

Arizona Governor's Council on Spinal and Head Injuries

Statutes Pertaining to the Arizona Governor's Advisory Council on Spinal and Head Injuries and the Spinal and Head Injuries Trust Fund

A.R.S. § 41-3201 *Advisory council on spinal and head injuries; members; qualifications; appointment; terms; compensation; officers; meetings; staffing; definition*

A. The advisory council on spinal and head injuries is established in the office of the governor consisting of the following members:

1. Five members who are appointed by the governor and who are the parent, spouse or guardian of a person who is afflicted with spinal or head injuries.
2. Four members who are appointed by the governor and who are physicians who represent the professional community of spinal or head injury and spinal or head injury rehabilitation programs.
3. Four members who are appointed by the governor and who are allied health professionals or administrators of spinal or head injury programs.
4. Three members who are appointed by the governor and who represent the general public.
5. The director of the department of economic security or the director's designee.
6. The director of the department of health services or the director's designee.

B. Members appointed by the governor serve staggered terms of three years. Vacancies occurring other than by expiration of terms shall be filled in the same manner for the balance of the unexpired term.

C. Members of the council are not eligible to receive compensation, but appointed members are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

D. Members serving pursuant to subsection A, paragraphs 5 and 6 are nonvoting members and are not members for purposes of determining if a quorum is present.

E. Council members shall select a chairman, vice-chairman and secretary each calendar year.

F. The council shall convene in a formal meeting at the call of the chairman but in no case less than four times each year. A quorum consists of at least seven voting members.

G. The department of economic security shall provide administrative and staff support services to the council.

H. For the purposes of this section:

1. "Head injury" means a partial or total disability that is caused by damage to the brain or its coverings, that is not degenerative in nature and that results in a decrease in mental, cognitive, behavioral or physical functioning. Head injury includes a trauma to the central nervous system that prevents a person from being completely self-sufficient. Head injury does not include vascular accidents, aneurysms and congenital defects.
2. "Spinal injury" means a severance or severe injury to the spinal cord caused by trauma which may result in partial or total paralysis of the arms or legs or both and which may also impair vital functions.

Added by Laws 1992, Ch. 189, § 2.

A.R.S 41-3202 *Advisory council on spinal and head injuries; duties*

A. The advisory council on spinal and head injuries shall:

1. Advise appropriate state agencies, the governor and the legislature on matters and issues relating to spinal and head injuries and rehabilitation.
2. Review and make recommendations, plans and strategies for meeting the needs of persons with spinal or head injuries on a statewide basis.
3. In cooperation with all related organizations, conduct a comprehensive program of professional and public education to heighten awareness of the capabilities, potential and needs of persons with spinal or head injuries.
4. Serve as a repository of information on spinal or head injuries, referral procedures and demographics of the injury.
5. Monitor programs and services for persons with spinal or head injuries to encourage efficient and coordinated use of resources in providing services.
6. Develop plans for the expenditure of the spinal and head injuries trust fund in accordance with guidelines established in § 41-3203.

B. The council shall submit a report to the governor, the speaker of the house of representatives and the president of the senate on or before November 15 of each year. The report shall include council recommendations regarding the problems of spinal and head injuries. These recommendations shall be represented by a majority vote of a quorum of members present in a formal meeting. Minority opinions may be submitted in writing to the governor, the speaker of the house of representatives and the president of the senate through the chairman of the council.

C. In developing its recommendations, the council shall encourage broad participation by organizations and individuals interested in spinal or head injuries and rehabilitation.

Added by Laws 1992, Ch. 189, § 2.

A.R.S. § 41-3203 *Spinal and head injuries trust fund; purpose*

A. The spinal and head injuries trust fund is established in the state treasury. The trust fund shall be administered by the director of the department of economic security. Until December 31, 1993, the spinal and head injuries trust fund shall consist of revenues derived from assessments imposed pursuant to § 28-1076.01. The state treasurer shall deposit these revenues in the trust fund at least quarterly. Beginning in January 1, 1994, the spinal and head injuries trust fund shall consist of revenues derived from assessments imposed pursuant to § 12-116.02 and distributed pursuant to § 36-2219.01, subsection B, paragraph 3.

B. Any interest earned on the balance of the trust fund shall be credited to the trust fund. Monies in the fund do not revert to the state general fund.

C. Trust fund monies shall be spent on approval of the department of economic security's rehabilitation services administration only if comparable resources are not available or are not able to be delivered in a timely manner and in accordance with guidelines for the following purposes:

1. Public information, prevention and education of the general public and professionals.
2. Rehabilitation, transitional living and equipment necessary for activities of daily living.
3. A portion of the disease surveillance system and statewide referral services for those with head injuries and spinal cord injuries.
4. Costs incurred by the advisory council on spinal and head injuries established pursuant to § 41-3201.
5. Administrative costs incurred by the department of economic security to administer the provisions of this article.

Added by Laws 1992, Ch. 189, § 2. Amended by Laws 1993, Ch. 243, § 16 eff. April 22, 1993.

A.R.S. § 12-116.02 *Penalty assessments; fund deposits*

A. Beginning September 1, 1995, in addition to any other penalty assessment provided by law, there shall be levied a penalty assessment in an amount of thirteen per cent on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and civil sanctions imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, or for any local ordinance relating to the stopping, standing or operation of a vehicle, or for a violation of the game and fish statutes.

B. If any deposit of bail or bond or deposit for an alleged civil traffic violation is to be made for a violation, the court shall require a sufficient amount to include the penalty assessment prescribed in this section for forfeited bail or bond or deposit. If bail or bond or deposit is forfeited, the amount of such penalty assessment shall be transmitted by the court pursuant to subsection E of this section. If bail or bond or deposit is returned, the penalty assessment made pursuant to this article shall also be returned.

C. After addition of the penalty assessment, the courts may round the total amount due to the nearest one-quarter dollar.

D. The judge may waive all or part of the civil sanction, fine, forfeiture and penalty assessment, except for civil sanctions and fines that are mandatory, the payment of which would work a hardship on the persons convicted or adjudicated or on their immediate families. If a fine or civil sanction is mandatory, the judge may waive only all or part of the penalty assessments prescribed by subsection A of this section and § 12-116.01. If a fine or civil sanction is not mandatory and if a portion of the civil sanction, fine forfeiture and penalty assessment is waived or suspended the amount assessed must be divided according to the proportion that the civil sanction, fine bail or bond, and the penalty assessment represent of the total amount due.

E. After a determination by the court of the amount due, the court shall transmit, on the last day of each month, the assessments collected pursuant to subsections A and B of this section and a remittance report of the fines, civil sanctions and assessments collected pursuant to subsections A and B of this section to the county treasurer, except that municipal courts shall transmit the assessments and the remittance report of the fines, civil sanctions and assessments to the city treasurer.

F. Beginning September 1, 1995, the thirteen per cent penalty assessment as required in subsection A shall be transmitted by the appropriate authorities prescribed in subsection E of this section to the state treasurer on or before the tenth day of each month, for deposit in the medical services enhancement fund, established pursuant to § 36-2219.01.

G. Partial payments of the amount due shall be transmitted as required in subsections E and F of this section and shall be divided according to the proportion that the civil sanction, fine, bail or bond, and the penalty assessment, represent of the total amount due.

Added by Laws 1993, Ch. 243, § 4, eff. April 22, 1993. Amended by Laws 1995, Ch. 179, § 1.

A.R.S. § 36-2219.01 *Medical services enhancement fund*

Text of section effective July 1, 1997

A. A medical services enhancement fund is established in the state treasury consisting of monies collected pursuant to § 12-116,02. The state treasurer shall administer the fund.

B. On the first day of each month, the state treasurer shall distribute or deposit:

1. Fourteen and two-tenths per cent in the alcohol and other drug screening, education or treatment fund established pursuant to § 36-2005.

2. Forty-eight and nine-tenths per cent in the emergency medical services operating fund established pursuant to § 36-2218 of which at least eight per cent shall be used for personnel expenses, education, training and equipment purchases in cities or towns with a population of less than ninety thousand persons according to the most recent United States decennial census.

3. Twenty-two per cent in the spinal and head injuries trust fund established pursuant to § 41-3203.

4. Nine and four-tenths per cent to the department of health services for use in administering the provisions of § 36-141.

5. Five and five-tenths per cent in the state general fund.

C. Monies distributed pursuant to subsection B, paragraphs 1, 2, 3 and 5 of this section constitute a continuing appropriation. Monies distributed pursuant to subsection B, paragraph 4 of this section are subject to legislative appropriation.

Amended by Laws 1995, Ch. 179, § 2; Laws 1995, Ch. 181, § 11; Laws 1996, Ch. 335, § 17, eff. July 1, 1997.