



HOUSE BILL 1173: Elect SBE Members/Super as Chair of SBE.

2021-2022 General Assembly

Committee:	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	June 29, 2022
Introduced by:	Reps. Blackwell, Torbett, Hardister, Zachary	Prepared by:	Brian Gwyn
Analysis of:	PCS to First Edition H1173-CSTCy-70		Committee Co-Counsel

OVERVIEW: *The 1st edition of HB 1173 would amend the North Carolina Constitution in the following ways:*

- *Elect members of the State Board of Education*
- *Make the Superintendent of Public Instruction the chair of the State Board of Education*
- *Require that vacancy appointments by the Governor are subject to confirmation by the General Assembly in joint session*

The PCS would remove the requirement that vacancy appointment confirmations occur in joint session and make other technical changes.

CURRENT LAW:

Section 4 of Article IX of the North Carolina Constitution sets the membership of the State Board of Education (State Board) to include the Lieutenant Governor, the Treasurer, and eleven members appointed by the Governor and confirmed by the General Assembly in joint session. Appointments to fill vacancies are made by the Governor and not subject to confirmation. The Superintendent of Public Instruction is the secretary and chief administrative officer of the State Board, but not a voting member.

BILL ANALYSIS:

Section 1 would propose an amendment to the North Carolina Constitution that would make the Superintendent of Public Instruction the chair of the State Board, in addition to being the chief administrative officer. Additionally, it would replace the State Board positions currently appointed by the Governor with elected members equal to the number of North Carolina's apportioned members of the U.S. House of Representatives. The State Board members would be elected from each congressional district and serve staggered four-year terms. The Governor would be required to fill vacancies by appointment, which would be subject to confirmation by the General Assembly.

Section 2 provides that the amendment must be submitted to the voters of the State at the general election held in November 2022. If a majority of the votes cast on the question favor the amendment, the State Board of Elections must certify the amendment to the Secretary of State, who must then enroll the amendment.

EFFECTIVE DATE: If the amendment is approved by the qualified voters, Section 1 would become effective January 1, 2024, and would apply to terms of office beginning January 1, 2025. Except as otherwise provided, the PCS would be effective when it becomes law.

Jeffrey Hudson
Director



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Legislative Analysis
Division
919-733-2578