

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 169

Short Title: Executive Order Modifications. (Public)

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

Referred to: Judiciary 1, if favorable, State Government, if favorable, Rules, Calendar, and
Operations of the House

February 23, 2023

A BILL TO BE ENTITLED
AN ACT TO ENFORCE SECTION 5(10) OF ARTICLE III OF THE CONSTITUTION OF
NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-4 reads as rewritten:

"§ 143B-4. Policy-making authority and administrative powers of Governor; delegation.

(a) Policy Administration. – The Governor, in accordance with Article III of the Constitution of North Carolina, shall be the Chief Executive Officer of the State. The Governor shall be responsible for formulating and administering the policies of the executive branch of the State government. Where a conflict arises in connection with the administration of the policies of the executive branch of the State government with respect to the reorganization of State government, the conflict shall be resolved by the Governor, and the decision of the Governor shall be final.

(b) Administrative Function Limitations. – Except as provided in Article 1A of Chapter 166A of the General Statutes, the Governor, in accordance with Section 5(10) of Article III of the Constitution of North Carolina, shall submit executive orders that make any changes to the allocation of functions, powers, and duties of the administrative departments and agencies of the State that affect existing law to the Council of State for concurrence in the same manner prescribed in G.S. 166A-19.3. Any executive order not concurred to by the Council of State shall expire after 30 calendar days of issuance. Any executive order concurred to by the Council of State shall expire 60 calendar days after issuance, unless each house of the General Assembly approves the executive order by resolution or modifies the executive order by joint resolution of both houses of the General Assembly.

(c) Multiple Executive Orders. – If the Council of State fails to concur with an executive order under subsection (b) of this section, the Governor shall not issue the same or any other substantially similar executive order within one calendar year of the initial executive order issued."

SECTION 2. This act is effective when it becomes law and applies to any executive orders issued on or after that date.

