

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5371 SB	<b>Title:</b> Orca vessel protection
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## Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Department of Fish and Wildlife	0	0	(86,000)	0	0	(86,000)	0	0	(86,000)
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>(86,000)</b>	<b>0</b>	<b>0</b>	<b>(86,000)</b>	<b>0</b>	<b>0</b>	<b>(86,000)</b>

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Fish and Wildlife	.0	0	0	22,000	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>22,000</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

## Estimated Capital Budget Breakout

NONE

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<b>Prepared by:</b> Matthew Hunter, OFM	<b>Phone:</b> (360) 529-7078	<b>Date Published:</b> Final
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 5371 SB	<b>Title:</b> Orca vessel protection	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

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 for 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.

Legislative Contact: Jeff Olsen	Phone: 360-786-7428	Date: 01/16/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 01/17/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/17/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/24/2023

178,493.00

Request # 038-1

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

This bill amends laws related to protecting southern resident orcas from vessels.

Section 3 amends RCW 77.15.815 to create additional misdemeanors for unlawful engagement in paddle tours: 1st degree is a gross misdemeanor and 2nd degree is misdemeanor.

### II. B - Cash Receipts Impact

### II. C - Expenditures

No fiscal impact is expected to the Administrative Office of the Courts or the courts. The amendments would add to instances when a person is guilty of unlawfully engaging in commercial whale watching. Because the bill would add to an existing list of misdemeanors, it would not incur court form, judicial resource, or case management system impacts.

## Part III: Expenditure Detail

### III. A - Expenditure By Object or Purpose (State)

NONE

### III. B - Expenditure By Object or Purpose (County)

NONE

### III. C - Expenditure By Object or Purpose (City)

NONE

### III. D - FTE Detail

NONE

### III. E - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B1 - Expenditures by Object Or Purpose (State)

NONE

### IV. B2 - Expenditures by Object Or Purpose (County)

NONE

### IV. B3 - Expenditures by Object Or Purpose (City)

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

178,493.00

Form FN (Rev 1/00)

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5371 SB	<b>Title:</b> Orca vessel protection	<b>Agency:</b> 477-Department of Fish and Wildlife
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Fish, Wildlife, and Conservation Account-State 24N-1	(43,000)	(43,000)	(86,000)	(86,000)	(86,000)
<b>Total \$</b>	(43,000)	(43,000)	(86,000)	(86,000)	(86,000)

### Estimated Operating Expenditures from:

Account	FY 2024	FY 2025	2023-25	2025-27	2027-29
Fish, Wildlife, and Conservation Account-State 24N-1	22,000	0	22,000	0	0
<b>Total \$</b>	22,000	0	22,000	0	0

### 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: Jeff Olsen	Phone: 360-786-7428	Date: 01/16/2023
Agency Preparation: Barbara Reichart	Phone: 3608190438	Date: 01/20/2023
Agency Approval: Barbara Reichart	Phone: 3608190438	Date: 01/20/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/22/2023

## Part II: Narrative Explanation

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

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 1 increases the radius around Southern Resident orcas to 1,000 yards.

Section 2 modifies the fees for commercial whale watching business licenses and operator licenses. It distinguishes a paddle tour business license and defines related fees.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

Assumptions are based on 2022 license quantities.

Section 2 makes the following changes:

(1) reduces the commercial whale watching business license annual application fee from \$75 to \$70. The difference in the annual application fee is estimated to decrease from \$2,550 to \$2,170, a loss of \$380. WDFW assumes three business licenses will transfer to paddle tours business licenses and revenue will decrease from \$6,800 to \$6,200, a loss of \$600. Total estimated loss is \$980.

(2) strikes the following fees for each motorized or sailing vessel and adds a fee of \$200. By eliminating the fees based on passenger size, revenue will decrease \$56,825 to \$19,600, a loss of \$37,225 in annual fees.

(3)(b) strikes may substitute the vessel designated and the fee of \$35 and application fee of \$105 and adds language to designate an additional vessel for a fee of \$130 and application fee of \$70. There were no licenses in this category in 2022 and the Department assumes no change in revenue.

(6) reduces the commercial whale watching operator license annual application fee from \$75 to \$25. The annual application fees are estimated to decrease from \$8,475 to \$2,825, a loss of \$5,650.

(7) adds a paddle tour business license requirement with an annual fee of \$200 and an annual application fee of \$70. WDFW assumes 5 licenses will be sold resulting, in a gain of \$1,350  $((200*5) + (70*5))$ .

(10) replaces kayak guide license with a paddle guide license. Application and fee rates are unchanged, resulting in no revenue change.

Total annual fee revenue is estimated to decrease from \$76,125 to \$39,300, a loss of \$36,825, while the total annual application fee is estimated to decrease \$12,225 to \$6,545, a loss of \$5,680. The total annual revenue loss is estimated to be \$42,505. The license fee and the application fees are both deposited in 24N. There are currently no additional transaction fees associated with commercial licenses.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Section 1 and Section 2 will require WDFW rulemaking to make corresponding adjustments to the rules for commercial whale watching of Southern Resident orcas in WAC 220-460. Rulemaking will require \$2,500 for a public hearing and \$1,500 for rule adoption in FY 2024.

Section 2 will also require a one-time update to the Department’s licensing system used to sell commercial whale watching licenses, to align with the new license and fee structure. The Department assumes that this will take the current license vendor 130 hours at a rate of \$130 per hour for a total of \$16,900. This estimate is based on prior updates to the licensing system of a similar scale.

An infrastructure and program support rate of 33.5% is included in object T and is calculated based on WDFW’s federally approved indirect rate. The infrastructure and program support rate is not applied to the contractual costs.

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
24N-1	Fish, Wildlife, and Conservation Account	State	22,000	0	22,000	0	0
<b>Total \$</b>			22,000	0	22,000	0	0

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts	17,000		17,000		
E-Goods and Other Services	4,000		4,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	1,000		1,000		
9-					
<b>Total \$</b>	22,000	0	22,000	0	0

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals 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**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

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

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*



## Current revenue breakdown

Section 2	Type of License	Annual Fee	Application Fee	Total
(1)	Business Licence	\$ 200.00	\$ 75.00	\$ 275.00
(2)(a-e)	Mortorized or Sailing Vessel:			
(a)	1-24 passengers	\$ 325.00		\$ 325.00
(b)	25-50 passengers	\$ 525.00		\$ 525.00
(c)	51-100 passengers	\$ 825.00		\$ 825.00
(d)	101-150 passengers	\$ 1,825.00		\$ 1,825.00
(e)	151 or greater	\$ 2,000.00		\$ 2,000.00
(3)(a-c)	Designated Vessel	\$ 35.00	\$ 105.00	\$ 140.00
(7)	Operator License	\$ 100.00	\$ 75.00	\$ 175.00
(10)	Kayak Guide License	\$ 25.00	\$ 25.00	\$ 50.00

2022 Qty	Annual Fee	App Fee	Total
34	\$ 6,800.00	\$ 2,550.00	\$ 9,350.00
	\$ -	\$ -	\$ -
52	\$ 16,900.00	\$ -	\$ 16,900.00
24	\$ 12,600.00	\$ -	\$ 12,600.00
13	\$ 10,725.00	\$ -	\$ 10,725.00
8	\$ 14,600.00	\$ -	\$ 14,600.00
1	\$ 2,000.00	\$ -	\$ 2,000.00
-	\$ -	\$ -	\$ -
113	\$ 11,300.00	\$ 8,475.00	\$ 19,775.00
48	\$ 1,200.00	\$ 1,200.00	\$ 2,400.00
	\$ 76,125.00	\$ 12,225.00	\$ 88,350.00

## Proposed revenue breakdown

Section 2	Type of License	Annual Fee	Application Fee	Total
(1)	Business Licence	\$ 200.00	\$ 70.00	\$ 270.00
(2)	Mortorized or Sailing Vessel	\$ 200.00		\$ 200.00
(3)(b)	Additional Vessel	\$ 130.00	\$ 70.00	\$ 200.00
(6)	Operator License	\$ 100.00	\$ 25.00	\$ 125.00
NEW (7)	Paddle Tours Business License	\$ 200.00	\$ 70.00	\$ 270.00
Sec (10)	Paddle Guide License	\$ 25.00	\$ 25.00	\$ 50.00

2022 Qty	Annual Fee	App Fee	Total
31	\$ 6,200.00	\$ 2,170.00	\$ 8,370.00
98	\$ 19,600.00	\$ -	\$ 19,600.00
-	\$ -	\$ -	\$ -
113	\$ 11,300.00	\$ 2,825.00	\$ 14,125.00
5	\$ 1,000.00	\$ 350.00	\$ 1,350.00
48	\$ 1,200.00	\$ 1,200.00	\$ 2,400.00
	\$ 39,300.00	\$ 6,545.00	\$ 45,845.00

\$ (36,825.00) \$ (5,680.00) \$ (42,505.00)



# Multiple Agency Ten-Year Analysis Summary

<b>Bill Number</b> 5371 SB	<b>Title</b> Orca vessel protection
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This ten-year analysis is limited to the estimated cash receipts associated with the proposed tax or fee increases.

## Estimated Cash Receipts

	Fiscal Year 2024	Fiscal Year 2025	Fiscal Year 2026	Fiscal Year 2027	Fiscal Year 2028	Fiscal Year 2029	Fiscal Year 2030	Fiscal Year 2031	Fiscal Year 2032	Fiscal Year 2033	2024-33 TOTAL
Administrative Office of the Courts	0	0	0	0	0	0	0	0	0	0	0
Department of Fish and Wildlife	1,350	1,350	1,350	1,350	1,350	1,350	1,350	1,350	1,350	1,350	13,500
<b>Total</b>	<b>1,350</b>	<b>1,350</b>	<b>1,350</b>	<b>1,350</b>	<b>1,350</b>	<b>1,350</b>	<b>1,350</b>	<b>1,350</b>	<b>1,350</b>	<b>1,350</b>	<b>13,500</b>



# Ten-Year Analysis

<b>Bill Number</b> 5371 SB	<b>Title</b> Orca vessel protection	<b>Agency</b> 055 Administrative Office of the Courts
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

## Estimates

**No Cash Receipts**                       **Partially Indeterminate Cash Receipts**                       **Indeterminate Cash Receipts**

<b>Name of Tax or Fee</b>	<b>Acct Code</b>												
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Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 1/17/2023 3:57:00 pm
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 1/17/2023 3:57:00 pm
OFM Review:	Phone:	Date:



# Ten-Year Analysis

<b>Bill Number</b> 5371 SB	<b>Title</b> Orca vessel protection	<b>Agency</b> 477 Department of Fish and Wildlife
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

## Estimates

**No Cash Receipts**
                 
  **Partially Indeterminate Cash Receipts**
                 
  **Indeterminate Cash Receipts**

## Estimated Cash Receipts

Name of Tax or Fee	Acct Code	Fiscal Year 2024	Fiscal Year 2025	Fiscal Year 2026	Fiscal Year 2027	Fiscal Year 2028	Fiscal Year 2029	Fiscal Year 2030	Fiscal Year 2031	Fiscal Year 2032	Fiscal Year 2033	2024-33 TOTAL
Paddle Tour Business Application Fee	24N	350	350	350	350	350	350	350	350	350	350	3,500
Paddle Tour Business License Fee	24N	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	10,000
<b>Total</b>		<b>1,350</b>	<b>1,350</b>	<b>1,350</b>	<b>1,350</b>	<b>1,350</b>	<b>1,350</b>	<b>1,350</b>	<b>1,350</b>	<b>1,350</b>	<b>1,350</b>	<b>13,500</b>
<b>Biennial Totals</b>		<b>2,700</b>	<b>2,700</b>	<b>2,700</b>	<b>2,700</b>	<b>2,700</b>	<b>2,700</b>	<b>2,700</b>	<b>2,700</b>	<b>2,700</b>	<b>2,700</b>	<b>13,500</b>

## Narrative Explanation (Required for Indeterminate Cash Receipts)

Section 3(7) adds a paddle tour business license requirement with an annual fee of \$200 and an annual application fee of \$70.

WDFW assumes 5 licenses will be sold, resulting in a revenue gain of \$1,350. There are currently no additional transaction fees associated with commercial licenses.

Agency Preparation: Barbara Reichart	Phone: 3608190438	Date: 1/20/2023 8:48:27 am
Agency Approval: Barbara Reichart	Phone: 3608190438	Date: 1/20/2023 8:48:27 am
OFM Review:	Phone:	Date: