LEGISLATIVE BILL 823

Approved by the Governor April 14, 2026

Introduced by Wordekemper, 15.

A BILL FOR AN ACT relating to land-management burning; to amend sections 81-520.01, 81-520.03, and 81-520.05, Reissue Revised Statutes of Nebraska; to change provisions relating to the permit and permit application for open burning; to define and redefine terms; 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 may waive an open burning ban under subsection (1) of this section for an area under 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 to a person desiring to conduct open burning shall at a minimum contain (a) the name and telephone number of the landowner, (b) the burn location, (c) the date and beginning and ending time of the burn, (d) a description of the material to be burned, ~~and~~ (e) the name and telephone number of the person responsible for the burn, (f) whether the land-management burning is to be a prescribed burning or a controlled burning, and (g) the approximate number of acres to be burned. The local fire department may have additional requirements for a burn to be permitted. The permit shall contain the signature, written or electronic, of the local fire chief. The State Fire Marshal shall provide a sample form with the minimum requirements on the website of the State Fire Marshal.

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

(4) The fire chief of a local fire department may adopt 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.

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

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

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

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

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 ~~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 81-520.01 to 81-520.05, except adopting standards pursuant to subsection (4) of section 81-520.01.

~~(2) For purposes of sections 81-520.04 and 81-520.05, land-management burning 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 81-520.05, 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 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 land-management burning is to occur;

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

(c) The type of land-management burning and the 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 land-management burning, including wind speed and direction, temperature, and relative humidity; ~~and~~

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

(k) ~~(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 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 land-management burning shall not be issued.

(3) The fire chief of a local fire department shall issue a permit for land-management burning if (a) the plan complies with subsection (1) of this section and (b) the fire chief determines that 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. 4. Original sections 81-520.01, 81-520.03, and 81-520.05, Reissue Revised Statutes of Nebraska, are repealed.