

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1042

Short Title: No St. Educ. Bd. In Constitution.

(Public)

Sponsors: Representative Holt.

Referred to: Constitutional Amendments and Referenda.

April 19, 1993

A BILL TO BE ENTITLED

**AN ACT TO AMEND THE CONSTITUTION TO DELETE ALL REFERENCES TO
THE STATE BOARD OF EDUCATION AND TO DIRECT THE GENERAL
ASSEMBLY TO AMEND THE STATUTES TO ABOLISH THE STATE BOARD
OF EDUCATION.**

The General Assembly of North Carolina enacts:

**PART I.—AMENDMENTS TO THE CONSTITUTION TO DELETE ALL
REFERENCES TO THE STATE BOARD OF EDUCATION.**

Section 1. Section 4 of Article IX of the Constitution is repealed.

Sec. 2. Section 5 of Article IX of the Constitution is repealed.

**PART II.—AMENDMENTS TO THE STATUTES TO DELETE ALL
REFERENCES TO THE STATE BOARD OF EDUCATION.**

Sec. 3. The General Assembly shall amend the statutes to delete all references to the State Board of Education and to reassign the statutory powers and duties of the State Board of Education. These statutory changes shall become effective no later than December 31, 1996.

**PART III.—PROCEDURE FOR APPROVAL OF THE CONSTITUTIONAL
AMENDMENTS.**

Sec. 4. The amendments set out in Sections 1 and 2 of this act shall be submitted to the qualified voters of the State on November 2, 1993, which election shall be conducted under the laws then governing elections in the State. At that election, each qualified voter desiring to vote shall be provided a ballot on which shall be printed the following:

1 "[] FOR constitutional amendments to delete all references in the
2 Constitution to the State Board of Education.

3 [] AGAINST constitutional amendments to delete all references in the
4 Constitution to the State Board of Education."

5 Those qualified voters favoring the amendments set out in Sections 1 and 2 of this act
6 shall vote by making an X or a check mark in the square beside the statement beginning
7 "FOR", and those qualified voters opposed to those amendments shall vote by making
8 an X or check mark in the square beside the statement beginning "AGAINST".

9 Notwithstanding the foregoing provisions of this section, voting machines
10 may be used in accordance with rules and regulations prescribed by the State Board of
11 Elections.

12 PART IV.—EFFECTIVE DATES.

13 Sec. 5. If a majority of votes cast thereon are in favor of the amendments set
14 out in Sections 1 and 2 of this act, the State Board of Elections shall certify the
15 amendments to the Secretary of State, who shall enroll the amendments so certified
16 among the permanent records of his office, and the amendments shall become effective
17 upon such certification. The term of office of all members of the State Board of
18 Education who were appointed to the State Board of Education prior to such
19 certification and were serving as members on the date of such certification shall
20 continue until the State Board of Education is abolished by the General Assembly.

21 Sec. 6. Section 3 of this act becomes effective only if the constitutional
22 amendments set out in Sections 1 and 2 of this act are approved by the voters. If the
23 constitutional amendments are approved by the voters, Section 3 of this act becomes
24 effective upon certification of the constitutional amendments.

25 Sec. 7. This act is effective upon ratification.