

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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SENATE RESOLUTION 957

Sponsors: Senators Apodaca (Primary Sponsor); and Brock.

Referred to: Rules and Operations of the Senate.

June 6, 2012

1 A SENATE RESOLUTION SPECIFICALLY DISAPPROVING EXECUTIVE ORDER NO.
2 85, ISSUED MARCH 25, 2011, UNDER PROVISIONS OF THE NORTH CAROLINA
3 CONSTITUTION GRANTING EITHER HOUSE OF THE GENERAL ASSEMBLY TO
4 DO SO, AS THE GENERAL ASSEMBLY HAS ACCOMPLISHED ADMINISTRATIVE
5 REORGANIZATIONS BY LEGISLATION.

6 Whereas, Section 5(10) of Article III of the North Carolina Constitution states:
7 "Administrative reorganization. The General Assembly shall prescribe the functions, powers,
8 and duties of the administrative departments and agencies of the State and may alter them from
9 time to time, but the Governor may make such changes in the allocation of offices and agencies
10 and in the allocation of those functions, powers, and duties as he considers necessary for
11 efficient administration. If those changes affect existing law, they shall be set forth in executive
12 orders, which shall be submitted to the General Assembly not later than the sixtieth calendar
13 day of its session, and shall become effective and shall have the force of law upon adjournment
14 sine die of the session, unless specifically disapproved by resolution of either house of the
15 General Assembly or specifically modified by joint resolution of both houses of the General
16 Assembly"; and

17 Whereas, on March 25, 2011, the Governor issued Executive Order No. 85, entitled
18 "CONSOLIDATION AND REORGANIZATION OF EXECUTIVE BRANCH AGENCIES
19 TO IMPROVE THE EFFICIENCY OF STATE GOVERNMENT," which recited that it was
20 issued under Section 5(10) of Article III of the North Carolina Constitution; and

21 Whereas, the General Assembly has carefully considered the Executive Order; and

22 Whereas, by the following legislation among others, the General Assembly has dealt
23 with the issues raised in the Executive Order: (i) S.L. 2011-145, "AN ACT TO SPUR THE
24 CREATION OF PRIVATE SECTOR JOBS; REORGANIZE AND REFORM STATE
25 GOVERNMENT; MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT
26 OPERATIONS OF STATE DEPARTMENTS AND INSTITUTIONS; AND TO ENACT
27 BUDGET RELATED AMENDMENTS"; and (ii) S.L. 2011-401, "AN ACT TO REFORM
28 THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA BY CREATING THE
29 DIVISION OF EMPLOYMENT SECURITY WITHIN THE DEPARTMENT OF
30 COMMERCE, TRANSFERRING THE FUNCTIONS OF THE EMPLOYMENT SECURITY
31 COMMISSION TO THAT DIVISION, MAKING THE DIVISION SUBJECT TO RULE
32 MAKING UNDER ARTICLE 2A OF CHAPTER 150B OF THE GENERAL STATUTES,
33 AND BY MAKING OTHER MODIFICATIONS AND CONFORMING CHANGES TO
34 ALIGN THE EMPLOYMENT SECURITY FUNCTIONS OF STATE GOVERNMENT
35 UNDER THE DIRECT LEADERSHIP OF THE SECRETARY OF COMMERCE"; and



1 Whereas, a resolution of disapproval is necessary as unless it is adopted Executive
2 Order No. 85 may become effective under its terms upon sine die adjournment of the 2011
3 Regular Session of the General Assembly; Now, therefore,
4 Be it resolved by the Senate:

5 **SECTION 1.** Executive Order No. 85, adopted March 25, 2011, is specifically
6 disapproved under the authority given the Senate by Section 5(10) of Article III of the North
7 Carolina Constitution.

8 **SECTION 2.** The Enrolling Clerk shall cause this resolution to be published in the
9 Appendices to the Session Laws for the 2011 Regular Session of the General Assembly.

10 **SECTION 3.** This resolution is effective upon adoption.