

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 576

Introduced by Cavanaugh, J., 9; DeKay, 40; Ibach, 44.

Read first time January 17, 2023

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to land-management burning; to amend section
- 2 81-520.03, Reissue Revised Statutes of Nebraska; to provide
- 3 limitations on liability and nuisance related to land-management
- 4 burning; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-520.03, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-520.03 (1) For purposes of sections 81-520.01 to 81-520.05 and
4 section 2 of this act, the fire chief of a local fire department may
5 designate a member of the local fire department to share the powers and
6 duties of the fire chief under such sections, except adopting standards
7 pursuant to subsection (4) of section 81-520.01.

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

14 Sec. 2. (1) In any negligence action arising out of or related to
15 land-management burning conducted in accordance with section 81-520.05,
16 compliance with all terms of an approved permit and plan for such land-
17 management burning shall constitute an affirmative defense to such cause
18 of action.

19 (2) In any nuisance action arising out of or related to land-
20 management burning, compliance with section 81-520.05 and any applicable
21 state or local air pollution law, rule, or regulation shall constitute an
22 affirmative defense to such cause of action.

23 Sec. 3. Original section 81-520.03, Reissue Revised Statutes of
24 Nebraska, is repealed.