

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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SENATE BILL 677

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

(Public)

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Sponsors: Senators Sands; Marshall and Gunter.

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Referred to: Constitution and Election Laws.

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April 1, 1993

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE CONSTITUTION TO DELETE ALL REFERENCES TO  
2 THE STATE BOARD OF EDUCATION AND TO DIRECT THE GENERAL  
3 ASSEMBLY TO AMEND THE STATUTES TO ABOLISH THE STATE BOARD  
4 OF EDUCATION.  
5

6 The General Assembly of North Carolina enacts:

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

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 Section 4 of Article IX of the Constitution is repealed.

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 Section 5 of Article IX of the Constitution is repealed.

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

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

17 PART III.—PROCEDURE FOR APPROVAL OF THE CONSTITUTIONAL  
18 AMENDMENTS.

19 Sec. 4. The amendments set out in Sections 1 and 2 of this act shall be  
20 submitted to the qualified voters of the State on November 2, 1993, which election shall  
21 be conducted under the laws then governing elections in the State. At that election, each  
22 qualified voter desiring to vote shall be provided a ballot on which shall be printed the  
23 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.