

Multiple Agency Fiscal Note Summary

Bill Number: 6316 SB	Title: SR 520 corridor
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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
Office of State Treasurer	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Revenue	(11,890,000)	(11,890,000)	(11,910,000)	(22,360,000)	(22,360,000)	(22,400,000)	(18,640,000)	(18,640,000)	(18,660,000)
Total \$	(11,890,000)	(11,890,000)	(11,910,000)	(22,360,000)	(22,360,000)	(22,400,000)	(18,640,000)	(18,640,000)	(18,660,000)

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
Office of State Treasurer	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Revenue	.1	107,500	107,500	107,500	.0	0	0	0	.0	0	0	0
Department of Transportation	Fiscal note not available											
Transportation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	0.1	107,500	107,500	107,500	0.0	0	0	0	0.0	0	0	0

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of State Treasurer	.0	0	0	.0	0	0	.0	0	0
Department of Revenue	.0	0	0	.0	0	0	.0	0	0
Department of Transportation	Fiscal note not available								
Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

Prepared by: Maria Thomas, OFM	Phone: (360) 229-4717	Date Published: Preliminary 2/22/2024
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Individual State Agency Fiscal Note

Bill Number: 6316 SB	Title: SR 520 corridor	Agency: 090-Office of State Treasurer
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

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

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Brandon Popovac	Phone: 360-786-7465	Date: 02/17/2024
Agency Preparation: Dan Mason	Phone: (360) 902-8990	Date: 02/19/2024
Agency Approval: Dan Mason	Phone: (360) 902-8990	Date: 02/19/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 02/20/2024

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.

SB 6316 relates to the state route number 520 corridor.

Section 1 amends RCW 47.56.870 by striking “the toll imposed by this section shall be charged only for travel on the floating bridge portion of the state route number 520 corridor.”

Section 2 allows any person involved in the construction of the state route number 520 corridor improvements west end project may apply for deferral of state and local sales and use taxes on the site preparation for the project.

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.

Projected cash flows are currently unavailable; therefore, estimated earnings from investments are indeterminable. To assist, the earnings from investments projected interest rates are provided (attached).

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.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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.

February 2024 Revenue Forecast	
Fiscal Year	Earnings from Investments: Projected Net Interest Rate
2024	3.60%
2025	3.52%
2026	3.20%
2027	2.93%
2028	2.68%
2029	2.68%

Department of Revenue Fiscal Note

Bill Number: 6316 SB	Title: SR 520 corridor	Agency: 140-Department of Revenue
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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
GF-STATE-State 01 - Taxes 01 - Retail Sales Tax		(11,890,000)	(11,890,000)	(22,360,000)	(18,640,000)
Performance Audits of Government Account-State 01 - Taxes 01 - Retail Sales Tax		(20,000)	(20,000)	(40,000)	(20,000)
Total \$		(11,910,000)	(11,910,000)	(22,400,000)	(18,660,000)

Estimated Expenditures from:

Account	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.2		0.1		
GF-STATE-State 001-1	107,500		107,500		
Total \$	107,500		107,500		

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: Brandon Popovac	Phone: 60-786-7465	Date: 02/17/2024
Agency Preparation: Beth Leech	Phone: 60-534-1513	Date: 02/21/2024
Agency Approval: Marianne McIntosh	Phone: 60-534-1505	Date: 02/21/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 02/21/2024

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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.

CURRENT LAW:

A state and local sales and use taxes deferral exists for project costs associated with replacing the State Route 520 bridge. Additional State Route 520 corridor improvements, known as the "West End Project," do not qualify for this deferral.

PROPOSAL:

Any person involved in the construction of the additional State Route 520 corridor improvements, known as the "West End Project," may apply for a deferral of state and local sales and use taxes on the site preparation for, the construction of, the acquisition of any related machinery and equipment becoming a part of, and the rental of equipment for use in, the project. The "West End Project" completes corridor improvements between Interstate 5 and the west high rise.

Those requesting a deferral apply to the Department of Revenue (department). The application must contain information regarding estimated or actual costs, time schedules for completion and operation, and other information required by the department. If the application meets the deferral requirements, the department approves the application within 60 days and issues a sales and use taxes deferral certificate.

Those granted a deferral begin paying the deferred taxes in the 24th year after the department certifies the project as operationally complete. The first payment is due on December 31 of the 24th calendar year after certification, with subsequent annual payments due on December 31 of the following nine years. Each payment equals 10% of the deferred tax. The department may authorize an accelerated repayment schedule upon request. Interest will not be charged during the deferral period, but all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments during the repayment schedule. The debt for deferred taxes is not extinguished by insolvency or other failure of any private entity granted a deferral.

EFFECTIVE DATE:

The bill takes effect 90 days after the final adjournment of the session.

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:

- The deferral project occurs in King County. To estimate the local government impacts, this estimate uses the local sales tax rate for King County, which is 3.59%.
- The department receives the taxes from monthly taxpayers the month after the business collects the sales tax from the consumer. Most local tax distributions occur the month after the department receives sales and use taxes that businesses collect. This leads to a one-month delay in revenues for the state and a two-month delay in revenues for local jurisdictions.
- This legislation passes effective June 4, 2024, and impacts 11 months of collections in fiscal year 2024 for state taxes and 10 months of collections in fiscal year 2024 for local taxes.

POTENTIAL LITIGATION:

Legislation creating new exemptions and deferrals for construction projects presents a risk that the federal government or federal contractors will seek to re-litigate Washington v. United States. This risk increases with each additional exemption or deferral that the state enacts.

The department's legal counsel at the Attorney General's Office has opined that the federal contractor risk applies to all

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exemptions and deferrals of construction activity, not just construction projects of the type that the federal government is likely to engage in. It also applies even if the exemption or deferral applies to federal and non-federal construction projects.

Sales/use tax exemptions pose the greatest legal risk because they plainly treat the beneficiaries of the exemption more favorably than federal contractors are treated. Sales/use tax deferrals also pose a significant legal risk. Each exemption or deferral increases the likelihood that the federal government or contractors will seek to re-litigate *Washington v. United States* in which they would claim that Washington now discriminates against federal contractors.

If a legal challenge to a deferral or exemption were successful, in addition to lost future revenues, refunds potentially would be owed under the statutory period (current year plus four previous years). Each year approximately \$90 million is collected on federal government contracting. If refunds were included as part of a potential court decision, the revenue impact could reach nearly \$500 million.

DATA SOURCES:

- LEAP Transportation Document 2023-1, Washington State Department of Transportation, April 21, 2023

REVENUE ESTIMATES

This bill decreases state revenues by an estimated \$11.91 million in the 11 months of impacted collections in fiscal year 2025, and by \$11.20 million in fiscal year 2026, the first full year of impacted collections.

This bill also decreases local revenues by an estimated \$5.98 million in the 10 months of impacted collections in fiscal year 2025, and by \$6.19 million in fiscal year 2026, the first full year of impacted collections.

TOTAL REVENUE IMPACT:

State Government (cash basis, \$000):

FY 2024 -	\$ 0
FY 2025 -	(\$ 11,910)
FY 2026 -	(\$ 11,200)
FY 2027 -	(\$ 11,200)
FY 2028 -	(\$ 9,330)
FY 2029 -	(\$ 9,330)

Local Government, if applicable (cash basis, \$000):

FY 2024 -	\$ 0
FY 2025 -	(\$ 5,980)
FY 2026 -	(\$ 6,190)
FY 2027 -	(\$ 6,190)
FY 2028 -	(\$ 5,160)
FY 2029 -	(\$ 5,160)

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.

ASSUMPTIONS:

This estimate affects up to 5 taxpayers.

FIRST YEAR COSTS:

The department will incur total costs of \$107,500 in fiscal year 2024. These costs include:

Labor Costs – Time and effort equate to 0.19 FTE.
 - Set up, program, and test computer system changes.
 - Create a Special Notice and identify publications and information the department may need to create or update on the department's website.

Object Costs - \$81,400.
 - Computer system changes, including contract programming.

SECOND YEAR COSTS:
 The department will not incur costs in fiscal year 2025.

ONGOING COSTS:
 There are no ongoing costs.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.2		0.1		
A-Salaries and Wages	16,500		16,500		
B-Employee Benefits	5,400		5,400		
C-Professional Service Contracts	81,400		81,400		
E-Goods and Other Services	2,900		2,900		
J-Capital Outlays	1,300		1,300		
Total \$	\$107,500		\$107,500		

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
IT SYS ADM-JOURNEY	96,552	0.1		0.1		
TAX POLICY SP 2	78,120	0.1		0.0		
TAX POLICY SP 3	88,416	0.0		0.0		
WMS BAND 2	98,456	0.0		0.0		
Total FTEs		0.2		0.1		

III. C - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

Part V: New Rule Making Required

Individual State Agency Fiscal Note

Bill Number: 6316 SB	Title: SR 520 corridor	Agency: 410-Transportation Commission
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Brandon Popovac	Phone: 360-786-7465	Date: 02/17/2024
Agency Preparation: Aaron Halbert	Phone: 360-705-7118	Date: 02/22/2024
Agency Approval: Reema Griffith	Phone: 360-705-7070	Date: 02/22/2024
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 02/22/2024

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.

SB 6316 would extend tolling authorization on the State Route (SR) 520 Corridor to the portion of SR 520 between the junctions of Interstate 5 and SR 202. The Washington State Transportation Commission (WSTC) foresees no fiscal impact to our agency as a result of this legislation.

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.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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.