



HOUSE BILL 198: Forest Service Changes.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	April 22, 2021
Introduced by:	Reps. McNeely, Greene, Dixon, Strickland	Prepared by:	Chris Saunders
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *House Bill 198 would allow magistrates to waive trials for State forest rule offenses, exempt certain fires from open burning laws, modify overtime policy for the North Carolina Forest Service, and provide more detail about the use of funds allocated for the development of the North Carolina Forest Service headquarters.*

CURRENT LAW AND BILL ANALYSIS:

Section 1 of the bill 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 employees of the North Carolina Forest Service, who are exempt from the Fair Labor Standards Act, for overtime earned while conducting fire suppression duties. Under current law, overtime earned while conducting fire suppression duties by these employees must be provided in the form of monetary compensation.

Section 4 of the bill would modify S.L. 2020-97, which allocated funds for the development of the North Carolina Forest Service headquarters. The bill would provide more detail about how those funds are to be used to develop the headquarters.

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.

Rob Ryan and Susan Sitze, Staff Attorneys, substantially contributed to this summary.

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