

Senate Bill 364

By: Senators Walker of the 22nd, Harbison of the 15th, Stokes of the 43rd and Thomas of the 10th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated,
2 relating to the Brain and Spinal Injury Trust Fund, so as to change the Brain and Spinal
3 Injury Trust Fund Authority to the Brain and Spinal Injury Trust Fund Commission; to
4 authorize the commission to disburse trust fund money for operating expenses which shall
5 be kept to a minimum; to provide that no funds shall be disbursed until approved by the
6 Governor; to require the commission to recommend disbursement of funds before the
7 Governor may authorize such disbursement; to provide for related matters, to repeal
8 conflicting laws, and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Article 3 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to the
12 Brain and Spinal Injury Trust Fund, is amended by striking Code Section 15-21-141, relating
13 to definitions, and inserting in its place the following:

14 "15-21-141.

15 As used in this article, the term:

16 (1) '~~Authority~~' 'Commission' means the Brain and Spinal Injury Trust Fund ~~Authority~~
17 Commission created in Code Section 15-21-142.

18 (2) 'Trust fund' means the Brain and Spinal Injury Trust Fund created by Code Section
19 15-21-148."

20 style="text-align:center">**SECTION 2.**

21 Said article is further amended by striking Code Section 15-21-142, relating to fund
22 established, and inserting in its place the following:

1 "15-21-142.

2 There is established the Brain and Spinal Injury Trust Fund ~~Authority~~ Commission which
 3 is assigned to the Department of Human Resources for administrative purposes only, as
 4 prescribed in Code Section 50-4-3."

5 **SECTION 3.**

6 Said article is further amended by striking Code Section 15-21-143, relating to appointment
 7 of members and personnel and agencies, and inserting in its place the following:

8 "15-21-143.

9 (a) The Brain and Spinal Injury Trust Fund ~~Authority~~ Commission shall consist of 15
 10 members who shall serve for terms of two years, except that with respect to the first
 11 members appointed, five members shall be appointed for a term of three years, five for a
 12 term of two years, and five for a term of one year. The following agencies may each
 13 appoint one member of the ~~authority~~ commission:

14 (1) The Division of Rehabilitation Services of the Department of Labor;

15 (2) The State Board of Education;

16 (3) The Department of Public Safety; and

17 (4) The Department of Community Health.

18 The remaining 11 members of the ~~authority~~ commission shall be appointed by the
 19 Governor, eight of whom shall be citizens who have sustained brain or spinal cord injury
 20 or members of such persons' immediate families, no more than one of whom shall reside
 21 in the same geographic area of the state which constitutes a health district established by
 22 the Department of Human Resources. The Governor is authorized but not required to
 23 appoint the remaining three members from recommendations submitted by the Private
 24 Rehabilitation Suppliers of Georgia, the Georgia Hospital Association, and the Brain Injury
 25 Association of Georgia. The Governor shall also establish initial terms of office for all 15
 26 members of the board within the limitations of this subsection.

27 (b) In the event of death, resignation, disqualification, or removal for any reason of any
 28 member of the ~~authority~~ commission, the vacancy shall be filled in the same manner as the
 29 original appointment and the successor shall serve for the unexpired term.

30 (c) Membership on the ~~authority~~ commission does not constitute public office, and no
 31 member shall be disqualified from holding public office by reason of his or her
 32 membership.

33 (d) The Governor shall designate a chairperson of the ~~authority~~ commission from among
 34 the members, which chairperson shall serve in that position at the pleasure of the Governor.
 35 The ~~authority~~ commission may elect such other officers and committees as it considers
 36 appropriate.

1 (e) The authority commission, with the approval of the Governor, may employ such
 2 professional, technical, or clerical personnel as deemed necessary to carry out the purposes
 3 of this chapter."

4 SECTION 4.

5 Said article is further amended by striking Code Section 15-21-144, relating to expense
 6 allowance and travel reimbursement of members of the fund, and inserting in its place the
 7 following:

8 "15-21-144.

9 Members of the authority commission shall serve without compensation but shall receive
 10 the same expense allowance per day as that received by a member of the General Assembly
 11 for each day such member of the authority commission is in attendance at a meeting of
 12 such authority commission, plus either reimbursement for actual transportation costs while
 13 traveling by public carrier or the same mileage allowance for use of a personal car in
 14 connection with such attendance as members of the General Assembly receive. Such
 15 expense and travel allowance shall be paid in lieu of any per diem, allowance, or other
 16 remuneration now received by any such member for such attendance. Expense allowances
 17 and other costs authorized in this Code section shall be paid from moneys in the trust fund."

18 SECTION 5.

19 Said article is further amended by striking Code Section 15-21-145, relating to duties of the
 20 authority, and inserting in its place the following:

21 "15-21-145.

22 (a) The authority commission shall do all of the following:

23 (1) Meet at such times and places as it shall determine necessary or convenient to
 24 perform its duties. The authority commission shall also meet on the call of the
 25 chairperson or the Governor;

26 (2) Maintain minutes of its meetings;

27 (3) Adopt rules and regulations for the transaction of its business;

28 (4) Accept applications for disbursements of available money from the trust fund;

29 (5) Maintain records of all expenditures of the authority commission, funds received as
 30 gifts and donations, and disbursements made from the trust fund; and

31 (6) Conform to the standards and requirements prescribed by the state auditor pursuant
 32 to Chapter 6 of Title 50.

33 (b) The authority commission shall utilize existing state resources and staff of participating
 34 departments whenever practicable."

1 (c) No funds shall be disbursed from the trust fund to any person, entity, or program or for
2 any purpose authorized in subsection (b) of this Code section until approved by the
3 Governor; provided, however, that the Governor may not authorize the disbursement of
4 funds to a person, entity, or program which the commission has not recommended for a
5 grant."

6 **SECTION 9.**

7 Said article is further amended by striking Code Section 15-21-150, relating to collection of
8 fines and disposition of moneys collected, and inserting in its place the following:

9 "15-21-150.

10 The sums provided for in Code Section 15-21-149 shall be assessed and collected by the
11 clerk or court officer charged with the duty of collecting moneys arising from fines and
12 shall be paid over to the Brain and Spinal Injury Trust Fund ~~Authority~~ Commission created
13 in Code Section 15-21-143 by the last day of the month there following, to be deposited
14 into the Brain and Spinal Injury Trust Fund."

15 **SECTION 10.**

16 All laws and parts of laws in conflict with this Act are repealed.