

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1256

Introduced by Cavanaugh, J., 9.

Read first time January 21, 2026

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the Emergency Management Act; to amend
2 section 81-829.39, Reissue Revised Statutes of Nebraska; to redefine
3 a term; and to repeal the original section.
4 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 81-829.39, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-829.39 For purposes of the Emergency Management Act, unless the
4 context otherwise requires:

5 (1) Civil defense emergency means an emergency declared by the
6 President of the United States or Congress pursuant to applicable federal
7 law finding that an attack upon the United States has occurred or is
8 anticipated and that the national safety therefor requires the invocation
9 of the emergency authority provided for by federal law. Civil defense
10 emergency also means an enemy attack or other hostile action within the
11 State of Nebraska or a determination by the President of the United
12 States that any attack has been made upon or is anticipated within a
13 designated geographic area which includes all or a part of the State of
14 Nebraska. Any such emergency shall terminate in the manner provided by
15 federal law or by proclamation of the Governor or resolution of the
16 Legislature terminating such emergency;

17 (2) Disaster means any event or the imminent threat thereof causing
18 widespread or severe damage, injury, or loss of life or property
19 resulting from any natural or manmade cause;

20 (3) Emergency means any event or the imminent threat thereof causing
21 serious damage, injury, or loss of life or property resulting from any
22 natural or manmade cause which, in the determination of the Governor or
23 the principal executive officer of a local government, requires immediate
24 action to accomplish the purposes of the Emergency Management Act and to
25 effectively respond to the event or threat of the event;

26 (4) Emergency management means the preparation for and the carrying
27 out of all emergency functions, other than functions for which military
28 forces are primarily responsible, to mitigate, prevent, minimize, respond
29 to, and recover from injury and damage resulting from disasters,
30 emergencies, or civil defense emergencies. Emergency management functions
31 include, but need not be limited to, firefighting services, police

1 services, medical and health services, search and rescue services,
2 engineering services, communications and warning systems, radiological
3 preparedness, hazardous materials response, evacuation of persons from
4 stricken areas, emergency welfare services, emergency transportation
5 services, restoration of public utility services, snow and ice removal,
6 flood management, and other functions related to civilian protection,
7 together with all other activities necessary or incidental to the
8 preparation for and carrying out of the functions listed in this
9 subdivision;

10 (5) Emergency management worker includes any full-time or part-time
11 paid, volunteer, or auxiliary employee of this state or other states,
12 territories, or possessions of the federal government or any neighboring
13 country or of any political subdivision thereof, of the District of
14 Columbia, or of any agency or organization performing emergency
15 management services at any place in this state subject to the order or
16 control of or pursuant to a request of the state government or any
17 political subdivision thereof and also includes instructors and students
18 in emergency management educational programs approved by the Nebraska
19 Emergency Management Agency or otherwise under the provisions of the
20 Emergency Management Act;

21 (6) Hazard mitigation means measures which will eliminate or reduce
22 the potential for damage to an area or facility from the effects of a
23 future disaster, emergency, or civil defense emergency;

24 (7) Local government means a county, village, or city of any class;

25 (8) Political subdivision means a city, village, county, school
26 district, public power district, natural resources district, and any
27 other unit of government below the state level, including any entity
28 created pursuant to the Interlocal Cooperation Act or the Joint Public
29 Agency Act;

30 (9) Principal executive officer means the mayor in a city of any
31 class or the elected chairperson of the governing body of a village or

1 county;

2 (10) State emergency response team means an organization for
3 emergency management established in accordance with the provisions of
4 sections 81-829.52 to 81-829.54 by state authority to supplement city,
5 village, county, or interjurisdictional emergency management
6 organizations in a stricken area; and

7 (11) Technological hazard means a hazard emanating from the
8 manufacture, transportation, and use of such substances as radioactive
9 materials, chemicals, explosives, flammables, agricultural pesticides,
10 herbicides, disease agents, oil spills, and debris from space.

11 **Sec. 2.** Original section 81-829.39, Reissue Revised Statutes of
12 Nebraska, is repealed.