

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 198
Committee Substitute Favorable 4/14/21

Short Title: Forest Service Changes.

(Public)

Sponsors:

Referred to:

March 3, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW MAGISTRATES TO WAIVE TRIALS FOR STATE FOREST RULE
3 OFFENSES; TO EXEMPT CERTAIN FIRES FROM OPEN BURNING LAWS; TO
4 MODIFY OVERTIME POLICY FOR THE NORTH CAROLINA FOREST SERVICE;
5 AND TO CLARIFY THE USE OF FUNDS FOR CONSTRUCTION OF FOREST
6 SERVICE HEADQUARTERS.

7 The General Assembly of North Carolina enacts:

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

9 "**§ 7A-273. Powers of magistrates in infractions or criminal actions.**

10 In criminal actions or infractions, any magistrate has power:

11 ...

12 (2) In misdemeanor or infraction cases involving alcohol offenses under Chapter
13 18B of the General Statutes, traffic offenses, hunting, fishing, State park and
14 recreation area rule offenses under Chapters 113 and 143B of the General
15 Statutes, State forest rule offenses under Articles 74 and 75 of Chapter 106 of
16 the General Statutes, boating offenses under Chapter 75A of the General
17 Statutes, open burning offenses under Article 78 of Chapter 106 of the General
18 Statutes, and littering offenses under G.S. 14-399(c) and G.S. 14-399(c1), to
19 accept written appearances, waivers of trial or hearing and pleas of guilty or
20 admissions of responsibility, in accordance with the schedule of offenses and
21 fines or penalties promulgated by the Conference of Chief District Judges
22 pursuant to G.S. 7A-148, and in such cases, to enter judgment and collect the
23 fines or penalties and costs;

24"

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

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

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

34 "**§ 106-903. Overtime compensation for forest fire fighting.**

35 The Department shall, within funds appropriated to the Department, provide either monetary
36 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 who are exempt from the Fair Labor
2 Standards Act and involved in fighting forest fires. ~~fires for overtime earned while conducting~~
3 fire suppression duties as defined in G.S. 106-955. If the Department provides compensatory
4 leave for overtime earned, it shall be provided in a manner consistent with the State's general
5 compensatory time policy for exempt employees established by the Office of State Human
6 Resources."

7 **SECTION 4.** Section 3.9 of S.L. 2020-97 reads as rewritten:

8 "SECTION 3.9. The funds allocated to the North Carolina Forest Service by subdivision
9 (10) of Section 4.1 of S.L. 2016-124 and that are unencumbered and unexpended for those
10 purposes or for the additional purposes authorized by Section 12.9 of S.L. 2017-57 shall be used
11 by the Department of Agriculture and Consumer Services for the following purposes:

12 (1) ~~The purchase and renovation of an existing facility for use as a regional~~
13 ~~headquarters and training facility construction authorization and partial~~
14 support of construction of a Region One headquarters and training facility for
15 the North Carolina Forest Service. The facility shall include, but is not limited
16 to, an office building with classrooms, an equipment maintenance facility, and
17 multi-bay equipment shelters.

18 (2) Support of operations and other receipt-supported activities such as
19 maintenance and repairs at the North Carolina State Fair and the Western
20 North Carolina Agriculture Center."

21 **SECTION 5.** Sections 1 and 2 of this act become effective December 1, 2021, and
22 apply to offenses committed on or after that date. Section 3 of this act is effective when it becomes
23 law and applies to overtime earned on or after that date. The remainder of this act is effective
24 when it becomes law.