

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

H.B. 169  
Feb 22, 2023  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40065-NB-11

Short Title: Executive Order Modifications. (Public)

Sponsors: Representative Kidwell.

Referred to:

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

4 The General Assembly of North Carolina enacts:

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

6 "§ 143B-4. Policy-making authority and administrative powers of Governor; delegation.

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

14 (b) Administrative Function Limitations. – Except as provided in Article 1A of Chapter  
15 166A of the General Statutes, the Governor, in accordance with Section 5(10) of Article III of  
16 the Constitution of North Carolina, shall submit executive orders that make any changes to the  
17 allocation of functions, powers, and duties of the administrative departments and agencies of the  
18 State that affect existing law to the Council of State for concurrence in the same manner  
19 prescribed in G.S. 166A-19.3. Any executive order not concurred to by the Council of State shall  
20 expire after 30 calendar days of issuance. Any executive order concurred to by the Council of  
21 State shall expire 60 calendar days after issuance, unless each house of the General Assembly  
22 approves the executive order by resolution or modifies the executive order by joint resolution of  
23 both houses of the General Assembly.

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

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

