

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: HB 4172 A**

Seventy-Sixth Oregon Legislative Assembly – 2012 Regular Session  
Legislative Fiscal Office

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Date: 2/22/2012

**Measure Description:**

Establishes State Police Tobacco Law Enforcement Fund separate and distinct from General Fund.

**Government Unit(s) Affected:**

Oregon State Police (OSP), Oregon Health Authority (OHA), Judicial Department

**Summary of Expenditure Impact – Oregon State Police:**

	2011-13 Biennium	2013-15 Biennium
Program Expenses	201,000	*
<b>Total Other Funds</b>	<b>\$201,000</b>	*

\* Note: These expenditures will be funded by a one-time funding source. For the 2011-13 biennium, the Oregon Health Authority has identified approximately \$201,000 Other Funds from the Tobacco Use Reduction Account (TURA) eligible for transfer to the Oregon State Police to implement this program. At this time, funding for 2013-15 and future biennia has not been identified, and the future fiscal impact of this bill is indeterminate.

**Local Government Mandate:**

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**Analysis:**

House Bill 4172 establishes the State Police Tobacco Law Enforcement Fund that is continuously appropriated to the Oregon State Police (OSP) to use to establish and administer a program using active reserve retired state police officers for the purpose of enforcing laws designed to discourage the use of tobacco products by persons under 18 years of age. The bill permits the Oregon Health Authority (OHA) to apply for and accept federal and other public or private funding sources. The bill contains an emergency clause and is effective on passage. The bill: (1) specifies that OSP is required to establish and administer a program employing retired state police officers who are active reserve officers for the purpose of enforcing laws designed to discourage the use of tobacco products by persons under 18 years of age; and (2) requires OSP to consult with the Oregon Health Authority to maximize program qualification for federal funds to enforce these laws.

Oregon State Police (OSP)

Passage of HB 4172 will have a fiscal impact on the Oregon State Police. The bill requires the Oregon State Police to establish and administer a program employing retired state police officers who are active reserve officers for the purpose of enforcing laws designed to discourage the use of tobacco products by persons under 18 years of age. Extrapolating data from a similar tobacco retailer inspection program in place during the 2007-09 biennium, OSP estimates the cost of this program to range from \$78,080 to \$234,240 per biennium depending on the number and complexity of retail inspections conducted. OSP anticipates using temporary staffing for this program, therefore the agency would not need additional position authority.

Oregon Health Authority (OHA)

The bill allows OHA to apply for and accept federal and other public or private funding sources for the Oregon State Police to use to establish and administer a program using active reserve retired state police officers to enforce state tobacco product laws. For the 2011-13 biennium, the Oregon Health Authority has identified approximately \$201,000 Other Funds from the Tobacco Use Reduction Account (TURA) eligible for transfer to the Oregon State Police to implement this program. This is a one-time funding source. OHA is committed to identifying and applying for other federal grants and contracts available to carry out this work in future biennia. OHA will use existing staff and resources to carry out this work.

Note that although OSP and OHA are collaborating to apply for federal grants and contracts, HB 4172 may statutorily obligate the Oregon State Police to establish, implement and continue this program using active reserve retired state police officers to enforce state tobacco product laws, even if federal funding cannot be secured for the program. If federal funds cannot be secured, OSP may need resources from the General Fund in order to comply with the provisions of this bill.

Judicial Department (OJD)

Passage of this bill is anticipated to have minimal impact on the Judicial Department. If this bill passes, the Judicial Department anticipates an increase in circuit court violation cases as a result of an increase in enforcement activities. OJD will use existing staff and resources to handle this increase.