

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 1054

Short Title: Automatic Extra Session/State of Emergency. (Public)

Sponsors: Representatives Speciale, Pittman, and Kidwell (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 30, 2020

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO REQUIRE THE GOVERNOR TO CONVENE THE GENERAL ASSEMBLY IN EXTRA SESSION WITHIN FOURTEEN DAYS OF THE ISSUANCE OF A DECLARATION OF A STATEWIDE STATE OF EMERGENCY AND PROVIDE A PROCESS FOR THE GENERAL ASSEMBLY TO CONVENE UPON LEGISLATIVE CALL IN THE EVENT THE GOVERNOR DOES NOT PROVIDE A DATE TO CONVENE IN EXTRA SESSION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 11 of Article II of the Constitution of North Carolina reads as rewritten:

"Sec. 11. Sessions.

(1) Regular Sessions. The General Assembly shall meet in regular session in 1973 and every two years thereafter on the day prescribed by law. Neither house shall proceed upon public business unless a majority of all of its members are actually present.

(2) Extra sessions on legislative call. The President of the Senate and the Speaker of the House of Representatives shall convene the General Assembly in extra session by their joint proclamation as follows:

(a) ~~upon~~ Upon receipt by the President of the Senate of written requests therefor signed by three-fifths of all the members of the Senate and upon receipt by the Speaker of the House of Representatives of written requests therefor signed by three-fifths of all the members of the House of Representatives.

(b) If after a declaration of a statewide state of emergency by the Governor applicable to all counties in this State the Governor has not convened the General Assembly within 14 days of the declaration pursuant to Section 5(7) of Article III of this Constitution, the General Assembly may convene in extra session during the statewide state of emergency, upon receipt by the President of the Senate of written requests therefor signed by a majority of all the members of the Senate and upon receipt by the Speaker of the House of Representatives of written requests therefor signed by a majority of all the members of the House of Representatives."

SECTION 1.(b) Section 5 of Article III of the Constitution of North Carolina reads as rewritten:

"Sec. 5. Duties of Governor.

...



1 (7) Extra sessions. The Governor may, on extraordinary occasions, by and with the advice
2 of the Council of State, convene the General Assembly in extra session by his proclamation,
3 stating therein the purpose or purposes for which they are thus convened. The Governor shall
4 convene the General Assembly in extra session within 14 days of issuing a declaration of a
5 statewide state of emergency if the General Assembly has adjourned for more than 14 days jointly
6 as provided under Section 20 of Article II of this Constitution and is not scheduled to reconvene
7 in regular session within 14 days of the date of the declaration."

8 **SECTION 1.(c)** The amendment set out in this section shall be submitted to the
9 qualified voters of the State at a statewide election to be held on the same date as the general
10 election in November of 2020, which election shall be conducted under the laws then governing
11 elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter
12 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

13 "[] FOR [] AGAINST

14 Constitutional amendment providing that the Governor shall convene the General
15 Assembly in extra session within 14 days of issuing a declaration of a statewide state of
16 emergency, and the General Assembly may convene upon legislative call if the Governor does
17 not provide a date to convene in the declaration."

18 **SECTION 1.(d)** If a majority of votes cast on the question are in favor of the
19 amendments set out in this act, the State Board of Elections shall certify the amendments to the
20 Secretary of State, and the amendments become effective January 1, 2021. The Secretary of State
21 shall enroll the amendments so certified among the permanent records of that office.

22 **SECTION 2.** Section 1 of this act becomes effective only upon the certification and
23 enrollment of the amendment upon a majority of votes cast in favor of the amendment set out in
24 Section 1 of this act.

25 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
26 law.