

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 198

Short Title: Forest Service Changes. (Public)

Sponsors: Representatives McNeely, Greene, Dixon, and Strickland (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Agriculture, if favorable, Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

March 3, 2021

A BILL TO BE ENTITLED

AN ACT TO ALLOW MAGISTRATES TO WAIVE TRIALS FOR STATE FOREST RULE OFFENSES; TO EXEMPT CERTAIN FIRES FROM OPEN BURNING LAWS; AND TO MODIFY OVERTIME POLICY FOR THE NORTH CAROLINA FOREST SERVICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-273 reads as rewritten:

"§ 7A-273. Powers of magistrates in infractions or criminal actions.

In criminal actions or infractions, any magistrate has power:

...

(2) In misdemeanor or infraction cases involving alcohol offenses under Chapter 18B of the General Statutes, traffic offenses, hunting, fishing, State park and recreation area rule offenses under Chapters 113 and 143B of the General Statutes, State forest rule offenses under Articles 74 and 75 of Chapter 106 of the General Statutes, boating offenses under Chapter 75A of the General Statutes, open burning offenses under Article 78 of Chapter 106 of the General Statutes, and littering offenses under G.S. 14-399(c) and G.S. 14-399(c1), to accept written appearances, waivers of trial or hearing and pleas of guilty or admissions of responsibility, in accordance with the schedule of offenses and fines or penalties promulgated by the Conference of Chief District Judges pursuant to G.S. 7A-148, and in such cases, to enter judgment and collect the fines or penalties and costs;

...."

SECTION 2. G.S. 106-950 is amended by adding a new subsection to read:

"(a2) Except in cases where the Commissioner has prohibited all open burning during periods of hazardous forest fire conditions or during air pollution episodes declared pursuant to Article 21B of Chapter 143 of the General Statutes, this Article does not apply to any fires started, or caused to be started, for cooking, warming, or ceremonial events, if the fire is confined (i) within an enclosure from which burning material may not escape or (ii) within a protected area upon which a watch is being maintained and which is provided with adequate fire protection equipment."

SECTION 3. G.S. 106-903 reads as rewritten:

"§ 106-903. Overtime compensation for forest fire fighting.

The Department shall, within funds appropriated to the Department, provide either monetary overtime compensation or compensatory leave at an hour for hour rate, at its discretion, to the



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1 professional employees of the North Carolina Forest Service ~~involved in fighting forest fires for~~
2 overtime earned while conducting fire suppression duties as defined in G.S. 106-955. If the
3 Department provides compensatory leave for overtime earned, it shall be provided in a manner
4 consistent with the State's general compensatory time policy for exempt employees established
5 by the Office of State Human Resources."

6 **SECTION 4.** Sections 1 and 2 of this act become effective December 1, 2021, and
7 apply to offenses committed on or after that date. Section 3 of this act is effective when it becomes
8 law and applies to overtime earned on or after that date. The remainder of this act is effective
9 when it becomes law.