

2010 Special Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 3692 **STATUS:** A Engrossed
SUBJECT: Establishes Oregon Brain Injury Fund and the Oregon Traumatic Brain Injury Strategic Partnership Advisory Council. Increases unitary assessment. Continuously appropriates moneys to Oregon Health Authority.
GOVERNMENT UNIT AFFECTED: Oregon Health Authority, Department of Human Services, Oregon Judicial Department, Department of Corrections, Oregon Department of Veterans' Affairs
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DATE: February 10, 2010

	<u>2009-2011</u>	<u>2011-2013</u>
EXPENDITURES: See Analysis		

EFFECTIVE DATE: On passage.

INTERIM JOINT COMMITTEE ON WAYS AND MEANS: The budgetary impact of this bill was not reviewed and approved by the Interim Joint Committee on Ways and Means Committee and is not included in the omnibus budget bill to be introduced by the committee.

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 3692 establishes the Oregon Traumatic Brain Injury Strategic Partnership Advisory Council as an advisory council to the Governor and the Oregon Health Authority (OHA). The Governor is directed to make initial appointments to the Council, on or before July 30, 2010. The bill specifies that the following agencies will have representation on the Council as members: The Department of Human Services, Oregon Health Authority, Department of Veterans' Affairs, Department of Corrections and Adjutant General. Members of the Council are not entitled to compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of official duties.

Revenues

The measure establishes the Oregon Brain Injury Trust Fund. Interest earned by the fund shall be credited to the fund. Moneys in the fund are continuously appropriated to OHA to fund 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.

This bill increases the unitary assessment by \$5 for convictions on traffic violations. OJD estimates that this increase in the unitary assessment could generate approximately \$1.14 million a biennium in revenue. OJD notes, however, that this is a very rough estimate based on a calculation of the number of circuit court violation cases, the percentage of cases that result in both a conviction and the imposition of a fine, and OJD's current collection rate. OJD has provided an estimate because it does not track traffic violations separately from other violations. OJD also notes that it will be difficult to separately distribute this unitary assessment revenue. Its current information system (OJIN) lacks the capacity to distinguish traffic and non-traffic violations, and OJIN is difficult to reprogram. This could delay the distribution of this revenue.

Expenditures – Department of Veterans’ Affairs, Department of Corrections and Adjutant General

Passage of this bill will have minimal expenditure impact on the Department of Veterans’ Affairs, Department of Corrections and Adjutant General. These agencies will have representation on the Oregon Traumatic Brain Injury Strategic Partnership Advisory Council as members.

Expenditures – Oregon Judicial Department (OJD)

The Oregon Judicial Department reports that the system [Oregon Judicial Information Network (OJIN)] that enables the automatic distribution of fines and assessments currently does not have the capability to distinguish non-traffic violations from traffic violations. In order to separate, collect, process and distribute this unitary assessment category, OJD will have to make programming changes to OJIN. The Department estimates these costs to be \$126,000.

Also, if the bill is enacted, OJD staff counsel will have to review and update the Base Fine Schedule. The Base Fine Schedule will also need to be distributed to law enforcement and other entities affected by the new base fine amounts. OJD estimates the cost of counsel and programming staff time to be \$5,138.

The Legislative Fiscal Office notes that these types of programming changes are routine with each legislative session and are generally accommodated within the Department’s base budget.

Expenditures – Oregon Health Authority (OHA)

The Oregon Health Authority estimates the fiscal impact of this measure to be \$29,301 Other Funds and 0.13 FTE for the 2009-11 biennium and \$714,115 Other Funds and 0.50 FTE for the 2011-13 biennium.

The Oregon Health Authority 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. OHA is required to provide data and information that is requested by the Council and is in the possession or control of the Authority. The bill requires OHA to contract with a contractor to collaborate on the production and delivery of the following reports:

1. 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 (to be submitted to the Legislative Assembly and the Governor by December 1, 2011);
2. a report on the development of a statewide registry to collect data regarding individuals with traumatic brain injuries (to be submitted to the Legislative Assembly and the Governor by December 1, 2011);
3. a report on the efforts of the contractor to provide services for individuals with traumatic brain injuries (to be submitted to the Legislative Assembly and the Governor by December 1, 2011);
4. a final report containing a comprehensive statewide plan to address the needs of individuals with traumatic brain injuries (to be submitted to the Legislative Assembly and the Governor by December 1, 2012).

OHA is also required to work with this contractor to encourage and facilitate collaboration and participation among state agencies, nongovernmental entities and community in addressing the needs of individuals with traumatic brain injuries. By December 1st of each even-numbered year, the contractor must issue a report to the Governor and the Legislative Assembly containing a summary of action taken by the contractor to meet the needs of individuals with traumatic brain injuries and recommendations for improvements in services. OHA estimates Professional Services for the contractor to carry out the above requirements to be \$622,000 Other Funds for the 2011-13 biennium. All contractor costs are expected to occur during the 2011-13 biennium because the OHA anticipates time for Council planning and to develop a request for proposal.

As directed by the bill, OHA anticipates establishing a part-time Program Analyst 2 position (0.13 FTE / \$16,860 Other Funds for the 2009-11 biennium and 0.50 FTE / \$79,322 Other Funds for the 2011-13 biennium) to support the Council. Services and Supplies costs are estimated at \$12,441 Other Funds for the 2009-11 biennium and \$12,793 Other Funds for the 2011-13 biennium.

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

HB 3692 also permits the Oregon Health Authority to establish a uniform, population-based, statewide Traumatic Brain Injury (TBI) Registry to collect data to design, target, monitor, facilitate and evaluate efforts to determine the causes or sources of traumatic brain injury among residents of Oregon. OHA is directed to adopt rules regarding the creation and use of registry, including rules under which confidential data may be used by third parties to conduct research and studies for the public good. The cost to develop and implement the registry is indeterminate at this time. Because the language is permissive, OHA anticipates that the creation of the registry will be dependent on OHA receiving federal funding to conduct the traumatic brain injury registry. OHA plans to seek funding for the registry from the Centers for Disease Control (CDC) and Prevention, Injury Center, which grant funds to states on a competitive basis to establish traumatic brain injury registries. CDC eligibility requirements for seeking funding have included a preference for states that already have statutory authority enabling system development. The Injury Prevention and Epidemiology Section in the Public Health Division of the Department of Human Services (Oregon Health Authority) will apply for federal funding to conduct TBI registry activities in the next competitive federal funding cycle in the Spring of 2012.

This bill requires budgetary action to address the timing of revenues and expenditures as well as for Other Funds limitation and for position establishment.