

SENATE BILL REPORT

ESSB 5127

As Amended by House, April 10, 2019

Title: An act relating to increasing the traumatic brain injury fee.

Brief Description: Increasing the traumatic brain injury fee.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators McCoy, Billig, Darneille, Hunt, Rolfes and Schoesler).

Brief History:

Committee Activity: Transportation: 1/23/19, 1/28/19 [DP-WM].

Ways & Means: 2/06/19, 2/25/19 [DPS, w/oRec].

Floor Activity:

Passed Senate: 3/07/19, 47-0.

Passed House: 4/10/19, 95-0.

Brief Summary of Engrossed First Substitute Bill

- Increases the traumatic brain injury fee from \$2.00 to \$5.00 per traffic infraction.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland, Das, Fortunato, Nguyen, O'Ban, Padden, Randall, Takko, Wilson, C. and Zeiger.

Staff: Kelly Simpson (786-7403)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5127 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Lias, Palumbo, Pedersen, Rivers, Schoesler, Van De Wege, Wagoner and Warnick.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: That it be referred without recommendation.

Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey, Becker and Wilson, L..

Staff: Claire Goodwin (786-7736)

Background: Under current law, traffic infractions generally include both a base penalty and additional fees and assessments deposited in various accounts. One such additional fee is a \$2.00 traumatic brain injury (TBI) fee. The TBI fee is deposited in the state TBI account to support various activities and services related to TBI. The Department of Social and Health Services administers the funds, after appropriation by the Legislature. The TBI fee may be reduced or waived by the court.

Summary of Engrossed First Substitute Bill: Increases the TBI fee from \$2.00 to \$5.00 per traffic infraction. The TBI fee may not be reduced or waived.

Specifies the incremental revenue shall be used for:

- innovative research to further evaluation and treatment protocols for individuals with a traumatic brain injury;
- improving concussion prevention and treatment protocols for veterans, athletes, individuals impacted by domestic violence, and other vulnerable populations;
- developing a repository at the University of Washington for public access to information regarding concussion prevention, recognition, evaluation, and treatment;
- increasing the number of case managers at the Brain Injury Alliance of Washington to cover all areas of the state;
- increasing the number of brain health and wellness classes for brain injury survivors and their family members;
- establishing a statewide system of brain injury patient referrals for those discharged from any hospital with a diagnosis of brain injury; and
- providing a statewide awareness campaign and training in support of return to work for individuals who have suffered a brain injury.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Transportation): PRO: Many TBI survivors suffer various problems like anxiety, PTSD, and suicide. A key to helping TBI survivors is to first identify it in survivors. Having more TBI funds available helps with education and awareness, and helps survivors and their caregivers. More TBI funding is needed throughout Washington State. TBI funding helps maintain services for survivors and caregivers. Twenty-two percent of TBI survivors also have epilepsy.

Persons Testifying (Transportation): PRO: Senator John McCoy, Prime Sponsor; Nick Mehrnoosh, Program Specialist, Eastern Washington University; Dennis Flannigan, citizen; Mike Hoover, citizen; Daniella Clark, citizen.

Persons Signed In To Testify But Not Testifying (Transportation): No one.

Staff Summary of Public Testimony on Original Bill (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: I strongly support this bill. The fee has not been raised in 12 years and does great work. A concussion is a traumatic brain injury and is quite common. There are few services available for those with injuries. Untreated brain injuries ruin lives everyday. This fee should be attached to all speeding tickets, including tickets from traffic cameras.

Increased funding would increase services available to survivors. The number of people experiencing a traumatic brain injury are growing daily. TBI is a difficult road and more money to help raise awareness would be a huge help. TBI sufferers deserve compassion. Funding will increase awareness for communities as a whole and would be especially helpful for rural counties who are desperate for support.

Persons Testifying (Ways & Means): PRO: Mike Hoover, Brain Trauma Injury Advocate; Daniella Clark, Brain Trauma Injury Advocate; Douglas Goslin, citizen; Mardi Halvorsen, citizen; Serry Bauer, Olympia Traumatic Brain Injury Group; Scott Yoos, Olympia Traumatic Brain Injury Group; Edwina Waehling, citizen; Robert Elliott, citizen.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.

EFFECT OF HOUSE AMENDMENT(S):

- Maintains language from the original bill that increases the fee from \$2 to \$5 per infraction, and prohibits the fee from being reduced or waived.
- Removes language that allows the incremental revenue from the Traumatic Brain Injury (TBI) fee increase to be used for:
 - innovative research to further evaluation and treatment protocols for individuals with a traumatic brain injury;
 - improving concussion prevention and treatment protocols for veterans, athletes, individuals impacted by domestic violence, and other vulnerable populations;
 - developing a repository at the University of Washington for public access to information regarding concussion prevention, recognition, evaluation, and treatment; increasing the number of case managers at the Brain Injury Alliance of Washington to cover all areas of the state;
 - increasing the number of brain health and wellness classes for brain injury survivors and their family members;
 - establishing a statewide system of brain injury patient referrals for those discharged from any hospital with a diagnosis of brain injury; and
 - providing a statewide awareness campaign and training in support of return to work for individuals who have suffered a brain injury.
- Adds language that requires DSHS to disburse the incremental revenue from the fee increase in a diverse manner to include rural areas of the state.

- Modifies the composition of the Washington TBI Strategic Partnership Advisory Council by increasing the number of representatives from a non-profit organization serving individuals with TBI from one to two, and by removing the executive director of the state brain injury association.