

**ONE HUNDRED SEVENTH LEGISLATURE - SECOND SESSION - 2022**  
**COMMITTEE STATEMENT**  
**LB971**

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**Hearing Date:** Friday January 28, 2022  
**Committee On:** Appropriations  
**Introducer:** McDonnell  
**One Liner:** Change the name of the Brain Injury Trust Fund Act to the Brain Injury Assistance Act and change certain provisions in the act

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**Roll Call Vote - Final Committee Action:**

Advanced to General File

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**Vote Results:**

**Aye:** 9 Senators Clements, Dorn, Erdman, Hilkemann, Kolterman, McDonnell, Stinner, Vargas, Wishart

**Nay:**

**Absent:**

**Present Not Voting:**

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**Oral Testimony:**

**Proponents:**

Senator Mike McDonnell  
Shauna Dahlgren

**Representing:**

Introducer  
Brain Injury Oversight Committee

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

This bill makes technical changes to the Brain Injury Trust Fund Act. It eliminates a trust fund that is not a trust fund. The Brain Injury Trust Fund as it was named in the original bill, is not a trust fund. Trust funds are funds held in a trust. For a trust there must be a trust document that controls the trust. Additionally changes are made because the source of the funding for the brain injury activities are the Health Care Cash Fund. This is an appropriating fund. There is no need for a separate cash fund.

Because other sections of the act refer to expenditures from the trust fund which is being eliminated, the activities associated with the brain injury funding is referred to as the Brain Injury Assistance Program rather than the fund.

There are no changes to the purpose or use of the fund.

Section 1. Renames the Brain Injury Trust Fund to the Brain Injury Assistance Act.

Section 4. (1) Eliminates transfer language into the fund as the fund is being eliminated. Clarifies the

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Brain Injury Assistance Program is contained within the Department of Health and Human Services. The original appropriation was made to the Department of Health and Human Services as the original bill refers to a contract with the University of Nebraska Medical Center. It was assumed the Department of Health and Human Services was executing the contract and the funding was appropriated to DHHS. The language continues the purpose of the program to be assistance for individuals with a brain injury through contracts with outside sources that specialize in the area of brain injury.

(2) The language states, The program may provide assistance with the following activities, including, rather than Expenditures from the fund may also include,

(3) Changes, No more than ten percent of the funds shall be used for administration of the fund to Administration costs of the program shall not be more than ten percent of the total expenditures of the program.

#### Section 5. Changes Brain Injury Trust Fund to Brain Injury Assistance Program

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John Stinner, Chairperson