



SENATE BILL 150: Morganton Amen./Boating Fine/Hildebran Elect.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 30, 2021
Introduced by:	Sen. Daniel	Prepared by:	Jonathan Zator
Analysis of:	Second Edition		Legislative Analyst

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.*

[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: Sections 1–6 of 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: Sections 1–6 would be effective when they become 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 (Lake James Act). 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.

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](#)).

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BILL ANALYSIS: Section 7 of Senate Bill 150 would provide that a convicted violator of the Lake James Act would be guilty of a Class 3 misdemeanor and 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:

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 8 of 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 be effective when it becomes law.