

Multiple Agency Fiscal Note Summary

Bill Number: 5371 S SB	Title: 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	(150,000)	0	0	(150,000)	0	0	(150,000)
Total \$	0	0	(150,000)	0	0	(150,000)	0	0	(150,000)

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	Fiscal note not available					
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	Fiscal note not available											
Department of Fish and Wildlife	.0	0	0	95,000	.0	0	0	70,000	.0	0	0	70,000
Total \$	0.0	0	0	95,000	0.0	0	0	70,000	0.0	0	0	70,000

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
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	Fiscal note not available								
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

Estimated Capital Budget Breakout

NONE

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Individual State Agency Fiscal Note

Bill Number: 5371 S SB	Title: Orca vessel protection	Agency: 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	(75,000)	(75,000)	(150,000)	(150,000)	(150,000)
Total \$	(75,000)	(75,000)	(150,000)	(150,000)	(150,000)

Estimated Operating Expenditures from:

Account	FY 2024	FY 2025	2023-25	2025-27	2027-29
Fish, Wildlife, and Conservation Account-State 24N-1	60,000	35,000	95,000	70,000	70,000
Total \$	60,000	35,000	95,000	70,000	70,000

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.

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Agency Preparation: Barbara Reichart	Phone: 3608190438	Date: 02/19/2023
Agency Approval: Barbara Reichart	Phone: 3608190438	Date: 02/19/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 02/19/2023

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.

CHANGE IN FISCAL IMPACT: Differences between SSB 5371 and SB 5371:

- Adds a provision that WDFW will conduct education and outreach and requires WDFW to put signs at public boat launches and marinas.
- Makes additional changes to the fees for whale watching business licenses and operator licenses.
- Changes impact expenditures and results in additional revenue loss compared to SB 5371.

Section 1 modifies the rules for the protection of Southern Resident orcas. It requires WDFW to conduct education and outreach, to support advancement/proliferation of tools, and post signs at public boat launches and marinas.

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.

Section 4 states that Section 1 goes into effect January 1, 2024.

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 per year.

(2) strikes the annual license fees for motorized or sailing vessels. By eliminating the fees based on passenger size, revenue will decrease by \$56,825 per year.

(3) strikes may substitute the vessel designated and the fee of \$35 and application fee of \$105. There were no licenses in this category in 2022 and the Department assumes no change in revenue.

(6) eliminates the \$100 annual license fee for commercial whale watching and reduces 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. Annual license fee revenue is estimated to decrease by \$11,300. Total estimated loss is \$16,950 per year.

(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 $((200*5) + (70*5))$ per year.

(10) replaces kayak guide license with a paddle guide license and eliminates the \$25 annual fee. The application fee rate is unchanged. Annual license fee revenue is estimated to decrease by \$1,200 per year.

Total estimated revenue loss is \$74,605 per year. 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 will require WDFW to create and post signs at public boat launches and marinas, which will require \$2,500 in fiscal year 2024 for initial placement in the Puget Sound and Salish Sea regions. Costs in fiscal year 2025 and ongoing will be \$1000 per fiscal year for additional or replacement signage.

Section 1 also requires the Department to increase outreach and education activities regarding boating near Southern Resident Killer Whales (SRKW), including the advancement of tools for identifying SRKW presence, measuring distances on the water, and identifying orca ecotypes. Based on prior similar projects, including print and online advertising, social media targeting, and video marketing. Outreach and education costs will be \$25,000 per fiscal year in fiscal year 2024 and ongoing.

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 fiscal year 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 in fiscal year 2024. 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	60,000	35,000	95,000	70,000	70,000
Total \$			60,000	35,000	95,000	70,000	70,000

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	32,000	26,000	58,000	52,000	52,000
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	11,000	9,000	20,000	18,000	18,000
9-					
Total \$	60,000	35,000	95,000	70,000	70,000

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.

Section 1 and 2 will require Department rulemaking to make corresponding adjustments to the rules for commercial whale watching of Southern Resident orcas in WAC 220-460.