



Colorado Legislative Council Staff
STATE and LOCAL
REVISED FISCAL IMPACT
 (Replaces fiscal impact dated January 24, 2006)

Drafting Number: LLS 06-0247
Prime Sponsor(s): Rep. M. May
 Sen. Grossman

Date: February 9, 2006
Bill Status: House 2nd Reading
Fiscal Analyst: Amy Larsen (303-866-3488)

TITLE: CONCERNING ENACTMENT OF THE "COLORADO CLEAN INDOOR AIR ACT", AND, IN CONNECTION THEREWITH, PROHIBITING SMOKING IN INDOOR ENCLOSED AREAS, INCLUDING PLACES OF EMPLOYMENT.

Fiscal Impact Summary	FY 2006/07	FY 2007/08
State Revenues		
Cash Funds - Fines Collection Cash Fund	less than \$5,000	less than \$5,000
State Expenditures		
FTE Position Change	0.0 FTE	0.0 FTE
Effective Date: July 1, 2006		
Appropriation Summary for FY 2006/07: None		
Local Government Impact: May increase local government revenues, law enforcement activities, and county jail confinements.		

Summary of Legislation

This bill, **as amended in House Health and Human Services Committee**, repeals portions of statutes governing the control of smoking and creates the "Colorado Clean Indoor Air Act." The bill prohibits smoking in indoor areas, with certain exemptions. Exceptions include private homes; automobiles if not used for child care or public transportation of children; limousines under private hire; up to 25 percent of rooms in a hotel or motel; retail tobacco businesses; the outdoor area of any business; places of employment not open to the public with 3 or fewer employees; and casinos. For places of employment that are exempt, the bill requires the employer to provide a smoke-free work area if requested by an employee.

The bill allows the owner or manager of any place not specified or exempt to prohibit smoking or to provide smoking and nonsmoking areas. In addition, local governments may adopt and enforce smoking regulations that cover the same subject matter as the act, so long as the requirements are at least as strict as the provisions of this bill.

Violations of any provision of the act are a class 2 petty offense, punishable by a fine up to \$200 for the first violation, \$300 for a second violation, and \$500 for each additional violation within a calendar year. Collected fines are to be distributed 75 percent to the local municipality or county, and 25 percent to the state.

The House Health and Human Services Committee amended the bill to remove provisions allowing discriminatory or unfair employment, housing, and public accommodation claims for those persons claiming retaliation due to requests that provisions of the act be enforced.

State Revenues

Fines. Any violation of the act is a class 2 petty offense punishable with a fine up to \$200 for the first violation, \$300 for a second violation, and \$500 for each additional violation within a calendar year. The penalty assessment procedure per Section 16-2-201, C.R.S., specifies that the arresting officer may either give the person a penalty assessment notice or take the person before a judge of the county court in which the offense occurred. Resulting fines are to be split 75 percent to the local government and 25 percent to the state Fines Collection Cash Fund. The annual amount of new fine revenue to the state is anticipated to be less than \$5,000.

State Expenditures

Department of Regulatory Agencies and Department of Law. Expenses described in the fiscal note dated January 24, 2006 were eliminated due to the removal of provisions allowing persons claiming to be aggrieved by a discriminatory or unfair practice to file a claim with the Colorado Civil Rights Commission. The bill as amended is not expected to result in increased workload for either department.

Judicial Branch. This bill creates a new class 2 petty offense for any violation of the act. It allows municipalities to adopt ordinances and to enforce local regulations through the municipal courts. As a result, the number of new petty offense cases filed in county court is anticipated to be minimal. Consequently, any associated costs can be met within existing funding.

Local Government Impact

Any violation of the act is a class 2 petty offense. The penalty assessment procedure per Section 16-2-201, C.R.S., specifies that the arresting officer may either give the person a penalty assessment notice or take the person before a judge of the county court in which the offense occurred. In addition, local authorities may enact regulations to cover smoking in indoor areas. It is not anticipated that the promulgation of rules and enforcement efforts will significantly affect local government expenditures.

Local governments are expected to have increased revenue due to the sharing of fine revenue, 75 percent to the local government and 25 percent to the state. This revenue is anticipated to be less than \$10,000 per year spread across numerous local governments.

State Appropriations

The fiscal note indicates that no appropriations are required.

Departments Contacted

Judicial Branch	Law
Local Affairs	Personnel and Administration
Public Health and Environment	Regulatory Agencies