

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 141

Introduced by Rogert, 16; Avery, 28; Coash, 27; Fulton, 29;
Pankonin, 2.

Read first time January 09, 2009

Committee: Health and Human Services

A BILL

- 1 FOR AN ACT relating to veterans; to adopt the Brain Injury Act.
- 2 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 7 of this act shall be known and
2 may be cited as the Brain Injury Act.

3 Sec. 2. For purposes of the Brain Injury Act:

4 (1) Council means the Brain Injury Council established
5 pursuant to section 3 of this act;

6 (2) Department means the State Department of Education;

7 (3) Division means the Division of Rehabilitation
8 Services of the department; and

9 (4) Fund means the Veterans Resource Facilitation Fund.

10 Sec. 3. (1) The Brain Injury Council is created.
11 The council shall provide, in an advisory capacity, technical
12 assistance and support to the department in the implementation of
13 the Brain Injury Act. The council shall consist of fifteen members
14 as follows:

15 (a) The director of the Department of Veterans' Affairs
16 or his or her designee;

17 (b) The director of the division or his or her designee;
18 and

19 (c) Thirteen public members. Of the public members,
20 seven shall be individuals with a brain injury or family members
21 of persons with a brain injury and at least four of the
22 remaining members shall be representatives of the following groups:
23 Public or private health-related organizations, disability advisory
24 or planning groups within Nebraska, and service providers for
25 individuals with brain injuries.

1 (2) Members of the council shall be appointed by the
2 Governor within ninety days after the effective date of this act.
3 The members shall serve for a term of four years, except that of
4 the members initially appointed, three persons appointed pursuant
5 to subdivision (1)(c) of this section shall be appointed for
6 terms of three years and three persons appointed pursuant to such
7 subdivision shall be appointed for terms of two years. Vacancies
8 shall be filled for the balance of the unexpired term in the same
9 manner as the original appointments were made. A member of the
10 council shall be eligible for reappointment.

11 (3) Members of the council shall be reimbursed for their
12 actual and necessary expenses pursuant to sections 81-1174 to
13 81-1177. The council shall select a chairperson and such other
14 officers as it deems necessary to perform its functions and shall
15 establish rules and regulations to govern its procedures.

16 (4) The council shall meet at least four times annually
17 and at any other time as the business of the council requires and
18 at such place as may be established by its chairperson.

19 Sec. 4. The council shall:

20 (1) Advise and make recommendations to the department
21 and other related state agencies on ways to improve and develop
22 services regarding brain injury, including the coordination of such
23 services between public and private entities;

24 (2) Encourage citizen participation through the
25 establishment of public hearings and other types of community

1 outreach and prevention activities;

2 (3) Encourage and stimulate research, public awareness,
3 education, and prevention activities;

4 (4) Oversee any programs created under the federal
5 Traumatic Brain Injury Act of 1996 as such act existed on January
6 1, 2009, and report to the federal government regarding such
7 programs; and

8 (5) Advise the director of the division on the
9 administration of the Veterans Resource Facilitation Fund.

10 Sec. 5. The Veterans Resource Facilitation Fund is
11 created for use by the division to implement and administer
12 the Brain Injury Act and for the purposes stated in section 6 of
13 this act. Any money in the fund available for investment shall be
14 invested by the state investment officer pursuant to the Nebraska
15 Capital Expansion Act and the Nebraska State Funds Investment Act.

16 Sec. 6. Money in the fund shall be utilized by the
17 division to provide for resource facilitators. The program shall
18 utilize resource facilitators to facilitate program services. The
19 resource facilitator shall be available to provide ongoing support
20 for veterans with brain injury in coping with the issues of
21 living with a brain injury and in assisting such individuals in
22 transitioning back to employment and living in the community. The
23 resource facilitator is intended to provide a linkage to existing
24 services and increase the capacity of the state's providers of
25 services to individuals with brain injury by:

1 (1) Providing brain-injury-specific information, support,
2 and resources;

3 (2) Enhancing the usage of support commonly available
4 to a veteran with brain injury from the community, family, and
5 personal contacts and linking such veterans to appropriate services
6 and community resources;

7 (3) Training service providers to provide appropriate
8 brain injury services; and

9 (4) Accessing, securing, and maximizing the private and
10 public funding available to support a veteran with a brain injury.

11 Money in the fund may also be utilized by the division to
12 provide for the expenses of the Brain Injury Council. The division,
13 in consultation with the council, shall establish eligibility
14 criteria for resource facilitation.

15 Sec. 7. The division shall issue a report annually on the
16 status of the fund to the Governor and the Legislature.