

LEGISLATIVE BILL 67

Approved by the Governor April 8, 1987

Introduced by Morehead, 30; Ashford, 6

AN ACT relating to liability; to define a term; and to provide immunity for certain acts of directors, officers, and trustees of not-for-profit organizations.
Be it enacted by the people of the State of Nebraska,

Section 1. As used in this act, unless the context otherwise requires, not-for-profit organization shall mean any not-for-profit entity which is exempt from federal income taxation pursuant to section 501 (a) of the Internal Revenue Code, as amended, and listed as an exempt organization in section 501 (c) (2), (3), (4), (5), (7), (8), (11), or (19) of the Internal Revenue Code, as amended, and which is engaged in one or more activities within this state in furtherance of a purpose for which it is organized.

Sec. 2. (1) On or after the effective date of this act, any person who serves as a director, officer, or trustee of a not-for-profit organization and who is not compensated for his or her services as a director, officer, or trustee on a salary or a prorated equivalent basis shall be immune from civil liability for any act or omission which results in damage or injury if such person was acting within the scope of his or her official functions and duties as a director, officer, or trustee unless such damage or injury was caused by the willful or wanton act or omission of such director, officer, or trustee.

(2) Nothing in this section shall be construed to establish, diminish, or abrogate any duties that a director, officer, or trustee of a not-for-profit organization has to the not-for-profit organization for which the director, officer, or trustee serves.

(3) For purposes of this section, a director, officer, or trustee shall not be considered compensated solely by reason of the payment of his or her actual expenses incurred in attending meetings or in executing such office, the receipt of meals at meetings, or the receipt of gifts not exceeding a total value of one hundred dollars in any twelve consecutive months.

Sec. 3. The individual immunity granted by section 2 of this act shall not extend to any act or

omission of such director, officer, or trustee which results in damage or injury (1) caused by such director, officer, or trustee during the operation of any motor vehicle, airplane, or boat or (2) caused by such director, officer, or trustee while impaired by alcohol or any controlled substance enumerated in section 28-405.

Sec. 4. Except as provided in section 2 of this act, this act shall not be construed to establish, diminish, or abrogate any duty that a director, officer, or trustee of a not-for-profit organization has to any individual or organization.