens the agency up to provide all data obtainable relating to cannabis. All expenses for the position would be reimbursed by the commission. The costs for the position are shown in the Expenditures by Object table of the fiscal note with the assumed offsetting reimbursement from the commission shown under object S.

FY 2022: 1.0 FTE Data Consultant 1 - \$80,502/yr (\$77,732 salary/benefits, \$2,770 in associated costs). Onetime costs in FY22 of \$6,105 for equipment purchases.

FY 2023+: 1.0 FTE Data Consultant 1 - \$80,502/yr (\$77,732 salary/benefits, \$2,770 in associated costs).

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	1.0	1.0	1.0	1.0	1.0
A-Salaries and Wages	54,108	54,108	108,216	108,216	108,216
B-Employee Benefits	23,624	23,624	47,248	47,248	47,248
C-Professional Service Contracts					
E-Goods and Other Services	2,735	2,630	5,365	5,260	5,260
G-Travel					
J-Capital Outlays	6,140	140	6,280	280	280
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements	(86,607)	(80,502)	(167,109)	(161,004)	(161,004)
T-Intra-Agency Reimbursements					
9-					
Total \$	0	0	0	0	0

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2022	FY 2023	2021-23	2023-25	2025-27
DATA CONSULTANT I	54,108	1.0	1.0	1.0	1.0	1.0
Total FTEs		1.0	1.0	1.0	1.0	1.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

IV. D - Capital FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part IVB*

NONE

Part V: New Rule Making Required