

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 516**

Introduced by Bolz, 29.

Read first time January 21, 2015

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 fifteen members as follows: The director of the division or  
9 his or her designee as a nonvoting, ex officio member, the Director of  
10 Public Health of the Department of Health and Human Services or his or  
11 her designee, and thirteen public members appointed by the Governor. Of  
12 the public members, seven members shall be individuals with a brain  
13 injury or family members of individuals with a brain injury and six  
14 members shall be representatives of the following groups: Public or  
15 private health-related organizations, disability advisory or planning  
16 groups within Nebraska, service providers for individuals with brain  
17 injuries, and the general public.

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

26           (3) The council shall select a chairperson and such other officers  
27 as it deems necessary to perform its functions and shall establish rules  
28 and regulations to govern its procedures. The council shall meet at least  
29 four times annually and at any other time as the business of the council  
30 requires and at such place as may be established by its chairperson. The  
31 public members of the council shall be reimbursed for their actual and

1 necessary expenses pursuant to sections 81-1174 to 81-1177.

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

5       (2) The council shall:

6       (a) Advise and make recommendations to the department and other  
7 related state agencies on ways to improve and develop services regarding  
8 brain injury, including the coordination of such services between public  
9 and private entities;

10       (b) Encourage participation by the public through the establishment  
11 of public hearings and other types of community outreach and prevention  
12 activities;

13       (c) Encourage and stimulate research, public awareness, education,  
14 and prevention activities;

15       (d) Oversee any programs created under the federal Traumatic Brain  
16 Injury Act of 1996, as the act existed on January 1, 2015, and report to  
17 the federal government regarding such programs; and

18       (e) Provide fiscal oversight and develop criteria for expenditures  
19 from the Brain Injury Trust Fund.

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

24       (2) The criteria for expenditures from the fund may include, but  
25 shall not be limited to:

26       (a) Funding resource facilitation. A resource facilitator shall be  
27 available to provide ongoing support for individuals with brain injury  
28 and their families for coping with brain injury. A resource facilitator  
29 shall provide a linkage to existing services and increase the capacity of  
30 the state's providers of services to individuals with brain injury by  
31 providing brain-injury-specific information, support, and resources and

1 enhancing the usage of support commonly available in a community;

2 (b) Training service providers to provide appropriate brain injury  
3 services;

4 (c) Providing funding for the brain injury registry established in  
5 the Brain Injury Registry Act;

6 (d) Providing activities to promote public awareness of brain injury  
7 and prevention methods; and

8 (e) Providing support for any brain injury support group which meets  
9 the approval of the council.

10 (3) The division shall issue a report annually on the status of the  
11 Brain Injury Trust Fund to the Governor and electronically to the  
12 Legislature.

13 Sec. 5. The Brain Injury Trust Fund is created. The fund shall  
14 include appropriations from the Legislature, transfers authorized by the  
15 Legislature, grants, private contributions, and money from any other  
16 source for brain injury prevention and awareness. The fund shall be used  
17 as provided in this act. Any money in the fund available for investment  
18 shall be invested by the state investment officer pursuant to the  
19 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
20 Act.