

Senate Bill 364

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

AS PASSED

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"15-21-141.

As used in this article, the term:

- (1) 'Commission' means the Brain and Spinal Injury Trust Fund Commission created in Code Section 15-21-142.
- (2) 'Trust fund' means the Brain and Spinal Injury Trust Fund created by Code Section 15-21-148."

SECTION 2.

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

"15-21-142.

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

SECTION 3.

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

"15-21-143.

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

- (1) The Division of Rehabilitation Services of the Department of Labor;
- (2) The State Board of Education;
- (3) The Department of Public Safety;
- (4) The Department of Community Health; and
- (5) The Department of Human Resources.

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

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

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

- (d) The Governor shall designate a chairperson of the commission from among the members, which chairperson shall serve in that position at the pleasure of the Governor. The commission may elect such other officers and committees as it considers appropriate.
- (e) The commission, with the approval of the Governor, may employ such professional, technical, or clerical personnel as deemed necessary to carry out the purposes of this chapter."

SECTION 4.

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

"15-21-144.

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

SECTION 5.

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

"15-21-145.

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

- (1) Meet at such times and places as it shall determine necessary or convenient to perform its duties. The commission shall also meet on the call of the chairperson or the Governor;
- (2) Maintain minutes of its meetings;
- (3) Adopt rules and regulations for the transaction of its business;
- (4) Accept applications for disbursements of available money from the trust fund;
- (5) Maintain records of all expenditures of the commission, funds received as gifts and donations, and disbursements made from the trust fund; and

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

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

SECTION 6.

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

"15-21-146.

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

SECTION 7.

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

"15-21-147.

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

SECTION 8.

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

"(b) The commission may authorize the disbursement of available money from the trust fund, after appropriation thereof, for purposes of providing care and rehabilitative services to citizens of the state who have survived neurotrauma with head or spinal cord injuries,

to a person, entity, or program eligible pursuant to criteria to be set by such commission. The commission may also authorize the disbursement of trust fund money for the actual and necessary operating expenses that the commission incurs in performing its duties; provided, however, that such disbursements shall be kept at a minimum in furtherance of the primary purpose of the trust fund which is to disburse money to provide care and rehabilitative services for persons with brain or spinal cord injuries.

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

SECTION 9.

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

"15-21-150.

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

SECTION 10.

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