



SENATE BILL 150: Various Local Act Changes.

2021-2022 General Assembly

Committee:		Date:	July 21, 2021
Introduced by:	Sen. Daniel	Prepared by:	Jonathan Zator
Analysis of:	Fifth Edition		Staff Attorney

OVERVIEW: *Senate Bill 150 would do the following:*

- *Make various changes to the Charter of the City of Morganton (Charter) including establishing a time period for filling vacancies in the office of Mayor and requiring the City Manager to appoint the City Clerk.*
- *Increase the fine for boating violations on Lake James in Burke and McDowell Counties from \$50.00 to \$250.00.*
- *Move municipal elections in the Town of Hildebran to even-numbered years, beginning in 2024.*
- *Establish office hours for the register of deeds in Cleveland County.*
- *Authorize the Town of Weldon to dispose of certain property by private negotiation and sale.*
- *Make technical corrections to S.L. 2018-15 and S.L. 2021-56.*

[As introduced, this bill was identical to H162, as introduced by Rep. Blackwell, which is currently in Senate Rules and Operations of the Senate.]

Morganton Charter Revisions:

CURRENT LAW: When a vacancy occurs in the office of Mayor, the Charter provides that the Council must appoint a qualified person to the office of Mayor to fill the unexpired term, but the Charter does not specify the time within which the appointment must be made. The Charter also designates the City Manager as the City Clerk and specifies the duties of the City Clerk.

BILL ANALYSIS: Section 1 of the PCS to Senate Bill 150 would amend the Charter to require the Council, within 90 days of the occurrence of a vacancy in the office of the Mayor, to appoint a qualified person to fill the unexpired mayoral term; require the City Manager to appoint a City Clerk and specify the City Clerk's duties; and make various other technical corrections.

EFFECTIVE DATE: This section would become effective when the bill becomes law.

Lake James Boating Violations Fine:

CURRENT LAW: Chapter 502 of the 1963 Session Laws prohibits the dangerous operation of motorboats and other actions that create hazards to water safety in Lake James in Burke and McDowell Counties. Convicted violators are guilty of a misdemeanor and punished by a fine of not more than \$50.00 or no more than 30 days imprisonment.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

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North Carolina structured sentencing for Class 3 misdemeanors sets the maximum fine at \$200.00, and a person may only be imprisoned for 1-20 days if the person has five or more prior convictions ([G.S. 15A-1340.23](#)).

BILL ANALYSIS: Section 2 of the PCS to Senate Bill 150 would provide that a person convicted of a violation would be guilty of a Class 3 misdemeanor and only punished by a fine of \$250.00.

EFFECTIVE DATE: This section would become effective December 1, 2021 and apply to offenses committed on or after that date.

Town of Hildebran Elections:

CURRENT LAW: Officers for the Town of Hildebran consist of five council members elected for staggered four-year terms and a mayor elected for a four-year term (S.L. 1993-238).

Elections are conducted in odd-numbered years using a nonpartisan plurality method (G.S. 163-292). The election is held at the time of the General Election. The members elected take office on the first Monday of December following their election.

BILL ANALYSIS: Section 3 of the PCS to Senate Bill 150 would provide that, beginning in 2024, regular municipal elections would be held in even-numbered years. Regular municipal elections would be conducted in the Town of Hildebran in 2021. The Mayor and three commissioners elected in 2021 would serve five-year terms. The two commissioners elected in 2019 whose terms expire in 2023 would be extended until 2024. The next regular municipal election would be conducted in the Town of Hildebran in 2024.

EFFECTIVE DATE: This section would become effective when the bill becomes law.

Register of Deeds Office Hours – Cleveland County:

CURRENT LAW: Boards of county commissioners may fix the days of each week and the office hours that the register of deeds, or the deputy register of deeds, must attend in person.

BILL ANALYSIS: Section 4 of the PCS to Senate Bill 150 would require the register of deeds in Cleveland County to be present in their office on a full-time schedule and requires that, except for State holidays, the office be open for business Monday through Friday, at least 40 hours per week, and accept instruments and documents for recording until 5:00 P.M.

EFFECTIVE DATE: This section would become effective October 1, 2021 and only apply to Cleveland County.

Private Negotiation and Sale of Property by Town of Weldon:

CURRENT LAW: The authority of and procedures for a municipality to sell or dispose of real property is governed by Article 12 of Chapter 160A. In limited circumstances, a municipality may, with or without monetary consideration, sell real property through a **non-competitive** private sale process to volunteer fire departments and rescue squads (G.S.160A-277) and to non-profit entities carrying out a public purpose (G.S. 160A-279). Additionally, municipal real property may be sold using any of the following **competitive** sale procedures:

- Advertisement for sealed bids – G.S.160A-268.

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- Offer and upset bid – G.S. 160A-269.
- Public auction – G.S. 160A-270.

BILL ANALYSIS: Section 5 of the PCS to Senate Bill 150 would authorize the Town of Weldon to convey by private negotiation and sale, with or without monetary consideration, a 6.21-acre parcel of land.

EFFECTIVE DATE: This section would become effective when the bill becomes law and only apply to the Town of Weldon.

Cleveland Community College Board of Trustees Terms:

CURRENT LAW: S.L. 2018-15 modified the appointment method for the Board of Trustees of Cleveland Community College.

BILL ANALYSIS: Section 6 of the PCS to Senate Bill 150 would make a technical correction to the terms of appointments to the Cleveland Community College Board of Trustees made by the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

EFFECTIVE DATE: This section would become effective when the bill becomes law and only apply to Cleveland Community College.

Lexington City Board of Education Elections Technical Correction:

CURRENT LAW: Section 1.7 of S.L. 2021-56 delayed the 2021 elections for the Lexington City Board of Education from 2021 to 2022.

BILL ANALYSIS: Section 7 of the PCS to Senate Bill 150 would make a technical correction to correct a citation and would clarify that the section applies to the Lexington City Board of Education.

EFFECTIVE DATE: This section would become effective when the bill becomes law.

EFFECTIVE DATE: Except as otherwise provided, the bill becomes effective when it becomes law.