

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 38

Short Title: 2/3 Vote to Raise Taxes.

(Public)

Sponsors: Representatives Morgan; Aldridge, Allred, Arnold, Baker, Barbee, Berry, Bowie, Brawley, J. Brown, Buchanan, Cansler, Carpenter, Clary, Cocklereece, Creech, Culp, Cummings, Decker, Dockham, Edwards, Esposito, Grady, Hayes, Hiatt, Holmes, Justus, Kiser, Lemmond, Linney, McComas, McMahan, K. Miller, Miner, Nichols, Pate, Preston, Pulley, Rayfield, Reynolds, Robinson, Russell, Sexton, Sharpe, Sherrill, Shubert, Snowden, Thompson, Weatherly, C. Wilson, G. Wilson, and Wood.

Referred to: Finance.

January 30, 1995

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO REQUIRE
2 A TWO-THIRDS VOTE OF EACH HOUSE OF THE GENERAL ASSEMBLY TO
3 LEVY OR INCREASE TAXES.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 23 of Article II of the North Carolina Constitution reads as
7 rewritten:

8 "Sec. 23. Revenue bills.

9 (1) **Roll call vote.** – No laws shall be enacted to raise money on the credit of the
10 State, or to pledge the faith of the State directly or indirectly for the payment of any debt,
11 or to impose any tax upon the people of the State, or to allow ~~the counties, cities, or towns~~
12 units of local government to do so, unless the bill for the purpose ~~shall have~~ has been read
13 three several times in each house of the General Assembly and passed three several
14 readings, which readings ~~shall~~ have been on three different days, and ~~shall~~ have been

1 agreed to by each house respectively, and unless the yeas and nays on the second and
2 third readings of the bill shall have been entered on the journal.

3 (2) **Two-Thirds Vote.** – No laws shall be enacted to impose any tax upon the
4 people of the State, or to allow units of local government to do so, unless the bill for the
5 purpose has been adopted by the affirmative vote of two-thirds of all the members of
6 each house of the General Assembly."

7 Sec. 2. The amendment set out in Section 1 of this act shall be submitted to the
8 qualified voters of the State on Tuesday after the first Monday of November 1996. The
9 election shall be conducted under the laws then governing elections in the State. Ballots,
10 voting systems, or both may be used in accordance with Chapter 163 of the General
11 Statutes. The question to be used in the voting systems and ballots shall be:

12 **"[] FOR [] AGAINST**

13 Constitutional amendment requiring that no new taxes or tax increases may be
14 enacted unless approved by a vote of at least two-thirds of the members of each house of
15 the General Assembly."

16 Sec. 3. If a majority of votes cast on the question are in favor of the
17 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
18 amendment to the Secretary of State. The Secretary of State shall enroll the amendment
19 so certified among the permanent records of that office. Upon certification, this
20 amendment becomes effective January 1, 1997, and applies to legislation enacted on or
21 after that date.

22 Sec. 4. This act is effective upon ratification.