

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 823

FINAL READING

Introduced by Wordekemper, 15.

Read first time January 07, 2026

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to land-management burning; to amend sections
- 2 81-520.01, 81-520.03, and 81-520.05, Reissue Revised Statutes of
- 3 Nebraska; to change provisions relating to the permit and permit
- 4 application for open burning; to define and redefine terms; and to
- 5 repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

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

3 81-520.01 (1) There shall be a statewide open burning ban on all
4 bonfires, outdoor rubbish fires, and fires for the purpose of clearing
5 land.

6 (2) The fire chief of a local fire department may waive an open
7 burning ban under subsection (1) of this section for an area under the
8 local fire department's jurisdiction by issuing an open burning permit to
9 a person requesting permission to conduct open burning. The permit issued
10 by the fire chief to a person desiring to conduct open burning shall at a
11 minimum contain (a) the name and telephone number of the landowner, (b)
12 the burn location, (c) the date and beginning and ending time of the
13 burn, (d) a description of the material to be burned, ~~and~~ (e) the name
14 and telephone number of the person responsible for the burn, (f) whether
15 the land-management burning is to be a prescribed burning or a controlled
16 burning, and (g) the approximate number of acres to be burned. The local
17 fire department may have additional requirements for a burn to be
18 permitted. The permit shall contain the signature, written or electronic,
19 of the local fire chief. The State Fire Marshal shall provide a sample
20 form with the minimum requirements on the website of the State Fire
21 Marshal.

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

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

30 (5) The local fire department may charge a fee, not to exceed ten
31 dollars, for each such permit issued. This fee shall be remitted to the

1 governing body for inclusion in the general funds allocated to the fire
2 department. Such funds shall not reduce the tax requirements for the fire
3 department. No such fee shall be collected from any state or political
4 subdivision to which such a permit is issued to conduct open burning
5 under subsection (2) of this section in the course of such state's or
6 political subdivision's official duties.

7 (6) For purposes of sections 81-520.01 to 81-520.05:

8 (a) Controlled burning means a nonbroadcast burn primarily to clean
9 up or remove debris or vegetation from a debris pile, ditch, or other
10 condition where the spread of fire is limited to a small area;

11 (b) Land-management burning consists of controlled burning and
12 prescribed burning; and

13 (c) Prescribed burning means a form of controlled burning that
14 includes planning for the systematic application of fire to manage
15 vegetation on land utilized for grazing, pasture, forests, or grassland,
16 control weeds, pests, insects, and disease, prevent wildland fires,
17 manage watersheds, benefit wildlife, care for windbreaks, and conduct
18 scientific research.

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

21 81-520.03 ~~(1) For purposes of sections 81-520.01 to 81-520.05,~~

22 The the fire chief of a local fire department may designate a member
23 of the local fire department to share the powers and duties of the fire
24 chief under such sections 81-520.01 to 81-520.05, except adopting
25 standards pursuant to subsection (4) of section 81-520.01.

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

1 **Sec. 3.** Section 81-520.05, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-520.05 (1) A landowner, tenant, or other landowner's agent of the
4 land where land-management burning is proposed shall file an application
5 for a permit and a plan for conducting such burning. The plan shall
6 include:

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

9 (b) The name of the person who will supervise the land-management
10 burning if such person is different than the landowner;

11 (c) The type of land-management burning and the objective to be
12 accomplished;

13 (d) A map showing the areas to be burned, including natural and
14 manmade firebreaks;

15 (e) Procedures to be used to confine the fire in boundary areas
16 without preexisting firebreaks;

17 (f) A list of equipment that will be on hand;

18 (g) The types and conditions of the vegetative matter to be burned
19 on the land and in adjacent areas;

20 (h) Identification of roads and habitations that may be affected by
21 smoke;

22 (i) A description of weather conditions believed to be required to
23 safely and successfully conduct the land-management burning, including
24 wind speed and direction, temperature, and relative humidity; ~~and~~

25 (j) If applicable, the approximate acreage that is intended to be
26 burned; and

27 (k) ~~(j)~~ Such other information as may be prescribed by the fire
28 chief of a local fire department.

29 (2) The fire chief of a local fire department shall evaluate each
30 plan to determine its compliance with subsection (1) of this section. If
31 a plan fails to comply with all provisions of such subsection, a permit

1 for land-management burning shall not be issued.

2 (3) The fire chief of a local fire department shall issue a permit
3 for land-management burning if (a) the plan complies with subsection (1)
4 of this section and (b) the fire chief determines that land-management
5 burning conducted in accordance with the plan would be conducted with due
6 regard for the safety of people and property outside the burning areas.
7 No permit shall be valid for more than thirty days.

8 **Sec. 4.** Original sections 81-520.01, 81-520.03, and 81-520.05,
9 Reissue Revised Statutes of Nebraska, are repealed.