

Multiple Agency Fiscal Note Summary

Bill Number: 5371 E S SB	Title: Orca vessel protection
---------------------------------	--------------------------------------

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	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	.3	321,000	321,000	343,000	.0	70,000	70,000	70,000	.0	70,000	70,000	70,000
Total \$	0.3	321,000	321,000	343,000	0.0	70,000	70,000	70,000	0.0	70,000	70,000	70,000

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

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
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	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

Estimated Capital Budget Breakout

NONE

--

Prepared by: Matthew Hunter, OFM	Phone: (360) 529-7078	Date Published: Final 3/ 6/2023
---	---------------------------------	---

Judicial Impact Fiscal Note

Bill Number: 5371 E S SB	Title: Orca vessel protection	Agency: 055-Administrative Office of the Courts
---------------------------------	--------------------------------------	--

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.

Contact	Phone:	Date: 03/01/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 03/02/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 03/02/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 03/03/2023

185,406.00

Request # 229-1

Form FN (Rev 1/00)

1

Bill # 5371 E S SB

Part II: Narrative Explanation

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

The engrossed substitute bill would not have different fiscal impacts from previous versions to the Administrative Office of the Courts or the courts.

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

II. B - Cash Receipts Impact

II. C - Expenditures

No fiscal impact is expected to the Administrative Office of the Courts or the courts.

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

185,406.00

Form FN (Rev 1/00)

Individual State Agency Fiscal Note

Bill Number: 5371 E S SB	Title: Orca vessel protection	Agency: 477-Department of Fish and Wildlife
---------------------------------	--------------------------------------	--

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:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.3	0.3	0.3	0.0	0.0
Account					
General Fund-State 001-1	158,000	163,000	321,000	70,000	70,000
Fish, Wildlife, and Conservation Account-State 24N-1	22,000	0	22,000	0	0
Total \$	180,000	163,000	343,000	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.

Legislative Contact:	Phone:	Date: 03/01/2023
Agency Preparation: Barbara Reichart	Phone: (360) 819-0438	Date: 03/06/2023
Agency Approval: Barbara Reichart	Phone: (360) 819-0438	Date: 03/06/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 03/06/2023

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 ESSB 5371 and SSB 5371:

- Creates a WDFW-led workgroup to advise on education and outreach activities regarding boating restrictions near Southern Resident orcas. It specifies additional intensive outreach and education activities in fiscal year 2024 and the first half of fiscal year 2025, and it requires WDFW to report on these activities in its next mandated vessel adaptive management report.
- ESSB 5371 modifies the effective date of Section 1 to January 1, 2025. This will affect the funding associated with Section 1.

The changes increase expenditures compared to SSB 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 requires WDFW to convene a workgroup to advise on education and outreach activities regarding boating restrictions near Southern Resident orcas. Requires additional intensive outreach and education activities in fiscal year 2024 and the first half of fiscal year 2025.

Section 3 modifies the fees for commercial whale watching business licenses and operator licenses. It distinguishes a paddle tour business license and defines related fees.

Section 5 states that Section 1 goes into effect January 1, 2025.

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 3 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 2025 for initial placement in the Puget Sound and Salish Sea regions. Costs in fiscal year 2026 and ongoing will be \$1,000 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 starting in fiscal year 2025 and ongoing.

Total costs for Section 1 are \$37,000 in fiscal year 2025 and \$35,000 in fiscal year 2026 and ongoing.

Section 2 requires WDFW to convene a workgroup. WDFW anticipates approximately 6-8 total meetings over fiscal years 2024 and 2025, most of which would be 2-3-hour online meetings, with 1-2 all-day in-person meetings. One-time costs for the workgroup include:

- \$27,000 per fiscal year for 0.3 FTE Community Outreach & Environmental Educational Specialist 3 (COEES3) to support the contractor in coordinating workgroup meetings, develop meeting materials, implement the outreach strategies created by the workgroup, and develop the report, Objects A and B.
- \$40,000 per fiscal year for a contractor to facilitate meetings with stakeholders, support reporting, and other workgroup deliverables. This cost includes facilitator travel and rental of meeting space, Object C.
- Goods and services, Object E, includes \$6,000 per FTE, per year, for WDFW standard costs, which cover an average employee's supplies, communications, training, and subscription costs per year.

Section 2 also requires a period of intensive outreach and education in fiscal year 2024 and the first half of fiscal year 2025. Based on estimates for similar outreach and education campaigns, this work will require \$50,000 in fiscal year 2024 and \$25,000 in fiscal year 2025 to implement education and outreach activities. The COEES3 will conduct outreach activities such as developing physical and digital materials and attending events to provide education/outreach.

Total costs for Section 2 are \$158,000 in fiscal year 2024 and \$126,000 in fiscal year 2025.

WDFW is requesting General Fund-State for the work in Section 1 and 2 because the work affects all boaters, not just commercial whale watching vessels.

Section 1 and Section 3 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 3 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. The infrastructure and program support rate is not applied to the contractual costs in Section 3.

Total costs for Section 3, including rulemaking, is \$22,000 in fiscal year 2024.

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.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	158,000	163,000	321,000	70,000	70,000
24N-1	Fish, Wildlife, and Conservation Account	State	22,000	0	22,000	0	0
Total \$			180,000	163,000	343,000	70,000	70,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.3	0.3	0.3		
A-Salaries and Wages	19,000	19,000	38,000		
B-Employee Benefits	8,000	8,000	16,000		
C-Professional Service Contracts	57,000	40,000	97,000		
E-Goods and Other Services	56,000	55,000	111,000	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	40,000	41,000	81,000	18,000	18,000
9-					
Total \$	180,000	163,000	343,000	70,000	70,000

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 2024	FY 2025	2023-25	2025-27	2027-29
COMMUNITY OUTREACH & ENVIRONMENTAL EDUCATIONA SPE		0.3	0.3	0.3		
Total FTEs		0.3	0.3	0.3		0.0

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

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

Current Revenue Breakdown

Section 2	Type of License	Annual Fee	Application Fee	Total	2022 Qty	Annual Fee	App Fee	Total
(1)	Business Licence	\$ 200.00	\$ 75.00	\$ 275.00	34	\$ 6,800.00	\$ 2,550.00	\$ 9,350.00
(2)(a-e)	Mortorized or Sailing Vessel:					\$ -	\$ -	\$ -
(a)	1-24 passengers	\$ 325.00		\$ 325.00	52	\$ 16,900.00	\$ -	\$ 16,900.00
(b)	25-50 passengers	\$ 525.00		\$ 525.00	24	\$ 12,600.00	\$ -	\$ 12,600.00
(c)	51-100 passengers	\$ 825.00		\$ 825.00	13	\$ 10,725.00	\$ -	\$ 10,725.00
(d)	101-150 passengers	\$ 1,825.00		\$ 1,825.00	8	\$ 14,600.00	\$ -	\$ 14,600.00
(e)	151 or greater	\$ 2,000.00		\$ 2,000.00	1	\$ 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	113	\$ 11,300.00	\$ 8,475.00	\$ 19,775.00
(10)	Kayak Guide License	\$ 25.00	\$ 25.00	\$ 50.00	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	2022 Qty	Annual Fee	App Fee	Total
(1)	Business Licence	\$ 200.00	\$ 70.00	\$ 270.00	31	\$ 6,200.00	\$ 2,170.00	\$ 8,370.00
(2)	Mortorized or Sailing Vessel			\$ -	98	\$ -	\$ -	\$ -
(3)(a-c)	Additional Vessel			\$ -	-	\$ -	\$ -	\$ -
(6)	Operator License		\$ 25.00	\$ 25.00	113	\$ -	\$ 2,825.00	\$ 2,825.00
NEW (7)	Paddle Tours Business License	\$ 200.00	\$ 70.00	\$ 270.00	5	\$ 1,000.00	\$ 350.00	\$ 1,350.00
Sec (10)	Paddle Guide License		\$ 25.00	\$ 25.00	48	\$ -	\$ 1,200.00	\$ 1,200.00
						\$ 7,200.00	\$ 6,545.00	\$ 13,745.00

(difference between current fees and amended ESSB 5371 fees per section of RCW) **\$ (68,925.00) \$ (5,680.00) \$ (74,605.00)**