

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 150
House Committee Substitute Favorable 6/29/21
House Committee Substitute #2 Favorable 6/30/21
House Committee Substitute #3 Favorable 7/13/21
Fifth Edition Engrossed 7/13/21
Proposed Conference Committee Substitute S150-PCCS15320-BK-1

Short Title: Various Local Act Changes.

(Local)

Sponsors:

Referred to:

February 25, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CHARTER OF THE CITY OF MORGANTON TO CLARIFY
3 THE TIME PERIOD FOR FILLING VACANCIES IN THE OFFICE OF MAYOR AND
4 TO PROVIDE THAT THE CITY MANAGER SHALL APPOINT THE CITY CLERK; TO
5 UPDATE FINES FOR CERTAIN BOATING VIOLATIONS ON LAKE JAMES; TO
6 PROVIDE THAT ELECTIONS FOR THE TOWN OF HILDEBRAN SHALL BE HELD IN
7 EVEN-NUMBERED YEARS; TO AUTHORIZE THE TOWN OF WELDON TO DISPOSE
8 OF CERTAIN PROPERTY BY PRIVATE NEGOTIATION AND SALE; TO MAKE A
9 TECHNICAL CORRECTION IN THE TERMS OF OFFICE FOR THE BOARD OF
10 TRUSTEES OF CLEVELAND COMMUNITY COLLEGE; AND TO MODIFY THE
11 AUTHORIZATION FOR THE DELAY OF THE LEXINGTON CITY BOARD OF
12 EDUCATION ELECTIONS IN 2021.

13 The General Assembly of North Carolina enacts:

14 **SECTION 1.(a)** Section 2.14 of the Charter of the City of Morganton, being Chapter
15 180 of the Session Laws of 1975, as amended by S.L. 1998-81, reads as rewritten:

16 "Sec. 2.14. Vacancy; absence or disability. – (a) A vacancy in the office of Mayor shall exist
17 when a duly elected person fails to qualify or when a person who has been elected and has
18 qualified dies, resigns, or no longer meets the requirements of Section 2.11 of this Charter, or is
19 recalled. If a vacancy occurs in the office of Mayor, the Council ~~shall~~ shall, by majority ~~vote~~
20 vote, within 90 days following the date the vacancy occurs, appoint some qualified person to fill
21 the office for the remainder of the unexpired term. The Mayor Pro Tempore shall discharge the
22 powers and duties of the office of Mayor until the office is filled, and he and, during such period
23 of service, shall receive the same compensation as received by the office of Mayor during such
24 period of service. ~~Mayor.~~ The council seat of Mayor Pro Tempore is not vacant during any period
25 in which the Mayor Pro Tempore discharges powers and duties of the office of Mayor.

26 (b) During the period of absence or disability of the Mayor, the Mayor Pro Tempore shall
27 perform the powers and duties of the ~~Mayor during the period that such absence or disability~~
28 ~~exists.~~ Mayor. The inability of the Mayor to perform the duties of ~~his~~ the office shall be
29 determined by the Council in accordance with the provisions of ~~G.S. 160A-70, except that the~~
30 ~~vote of the Mayor is not required in any such determination.~~ G.S. 160A-70."



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1 "Sec. 4.42. Composition; appointment; bylaws. – (a) Except as otherwise provide by law,
2 the voting members of the Council (~~not including the Mayor, except in case of equal division~~)
3 shall have the authority to provide for the manner of appointment, makeup and composition of
4 such commissions, councils or boards, the periods of existence of same, and for the compensation
5 of such members and employees of same, in whole or in part. The Council may provide by
6 ordinance for reimbursement of the actual and necessary expenses incurred by the members
7 thereof in the performance of their official duties. The Council shall have the authority to
8 annually appropriate and donate money derived from contributions and other nontax revenues
9 for and to such commissions, councils and boards to provide for their operation, either in whole
10 or in part.

11 ...

12 (c) Any member of a board or commission may be removed from office for cause by a
13 majority vote of ~~all of the voting council members.~~Council.

14"

15 **SECTION 2.(a)** Section 5 of Chapter 502 of the Session Laws of 1963 reads as
16 rewritten:

17 "Sec. 5. Any person who may be in actual physical control of the motor boat, or other water
18 craft, in which any violation of the above provisions shall be committed, shall be considered to
19 have been in control of the conduct of persons in such boat, and responsible for violations of this
20 Act committed by such persons. Unless it be otherwise shown, the registered owner of any boat
21 operated in violation of the provisions of this Article, shall be presumed to be the operator of the
22 same at the time of such violation or violations. ~~Any Notwithstanding G.S. 15A-1340.23, any~~
23 person who is convicted of a violation of any of the provisions of this Act shall be guilty of a
24 Class 3 misdemeanor and shall be but only punished by a fine of not more than fifty dollars
25 (\$50.00), or be imprisoned for not more than thirty (30) days, two hundred fifty dollars
26 (\$250.00)."

27 **SECTION 2.(b)** This section becomes effective December 1, 2021, and applies to
28 offenses committed on or after that date.

29 **SECTION 3.(a)** Section 3 of the Charter of the Town of Hildebran, being Chapter
30 212 of the Private Laws of 1899, as amended by Chapter 433 of the Session Laws of 1973 and
31 Chapter 238 of the Session Laws of 1993, reads as rewritten:

32 "Sec. 3. In 2024, and biennially thereafter, regular municipal elections shall be held in the
33 Town on the Tuesday after the first Monday in November of even-numbered years in accordance
34 with the uniform municipal election laws of North Carolina. The election shall be nonpartisan
35 and decided by simple plurality pursuant to G.S. 163-292. The elective officers of the town shall
36 be a mayor who shall be elected by the qualified voters of the town for a term of four years, and
37 five commissioners, who shall be elected by the qualified voters of the town for staggered terms
38 of four years, except that in 1993, the three persons receiving the highest numbers of votes are
39 elected for four-year terms, and the two persons receiving the next highest numbers of votes are
40 elected for two-year terms. In 1995 and quadrennially thereafter, two persons are elected. In 1997
41 and quadrennially thereafter, three persons are elected. The expansion of the board of
42 commissioners from three to five members is effective at the organizational meeting following
43 the 1993 municipal election. Beginning with the regular municipal election to be held in
44 November 1973, the election shall be nonpartisan and decided by simple plurality. No primary
45 election shall be held. The municipal elections shall be held and conducted by the County Board
46 of Elections in accordance with Articles 23 and 24 of Chapter 163 of the General Statutes, years."

47 **SECTION 3.(b)** Regular municipal elections shall be conducted in the Town of
48 Hildebran in 2021. The Mayor and three commissioners elected in 2021 shall serve five-year
49 terms. The two commissioners elected in 2019 whose terms expire in 2023 are extended until
50 2024. The next regular municipal election shall be conducted in the Town of Hildebran in 2024.

1 **SECTION 4.(a)** Notwithstanding Article 12 of Chapter 160A of the General
2 Statutes, the Town of Weldon may convey by private negotiation and sale, with or without
3 monetary consideration, and upon such terms as the Town deems appropriate, any or all of its
4 right, title, and interest in some or all of the following described property: All that certain tract
5 or parcel of land lying and being situate on the Eastern side of US Highway 301 and the Southern
6 Side of NC SR No. 1150 (River Road) in Weldon Township, Halifax County, North Carolina,
7 and being more particularly described as that 6.21 acres tract shown and delineated on the plat
8 entitled "PLAT SHOWING PROPERTY STANDING IN THE NAME OF MARY JANE
9 ARNOLD CREW" prepared by Burr & Associates, P.A. dated May 4, 1994, and recorded in Plat
10 Cabinet 5, Slide 121 in the office of the Register of Deeds of Halifax County, North Carolina,
11 the same being incorporated herein by reference for more complete and accurate description.
12 This property was conveyed to Michael H. Basnight by deed dated January 16, 1997, from B. B.
13 Pierce Trucking, Inc., and recorded in Book 1697, Page 64 in the office of the Register of Deeds.

14 **SECTION 4.(b)** This section applies to the Town of Weldon only.

15 **SECTION 5.(a)** G.S. 115D-12(a), as amended by S.L. 2018-15, reads as rewritten:

16 "(a) Each community college established or operated pursuant to this Chapter shall be
17 governed by a board of trustees consisting of 13 members, or of additional members if selected
18 according to the special procedure prescribed by the second paragraph of this subsection, who
19 shall be selected by the following agencies. No member of the General Assembly may be
20 appointed to a local board of trustees for a community college.

21 Group One – eight trustees, elected by the board of commissioners of the county in which the
22 institution is located. Provided, however, if the administrative area of the institution is composed
23 of two or more counties, the trustees shall be elected jointly by the boards of commissioners of
24 all those counties, each board having one vote in the election of each trustee. Provided, also, the
25 county commissioners of the county in which the community college has established a satellite
26 campus may elect an additional two members if the board of trustees of the community college
27 agrees. No more than one trustee from Group One may be a member of a board of county
28 commissioners. Should the boards of commissioners involved be unable to agree on one or more
29 trustees the senior resident superior court judge in the superior court district or set of districts as
30 defined in G.S. 7A-41.1 where the institution is located shall fill the position or positions by
31 appointment.

32 Group Two – four trustees, appointed by the General Assembly under G.S. 120-121, two of
33 whom shall be appointed upon recommendation of the Speaker of the House of Representatives
34 and two of whom shall be appointed upon recommendation of the President Pro Tempore of the
35 Senate. Following consultation with members of the House of Representatives whose districts
36 include counties within the administrative area of the community college, the Speaker of the
37 House of Representatives shall make recommendations to the General Assembly for
38 appointments to terms expiring in 2019 and ~~2021, 2020,~~ and every four years thereafter.
39 Following consultation with members of the Senate whose districts include counties within the
40 administrative area of the community college, the President Pro Tempore of the Senate shall
41 make recommendations to the General Assembly for appointments to terms expiring in 2018 and
42 ~~2020, 2021,~~ and every four years thereafter.

43 Group Three – the president of the student government or the chairman of the executive board
44 of the student body of each community college established pursuant to this Chapter shall be an
45 ex officio nonvoting member of the board of trustees of each said institution."

46 **SECTION 5.(b)** This section applies only to Cleveland Community College.

47 **SECTION 6.(a)** Section 1.7(a) of S.L. 2021-56 reads as rewritten:

48 "**SECTION 1.7.(a)** Notwithstanding S.L. 1993-167, elections to the Lexington City Board
49 of Education shall not be held in 2021. Members elected to the Lexington City Board of
50 Education in 2017, or persons filling vacancies for those terms, whose terms were set to expire
51 on December 6, 2021, shall hold over in office until their successors are elected and qualified.

1 Election for those terms of office shall be held at the time of the ~~general election primary~~ for
2 county offices in 2022, with the results determined as provided by G.S. 163-292. Candidates
3 shall file their notices of candidacy for the election in 2022 with the Davidson County Board of
4 Elections no earlier than 12:00 noon on ~~July 25, 2022,~~ December 6, 2021, and no later than 12:00
5 noon on ~~August 12, 2022.~~ December 17, 2021. The individuals certified as winners of this
6 election may be sworn into office at any time after issuance of the certificate of election. Terms
7 of office of members of the Lexington City Board of Education elected in 2022 ~~shall commence~~
8 ~~on December 6, 2022, and~~ shall expire on December 2, 2025. The Lexington City Board of
9 Education shall publish notice of the date of the election both on the website of the Lexington
10 City Board of Education and at least once in a newspaper of general circulation within seven
11 days of the effective date of this act."

12 **SECTION 6.(b)** Section 1.7(b) of S.L. 2021-56 is repealed.

13 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes
14 law.