



# HOUSE BILL 198: Forest Service Changes.

2021-2022 General Assembly

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<b>Committee:</b>	House Agriculture. If favorable, re-refer to Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 10, 2021
<b>Introduced by:</b>	Reps. McNeely, Greene, Dixon, Strickland	<b>Prepared by:</b>	Chris Saunders
<b>Analysis of:</b>	First Edition		Committee Co-Counsel

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**OVERVIEW:** *House Bill 198 would allow magistrates to waive trials for State forest rule offenses, exempt certain fires from open burning laws, and modify overtime policy for the North Carolina Forest Service.*

## CURRENT LAW AND BILL ANALYSIS:

**Section 1** of House Bill 198 would allow magistrates to accept waivers of trial or hearing for misdemeanor or infraction cases involving State forest rule offenses. The State forest rules include regulations on bathing and swimming, horses, bicycle trails, hunting, and camping, as well as certain criminal laws. Other waivable offenses under current law include hunting, fishing, State park and recreation area rule offenses, open burning offenses, traffic offenses, and boating offenses.

**Section 2** of the bill would exempt fires started for cooking, warming, or ceremonial events from the open burning laws, if the fire is confined in an enclosure from which burning material may not escape or within a protected area upon which a watch is being maintained and which is provided with adequate fire protection equipment. This exemption would not apply in cases where the Commissioner of Agriculture has prohibited all open burning during periods of hazardous forest fire conditions or during declared air pollution episodes.

**Section 3** of the bill would provide that the Department of Agriculture and Consumer Services may provide either monetary overtime compensation or compensatory leave to professional employees of the North Carolina Forest Service for overtime earned while conducting fire suppression duties. Under current law, overtime earned by professional employees of the Forest Service while conducting fire suppression duties must be provided in the form of monetary compensation.

**EFFECTIVE DATE:** Sections 1 and 2 of the bill would become effective December 1, 2021, and would apply to offenses committed on or after that date. Section 3 would be effective when it becomes law and would apply to overtime earned on or after that date. The remainder of this act would be effective when it becomes law.

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