



and possibly expand enforcement activities. Additionally, the Department anticipates no additional violation revenue based on its assumption that compliance will not be an issue. Therefore, DHS has categorized this measure as having no fiscal impact.

The Oregon Judicial Department does not anticipate a measurable increase or decrease in operation program expenditures due the increase in the level and amount of the violation.

According to DHS, local county health departments contracting with DHS to enforce the Clean Air Act would not experience a fiscal impact. The intergovernmental agreement for such services would be modified to include the provisions of this measure.

The Legislative Fiscal Office notes that while the intent of this measure is clear, what is unclear is whether there is legislative concurrence with the Department's plan to re-direct existing TPEP funds to implement this measure. Additionally, LFO notes that this measure eliminates most existing exceptions that an employer must provide a smoke-free workplace. These exceptions include, but are not limited to, certain tobacco stores, bars, restaurants, bingo halls, bowling alleys and lounges. All existing exceptions are eliminated and replaced by two narrowly defined exceptions (up to 25 percent of hotel rooms may be designated as smoking rooms and smoking of noncommercial tobacco products for ceremonial purposes under the federal American Indian Religious Freedom Act). Yet, DHS anticipates no change in the number of complaints or enforcement actions for employers with what is perceived to be a high propensity violations beyond what it can do with existing, re-directed resources. Lastly, if one were to assume an increase in complaints and enforcement actions, then the Department may impose violations, and presumably collect revenue above what is currently budgeted. This would have a fiscal impact for the TURA account, especially given the substantial increase in the amount of both the per day penalty and the 30-day maximum penalty that the Department could levy.