

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 227**

Introduced by Wishart, 27.

Read first time January 10, 2017

Committee:

- 1 A BILL FOR AN ACT relating to brain injury; to define terms; to create a
- 2 council and a fund; and to provide powers and duties.
- 3 Be it enacted by the people of the State of Nebraska,

1           Section 1. For purposes of this act:

2           (1) Brain injury has the definition found in section 81-654;

3           (2) Council means the Brain Injury Council;

4           (3) Department means the State Department of Education; and

5           (4) Division means the Division of Rehabilitation Services of the  
6 department.

7           Sec. 2. (1) The Brain Injury Council is created. The council shall  
8 consist of at least thirteen public members and the following directors,  
9 or their designees, as nonvoting, ex officio members: The director of the  
10 division; the Commissioner of Education; the Director of Behavioral  
11 Health of the Department of Health and Human Services; the Director of  
12 Public Health of the Department of Health and Human Services; and the  
13 Director of Veterans' Affairs. The Governor shall appoint the thirteen  
14 public members to include six members who are individuals with brain  
15 injury or family members of individuals with a brain injury, one member  
16 who is a veteran, a family member of a veteran, or a representative of a  
17 group representing veterans, and six members who are representatives of  
18 the following groups: Public or private health-related organizations;  
19 developmental disability advisory or planning groups within Nebraska;  
20 service providers for individuals with brain injury; and the general  
21 public.

22           (2) The Governor shall appoint the public members within ninety days  
23 after the effective date of this act. The Governor shall designate the  
24 initial terms so that three members serve one-year terms, three members  
25 serve two-year terms, three members serve three-year terms, and four  
26 members serve four-year terms. Their successors shall be appointed for  
27 four-year terms. Any vacancy shall be filled from the same category for  
28 the remainder of the unexpired term. Any member of the council shall be  
29 eligible for reappointment.

30           (3) The council shall select a chairperson and such other officers  
31 as it deems necessary to perform its functions and shall establish rules

1 and regulations to govern its procedures. The council shall meet at least  
2 four times annually and at any other time as the business of the council  
3 requires and at such place as may be established by its chairperson. The  
4 public members of the council shall be reimbursed for their actual and  
5 necessary expenses pursuant to sections 81-1174 to 81-1177.

6       Sec. 3. (1) The council shall provide financial oversight and  
7 technical assistance to the department in the management of the Brain  
8 Injury Trust Fund.

9       (2) The council shall:

10       (a) Represent the interests of individuals with a brain injury and  
11 their families through advocacy, education, training, rehabilitation,  
12 research, and prevention;

13       (b) Assess and study the needs of individuals with a brain injury  
14 and their families through the development of a state plan every four  
15 years;

16       (c) Advise and make recommendations to the Governor, the department,  
17 and other related state agencies on ways to improve and develop services  
18 regarding brain injury, including the coordination of such services  
19 between public and private entities;

20       (d) Encourage participation by the public through the establishment  
21 of public hearings and other types of community outreach and prevention  
22 activities;

23       (e) Encourage and stimulate research, public awareness, education,  
24 and prevention activities;

25       (f) Participate in developing and disseminating criteria and  
26 standards which may be required for future funding or licensing of  
27 facilities and other specialized services, such as neurobehavioral  
28 services for individuals with a brain injury and their families;

29       (g) Oversee any programs created under the federal Traumatic Brain  
30 Injury Act of 1996, as the act existed on January 1, 2017, and report to  
31 the federal government regarding such programs; and

1       (h) Provide fiscal oversight and develop criteria for expenditures  
2 from the Brain Injury Trust Fund.

3       Sec. 4. (1) The expenditures from the Brain Injury Trust Fund shall  
4 be limited to meeting the needs of individuals with brain injury in  
5 Nebraska and providing for the expenses of the council and division staff  
6 for support of the council.

7       (2) Expenditures from the fund may include, but shall not be limited  
8 to:

9       (a) Resource facilitation. Resource facilitation shall be given  
10 priority and made available to provide ongoing support for individuals  
11 with brain injury and their families for coping with brain injury.  
12 Resource facilitation shall provide a linkage to existing services and  
13 increase the capacity of the state's providers of services to individuals  
14 with brain injury by providing brain-injury-specific information,  
15 support, and resources and enhancing the usage of support commonly  
16 available in a community. Any agency selected to provide resource  
17 facilitation shall specialize in brain injury;

18       (b) Training for service providers in the appropriate provision of  
19 services to individuals with brain injury;

20       (c) Followup contact and information on brain injury for individuals  
21 on the brain injury registry established in the Brain Injury Registry  
22 Act;

23       (d) Activities to promote public awareness of brain injury and  
24 prevention methods;

25       (e) Research in the field of traumatic brain injury;

26       (f) Provision of and monitoring for a quality improvement process  
27 with standards of care among brain injury services and providers; and

28       (g) Collection of data and evaluation of how brain injury needs are  
29 being met in the state.

30       (3) The Legislature hereby designates the division as the lead  
31 agency for brain injury. The division shall be responsible for program

1 coordination, related management functions, and submission of an annual  
2 report of the activities of the council to the Governor and the Health  
3 and Human Services Committee of the Legislature. The report shall be  
4 submitted electronically to the committee.

5       Sec. 5. The Brain Injury Trust Fund is created. The fund shall  
6 include appropriations from the Legislature, transfers authorized by the  
7 Legislature, grants, private contributions, and money from any other  
8 source for brain injury prevention and awareness. The fund shall be used  
9 as provided in this act. Any money in the fund unexpended at the close of  
10 a fiscal year shall not lapse but carry over to the next fiscal year. Any  
11 interest accruing to the fund from invested fund balances shall become  
12 part of the fund and not lapse to the General Fund. Any money in the fund  
13 available for investment shall be invested by the state investment  
14 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
15 State Funds Investment Act.