

Multiple Agency Fiscal Note Summary

Bill Number: 5371 E S SB AMH ENGI H1859.E	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	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 Licensing	.0	36,000	36,000	36,000	.0	0	0	0	.0	0	0	0
State Parks and Recreation Commission	.0	8,000	8,000	8,000	.0	0	0	0	.0	0	0	0
Department of Fish and Wildlife	.6	753,000	753,000	775,000	.1	400,000	400,000	400,000	.1	400,000	400,000	400,000
Department of Fish and Wildlife	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Total \$	0.6	797,000	797,000	819,000	0.1	400,000	400,000	400,000	0.1	400,000	400,000	400,000

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 Licensing	.0	0	0	.0	0	0	.0	0	0
State Parks and Recreation Commission	.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

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Prepared by: Steven Puvogel, OFM	Phone: (360) 701-6459	Date Published: Final 4/18/2023
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Judicial Impact Fiscal Note

Bill Number: 5371 E S SB AMI ENGR H1859.E	Title: Orca vessel protection	Agency: 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: 04/12/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 04/13/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 04/13/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 04/17/2023

187,829.00

Request # 285-2

Part II: Narrative Explanation

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

The striking amendment 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

187,829.00

Form FN (Rev 1/00)

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Request # 285-2
Bill # 5371 E S SB AMH ENGR H1859.E

Individual State Agency Fiscal Note

Bill Number: 5371 E S SB AMI ENGR H1859.E	Title: Orca vessel protection	Agency: 240-Department of Licensing
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
Account					
General Fund-State 001-1	36,000	0	36,000	0	0
Total \$	36,000	0	36,000	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: 04/12/2023
Agency Preparation: Aaron Harris	Phone: (360) 902-3795	Date: 04/17/2023
Agency Approval: Gerrit Eades	Phone: (360)902-3863	Date: 04/17/2023
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 04/17/2023

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.

Please see attached fiscal note.

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.

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.

Please see attached fiscal note.

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	36,000	0	36,000	0	0
Total \$			36,000	0	36,000	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					
E-Goods and Other Services	36,000		36,000		
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					
9-					
Total \$	36,000	0	36,000	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.

Individual State Agency Fiscal Note

Agency 240 – Department of Licensing

Bill Number: ESSB 5371

Bill Title: Orca Vessel Protection ESSB AMH ENGR H1859.E 5371

Part 1: Estimates

No Fiscal Impact

Estimated Cash Receipts:

Revenue	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Account Totals		-	-	-	-	-

Estimated Expenditures:

		FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
FTE Staff Years		-	-	-	-	-
Operating Expenditures	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
General Fund	001	36,000	-	36,000	-	-
Account Totals		36,000	-	36,000	-	-

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

Legislative Contact:	Phone: (360)	Date:
Agency Preparation: Aaron Harris	Phone: (360) 902-3795	Date: 04/17/2023
Agency Approval: Gerrit Eades	Phone: (360) 902-3931	Date: 04/17/2023

Request #	1
Bill #	ESSB 5371

Part 2 – Explanation

This bill enacts a variety of additional protections for southern resident orcas. As part of this work, the Department of Fish and Wildlife (DFW) is required to coordinate with the Department of Licensing (DOL) and the Parks and Recreation Commission to mail information related to required vessel setbacks, speed limits, and whale warnings upon the issuance or renewal of vessel registration.

2.A – Brief Description Of What The Measure Does That Has Fiscal Impact

Section 1: Intent

Section 2: Amends RCW 77.15.740 (Protection of southern resident orca whales—Unlawful activities—Penalty.)

- Amends orca protection distance thresholds.
- Amends other aspects of orca protection enforcement.
- Allows for voluntary logging of southern resident orca sightings.

Section 3: New section in RCW 77.12 (Powers and Duties)

- DFW is required to coordinate with the Department of Licensing and the Parks and Recreation Commission to mail information with required vessel setbacks and speed limits, upon issuance or renewal of a vessel registration.

Section 4: New Section

- DFW must develop a plan to implement distance regulations, in coordination with international bodies. DFW must report to the legislature on this plan by January 1, 2025.

Section 5: New Section in RCW 77.12 (Powers and Duties)

- If the population of southern resident orcas drops below 70, DFW must report to the legislature within one year.

Section 6: New Section

- DFW is required to convene a workgroup to consider outreach and education strategies for southern resident orca protection.

Section 7: Amends RCW 77.65.615 (Commercial whale watching business license)

- Amends provisions related to whale watching business licensure.
- Enacts additional provisions for paddle tour business licenses.

Section 8: Amends RCW 77.15.815 (Unlawfully engaging in commercial whale watching - Penalty.)

- Amends legal penalties for unlawful commercial whale watching.
- Adds enforcement provisions related to unlawful paddle tours.

Section 9: New Section

- Effective date of Section 2 is January 1, 2025.

2.C – Expenditures

Information Services:

What IS Will Implement:

1. Establish a new Managed File Transfer (MFT) account to DFW and or Department of Enterprise Services (DES).
2. Create a new weekly report for all new issuances or renewals of vessel registrations.
 - a. The report is to contain names and mailing addresses for registrants, to be sent to DFW, DES, or another fulfilling agency.

The agency will use appropriated funds to hire contract programmers to accomplish this work or to support current staff implementing this legislation within the required timeline. Appropriated funds may also be used to hire agency temporary staff to support permanent staff assigned to this legislative effort.

Any change requires a process to ensure changes are correctly applied to the system. This involves Project Managers that manage the team that completes the update, business analyst that documents and reviews the system changes, architect services that analyzes how the update could have an effect on other systems or DOL processes, developers who create the change, and testers and quality assurance teams that ensure the update is working correctly.

Cost Category	Description	Rate	2024	2025	2026	2027	2028	2029	Total Cost
TESTER	Test to verify individual components meet requirements; ensure that other business transactions have not been impacted.	\$ 22,620	9,000	-	-	-	-	-	9,000
BUSINESS ANALYST	Determine business requirements; translate requirements into what changes are needed to various systems including account codes, inventory codes, testing considerations, etc.	\$ 16,530	1,700	-	-	-	-	-	1,700
PROJECT MANAGER	Manage schedule and contracts	\$ 28,710	2,900	-	-	-	-	-	2,900
SECURITY AND ARCHITECT SERVICES	Create the conceptual model that defines the structure, behavior and framework of a computerized system including a breakdown of the system into components, the component interactions and interfaces (including with the environment, especially the user), and the technologies and resources to be used in the design.	\$ 16,530	1,700	-	-	-	-	-	1,700
CONTRACTED FAST DEVELOPER/ TESTER	Updates to the DRIVES system will require additional vendor hours outside of the contracted maintenance to make system updates to implement this bill.	\$ 37,236	14,900	-	-	-	-	-	14,900
Trainer	Trains business partners and employees in new system processes and capabilities.	\$ 22,620	2,300	-	-	-	-	-	2,300
Project Contingency	Office of the Chief Information Officer designated rate of 10%	\$ 25,474	3,300	-	-	-	-	-	3,300
Totals			35,800	-	-	-	-	-	35,800

Part 3 – Expenditure Detail

3.A – Operating Budget Expenditures

Operating Expenditures	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
General Fund	001	36,000	-	36,000	-	-
Account Totals		36,000	-	36,000	-	-

3.B – Expenditures by Object or Purpose

Object of Expenditure	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Goods and Services	36,000	-	36,000	-	-
Total By Object Type	36,000	-	36,000	-	-

3.C – FTE Detail

Staffing	Salary	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
	Total FTE	0.0	0.0	0.0	0.0	0.0

Part 4 – Capital Budget Impact

None.

Part 5 – New Rule Making Required

None.

Individual State Agency Fiscal Note

Bill Number: 5371 E S SB AMI ENGR H1859.E	Title: Orca vessel protection	Agency: 465-State Parks and Recreation Commission
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.0	0.0	0.0	0.0
Account					
General Fund-State 001-1	8,000	0	8,000	0	0
Total \$	8,000	0	8,000	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: 04/12/2023
Agency Preparation: Rob Sendak	Phone: (360) 902-8836	Date: 04/17/2023
Agency Approval: Frank Gillis	Phone: (360) 902-8538	Date: 04/17/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 04/17/2023

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.

NEW: Sec 2 (7) The operator of a motorized commercial whale watching vessel that enters within 1,000 yards of a group of southern resident orcas must: a) immediately reposition the vessel to be 1,000 yards or farther, and b) after repositioning the vessel, report the location.

NEW: Sec 2 (8) The operator of a motorized commercial whale watching vessel may voluntarily log the incident.

NEW: Sec 3 The WDFW must coordinate with DOL and Parks to mail information regarding the required vessel setbacks, speed limits, and whale warning flags upon issuance or renewal of a vessel registration.

NEW: Sec 4 The WDFW must develop a transboundary and statewide plan to implement the vessel distance regulations.

NEW: Sec 9 Provides an effective date for Section 2 of January 1, 2025.

Sec. 2 (5) First item to note: State Parks Operations manages a significant number of water access sites and while the bill doesn't specifically require updated or new signage at State Parks, this might be a consideration. State Parks Operations assumes no impact unless specifically directed to place signage at water access sites that State Parks manages.

Sec. 2 (6) Second item to note: The Washington State Recreational Boating Safety program lives at State Parks and provides education to recreational boaters on best safety practices and recreational boating laws. While the bill doesn't specifically require the Recreational Boating Safety Program to "conduct education regarding best safety practices for recreational boating in waters inhabited by southern resident orcas", this might be a consideration. State Parks Recreational Boating Safety program assumes no impact for education unless specifically directed to provide education on this bill.

The requirements of this legislation will create one-time impacts for State Parks to update related educational materials.

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.

None.

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.

The Recreational Boating Safety (RBS) Program at State Parks is responsible for educating recreational boaters on best safety practices and "rules of the road" while operating vessels in the waters of Washington State. There is a mandated boater education card that this program administers, that went into law 17 years ago and people who operate vessels with 15HP or greater need to get the lifetime boater education card. There is a paper study guide and paper exam and also virtual options managed by outside vendors where students can take a 9-hour course and then an online exam. The RBS program also facilitates training (Basic Marine Law Enforcement Academies and many other trainings) for marine law enforcement officers statewide so they can educate recreational boaters and enforce recreational boating laws.

All one-time costs:

- 1.) Update the Adventures in Boating study booklet which is for recreational boaters to use to study for the mandatory boater education card exam. (Ed Coord – PS5) 8hrs - \$445
 - a. Print new booklets: \$4000
- 2.) Update paper exam questions. (Ed Coord – PS5) 8hrs - \$445
 - a. Print new paper exams: \$1000
- 3.) Update all online vendors that deliver electronic/virtual study guides and exams for recreational boaters for the mandatory boater education card. (Ed Coord – PS5) 8hrs - \$445
- 4.) Update electronic and paper curriculum/study guide/exams for Basic Marine Law Enforcement Academies. (MLE Coord – PS5) 8hrs - \$445
 - a. Print new Instructor manuals and study guides for officers. \$1000
- 5.) Update judicial law tables so citations/infractions will reflect new laws. (MLE Coord – PS5) 4hrs - \$220

Total one-time material cost: \$6,000

Total one-time staffing cost: \$2,000

TOTAL COSTS \$8,000

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	8,000	0	8,000	0	0
Total \$			8,000	0	8,000	0	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0		0.0		
A-Salaries and Wages	1,500		1,500		
B-Employee Benefits	500		500		
C-Professional Service Contracts					
E-Goods and Other Services	6,000		6,000		
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					
9-					
Total \$	8,000	0	8,000	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 2024	FY 2025	2023-25	2025-27	2027-29
Program Specialist 5	82,896	0.0		0.0		
Total FTEs		0.0		0.0		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

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.

This legislation would require State Parks to revise judicial law tables so citations and infractions would reflect the new laws.

Individual State Agency Fiscal Note

Bill Number: 5371 E S SB AMI ENGR H1859.E	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:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.7	0.5	0.6	0.1	0.1
Account					
General Fund-State 001-1	399,000	354,000	753,000	400,000	400,000
Fish, Wildlife, and Conservation Account-State 24N-1	22,000	0	22,000	0	0
Total \$	421,000	354,000	775,000	400,000	400,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

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: 04/12/2023
Agency Preparation: Barbara Reichart	Phone: (360) 819-0438	Date: 04/17/2023
Agency Approval: Barbara Reichart	Phone: (360) 819-0438	Date: 04/17/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 04/17/2023

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.

There is no change in fiscal impact from ESSB 5371 AMH DENT 1926.1, which has the same bill language; however, there is an increase in fiscal impact from ESSB 5371 AMH APP H1859.3.

Differences between ESSB 5371 AMH ENGR H1859.E and ESSB 5371 AMH APP H1859.3:

- Moves the commercial whale watching provisions from Section 3 into Section 2 and modifies them/condenses them. This version makes reporting of SRKW incidents to WDFW voluntary instead of mandatory.
- Adds a new Sec 3 that requires WDFW to coordinate with the department of licensing and the parks and recreation commission to mail information regarding the required vessel setbacks and speed limits and whale warning flags, upon issuance or renewal of a vessel registration pursuant to chapter 88.02 RCW.
- Adds a new Sec. 4 that requires WDFW to develop a transboundary and statewide plan to implement the vessel distance regulations with input from British Columbia and international whale organizations. It also requires WDFW to submit a report to the legislature by January 1, 2025, that includes progress on plan development and a plan for implementation.

Section 2 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 changes the restrictions for commercial whale watchers.

Section 3 requires WDFW to coordinate with Parks and DOL to mail information annually to anyone who gets or renews a vessel registration.

Section 4 requires WDFW to develop a transboundary and statewide plan with feedback from stakeholders including intergovernmental partners. This plan must be presented in a report to the legislature by January 1, 2025.

Section 5 requires WDFW to prepare a report if the population of SRKW drops to 70 or below.

Section 6 requires WDFW to convene a 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.

Section 7 modifies the fees for commercial whale watching business licenses and operator licenses. It distinguishes a paddle tour business license and defines related fees.

Section 9 states that Section 2 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 7 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 2 requires 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 \$1000 per fiscal year for additional or replacement signage.

Section 2 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 2 are \$37,000 in fiscal year 2025 and \$35,000 in fiscal year 2026 and ongoing.

Section 3 requires WDFW to coordinate with the Department of Licensing (DOL) and the Parks and Recreation Commission to mail information about the vessel regulations and about whale warning flags for anyone who gets or renews a vessel registration. WDFW assumes that DOL will provide the names and addresses of new or renewing registered vessel owners to WDFW and the Department will distribute the mailers. DOL estimates that there are 250,000 eligible vessel owners that will need to be contacted annually. Based on similar projects, annual costs will include:

- \$7,000 per fiscal year for 0.1 FTE Customer Service Specialist 2 (CSS2) to prepare the post cards for mailing, their time will include 24 hours to organize and print mailing labels and 208 hours to apply labels to each card (assume a CSS2 can label 1,200 mailers in an hour, $250,000/1,200 = 208$ hours), Objects A and B.
- \$116,000 per fiscal year to print and mail postcards to registered vessel owners. It will cost \$0.1245 to print each postcard and \$0.34 to mail each postcard ($250,000 * \$0.1245 + \$0.34 = \$116,125$), Object E.
- 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. 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.

Total costs for Section 3 are \$165,000 in fiscal year 2024 and ongoing.

Section 4 requires WDFW to coordinate with transboundary and statewide partners to develop a plan for implementation of Section 2, and to report on the plan development and contents by January 1, 2025. WDFW assumes four in-person meetings (3 meetings in fiscal year 2024 and 1 meeting in fiscal year 2025), some of which may be held in British Columbia, Canada, and at least four virtual meetings. One-time costs will include:

- \$40,000 in fiscal year 2024 for 0.3 Environmental Planner 5 (EP5) and \$13,000 in fiscal year 2025 for 0.1 FTE EP5 to coordinate the workgroup, develop meeting materials, and create the final report, Objects A and B.
- \$15,000 in fiscal year 2024 and \$5,000 in fiscal year 2025 for meeting costs and travel for WDFW employees for each in-person meeting (\$5,000 per meeting), Object E. Additional virtual meetings will be held at no cost.
- 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. 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.

Total costs for Section 4 are \$57,000 in fiscal year 2024 and \$26,000 in fiscal year 2025.

Section 5 requires WDFW to produce a report for the legislature if the population of SRKW drops to 70 or below. This will require staff time for monitoring the SRKW census and developing the report. It is unknown when the report requirement will be triggered. WDFW assumes this will require at least 50 hours of staff time for an EP5 per biennium, however report and any implementation costs are indeterminant.

Section 6 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, including 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. 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.

Section 6 also requires a period of intensive outreach and education in FY24 and the first half of fiscal year 2025, expiring June 30, 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 6 are \$158,000 in fiscal year 2024 and \$126,000 in fiscal year 2025.

Section 2 and Section 7 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 7 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.

Total costs for the commercial whale watching-related aspects of Section 2 and Section 7, 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. 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
001-1	General Fund	State	399,000	354,000	753,000	400,000	400,000
24N-1	Fish, Wildlife, and Conservation Account	State	22,000	0	22,000	0	0
Total \$			421,000	354,000	775,000	400,000	400,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.7	0.5	0.6	0.1	0.1
A-Salaries and Wages	54,000	34,000	88,000	10,000	10,000
B-Employee Benefits	20,000	13,000	33,000	4,000	4,000
C-Professional Service Contracts	57,000	40,000	97,000		
E-Goods and Other Services	190,000	178,000	368,000	286,000	286,000
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	100,000	89,000	189,000	100,000	100,000
9-					
Total \$	421,000	354,000	775,000	400,000	400,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

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 EDUCATION ^A SPE		0.3	0.3	0.3		
CUSTOMER SERVICE SPECIALIS		0.1	0.1	0.1	0.1	0.1
ENVIRONMENTAL PLANNER 5		0.3	0.1	0.2		
Total FTEs		0.7	0.5	0.6	0.1	0.1

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 2 and 7 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 AMH ENGR H1859.E fees per section of RCW) **\$ (68,925.00) \$ (5,680.00) \$ (74,605.00)**



Multiple Agency Ten-Year Analysis Summary

Bill Number 5371 E S SB AMH ENGR H1859.E	Title 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 Licensing	0	0	0	0	0	0	0	0	0	0	0
State Parks and Recreation Commission	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
Total	1,350	1,350	1,350	1,350	1,350	1,350	1,350	1,350	1,350	1,350	13,500



Ten-Year Analysis

Bill Number 5371 E S SB AMH ENGR H1859.E	Title Orca vessel protection	Agency 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

Name of Tax or Fee	Acct Code												
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Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 4/13/2023 2:30:02 pm
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 4/13/2023 2:30:02 pm
OFM Review:	Phone:	Date:



Ten-Year Analysis

Bill Number 5371 E S SB AMH ENGR H1859.E	Title Orca vessel protection	Agency 240 Department of Licensing
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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**

Name of Tax or Fee	Acct Code												
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Agency Preparation: Aaron Harris	Phone: (360) 902-3795	Date: 4/17/2023 10:30:15 am
Agency Approval: Gerrit Eades	Phone: (360)902-3863	Date: 4/17/2023 10:30:15 am
OFM Review:	Phone:	Date:



Ten-Year Analysis

Bill Number 5371 E S SB AMH ENGR H1859.E	Title Orca vessel protection	Agency 465 State Parks and Recreation Commission
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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

Name of Tax or Fee	Acct Code												
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Agency Preparation: Rob Sendak	Phone: (360) 902-8836	Date: 4/17/2023 8:09:17 am
Agency Approval: Frank Gillis	Phone: (360) 902-8538	Date: 4/17/2023 8:09:17 am
OFM Review:	Phone:	Date:



Ten-Year Analysis

Bill Number 5371 E S SB AMH ENGR H1859.E	Title Orca vessel protection	Agency 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
Total		1,350	1,350	1,350	1,350	1,350	1,350	1,350	1,350	1,350	1,350	13,500
Biennial Totals		2,700	2,700	2,700	2,700	2,700	2,700	2,700	2,700	2,700	2,700	13,500

Narrative Explanation (Required for Indeterminate Cash Receipts)

Section 7(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 per fiscal year. There are currently no additional transaction fees associated with commercial licenses.

Agency Preparation: Barbara Reichart	Phone: (360) 819-0438	Date: 4/17/2023 5:53:56 pm
Agency Approval: Barbara Reichart	Phone: (360) 819-0438	Date: 4/17/2023 5:53:56 pm
OFM Review:	Phone:	Date: