

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 312**

Introduced by Coash, 27; Avery, 28; Fulton, 29; Karpisek, 32; McCoy,  
39; Pankonin, 2.

Read first time January 12, 2011

Committee: Government, Military and Veterans Affairs

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. The  
11 council shall provide, in an advisory capacity, technical assistance  
12 and support to the department in the implementation of the Brain  
13 Injury Act. The council shall consist of fifteen members as follows:

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

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

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

24          (2) Members of the council shall be appointed by the  
25 Governor within ninety days after the effective date of this act. The

1 members shall serve for terms of four years, except that of the  
2 members initially appointed, three persons appointed pursuant to  
3 subdivision (1)(c) of this section shall be appointed for initial  
4 terms of three years and three persons appointed pursuant to such  
5 subdivision shall be appointed for initial terms of two years.  
6 Succeeding terms shall be four-year terms. Vacancies shall be filled  
7 for the balance of the unexpired term in the same manner as the  
8 original appointments were made. A member of the council shall be  
9 eligible for reappointment.

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

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

18 Sec. 4. The council shall:

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

23 (2) Encourage citizen participation through the  
24 establishment of public hearings and other types of community  
25 outreach and prevention activities;

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

3           (4) Oversee any programs created under the federal  
4 Traumatic Brain Injury Act of 1996 and report to the federal  
5 government regarding such programs; and

6           (5) Advise the director of the division on the  
7 administration of the Veterans Resource Facilitation Fund.

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

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

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

25           (2) Enhancing the use of support commonly available to

1 veterans with brain injury from the community, family, and personal  
2 contacts and linking such veterans to appropriate services and  
3 community resources;

4 (3) Training service providers to provide appropriate  
5 brain injury services; and

6 (4) Accessing, securing, and maximizing the private and  
7 public funding available to support veterans with brain injury.

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

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