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

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

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

Whereas, by the following legislation among others, the General Assembly has dealt with the issues raised in the Executive Order: (i) S.L. 2011-145, "AN ACT TO SPUR THE CREATION OF PRIVATE SECTOR JOBS; REORGANIZE AND REFORM STATE GOVERNMENT; MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS AND INSTITUTIONS; AND TO ENACT BUDGET RELATED AMENDMENTS"; and (ii) S.L. 2011-401, "AN ACT TO REFORM THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA BY CREATING THE DIVISION OF EMPLOYMENT SECURITY WITHIN THE DEPARTMENT OF COMMERCE, TRANSFERRING THE FUNCTIONS OF THE EMPLOYMENT SECURITY COMMISSION TO THAT DIVISION, MAKING THE DIVISION SUBJECT TO RULE MAKING UNDER ARTICLE 2A OF CHAPTER 150B OF THE GENERAL STATUTES, AND BY MAKING OTHER MODIFICATIONS AND CONFORMING CHANGES TO ALIGN THE EMPLOYMENT SECURITY FUNCTIONS OF STATE GOVERNMENT UNDER THE DIRECT LEADERSHIP OF THE SECRETARY OF COMMERCE"; and
Whereas, a resolution of disapproval is necessary as unless it is adopted Executive
Order No. 85 may become effective under its terms upon sine die adjournment of the 2011
Regular Session of the General Assembly; Now, therefore,
Be it resolved by the Senate:

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

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

SECTION 3. This resolution is effective upon adoption.