

## House Bill 364 Becomes Law Without Governor's Signature

By Administrator

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RALEIGH, (SGRToday.com) - Gov. Pat McCrory issued the following statement on House Bill 364, which he allowed to become law without his signature. The bill clarifies state law on executive orders and appointments, which had been a dispute between the governor and the legislature.

A special three-judge panel recently ruled in favor of the governor over which branch -- the legislative or the executive -- has the power to make appointments to bodies that oversee executive functions.

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"On March 16, 2015, a three-judge panel ruled that a provision in the Coal Ash Management Act compelling me to issue an executive order was unconstitutional. This bill removes this provision from the Act, and also removes similar provisions in other statutes. It properly leaves the decision to issue an executive order in my discretion. This bill does not, however, settle the issue as to whether the Legislature could pass future bills that again compel me to issue an executive order. This issue requires a final resolution from the North Carolina Supreme Court.

"Another part of the bill removes the ability of legislators to serve on two commissions and a board. In place of legislators, it allows legislative appointees to serve. While these entities are mostly advisory in nature, they do perform some executive functions. I believe that it is unconstitutional to allow legislative appointees to serve on boards and commissions that perform executive functions, and the three-judge panel agreed with respect to the Coal Ash Commission and two other commissions. This issue also requires a final resolution from the Supreme Court.