

AMENDMENTS TO LB481

Introduced by Appropriations.

1           1. Strike the original section and insert the following new  
2 sections:

3           Section 1. Sections 1 to 6 of this act shall be known and may be  
4 cited as the Brain Injury Trust Fund Act.

5           Sec. 2. For purposes of the Brain Injury Trust Fund Act:

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

7           (2) Committee means the Brain Injury Oversight Committee created in  
8 section 3 of this act.

9           Sec. 3. (1) The Brain Injury Oversight Committee is created. The  
10 committee shall consist of nine public members and the following  
11 directors, or their designees: The Commissioner of Education; the  
12 Director of Behavioral Health of the Department of Health and Human  
13 Services; and the Director of Public Health of the Department of Health  
14 and Human Services. The Governor shall appoint the nine public members  
15 which shall include individuals with a brain injury or family members of  
16 individuals with a brain injury, a representative of a public or private  
17 health-related organization, a representative of a developmental  
18 disability advisory or planning group within Nebraska, a representative  
19 of service providers for individuals with a brain injury, and a  
20 representative of a nonprofit brain injury advocacy organization.

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

1 one member of the committee shall be appointed from each congressional  
2 district.

3 (3) The committee shall select a chairperson and such other officers  
4 as it deems necessary to perform its functions and shall establish  
5 policies to govern its procedures. The committee shall meet at least four  
6 times annually, and at any other time as the business of the committee  
7 requires, and shall meet at such place as may be established by the  
8 chairperson. The public members of the committee shall be reimbursed for  
9 their actual and necessary expenses as provided in sections 81-1174 to  
10 81-1177.

11 Sec. 4. The committee shall:

12 (1) Provide financial oversight and direction to the University of  
13 Nebraska Medical Center in the management of the Brain Injury Trust Fund;

14 (2) Develop criteria for expenditures from the Brain Injury Trust  
15 Fund; and

16 (3) Represent the interests of individuals with a brain injury and  
17 their families through advocacy, education, training, rehabilitation,  
18 research, and prevention.

19 Sec. 5. (1) The Brain Injury Trust Fund is created. The fund shall  
20 consist of appropriations from the Legislature, transfers authorized by  
21 the Legislature, grants, and any contributions designated for the purpose  
22 of the fund. Any money in the fund available for investment shall be  
23 invested by the state investment officer pursuant to the Nebraska Capital  
24 Expansion Act and the Nebraska State Funds Investment Act.

25 (2)(a) The fund shall be administered through a contract with the  
26 University of Nebraska Medical Center for administration, accounting, and  
27 budgeting purposes and used to pay for contracts for assistance for  
28 individuals with a brain injury with outside sources that specialize in  
29 the area of brain injury. Such outside sources shall operate, at a  
30 minimum, statewide, and also in targeted areas as defined and determined  
31 in the contract, with individuals with a brain injury; work to secure and

1 develop community-based services for individuals with a brain injury;  
2 provide support groups and access to pertinent information, medical  
3 resources, and service referrals for individuals with a brain injury; and  
4 educate professionals who work with individuals with a brain injury.

5 (b) Expenditures from the fund may also include, but not be limited  
6 to:

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

17 (ii) Voluntary training for service providers in the appropriate  
18 provision of services to individuals with a brain injury;

19 (iii) Followup contact to provide information on brain injuries for  
20 individuals on the brain injury registry established in the Brain Injury  
21 Registry Act;

22 (iv) Activities to promote public awareness of brain injury and  
23 prevention methods;

24 (v) Supporting research in the field of brain injury;

25 (vi) Providing and monitoring quality improvement processes with  
26 standards of care among brain injury service providers; and

27 (vii) Collecting data and evaluating how the needs of individuals  
28 with a brain injury and their families are being met in this state.

29 (c) No more than ten percent of the fund shall be used for  
30 administration of the fund.

31 (d) Data collection and evaluation pursuant to this section shall

1 not be a burden or unnecessary hardship to individuals with a brain  
2 injury or service providers.

3 (e) Nothing in this section shall require a professional, provider,  
4 caregiver, or individual to receive training as a condition of receiving  
5 or providing nonmedical services to individuals with a brain injury.

6 Sec. 6. It is the intent of the Legislature to appropriate five  
7 hundred thousand dollars from the Nebraska Health Care Cash Fund annually  
8 beginning in fiscal year 2020-21 to the Brain Injury Trust Fund for  
9 purposes of carrying out the Brain Injury Trust Fund Act.

10 Sec. 7. Section 71-7611, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State  
13 Treasurer shall transfer (a) sixty million three hundred thousand dollars  
14 on or before July 15, 2014, (b) sixty million three hundred fifty  
15 thousand dollars on or before July 15, 2015, (c) sixty million three  
16 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty  
17 million seven hundred thousand dollars on or before July 15, 2017, (e)  
18 five hundred thousand dollars on or before May 15, 2018, (f) sixty-one  
19 million six hundred thousand dollars on or before July 15, 2018, (g)  
20 sixty-one million three hundred fifty thousand dollars on or before July  
21 15, 2019, and (h) sixty million nine ~~four~~ hundred fifty thousand dollars  
22 on or before every July 15 thereafter from the Nebraska Medicaid  
23 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust  
24 Fund to the Nebraska Health Care Cash Fund, except that such amount shall  
25 be reduced by the amount of the unobligated balance in the Nebraska  
26 Health Care Cash Fund at the time the transfer is made. The state  
27 investment officer shall advise the State Treasurer on the amounts to be  
28 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund  
29 until the fund balance is depleted and from the Nebraska Tobacco  
30 Settlement Trust Fund thereafter in order to sustain such transfers in  
31 perpetuity. The state investment officer shall report electronically to

1 the Legislature on or before October 1 of every even-numbered year on the  
2 sustainability of such transfers. The Nebraska Health Care Cash Fund  
3 shall also include money received pursuant to section 77-2602. Except as  
4 otherwise provided by law, no more than the amounts specified in this  
5 subsection may be appropriated or transferred from the Nebraska Health  
6 Care Cash Fund in any fiscal year.

7 The State Treasurer shall transfer ten million dollars from the  
8 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on  
9 June 28, 2018, and June 28, 2019.

10 It is the intent of the Legislature that no additional programs are  
11 funded through the Nebraska Health Care Cash Fund until funding for all  
12 programs with an appropriation from the fund during FY2012-13 are  
13 restored to their FY2012-13 levels.

14 (2) Any money in the Nebraska Health Care Cash Fund available for  
15 investment shall be invested by the state investment officer pursuant to  
16 the Nebraska Capital Expansion Act and the Nebraska State Funds  
17 Investment Act.

18 (3) The University of Nebraska and postsecondary educational  
19 institutions having colleges of medicine in Nebraska and their affiliated  
20 research hospitals in Nebraska, as a condition of receiving any funds  
21 appropriated or transferred from the Nebraska Health Care Cash Fund,  
22 shall not discriminate against any person on the basis of sexual  
23 orientation.

24 (4) The State Treasurer shall transfer fifty thousand dollars on or  
25 before July 15, 2016, from the Nebraska Health Care Cash Fund to the  
26 Board of Regents of the University of Nebraska for the University of  
27 Nebraska Medical Center. It is the intent of the Legislature that these  
28 funds be used by the College of Public Health for workforce training.

29 (5) It is the intent of the Legislature that the cost of the staff  
30 and operating costs necessary to carry out the changes made by Laws 2018,  
31 LB439, and not covered by fees or federal funds shall be funded from the

- 1 Nebraska Health Care Cash Fund for fiscal years 2018-19 and 2019-20.
- 2       Sec. 8. This act becomes operative on July 15, 2020.
- 3       Sec. 9. Original section 71-7611, Reissue Revised Statutes of
- 4 Nebraska, is repealed.