

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1015

Introduced by Kintner, 2.

Read first time January 22, 2014

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to
2 amend section 13-903, Reissue Revised Statutes of
3 Nebraska; to include certain nonprofit volunteer fire and
4 rescue departments under the act; and to repeal the
5 original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-903, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 13-903 For purposes of the Political Subdivisions Tort
4 Claims Act and sections 16-727, 16-728, 23-175, 39-809, and 79-610,
5 unless the context otherwise requires:

6 (1) Political subdivision shall include villages, cities
7 of all classes, counties, school districts, learning communities,
8 public power districts, and all other units of local government,
9 including entities created pursuant to the Interlocal Cooperation Act
10 or Joint Public Agency Act. Political subdivision shall include a
11 nonprofit organization providing services to a political subdivision
12 as a volunteer department as defined in section 35-1303. Political
13 subdivision shall not be construed to include any contractor with a
14 political subdivision;

15 (2) Governing body shall mean the village board of a
16 village, the city council of a city, the board of commissioners or
17 board of supervisors of a county, the board of directors of a public
18 power district, the governing board or other governing body of an
19 entity created pursuant to the Interlocal Cooperation Act or Joint
20 Public Agency Act, and any duly elected or appointed body holding the
21 power and authority to determine the appropriations and expenditures
22 of any other unit of local government;

23 (3) Employee of a political subdivision shall mean any
24 one or more officers or employees of the political subdivision or any
25 agency of the subdivision and shall include members of the governing

1 body, duly appointed members of boards or commissions when they are
2 acting in their official capacity, volunteer firefighters, and
3 volunteer rescue squad personnel. Employee shall not be construed to
4 include any contractor with a political subdivision; and

5 (4) Tort claim shall mean any claim against a political
6 subdivision for money only on account of damage to or loss of
7 property or on account of personal injury or death, caused by the
8 negligent or wrongful act or omission of any employee of the
9 political subdivision, while acting within the scope of his or her
10 office or employment, under circumstances in which the political
11 subdivision, if a private person, would be liable to the claimant for
12 such damage, loss, injury, or death but shall not include any claim
13 accruing before January 1, 1970.

14 Sec. 2. Original section 13-903, Reissue Revised Statutes
15 of Nebraska, is repealed.