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COMMITTEE REPORT

February 16, 2017

**H. 3719**

Introduced by Reps. Burns, Hiott, Hixon, Chumley, Bannister and G.R. Smith

S. Printed 2/16/17--H.

Read the first time February 9, 2017.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 3719) to amend Section 48‑35‑50, Code of Laws of South Carolina, 1976, relating to the State Forester’s authority to direct that certain fires not be started, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

\ SECTION 1. Section 48‑35‑50 of the 1976 Code is amended to read:

“Section 48‑35‑50. The State Forester may direct at any time, when deemed necessary in the interest of public safety, that fires covered by this chapter not be started. The State Forester also may prohibit all open burning regardless of whether a permit or notification is required, including campfires, bonfires, and other fires for recreational purposes. This prohibition shall not apply to fires used for nonrecreational purposes such as those for human warmth or for the preparation of food for immediate consumption.”

SECTION 2. Section 48‑35‑60 of the 1976 Code is amended to read:

“Section 48‑35‑60. Any person violating the provisions of this chapter ~~shall~~ may be deemed guilty of a misdemeanor and, upon conviction, ~~shall~~ may be fined not ~~less than ten dollars nor~~ more than ~~one~~ two hundred dollars or imprisoned for not ~~less than ten days nor~~ more than thirty days for a first offense. For any second or subsequent offense, a fine of not less than ~~twenty‑five~~ five hundred dollars ~~nor more than three hundred dollars~~ or imprisonment for not more than ~~six months~~ sixty days, or both may be imposed in the discretion of the court. ‘Subsequent offense’, as used in this section, shall mean an offense committed within ten years of a previous offense.”

SECTION 3. This act takes effect upon approval by the Governor. \

Renumber sections to conform.

Amend title to conform.

DAVID R. HIOTT for Committee.

**A** **BILL**

TO AMEND SECTION 48‑35‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE FORESTER’S AUTHORITY TO DIRECT THAT CERTAIN FIRES NOT BE STARTED, SO AS TO PROVIDE THAT WHEN EXTREME CONDITIONS EXIST, THE STATE FORESTER MAY PROHIBIT ALL OPEN BURNING EXCEPT FIRES USED FOR NONRECREATIONAL PURPOSES; AND TO AMEND SECTION 48‑35‑60, RELATING TO PENALTIES ASSOCIATED WITH THE STARTING OF UNLAWFUL FIRES, SO AS TO REVISE THE PENALTIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 48‑35‑50 of the 1976 Code is amended to read:

“Section 48‑35‑50. The State Forester may direct at any time, when deemed necessary in the interest of public safety, that fires covered by this chapter not be started. When extreme conditions exist, the State Forester also may prohibit all open burning regardless of whether a permit is required, including campfires, bonfires, and other fires for recreational purposes. This prohibition shall not apply to fires used for nonrecreational purposes such as those for human warmth or for the preparation of food for immediate consumption.”

SECTION 2. Section 48‑35‑60 of the 1976 Code is amended to read:

“Section 48‑35‑60. Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not ~~less than ten dollars nor~~ more than ~~one~~ two hundred dollars or imprisoned for not ~~less than ten days nor~~ more than thirty days for a first offense. For any second or subsequent offense, a fine of not less than ~~twenty‑five~~ five hundred dollars ~~nor more than three hundred dollars~~ or imprisonment for not more than ~~six months~~ sixty days, or both may be imposed in the discretion of the court. ‘Subsequent offense’, as used in this section, shall mean an offense committed within ten years of a previous offense.”

SECTION 3. This act takes effect upon approval by the Governor.

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