Introduced by Dubas, 34.

FOR AN ACT relating to fires; to amend sections 81-520.01, 81-520.03, 81-520.04, and 81-520.05, Reissue Revised Statutes of Nebraska; to change provisions relating to burning permits and range-management burning; to provide for land-management burning; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 81-520.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-520.01 (1) There shall be a statewide open burning ban on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land.

(2) The fire chief of a local fire department or his or her designee may waive an open burning ban under subsection (1) of this section for an area under his or her the local fire department’s jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. The permit issued by the fire chief or his or her designee to a person desiring to conduct open burning shall be in writing, signed by the fire chief, or his or her designee, and on a form prescribed by the State Fire Marshal. The State Fire Marshal shall provide local fire departments with such forms.

(3) The fire chief of a local fire department or his or her designee may waive the open burning ban in his or her the local fire department’s jurisdiction when conditions are acceptable to the chief, or his or her designee. Anyone burning intending to burn in such jurisdiction when the open burning ban has been waived shall notify the fire department chief of his or her intention to burn prior to starting the burn.

(4) The fire chief of a local fire department may adopt and promulgate rules and regulations standards listing the conditions acceptable for issuing a permit to conduct open burning under subsection (2) of this section.

(5) The local fire department may charge a fee, not to exceed ten dollars, for each such permit issued. This fee shall be remitted to the governing body for inclusion in the general funds allocated to the fire department. Such funds shall not reduce the tax requirements for the fire department. No such fee shall be collected from any state or political subdivision to which such a permit is issued to conduct open burning under subsection (2) of this section in the course of such state’s or political subdivision’s official duties.

Sec. 2. Section 81-520.03, Reissue Revised Statutes of Nebraska, is amended to read:

81-520.03 (1) For purposes of sections 81-520.01 to 81-520.05, the fire chief of a local fire department may designate a member of the local fire department to share the powers and duties of the fire chief under such sections, except adopting standards pursuant to subsection (4) of section 81-520.01.

(2) For purposes of sections 81-520.04 and 81-520.05, range-management land-management burning shall mean means the controlled application of fire to existing vegetative matter on land utilized for grazing, pasture, forests, or grassland to control weeds, pests, insects, and disease, prevent wildland fires, manage watersheds, care for windbreaks, and conduct scientific research.

Sec. 3. Section 81-520.04, Reissue Revised Statutes of Nebraska, is amended to read:

81-520.04 The fire chief of a local fire department or his or her designee may waive an open burning ban under subsection (1) of section 81-520.01 by issuing a permit for range-management land-management burning only if the range-management land-management burning is to be conducted in accordance with section 81-520.05.

Sec. 4. Section 81-520.05, Reissue Revised Statutes of Nebraska, is amended to read:

81-520.05 (1) A landowner, tenant, or other landowner’s agent of the land where range-management land-management burning is proposed shall file an application for a permit and a plan for conducting such burning. The plan shall include:

(a) The name of the landowner of the land on which range-management land-management burning is to occur;

(b) The name of the person who will supervise the range-management burning.
land-management burning if such person is different than the landowner;
   (c) The land-management objective to be accomplished;
(d) A map showing the areas to be burned, including natural and
    manmade firebreaks;
   (e) Procedures to be used to confine the fire in boundary areas
    without preexisting firebreaks;
   (f) A list of equipment that will be on hand;
   (g) The types and conditions of the vegetative matter to be burned
    on the land and in adjacent areas;
   (h) Identification of roads and habitations that may be affected by
    smoke;
   (i) A description of weather conditions believed to be required to
    safely and successfully conduct the range-management land-management burning,
    including wind speed and direction, temperature, and relative humidity; and
   (j) Such other information as may be prescribed by the fire chief of
    a local fire department.
(2) The fire chief of a local fire department or his or her designee
    shall evaluate each plan to determine its compliance with subsection (1)
    of this section. If a plan fails to comply with all provisions of such
    subsection, a permit for range-management land-management burning shall not be
    issued.
(3) The fire chief of a local fire department or his or her designee
    shall issue a permit for range-management land-management burning if (a) the
    plan complies with subsection (1) of this section and (b) the fire chief or
    his or her designee determines that range-management land-management burning
    conducted in accordance with the plan would be conducted with due regard for
    the safety of people and property outside the burning areas. No permit shall
    be valid for more than thirty days.
Sec. 5. Original sections 81-520.01, 81-520.03, 81-520.04, and
81-520.05, Reissue Revised Statutes of Nebraska, are repealed.