

Senate Bill 364

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

AS PASSED SENATE

**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 Governor to appoint members of the commission from recommendations from
5 the Medical Association of Georgia and the Georgia State Medical Association; to authorize
6 the commission to disburse trust fund money for operating expenses which shall be kept to
7 a minimum; to provide that no funds shall be disbursed until approved by the Governor; to
8 require the commission to recommend disbursement of funds before the Governor may
9 authorize such disbursement; to provide for related matters, to repeal conflicting laws, and
10 for other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

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

16 "15-21-141.

17 As used in this article, the term:

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

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

22 **SECTION 2.**

23 Said article is further amended by striking Code Section 15-21-142, relating to fund
24 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 Medical Association of Georgia, and the Georgia State Medical
26 Association. The Governor shall also establish initial terms of office for all 15 members
27 of the board within the limitations of this subsection.

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

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

34 (d) The Governor shall designate a chairperson of the ~~authority~~ commission from among
35 the members, which chairperson shall serve in that position at the pleasure of the Governor.

1 The authority commission may elect such other officers and committees as it considers
2 appropriate.

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

6 **SECTION 4.**

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

10 "15-21-144.

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

20 **SECTION 5.**

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

23 "15-21-145.

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

- 25 (1) Meet at such times and places as it shall determine necessary or convenient to
26 perform its duties. The authority commission shall also meet on the call of the
27 chairperson or the Governor;
- 28 (2) Maintain minutes of its meetings;
- 29 (3) Adopt rules and regulations for the transaction of its business;
- 30 (4) Accept applications for disbursements of available money from the trust fund;
- 31 (5) Maintain records of all expenditures of the authority commission, funds received as
32 gifts and donations, and disbursements made from the trust fund; and
- 33 (6) Conform to the standards and requirements prescribed by the state auditor pursuant
34 to Chapter 6 of Title 50.

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

3 **SECTION 6.**

4 Said article is further amended by striking Code Section 15-21-146, relating to
5 recommendations of changes in state programs, statutes, policies, and budgets and
6 standardization of care, and inserting in its place the following:

7 "15-21-146.

8 The ~~authority~~ commission may recommend to the Governor and the General Assembly
9 changes in state programs, statutes, policies, budgets, and standards relating to the care and
10 rehabilitation of persons with brain or spinal cord injuries, improve coordination among
11 state agencies that provide care and rehabilitative services, and improve the condition of
12 citizens who are in need of rehabilitative services."

13 **SECTION 7.**

14 Said article is further amended by striking Code Section 15-21-147, relating to acceptance
15 of federal funds and disposition, and inserting in its place the following:

16 "15-21-147.

17 The ~~authority~~ commission may accept federal funds granted by Congress or executive
18 order for the purposes of this article as well as gifts and donations from individuals, private
19 organizations, or foundations. The acceptance and use of federal funds does not commit
20 state funds and does not place an obligation upon the General Assembly to continue the
21 purposes for which the federal funds are made available. All funds received in the manner
22 described in this Code section shall be transmitted to the director of the Office of Treasury
23 and Fiscal Services for deposit in the trust fund to be disbursed as other moneys in such
24 trust fund.

25 **SECTION 8.**

26 Said article is further amended by striking subsection (b) of Code Section 15-21-148, relating
27 to creation of the Brain and Spinal Injury Trust Fund, and inserting in its place the following:

28 "(b) The ~~authority~~ commission may authorize the disbursement of available money from
29 the trust fund, after appropriation thereof, for purposes of providing care and rehabilitative
30 services to citizens of the state who have survived neurotrauma with head or spinal cord
31 injuries, to a person, entity, or program eligible pursuant to criteria to be set by such
32 authority commission. The commission may also authorize the disbursement of trust fund
33 money for the actual and necessary operating expenses that the commission incurs in
34 performing its duties; provided, however, that such disbursements shall be kept at a

1 minimum in furtherance of the primary purpose of the trust fund which is to disburse
2 money to provide care and rehabilitative services for persons with brain or spinal cord
3 injuries.
4 (c) No funds shall be disbursed from the trust fund to any person, entity, or program or for
5 any purpose authorized in subsection (b) of this Code section until approved by the
6 Governor; provided, however, that the Governor may not authorize the disbursement of
7 funds to a person, entity, or program which the commission has not recommended for a
8 grant."

9 **SECTION 9.**

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

12 "15-21-150.

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

18 **SECTION 10.**

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