

2009 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 2413

STATUS: A Engrossed

SUBJECT: Establishes the Oregon Traumatic Brain Injury Strategic Partnership Advisory Council

GOVERNMENT UNIT AFFECTED: Department of Human Services, Oregon Judicial Department

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DATE: April 29, 2009

	<u>2009-2011</u>	<u>2011-2013</u>
EXPENDITURES:		
Department of Human Services (DHS) – Other Funds		
Personal Services	\$ 33,721	\$ 67,442
Professional Services * (See Analysis)	\$ 75,000	\$ 100,000
Services and Supplies	\$ 12,340	\$ 21,516
DHS – Total Other Funds	\$ 121,061	\$ 188,958
 Oregon Judicial Department (OJD) – General Fund	 \$ 84,282	 -0-

	<u>2009-2011</u>	<u>2011-2013</u>
REVENUES:		
Other Funds – Increase in Unitary Assessment	\$ 483,866	\$ 645,182

POSITIONS / FTE – Department of Human Services:

Program Analyst 2	1/0.38	1/0.50
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EFFECTIVE DATE: January 1, 2010

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: This measure establishes the Oregon Traumatic Brain Injury Strategic Partnership Advisory Council as an advisory council to the Governor and the Department of Human Services. Members of the Advisory Council are not entitled to compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of official duties.

The measure establishes the Oregon Brain Injury Trust Fund separate and distinct from the General Fund. Interest earned by the fund shall be credited to the fund. Moneys in the fund are continuously appropriated to DHS to fund the work of DHS and the Council in carrying out the provisions of this bill. Moneys in the Oregon Brain Injury Trust Fund at the end of a biennium do not revert to the General Fund.

To fund the provisions of this bill, this measure increases the unitary assessment by \$2 if the conviction is for a traffic violation punishable by a fine but not punishable by a term of imprisonment. Based the 2007 unitary assessment imposed for traffic violations, OJD estimates the revenue generated by this increase to be \$483,866 for the 18 months of the 2009-11 biennium, and \$645,182 for the 24 months of the 2011-13 biennium.

The Department of Human Services is directed to designate staff (the bill specifies 0.50 FTE) who will provide staff support to the Council, and collaborate with the Council on policies, programs and services for individuals with traumatic brain injuries. DHS is required to provide data and information that is requested by the council and is in the possession or control of the department. The bill requires DHS to contract with the contractor to:

1. provide a preliminary report, created in collaboration with the contractor, containing a comprehensive statewide plan to address the needs of individuals with traumatic brain injuries, including the use of public-private partnerships;
2. provide a report on the development of a comprehensive statewide information and referral network outside the department for individuals with traumatic brain injuries;
3. provide a report on the development of a statewide registry to collect data regarding individuals with traumatic brain injuries;
4. provide a report on the efforts of the contractor to provide services for individuals with traumatic brain injuries.;
5. submit, by each December 1, 2011, a final report, created in collaboration with the Council, containing a comprehensive statewide plan to address the needs of individuals with traumatic brain injuries;
6. encourage and facilitate collaboration and participation among state agencies, nongovernmental entities and community in addressing the needs of individuals with traumatic brain injuries.

DHS estimates Professional Services for the contractor to carryout the above requirements to be \$75,000 for the 2009-11 biennium and \$100,000 for the 2011-13 biennium.

*In addition to the above reporting requirements, operative July 1, 2011, the bill requires DHS to provide funding to a contractor for programs that facilitate existing groups for individuals with traumatic brain injuries. The fiscal impact for this Professional Services expense is undetermined at this time because the number of families and the need for support is unknown at this time.

As directed by the bill, DHS anticipates establishing a part- time Program Analyst 2 position (0.38 FTE and \$33,721 for the 2009-11 biennium and 0.50 FTE and \$67,442 for the 2011-13 biennium) in the Public Health Division to support the Council. Services and Supplies (\$12,340 for the 2009-11 biennium and \$21,516 for the 2011-13 biennium) includes meeting costs and reimbursement expenses for the Council.

This measure could have an indeterminate impact on the Children Adults and Families Office of Vocational Rehabilitation Services. Enactment of this measure could increase the number of clients seeking services offered by the Office of Vocational Rehabilitation Services.

The Legislative Fiscal Office notes that the fiscal impact estimate provided by DHS assumes the position would start January 1, 2010, before any Other Funds revenues would be collected and available to the Department. Further, estimated Other Funds expenditures for the 2009-11 biennium could exceed the total Other Funds revenues projected by the Oregon Judicial Department depending on the cost of Professional Services. This bill requires budgetary action to address these cash flow issues and for position establishment.

Passage of this bill will have an estimated \$84,282 General Fund fiscal impact on the Oregon Judicial Department. In order to collect, process and distribute the unitary assessment, OJD will have to make programming changes to the information system. These types of changes are routine with each legislative session and are generally accommodated within the base budget. The Department estimates the design, programming, testing and rollout cost to be \$80,000. In addition, if the bill is enacted, OJD staff counsel will have to review and update the Base Fine Schedule. OJD estimates the cost of staff time to be \$4,282.