~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 11, 2021

**H. 3541**

Introduced by Reps. Hixon, Burns and Forrest

S. Printed 3/11/21--H.

Read the first time January 12, 2021.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 3541) to amend the Code of Laws of South Carolina, 1976, by adding Section 48‑35‑55 so as to provide that the regulation of fires by the State Forester, 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 SECTION 1 and inserting:

/ SECTION 1. Chapter 35, Title 48 of the 1976 Code is amended by adding:

“Section 48‑35‑55. Except as otherwise provided by law, the provisions of this chapter do not apply to a fire used for the preparation of food for immediate consumption, or fires burned in portable outdoor fireplaces, chimineas, or permanent fire pits constructed of stone, masonry, metal or other noncombustible material that conforms with all applicable South Carolina fire codes so long as a person has cleared around the area to be burned and has immediately available sufficient equipment and personnel to adequately secure the fire and prevent its spread.” /

Renumber sections to conform.

Amend title to conform.

DAVID R. HIOTT for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48‑35‑55 SO AS TO PROVIDE THAT THE REGULATION OF FIRES BY THE STATE FORESTER DOES NOT APPLY TO FIRES USED FOR THE PREPARATION OF FOOD OR FIRES USED IN APPROPRIATE ENCLOSURES; AND TO AMEND SECTION 48‑23‑96, RELATING TO THE APPOINTMENT OF LAW ENFORCEMENT OFFICERS TO CARRY OUT THE ENFORCEMENT RESPONSIBILITIES OF THE COMMISSION, SO AS TO ALLOW FOR THE ISSUANCE OF WARNING TICKETS.

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

SECTION 1. Chapter 35, Title 48 of the 1976 Code is amended by adding:

“Section 48‑35‑55. Except as otherwise provided by law, the provisions of this chapter do not apply to a fire used for the preparation of food for immediate consumption, or fires burned in portable outdoor fireplaces, chimineas, or permanent fire pits constructed of stone, masonry, metal or other noncombustible material that conforms with all applicable South Carolina fire codes.”

SECTION 2. Section 48‑23‑96 of the 1976 Code is amended to read:

“Section 48‑23‑96. (A) The State Forestry Commission shall appoint law enforcement officers whose terms of office must be permanent unless revoked by the commission. Officers may be removed by the commission on proof satisfactory to it that they are not fit persons for these commissions. These officers shall carry out the law enforcement responsibilities of the commission.

(B) The officers appointed by the State Forestry Commission may issue a written warning ticket on a form approved by the State Forestry Commission, as appropriate, in their discretion.”

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

‑‑‑‑XX‑‑‑‑