

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 901**

Introduced by Johnson, 37.

Read first time January 14, 2008

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to liability limitations; to provide immunity
- 2 for emergency management workers as prescribed.
- 3 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) No emergency management worker (a) in  
2 training or preparation for, in anticipation of, or during a time  
3 of emergency and acting pursuant to a request of the Governor  
4 or a political subdivision or pursuant to a state of emergency  
5 proclamation under the Emergency Management Act or declaration of  
6 emergency by a political subdivision and (b) acting within the  
7 scope of the emergency management worker's training and assigned  
8 responsibilities shall be held liable for any civil damages as a  
9 result of any act or omission by such emergency management worker  
10 in rendering emergency care or as a result of any act or omission  
11 in providing or arranging for medical treatment or care for an  
12 injured person, fire safety, search, or rescue, for any emergency  
13 management functions as specified by subsection (4) of section  
14 81-829.39, or in providing goods.

15           (2) The immunities provided by this section shall also  
16 apply to preplanning and training activities as ordered or  
17 requested by the Governor or a political subdivision and to  
18 mandatory drills and exercises. The immunities provided by this  
19 section shall not apply to (a) cases of willful misconduct, gross  
20 negligence, or bad faith, (b) a person whose act or omission caused  
21 the event that resulted in a state of emergency proclamation or  
22 declaration of emergency and who would otherwise be liable for  
23 damages relating to such event, (c) cases of liability arising out  
24 of the operation of any motor vehicle, aircraft, or boat, (d) cases  
25 of liability while such person was impaired by alcoholic liquor or

1 any controlled substance enumerated in section 28-405 in connection  
2 with such care, (e) a claim asserted by a host entity or by an  
3 entity located in this or another state which employs or uses the  
4 services of the emergency management worker, or (f) a breach of  
5 contract.

6 (3) For purposes of this section, emergency management  
7 worker means a person who is (a) not compensated for the  
8 performance of emergency medical services or emergency management  
9 functions as specified by subsection (4) of section 81-829.39,  
10 except that reimbursement of or allowance for reasonable expenses,  
11 continuation of salary, other remuneration while on leave, or  
12 payments of less than five hundred dollars per year shall not  
13 be deemed compensation for purposes of this section, or (b) a  
14 registered member of a Community Emergency Response Team or of a  
15 Medical Reserve Corps organized pursuant to rules and regulations  
16 promulgated by the United States Department of Homeland Security.