

26 None

27 **Other Special Clauses:**

28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **26-54-101**, as enacted by Laws of Utah 2012, Chapter 226

32 **26-54-102**, as last amended by Laws of Utah 2013, Chapter 400

33 **26-54-103**, as last amended by Laws of Utah 2014, Chapter 387

34 **41-1a-1201**, as last amended by Laws of Utah 2012, Chapters 207, 356, 397 and last
35 amended by Coordination Clause, Laws of Utah 2012, Chapter 397

36 **41-1a-1206**, as last amended by Laws of Utah 2016, Chapter 303

37 **41-6a-1406**, as last amended by Laws of Utah 2016, Chapters 100 and 148

38 **41-22-8**, as last amended by Laws of Utah 2012, Chapter 71



40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **26-54-101** is amended to read:

42 **CHAPTER 54. SPINAL CORD AND BRAIN INJURY REHABILITATION FUND**

43 **26-54-101. Title.**

44 This chapter is known as the "[~~Traumatic~~] Spinal Cord and Brain Injury Rehabilitation
45 Fund."

46 Section 2. Section **26-54-102** is amended to read:

47 **26-54-102. Creation -- Spinal Cord and Brain Injury Rehabilitation Fund.**

48 [~~(1) Because the state finds that persons with traumatic spinal cord and brain injuries
49 require intensive, focused, and specific rehabilitation there]~~

50 (1) There is created an expendable special revenue fund [~~entitled the Traumatic~~]
51 known as the Spinal Cord and Brain Injury Rehabilitation Fund.

52 (2) The fund shall consist of:

53 (a) gifts, grants, donations, or any other conveyance of money that may be made to the
54 fund from private sources;

55 (b) a portion of the impound fee as designated in Section **41-6a-1406**; [~~and~~]

56 (c) the fees collected by the Motor Vehicle Division under Subsection **41-22-8(3)** ~~§~~→ **and**

56a **Subsection 41-1a-1201(8)** ←~~§~~ ; and

57 ~~(e)~~ (d) amounts as appropriated by the Legislature.

58 (3) The fund shall be administered by the executive director of the Department of
59 Health in consultation with the advisory committee created in Section ~~26-54-103~~.

60 (4) A "qualified IRC 501(c)(3) charitable clinic" means a professional medical clinic
61 that:

62 (a) provides ~~[services for people in this state with]~~ rehabilitation services to individuals
63 in the state:

64 (i) who have a traumatic spinal cord [and] or brain [injuries who require] injury that
65 tends to be nonprogressive or nondeteriorating; and

66 (ii) who require post-acute care;

67 (b) employs licensed therapy clinicians; and

68 (c) has no less than five years experience operating a post-acute-care rehabilitation
69 clinic in the state.

70 (5) Fund money shall be used to assist one or more qualified IRC 501(c)(3) charitable
71 clinics to provide rehabilitation services to individuals who have a traumatic spinal cord or
72 brain injury that tends to be nonprogressive or nondeteriorating, including:

73 (a) physical, occupational, and speech therapy; and

74 (b) equipment necessary for daily living ~~[activities for people with spinal cord and~~
75 ~~brain injuries]~~.

76 (6) All actual and necessary operating expenses for the advisory committee and staff
77 shall be paid by the fund.

78 Section 3. Section ~~26-54-103~~ is amended to read:

79 **26-54-103. Spinal Cord and Brain Injury Rehabilitation Fund Advisory**
80 **Committee -- Creation -- Membership -- Terms -- Duties.**

81 (1) There is created a ~~[Traumatic]~~ Spinal Cord and Brain Injury Rehabilitation Fund
82 Advisory Committee.

83 (2) The advisory committee shall be composed of ~~[five]~~ ~~§~~→ [seven] eight ←~~§~~ members as
83a follows:

84 (a) the executive director of the ~~[Utah]~~ Department of Health, or the executive
85 director's designee;

86 (b) ~~[a survivor, or a family member]~~ two survivors, or family members of a survivor of
87 a traumatic brain injury, appointed by the governor;

88 (c) [~~a survivor, or a family member~~] two survivors, or family members of a survivor of
 89 a traumatic spinal cord injury, appointed by the governor;

89a **Ŝ→ (d) one traumatic brain injury or spinal cord injury professional appointed by the**
 89b **governor who, at the time of appointment and throughout the professional's term on the**
 89c **committee, does not receive a financial benefit from the fund; ←Ŝ**

90 **Ŝ→ [(d)] (e) ←Ŝ** a member of the House of Representatives appointed by the speaker of the
 90a House of
 91 Representatives; and

92 **Ŝ→ [(e)] (f) ←Ŝ** a member of the Senate appointed by the president of the Senate.

93 (3) (a) The term of advisory committee members shall be four years. If a vacancy
 94 occurs in the committee membership for any reason, a replacement shall be appointed for the
 95 unexpired term in the same manner as the original appointment.

96 (b) The committee shall elect a chairperson from the membership.

97 (c) A majority of the committee constitutes a quorum at any meeting, and, if a quorum
 98 is present at an open meeting, the action of the majority of members shall be the action of the
 99 advisory committee.

100 (d) The terms of the advisory committee shall be staggered so that members appointed
 101 under Subsections (2)(b) and (d) shall serve an initial two-year term and members appointed
 102 under Subsections (2)(c) and (e) shall serve four-year terms. Thereafter, members appointed to
 103 the advisory committee shall serve four-year terms.

104 (4) The advisory committee shall comply with the procedures and requirements of:

105 (a) Title 52, Chapter 4, Open and Public Meetings Act;

106 (b) Title 63G, Chapter 2, Government Records Access and Management Act; and

107 (c) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

108 (5) (a) A member who is not a legislator may not receive compensation or benefits for
 109 the member's service, but, at the executive director's discretion, may receive per diem and
 110 travel expenses as allowed in:

111 (i) Section [63A-3-106](#);

112 (ii) Section [63A-3-107](#); and

113 (iii) rules adopted by the Division of Finance according to Sections [63A-3-106](#) and
 114 [63A-3-107](#).

115 (b) Compensation and expenses of a member who is a legislator are governed by
 116 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

117 (6) The advisory committee shall:

118 (a) adopt rules and procedures in accordance with Title 63G, Chapter 3, Utah