



# Fact Sheet

## LIMITS ON EXECUTIVE AUTHORITY IN OTHER STATES

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### QUESTION:

What parameters have other states have placed on issuance of executive orders?

**ANSWER:** Authority for governors to issue executive orders typically extends to public emergencies, executive branch reorganization or administration, and federal programs and requirements. States, however, have placed various constitutional and statutory limits on executive order authority. The restrictions grew substantially in response to executive orders issued during the COVID-19 pandemic. **Appendix A** provides an NCSL compilation of statutory and constitutional checks on **emergency** executive orders.<sup>1</sup> **Appendix B** provides a CSG table indicating each state's source of executive order authority.<sup>2</sup> **Table 1** below shows limitations on executive authority for **non-emergency** executive orders. **Appendix C** provides additional examples of limits on executive order authority with the full statutory language included. Finally, in preparing a bill draft setting parameters for executive orders, it may be helpful to consider the references in Wyoming statutes to state executive orders in **Appendix D**.

Table 1.

State	Subject to administrative procedures act	Subject to legislative review
Alaska	The Alaska Online Public Notice System must include executive orders and administrative orders issued by the governor.  Alaska Stat. § 44.62.175.	An executive order proposing a change in the executive branch and requiring the force of law under art. III, sec. 23, Constitution of the State of Alaska <b>shall be submitted to the presiding officer of each house on the day the house organizes. The legislature has 60 days of a regular session, or a full session if of shorter</b>

<sup>1</sup> National Conference of State Legislators, *Legislative Oversight of Emergency Executive Powers* (Sept. 26, 2022), <https://www.ncsl.org/about-state-legislatures/legislative-oversight-of-emergency-executive-powers>. Note, the NCSL compilation does not refer to W.S. 35-4-115 (see Appendix D).

<sup>2</sup> Council of State Governments, *The Book of States* at 116 (2021). Although the CSG table indicates that seven states subject executive orders to administrative procedure acts, research indicates that generally only the notice provisions of the acts apply. Additionally, the CSG table was created in 2021 and does not reflect more recent limitations placed on emergency executive orders since the COVID-19 pandemic.

		<p><b>duration to disapprove the order. Unless disapproved by a special concurrent resolution introduced in either house, concurred in by a majority of the members in joint session, the order becomes effective</b> at a date thereafter to be designated by the governor. An order submitted to but not disapproved by the legislature shall be published in the bound session laws and any codification of state law.</p> <p>Alaska Stat. § 24.08.210.</p>
<p><b>Hawaii</b></p>		<p>Report to legislature on all dispositions.                  (a) The board of land and natural resources shall submit a written report annually to the legislature within ten days of the convening of each regular session, of <b>all land dispositions made in the preceding year, including sales, leases, leases with options to purchase, licenses, concessions, permits, exchanges, and setting aside of lands by executive orders</b>, the persons to whom made, the size of each disposition, the purpose for which made, the land classification of each, the tax map key number, the per unit price paid or set, and whether the disposition was by auction, by drawing, or by negotiation. When land originally leased by the board is, in turn, subleased by the board's lessee or sublessee, the report shall include, in addition to the foregoing information, the reason for approval of the sublease by the board and the estimated net economic result accruing to the State, lessee and sublessee.</p> <p>Hawaii Stat. § 171-29.</p>
<p><b>Maryland</b></p>		<p>The Governor may make changes in the organization of the Executive Branch of the State Government, including the establishment or abolition of departments, offices, agencies, and instrumentalities, and the reallocation or reassignment of functions, powers, and duties among the departments, offices, agencies, and instrumentalities of the Executive Branch. <b>Where these changes are inconsistent with existing law, or create new governmental programs they shall be set forth in executive orders in statutory form which shall be submitted to the General Assembly within the first ten days of a regular session. An executive order that has been submitted shall become effective and have the force of law on the date designated in the Order unless specifically disapproved, within fifty days</b></p>

		<p><b>after submission, by a resolution of disapproval concurred in by a majority vote of all members of either House of the General Assembly.</b></p> <p>MD Const Art II § 24.</p> <p>(b)(1) The Executive Director of the Department of Legislative Services shall publish all other executive orders and all proclamations that are required to be published.</p> <p>(2) The Executive Director shall:</p> <p>(i) to the extent possible, arrange each of these executive orders or proclamations by the article of the Code to which the executive order or proclamation relates; and</p> <p>(ii) publish these executive orders and proclamations in a volume.</p> <p>Md. State Government Code Ann. § 3-406.</p>
<p><b>Vermont</b></p>		<p>(a) The Governor may propose by Executive Order changes in the organization of the Executive Branch of government which are not consistent with or will supersede existing organization provided for by law. The Executive Order shall be submitted to both houses of the General Assembly.</p> <p>(b) An Executive Order issued under this chapter shall be presented to the General Assembly not later than January 15th of the year in which the General Assembly sits. <b>The Executive Order shall become effective unless disapproved by resolution of either House of the General Assembly within 90 days, or before final adjournment of that annual session, whichever comes first.</b></p> <p>(c) Executive Orders which become effective under this chapter shall be printed with the session laws and published as an appendix to the Vermont Statutes Annotated.</p> <p>3 V.S.A. § 2002.</p>
<p><b>Virginia</b></p>		<p><b>A. At the request of the chairman of any committee of the Senate or House of Delegates, the Joint Legislative Audit and Review Commission shall review any executive order issued by the Governor and prepare a statement reflecting the potential fiscal impact of such executive order on the operations of state government.</b></p> <p>B. The Joint Legislative Audit and Review Commission shall forward copies of the impact statement prepared pursuant to subsection A to</p>

		the requesting chairman of the standing committee of both houses of the General Assembly to which matters relating to the content of the executive order are most properly referable.  Va. Code Ann. § 30-19.1:12.
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*Source: Legislative Service Office.*

If you need further information, please contact the LSO Research/Evaluation Division at 307-777-7881.

# Appendix A

## **NCSL Legislative Oversight of Emergency Executive Powers**

### **Statutes and Constitutional Provisions Defining the Legislature's Role in Acting as a Check on Emergency Powers of Governors**

#### **Alabama**

The legislature may declare a state of emergency by joint resolution. Additionally, the lieutenant governor or the speaker of the House may request in writing that the governor call the Legislature into special session. [Ala. Code § 31-9-8](#).

#### **Alaska**

A state of emergency declared as a result of an actual enemy or terrorist attack in or against the state, or credible threat thereof, may not remain in effect longer than 30 days unless extended by the legislature by law and may be terminated by law or withdrawal of the declaration. [Alaska Stat. § 26.20.040\(b\)](#)

A proclamation of disaster emergency may not remain in effect longer than 30 days unless extended by the legislature by a concurrent resolution. The governor may expend state funds to cope with a disaster under the following circumstances: (1) if the legislature is in session, the legislature approves a financing plan; or (2) if the legislature is not in session, either (A) the governor convenes a special session of the legislature within five days after declaring the condition of disaster emergency or within five days after providing a financing plan and the legislature convenes in special session and approves a financing plan; or (B) the presiding officers of both the house of representatives and the senate agree that a special session should not be convened and so advise the governor in writing. [Alaska Stat. § 26.23.020](#)

When the governor declares a condition of disaster emergency...the governor shall prepare and deliver to the presiding officers of the legislature and to the persons who chair the finance committees in each house of the legislature a financing plan...Notwithstanding any other provision of this chapter, if the declaration of a disaster emergency occurs while the

legislature is in session or if a special session is held, actions taken by the governor under this chapter after the close of the session that are not ratified by law adopted during that session are void. (c) The legislature may terminate a disaster emergency at any time by law. [Alaska Stat. § 26.23.025](#)

Requires the office of management and budget to submit electronically, on the first day of the month, a report to the legislative finance division that lists the total expenditures incurred by the state in its response to the public health disaster emergency, including mitigating, preventing, and controlling novel coronavirus disease (COVID-19). [CH. 2 SLA 21 \(2021 H.B. 76\)](#)

## **Arizona**

The powers granted the governor with respect to a state of war emergency shall terminate if the legislature is not in session and the governor, within 24 hours after the beginning of such state of war emergency, has not issued a call for an immediate special session of the legislature for the purpose of legislating on subjects relating to such state of war emergency. The powers granted the governor by this chapter with respect to a non-state of war emergency shall terminate by proclamation of the governor or by concurrent resolution of the legislature declaring it at an end. [Ariz. Rev. Stat. § 26-303](#)

## **Arkansas**

The General Assembly, by concurrent resolution, may terminate a state of disaster emergency at any time. Provides that the House and Senate may convene at any time to consider ending a governor's emergency declaration. The General Assembly by concurrent resolution may terminate a state of disaster emergency. If the governor vetoes the concurrent resolution, the General Assembly may vote on a repassage of the concurrent resolution overriding the Governor. Requires that related executive orders must be submitted to the legislative council for review. The emergency orders shall be renewed unless the legislative council votes to deny it. [Ark. Code § 12-75-107.](#)

## **California**

State of war emergency powers terminate when the governor has not, within 30 days after the beginning of such state of war emergency, issued a call for

a special session of the Legislature for the purpose of legislating on subjects relating to such state of war emergency, except when the Legislature is already convened with power to legislate on such subjects. [Calif. Govt. Code § 8624](#)

Non-war emergency may be terminated by concurrent resolution of the legislature declaring it at an end. [Calif. Govt. Code § 8629](#)

## **Colorado**

The general assembly, by joint resolution, may terminate a state of disaster emergency at any time. [Colo. Rev. Stat. § 24-33.5-704\(4\)](#). Requires the Executive Committee of the Legislative Council and the Joint Budget Committee to meet with the Governor at specified dates following the declaration of a disaster emergency by the Governor. [Colo. Rev. Stat. § 2-3-1801](#). Establishes oversight requirements regarding disaster spending and requires the Office of State Planning and Budgeting (OSPB) to submit a regular report on the use of the Disaster Emergency Fund to the Joint Budget Committee (JBC) and post the report on its website. [Colo. Rev. Stat. § 24-33.5-706](#). OSPB must also submit to the JBC and post on its website a report on the use of federal funds associated with a disaster. [Colo. Rev. Stat. § 24-33.5-717](#). Requires the Office of the State Auditor to conduct a performance audit of the fund covering the past two fiscal years. [Colo. Rev. Stat. § 24-76-104](#).

## **Connecticut**

Any proclamation of the governor regarding a civil preparedness emergency may be disapproved by majority vote of a joint legislative committee consisting of the president pro tempore of the Senate, the speaker of the House of Representatives and the majority and minority leaders of both houses of the General Assembly, provided at least one of the minority leaders votes for such disapproval. Such disapproval shall not be effective unless filed with the Secretary of the State not later than seventy-two hours after the filing of the Governor's proclamation with the Secretary of the State. As soon as possible after such proclamation, if the General Assembly is not then in session, the Governor shall meet with the president pro tempore of the Senate, the speaker of the House of Representatives, and the majority

and minority leaders of both houses of the General Assembly and shall confer with them on the advisability of calling a special session of the General Assembly. [Conn. Gen. Stat. § 28-9](#) (see also 2021 [CT H.B. 5653](#))

## **Delaware**

No relevant provisions found. Statute addressing emergency executive authority is located at [Del. Code tit. 20, § 3116](#).

## **District of Columbia**

Emergency executive orders issued by the Mayor shall be effective for no more than 15 calendar days from the day it is signed by the Mayor. Such orders may be extended for up to an additional 15-day period, only upon request by the Mayor of, and the adoption of, an emergency act by the Council of the District of Columbia. Section c-1 of this statute grants a unique 90-day extension specific to the COVID-19 public health emergency. [DC Code § 7-2306 \(temp\)](#) (expires 4/3/22). Permanent version: [DC Code § 7-2306](#).

## **Florida**

At any time, the legislature, by concurrent resolution, may terminate a state of emergency or any specific order, proclamation, or rule thereunder. Upon such concurrent resolution, the Governor shall issue an executive order or proclamation consistent with the concurrent resolution. An executive order, a proclamation, or a rule must be limited to a duration of not more than 60 days and may be renewed as necessary during the duration of the emergency. If renewed, the order, proclamation, or rule must specifically state which provisions are being renewed. [Fla. Stat. § 252.36](#).

## **Georgia**

As a condition precedent to declaring that a state of emergency or disaster exists as a result of a public health emergency, the governor shall issue a call for a special session of the General Assembly... which session shall convene at 8:00 A.M. on the second day following the date of such declaration for the purpose of concurring with or terminating the public health emergency. [Ga. Code § 38-3-51](#).

## **Guam**

By a majority vote, the legislature may terminate a declaration of a state of public health emergency at any time from the date of original declaration upon finding that the occurrence of an illness or health condition that caused the emergency does not or no longer poses a high probability of a large number of deaths in the affected population, a large number of incidents of serious permanent or long-term disability in the affected population or a significant risk of substantial future harm to a large number of people in the affected population. Such a termination shall override any renewal by the governor. [10 G.C.A. § 19405](#).

## **Hawaii**

The governor or mayor shall be the sole judge of the existence of the danger, threat, or circumstances giving rise to a declaration of a state of emergency in the State or a local state of emergency in the county, as applicable. [Haw. Rev. Stat. § 127A-14](#).

**Idaho** The legislature by concurrent resolution may terminate a state of disaster emergency at any time. During any state of disaster emergency, the governor may not alter, adjust, or create any provision of the Idaho Code. [Idaho Code § 46-1008\(2\)](#).

**Illinois** No relevant provisions found. Statute addressing emergency executive authority is located at [20 ILCS 3305/7](#).

**Indiana** The general assembly, by concurrent resolution, may terminate a state of disaster emergency at any time. [Ind. Code § 10-14-3-12](#).

**Iowa** The general assembly may, by concurrent resolution, rescind a proclamation of a state of public disorder emergency. If the general assembly is not in session, the legislative council may, by a majority vote, rescind this proclamation. Rescission shall be effective upon filing of the concurrent resolution or resolution of the legislative council with the secretary of state. [Iowa Code § 29C.3](#). A virtually identical provision exists for disaster emergency proclamations, located at [Iowa Code § 29C.6](#).

## **Kansas**

No state of disaster emergency may continue for longer than 15 days unless ratified by concurrent resolution of the legislature, with the single exception that upon specific application by the governor to the legislative coordinating council and an affirmative vote of five of the members thereof, a state of disaster emergency may be extended for specified periods not to exceed 30 days each.

If the state of disaster emergency is proclaimed, the governor shall terminate the state of disaster emergency by proclamation within 15 days, unless ratified by concurrent resolution of the legislature, except that when the legislature is not in session and upon specific application by the governor to the legislative coordinating council and an affirmative vote of five members thereof, a state of disaster emergency may be extended for a specified period not to exceed 30 days. The legislative coordinating council may authorize additional extensions of the state of disaster emergency by an affirmative vote of five members thereof for specified periods not to exceed 30 days each. Such state of disaster emergency shall be terminated on the 15<sup>th</sup> day of the next regular legislative session following the initial date of the state of disaster emergency unless ratified by concurrent resolution of the legislature.

At any time, the legislature by concurrent resolution may require the governor to terminate a state of disaster emergency. [Kan. Stat. § 48-924](#).

## **Kentucky**

Establishes oversight powers for a legislative committee to exercise over emergency administrative regulations and defines “legislative committee” as an interim joint committee, a House or Senate standing committee, a statutory committee, or a subcommittee of the Legislative Research Commission. [KRS § 13A.010](#); [KRS § 13A.190](#)

## **Louisiana**

The legislature, by petition signed by a majority of the surviving members of either house, may terminate a state of disaster or emergency at any time. This petition terminating the state of emergency or disaster may establish a period during which no other declaration of emergency or disaster may be issued. Thereupon, the governor shall issue an executive order or proclamation ending the state of disaster or emergency. [La. Stat. § 29:724](#) **Maine** No state of emergency may continue for longer than 30 days unless renewed by the Governor. The Legislature, by joint resolution, may terminate a state of emergency at anytime. Thereupon, the Governor shall issue an executive proclamation ending the state of emergency. [Me. Rev. Stat. tit. 37-B, § 743](#).

### **Maryland**

The General Assembly by joint resolution may terminate a state of emergency at any time. After the General Assembly terminates a state of emergency, the governor shall issue an executive order or proclamation that terminates the state of emergency. [Md. Pub. Safety § 14-107](#).

### **Massachusetts**

No relevant provisions found. Emergency response statutes may be found in Chapter 639 of the Acts of 1950: [Chapter 639 of the Acts of 1950: Civil Defense Act \(MEMA law\)](#)

### **Michigan**

Allows the governor to declare emergencies; emergencies cannot extend longer than 28 days without legislative approval. [MCL 30.403](#)

(Statute addressing emergency executive authority, [MCL § 10.31](#) repealed by [Initiative Petition](#), 7/21/2021)

### **Minnesota**

For wartime emergencies: If the legislature is not in regular session, the governor, concurrently with the proclamation declaring the emergency issues, shall immediately call for a convening of both houses of the

legislature. Otherwise, the governor may exercise emergency powers for a period not to exceed 30 days. For peacetime emergencies: the governor must immediately notify the majority and minority leaders of the senate and the speaker and majority and minority leaders of the house of representatives. A peacetime emergency must not be continued for more than five days unless extended by resolution of the Executive Council up to 30 days. An order, or proclamation declaring, continuing, or terminating an emergency must be given prompt and general publicity and filed with the secretary of state. [Minn. Stat. § 12.31](#)

### **Mississippi**

No relevant provisions found. Statute addressing emergency executive authority is located at [Miss. Code § 33-15-11](#).

**Missouri** Any emergency shall terminate upon the proclamation thereof by the governor, or the passage by the legislature, of a resolution terminating such emergency. [Mo. Rev. Stat. Ann. § 44.100](#)

### **Montana**

A state of disaster may be declared by the governor when the governor determines that a disaster, as defined in [10-3-103](#), has occurred. The governor may not declare another state of emergency or disaster based on the same or substantially similar facts and circumstances without legislative approval. A state of emergency or disaster may not continue for longer than 45 days unless continuing conditions of the state of emergency or disaster exist, which must be determined through a poll of the legislature as provided in [10-3-122](#) or by the declaration of the legislature by joint resolution of continuing conditions of the state of emergency or disaster. A state of emergency or disaster may continue for a drought, an earthquake, flooding, or a wildfire as long as continuing conditions of the state of emergency or disaster exist unless terminated by the declaration of the legislature by joint resolution of termination of the state of emergency or disaster. The governor shall terminate a state of emergency or disaster when: ....at any time the legislature terminates the state of emergency or disaster by joint resolution. However, after termination of the state of emergency or disaster, disaster

and emergency services required as a result of the emergency or disaster may continue. The legislature may, by joint resolution in a regular or special session: terminate a state of emergency or disaster, extend a state of disaster; provide conditions or limits on the governor's actions taken pursuant to [10-3-104](#); and approve or disapprove the continuation of any executive order, proclamation, or regulation that was enacted based on a state of emergency or disaster. [Mont. Code Ann. § 10-3-303](#)

A proclamation [of emergency] is ineffectual unless the legislature is then in session or the governor simultaneously issues an order convening the legislature in special session within 45 days. [Mont. Code Ann. § 10-3-505](#).

If a majority of the legislators fail to approve the call for a special session within 30 days after the secretary of state mails the ballots or notifies each legislator, all ballots are void and may not be used again. When the purpose of the special session is to consider an existing state of emergency or disaster declared under the authority of [10-3-303](#), if a majority of the legislators fail to approve the call for a special session within 7 calendar days after the secretary of state sends the ballots or notifies each legislator pursuant to [5-3-106\(2\)](#), all ballots are void and may not be used again. If a poll is not approved, the entire process must be repeated to call the legislature into special session. [Mont Code Ann. § 5-3-108](#)

## **Nebraska**

The Legislature by resolution may terminate a state of emergency proclamation at any time, whereupon the governor shall terminate the proclamation by letter of notice to such agency, the Secretary of State, and the clerks of the local governments in the area to which it applies. [Neb. Rev. Stat. § 81-829.40](#)

## **Nevada**

Any such emergency or disaster terminates upon the proclamation of the termination thereof by the governor, or the passage by the Legislature of a resolution terminating the emergency or disaster. During the period when a

state of emergency or declaration of disaster exists or continues, the Governor may exercise specified additional powers. [Nev. Rev. Stat. § 414.070](#)

### **New Hampshire**

The governor shall have the power to declare a state of emergency. As soon as practicable, the governor shall notify the speaker of the house of representatives and the senate president of the impending issuance of emergency orders under this section and provide a description of such orders. The general court shall have the same power to declare a state of emergency by concurrent resolution of the house and senate. The legislature may terminate a state of emergency or any emergency order issued thereunder by a majority vote of both the senate and the house of representatives. A majority for this vote shall consist of a majority of members present and voting in each chamber acting separately. A state of emergency shall terminate upon a majority vote of both chambers under this subparagraph; provided, however, that such vote shall not preclude the governor from declaring a new emergency for different circumstances under paragraph I of this section. Ninety days from the date of declaration of a state of emergency, and every 90 days thereafter, the governor shall call and address a joint session of the general court, and shall provide a written copy of the address to all members of both chambers within five business days. At such joint session, the legislature shall vote on whether to terminate the state of emergency by concurrent resolution adopted by a simple majority of both chambers acting separately. [N.H. Rev. Stat. § 4:45](#)

### **New Jersey**

No relevant provisions found. Statutes addressing emergency executive authority are located at [N.J.S.A. 26:13-3](#) and N.J.S.A. App. A:9-34.

### **New Mexico**

In addition to the powers herein enumerated, the legislature shall have all powers necessary to the legislature of a free state, including the power to enact reasonable and appropriate laws to guarantee the continuity and effective operation of state and local government by providing emergency procedure for use only during periods of disaster emergency. A disaster

emergency is defined as a period when damage or injury to persons or property in this state, caused by enemy attack, is of such magnitude that a state of martial law is declared to exist in the state, and a disaster emergency is declared by the chief executive officer of the United States and the chief executive officer of this state, and the legislature has not declared by joint resolution that the disaster emergency is ended. Upon the declaration of a disaster emergency the chief executive of the state shall within seven days call a special session of the legislature which shall remain in continuous session during the disaster emergency, and may recess from time to time for [not] more than three days. [N.M. Const. Art. IV, § 2](#)

Statute addressing emergency executive authority is located at [N.M. Stat. Ann. § 12-10A-5](#).

## **New York**

The legislature may terminate by concurrent resolution executive orders issued under this section at any time. [NY Exec. Law § 28\(5\)](#)

## **North Carolina**

A state of emergency may be declared by the Governor or by a resolution of the General Assembly, if either of these finds that an emergency exists. A state of emergency declared shall expire when rescinded by the authority that issued it (legislative or gubernatorial). [N.C. Gen. Stat. § 166A-19.20](#)

## **North Dakota**

If a state of disaster or emergency relating to public health is declared and in effect and the legislative assembly is not in session, the legislative management may meet to vote on whether the legislative management should request the governor call a special session of the legislative assembly. If the governor does not call a special session within seven days after the legislative management sends a request to the governor, the declared state of disaster or emergency relating to public health terminates thirty days after the request from the legislative management was sent to the governor. If the governor calls a special session within seven days after the request from the legislative management was sent, the special session must be held within

fifteen days of the governor's call for a special session. If the legislative assembly meets to address a declared state of disaster or emergency, the legislative assembly by concurrent resolution may terminate, extend, or modify the state of disaster or emergency.

The legislative assembly by concurrent resolution may terminate a state of disaster or emergency at any time.

All executive orders or proclamations issued under this subsection must indicate the nature of the disaster or emergency, the area or areas threatened, the conditions that have brought it about or which make possible termination of the state of disaster or emergency. An executive order or proclamation must be disseminated promptly by means calculated to bring its contents to the attention of the general public, unless the circumstances attendant upon the disaster or emergency prevent or impede such dissemination, and it must be filed promptly with the department of emergency services, the legislative council, the secretary of state, and the county or city auditor of the jurisdictions affected. [N.D. Cent. Code § 37-17.1-05](#).

## **Ohio**

Authorizes the general assembly, by continuing resolution, to extend, terminate, approve the continuation of, or disapprove the continuation of a state of emergency. The general assembly may also rescind orders and rules adopted during a state of emergency, in whole or in part, by continuing resolution. [Ohio Rev. Code § 107.43](#)

Establishes a health oversight and advisory committee composed of three members of each legislative chamber that has the power to oversee actions taken by the governor, department of health, or any other agency during a state of emergency. [Ohio Rev. Code § 103.65](#)

## **Oklahoma**

If the Governor declares a catastrophic health emergency, the State Legislature shall automatically be called into Special Session at 8:00 a.m. on the morning of the second day following the date of such declaration for the

purpose of concurring with or terminating the catastrophic health emergency. The State Legislature by concurrent resolution may terminate a state of catastrophic health emergency at any time. Thereupon, the Governor shall by appropriate action end the state of catastrophic health emergency. Such termination by the State Legislature shall override any renewal by the Governor. Okla. [tit. 63](#), § 6405.

A natural or man-made emergency may be proclaimed by the governor or by concurrent resolution of the Legislature. Any such emergency, whether proclaimed by the governor or by the Legislature, shall terminate upon the proclamation of the termination thereof by the governor, or by passage by the Legislature of a concurrent resolution terminating such emergency. Okla. [tit. 63](#), § 6405.

## **Oregon**

Emergency powers granted to the governor shall be terminated by proclamation of the governor or by joint resolution of the Legislative Assembly. [Or. Rev. Stat. § 401.192](#). The Governor shall terminate the state of emergency by proclamation when the emergency no longer exists, or when the threat of an emergency has passed. The state of emergency proclaimed by the Governor may be terminated at any time by joint resolution of the Legislative Assembly. [Or. Rev. Stat. § 401.204](#).

## **Pennsylvania**

The General Assembly by concurrent resolution may terminate a state of disaster emergency at any time. [35 Pa. C.S. § 7301\(c\)](#) Only the General Assembly may extend a disaster emergency declaration and may do so, in whole or in part, by concurrent resolution. The General Assembly shall, by statute, provide for the manner in which states of disaster emergency shall be managed. A disaster emergency declaration shall be in effect for no more than twenty-one (21) days unless otherwise extended in whole or part by concurrent resolution of the General Assembly. Upon the expiration of a disaster emergency declaration under subsection (a), the Governor may not issue a new disaster emergency declaration based upon the same or substantially similar facts and circumstances without the passage of a

concurrent resolution of the General Assembly expressly approving the new disaster emergency declaration. [Pa. Const. Art. III, § 20](#).

### **Puerto Rico**

The Executive Orders issued by the Governor under the provisions of this chapter, to declare emergencies, shall be effective for no longer than six (6) months. The Governor may, through an Executive Order, authorize the continuation of the state of emergency for the time deemed appropriate, without exceeding the term of his/her office. Any transactions, processes, projects, works or programs started during the effective term of an Executive Order under this chapter, shall expire as provided in the process set forth in the same, regardless of the fact that the term provided in the Executive Order has expired, insofar that the Governor does not provide otherwise. During said period of time, the Legislature shall pass judgment on the content of the orders and may delimit their scope through the mechanism of the Concurrent Resolution. (Act 76-2000) *Chapter 68. Special Provisions for Emergency Proceedings (§§ 1931-1945)* 3 L.P.R.A. § 1942

### **Rhode Island**

A state of emergency shall be declared by executive order or proclamation of the governor if he or she finds a disaster has occurred or that this occurrence, or the threat thereof, is imminent. The state of disaster emergency shall continue until the governor finds that the threat or danger has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist and terminates the state of disaster emergency by executive order or proclamation, but no state of disaster emergency may continue for longer than thirty (30) days unless renewed by the governor. The general assembly, by concurrent resolution, may terminate a state of disaster emergency at any time. The general assembly, by concurrent resolution, may terminate a state of disaster emergency at any time. [R.I. Gen. Laws § 30-15-9\(b\)](#).

Nothing contained herein shall be construed to limit or restrict the power of the general assembly to appropriate any federal funds received by the state of Rhode Island pursuant to § 35-4-22.1. Powers conferred upon the

governor pursuant to the provisions of subsection (e) of this section for disaster emergency response shall not exceed a period of one hundred eighty (180) days from the date of the emergency order or proclamation of a state of disaster emergency, unless and until the general assembly extends the one hundred eighty (180) day period by concurrent resolution. [R.I. Gen. Laws § 30-15-9](#)(f) and (g).

### **South Carolina**

A declared state of emergency shall not continue for a period of more than fifteen days without the consent of the General Assembly. [S.C. Code § 25-1-440\(a\)\(2\)](#). Statute addressing emergency executive authority is located at [S.C. Code § 1-3-420](#).

### **South Dakota**

No relevant provisions found. Statute addressing emergency executive authority is located at [S.D. Cod. Laws § 34-48A-5](#).

### **Tennessee**

No relevant provisions found. Statute addressing emergency executive authority is located at Tenn. Code Ann. § 58-2-107.

**Texas** The legislature by law may terminate a state of disaster at any time. On termination by the legislature, the governor shall issue an executive order ending the state of disaster. [Tex. Gov't Code § 418.014](#).

### **Utah**

A state of emergency may not continue for longer than 30 days unless extended by a joint resolution of the legislature, which may also terminate a state of emergency by joint resolution at any time. The governor shall issue an executive order ending the state of emergency on receipt of the Legislature's resolution. [Utah Code § 53-2a-206](#). The governor may not take executive action in response to an epidemic or pandemic disease until the governor has provided notice of the proposed action to the legislative pandemic response team no later than 24 hours before the governor issues

the executive action. [Utah Code § 2a-215](#) The legislature may at any time terminate by joint resolution: (a) an order, a rule, or a regulation made by the governor as described in Section [53-2a-209](#); an order, (b) an action by the governor to suspend the enforcement of a statute as described in Subsection [53-2a-209\(4\)](#); or (c) an executive action as described in Section [53-2a-215](#). Authorizes the legislature, by joint resolution, to terminate orders of constraint or restriction issued during a public health emergency; terminate any order, rule, ordinance or action taken by a chief executive officer in response to a state of emergency in effect for more than 30 days; and extend or terminate public health emergencies. Utah Code §§ [26-6-3\(3\)\(a\)](#), [26-6b-3\(5\)\(a\)](#), [§ 26-23b-104](#).

### **Vermont**

The governor, upon receiving notice that a majority of the legislative body of a municipality affected by a natural disaster no longer desires that the state of emergency continue within its municipality, shall declare the state of emergency terminated within that particular municipality. [Vt. Stat. tit. 20, § 13](#)

### **Virginia**

The Governor shall cause copies of any order, rule, or regulation proclaimed and published by him pursuant to § 44-146.17 [relating to emergencies] to be transmitted forthwith to each member of the General Assembly. [Va. Code § 44-146.17:1](#)

### **Virgin Islands**

No state of emergency may continue for longer than 30 days unless renewed by the governor. The governor may renew the initial state of emergency for one additional 30-day period. To extend the state of emergency beyond the two 30-day periods, before the expiration of the second 30-day period, the governor shall submit legislation to the Legislature requesting an extension of the state of emergency. The request must include the specific reasons for the extension, the time period of the extension, and a plan of action to address the conditions that necessitate the extension of the state of emergency. All subsequent requests for an extension must be submitted to the Legislature before the expiration of the extension that is in effect. The

Legislature shall consider a request for an extension of the state of emergency not later than 5 days after its receipt. If the Legislature fails to consider the request within the 5-day period, the state of emergency is automatically extended for an additional 30 days. The Legislature may limit or modify the emergency powers granted to the Governor. 23 V.I.C. § 1005.

### **Washington**

No order or orders concerning waiver or suspension of statutory obligations or limitations (during a declared emergency) may continue for longer than 30 days unless extended by the legislature through concurrent resolution. If the legislature is not in session, the waiver or suspension of statutory obligations or limitations may be extended in writing by the leadership of the senate and the house of representatives until the legislature can extend the waiver or suspension by concurrent resolution. For purposes of this section, “leadership of the senate and the house of representatives” means the majority and minority leaders of the senate and the speaker and the minority leader of the house of representatives. [Wash. Rev. Code § 43.06.220](#)

### **West Virginia**

Any state of emergency or state of preparedness, whether proclaimed by the governor or by the Legislature, terminates upon the proclamation of the termination by the governor, or the passage by the Legislature of a concurrent resolution terminating the state of emergency or state of preparedness. [W. Va. Code § 15-5-6](#)

### **Wisconsin**

A state of emergency shall not exceed 60 days, unless the state of emergency is extended by joint resolution of the legislature. A copy of the executive order shall be filed with the secretary of state. The executive order may be revoked at the discretion of either the governor by executive order or the legislature by joint resolution. [Wis. Stat. § 323.10](#)

### **Wyoming**

No relevant provisions found. Statute addressing emergency executive authority is located at [Wyo. Stat. § 19-13-104](#)

# Appendix B

GOVERNORS

TABLE 4.5  
**Gubernatorial Executive Orders: Authorization, Provisions, Procedures**

State or other jurisdiction	Authorization for executive orders	Provisions							Procedures		
		Civil defense disasters, public emergencies	Energy emergencies and conservation	Other emergencies	Executive branch reorganization plans and agency creation	Create advisory, coordinating, study or investigative committees/commissions	Respond to federal programs and requirements	State personnel administration	Other administration	Filing and publication procedures	Subject to administrative procedure act
Alabama	S, I, Case Law	★	★	★	...	★	...	...	...	...	...
Alaska	C	...	...	...	★	...	...	...	★	...	★
Arizona	I	★(a)	★(a)	★(a)	★(a)	★(a)	★(a)	★(a)	★(a)	★(b)	...
Arkansas	S, I, Common Law	★	★	★	★	★	★	★	...	...	...
California	I(c)	★	★	★	★	★	★	★	...	...	...
Colorado	C	★	★	★	★	★	★	★	★	★	★
Connecticut	C, S	★	★	★	...	★	...	★	★	(b)	...
Delaware	C	★	★	★	★	★	★	...	...	...	...
Florida	C, S	★	★	★	★	★	★	★	...	...	...
Georgia	S, I(d)	★	★	★	★	★	★	...	...	...	...
Hawaii	C, S, Common Practice	★	★	★	★	★	★	★	...	★	★
Idaho	S	★	★	★	★	★	...	...	...	...	...
Illinois	C, S	★	★	★	★	★	★	★	★	★	★
Indiana	C, S, Case Law	★	★	...	★	★	★	★	...	...	...
Iowa	(e)	★	★	★	★	★	★	...	(f)	★	★
Kansas	C, S	★	★	★	★	★	...	★	★	...	(g)
Kentucky	C, S	★	★	★	★	★	★	★	★	...	★
Louisiana	C, S(l)	★	★	★	★	★	★	...	...	★	...
Maine	S, I	★	★	★	...	★	★	★	...	...	...
Maryland	C, S	★	★	★	★	★	★	★	★(m)	★	★(n)
Massachusetts	C, S	★	★	★	★	★	★	★	★	...	...
Michigan	C	★	★	★	★	★	...	...	...	★(o)	...
Minnesota	S	★	★	★	★	★	...	(p)(q)	...	★(b)	★(n)
Mississippi	C, S	★	★	★	★	★	...	...	...	(r)	(r)
Missouri	C, S, Common Law	★	...	★	★	★	★	★	...	★(n)	★(n)(s)
Montana	S, I, Common Law	★	★	★	★	★	★	★	★	...	...
Nebraska	C, S	★	★	★	...	★	...	...	...	...	...
Nevada	S, I	★	★	★	★	★	★	★	...	★(t)	...
New Hampshire	C, S	★	★(a)	★	★	★	★	★	★(j)	★	...
New Jersey	C, S, I	★	★	★	...	★	★	★	★(u)	...	...
New Mexico	C, S	★	★	★	★	★	★	★	...	...	...
New York	C, S	★	★	★	...	★	...	...	...	...	...
North Carolina	C, S	★	★	★	★	★	★	★	...	...	★(v)
North Dakota	S, I	★	★	★	...	...	...	...	(k)(p)(u) (w)(x)(y)	...	...
Ohio	C, S, I(z)	★	★	★	★	★	★	★	(aa)	★	...
Oklahoma	C	★	★	★	(bb)	★	★	★	...	...	...
Oregon	I	★	★	...	...	★	★	★	...	...	...
Pennsylvania	C, S	★	...	★(m) (cc)(dd) (ee)	...	★	★	...	★(dd) (ee)	★(b)(cc)	...
Rhode Island	S, I, Case Law	★	★	★	★	★	★	...	...	★(b)	...
South Carolina	S	★	★	★	...	★	★	...	...	...	...
South Dakota	C	★	★	★	★	★	★	★	...	...	...
Tennessee	C, S	★	★	★	★	★	★	★	...	★(b)	...
Texas	C, S, I	★	★	★	...	★	★	★	...	...	...
Utah	S, I	★	★	★	★	★	★	...	...	...	...
Vermont	S, I	★	★	...	★(ff)	★	★	...	...	...	★(gg)
Virginia	C, S	★	★	★	★	★	★	...	...	...	★(hh)
Washington	S	★	...	...	...	...	...	...	...	...	...
West Virginia	C, S	★	★	...	...	★	...	...	(ii)	...	...
Wisconsin	C, S	★	★	★	★	★	★	...	(jj)	...	...
Wyoming	(kk)	...	...	...	...	...	...	...	...	...	...
American Samoa	C, S	★	★	★	★	★	★	★	...	★(ll)	★(ll)
Guam	C	★	★	...	(h)	★	★	★	...	...	...
CNMI*	C	★	...	★	...	...	...	...	...	...	...
Puerto Rico	C, S, I, Case Law	★	★	★	★	★	★	★	...	(i)	...
U.S. Virgin Islands	S	★	★	★	★	★	★	★	...	...	...

See footnotes at end of table

TABLE 4.5

**Gubernatorial Executive Orders: Authorization, Provisions, Procedures** (continued)

Sources: The Council of State Governments survey of governors' offices, January 2021 and state websites.

\* Commonwealth of Northern Mariana Islands

Key:

C – Constitutional

S – Statutory

I – Implied

★ – Formal provision.

... – No formal provision.

- (a) Broad interpretation of gubernatorial authority. In Arizona, the governor is authorized to make executive orders in all of these areas and situations so long as there is not a conflicting statute in place.
- (b) Executive orders must be filed with secretary of state or other designated officer.
- (c) Authorization implied from constitution and statute as recognized by 63 ops. Cal. Atty. Gen. 583.
- (d) Implied from Constitution.
- (e) Constitution, statute, implied, case law, common law.
- (f) Executive clemency.
- (g) Only for EROs. When an ERO is submitted the legislature has 30 days to veto the ERO or it becomes law.
- (h) Can reorganize, but not create.
- (i) Executive Orders are filed in the Department of State.
- (j) To impound or freeze certain state matching funds.
- (k) To reduce state expenditures in revenue shortfall.
- (l) Inherent.
- (m) To control procedures for dealing with public.
- (n) Reorganization plans and agency creation.
- (o) Executive reorganizations not effective if rejected by both houses of legislature within 60 calendar days. Executive orders reducing appropriations not effective unless approved by appropriations committees of both houses of legislature.
- (p) To assign duties to lieutenant governor, issue writ of special election.
- (q) Filing.
- (r) Governor is exempt from the Administrative Procedures Act and filing and administrative procedures Miss. Code Ann. § 25-43-102 (1972).
- (s) Reorganization plans and agency creation and for meeting federal program requirements. To administer and govern the armed forces of the state.
- (t) In addition to filing and publication procedures - Executive Orders are countersigned by and filed with the Secretary of State and published.
- (u) To administer and govern the armed forces of the state.

- (v) Must submit to the Secretary of State who must compile, index and publish Executive Orders. Copies must also be sent to President of the Senate, Speaker of House and Principal Clerk of each chamber
- (w) To suspend certain officials and/or other civil actions.
- (x) To designate game and wildlife areas or other public areas.
- (y) Appointive powers.
- (z) Executive authority implied by constitution except for emergencies which are established by statute.
- (aa) General power to issue executive orders to execute the authority of the Governor as provided in the Constitution and state statute.
- (bb) The governor has the authority, through state statute, to enact executive orders that: create agencies, boards and commissions; and reassigns agencies, boards and commissions to different cabinet secretaries. However, in order for the continued operation of any agency created by executive order the state legislature must approve legislation that allows the agency to continue to operate, if not, the agency cannot continue operation beyond sine die adjournment of the legislature for the session.
- (dd) For fire emergencies.
- (ee) To transfer funds in an emergency.
- (ff) Subject to legislative approval when inconsistent with statute.
- (gg) Only if reorganization order filed with the legislature.
- (hh) Some statutes set forward requirements for executive orders, but few established procedures.
- (ii) Expansion of governor's existing state of emergency power to now create a state of preparedness. The governor has the authority to issue an executive order for a state of preparedness in advance of an anticipated event affecting public safety (as of March 8, 2014). During the first special session in 2016 the legislature gave the governor the power, in the event a budget bill has not been enacted by June 30 of any year, to, by executive order, direct scheduled payments of principal and interest due on bonds or notes of the state or its agencies, boards, or commissions.
- (jj) The governor has power to direct the Department of Administration to conduct investigations of any executive or administrative agency in order to determine feasibility of consolidating, creating or rearranging agencies for the purpose of affecting the elimination of unnecessary state functions, avoiding duplication, reducing the cost of administration and increasing efficiency. Wis. Stat. 16.004(3)(a). The governor has power to coordinate services of personnel across state agencies. Wis. Stat. 14.03.
- (kk) No specific authorization granted, general authority only.
- (ll) If executive order fits definition of rule.

# Appendix C

## 75 Okl. St. § 256

This document is current with all legislation of the First Regular Session of the 59th Oklahoma Legislature (2023) and the First Extraordinary Session of the 59th Legislature (2023).

*Oklahoma Statutes, Annotated by LexisNexis® > Title 75. Statutes and Reports (Chs. 1 — 10) > Chapter 8. Administrative Procedures Act (§§ 250 — 327)*

### § 256. Oklahoma Administrative Code—Publication—Task Force on Administrative Rules

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#### A.

1. The Secretary shall provide for the codification, compilation, indexing and publication of agency rules and ***Executive Orders*** in a publication which shall be known as the “Oklahoma Administrative Code” in the following manner:
  - a. On or before January 1, 1992, the Secretary shall compile ***Executive Orders*** which are effective pursuant to paragraph 3 of subsection B of this section, and agency rules which have been submitted pursuant to the agency schedule of compliance and have been accepted as properly codified, as set forth in this section, and rules promulgated by the Secretary. Such compilation shall be maintained by the Office of Administrative Rules and shall be updated by agencies, in a manner prescribed by the Secretary, to reflect subsequent permanent rulemaking. Prior to publication of the first “Code”, as set forth in subparagraph b of this paragraph, the compilation shall constitute the official permanent rules of the state. Effective January 1, 1992, any permanent rule not included in such compilation shall be void and of no effect.
  - b. On or before December 1, 1992, the Secretary shall have indexed and published the “Oklahoma Administrative Code”. To effectuate this provision, the Secretary may contract for the publishing and indexing, or both of the “Oklahoma Administrative Code”. Any permanent rule not published in the “Code” shall be void and of no effect. A finally adopted rule filed and published in The “Oklahoma Register” may be valid until publication of the next succeeding “Code” or “Code” supplement following the date of its final adoption. Provided, a permanent rule which is finally adopted after the closing date for publication in a “Code” or “Code” supplement as announced by the Secretary may be valid until publication of the next succeeding “Code” or “Code” supplement. A permanent rule which is published in “The Oklahoma Register” after the closing date for publication in the first “Code”, as announced by the Secretary, shall be void and of no effect upon publication of the next succeeding “Code” or “Code” supplement, if not published in the “Code” or “Code” supplement.
2. Compilations or revisions of the “Code” or any part thereof shall be supplemented or revised annually. The “Code” shall be organized by state agency and shall be arranged, indexed and printed in a manner to permit separate publications of portions thereof relating to individual agencies.
3. Annual supplements to the “Code” shall be cumulative. Emergency rules shall not be published in the “Code” or in any supplements thereto.
4. The “Code” and the supplements shall include a general subject index and an agency index of all rules and ***Executive Orders*** contained therein. “The Oklahoma Register” shall also include a sections-affected index of the “Code”. The “Code” and supplements shall contain such notes, cross references and explanatory materials as required by the Secretary.

5. The Secretary in preparing such rules for publication in the "Code" or supplements shall omit all material shown in canceled type. The Secretary shall not prepare any rule for publication in the "Code" which amends or revises a rule unless the rule so amending or revising conforms to the provisions of the Administrative Procedures Act.
6. The Secretary is authorized to determine a numbering system and other standardized format for documents to be filed and may refuse to accept for publication any document that does not substantially conform to the promulgated rules of the Secretary.

**B.**

1. Rules submitted and accepted for publication in the "Code" by August 15 of each year shall be published in the next succeeding "Code" or supplement thereto.
2. As soon as possible after August 15 of each year, the Secretary shall assemble all rules and **Executive Orders**, except emergency rules, promulgated after the publication of the preceding "Code" or "Code" supplement in accordance with the provisions of the Administrative Procedures Act for publication in the "Oklahoma Administrative Code". The "Code" or supplements thereto should be published as soon as possible after August 30 of each year.
3. **Executive Orders** of previous gubernatorial administrations shall terminate ninety (90) calendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order. Copies of all **Executive Orders** shall be published and indexed in the "Oklahoma Administrative Code". All **Executive Orders** placing agencies or employees under the State Merit System of Personnel Administration shall remain in effect unless otherwise modified by action of the Legislature.

**C.** The Secretary is hereby authorized and empowered to publish or to contract to publish the "Oklahoma Administrative Code", and to publish or contract to publish such annual cumulative supplements so as to keep the "Code" current. All such agreements shall provide that the publisher shall make such publications in such form and arrangement as shall be approved by the Secretary. The Secretary may publish or authorize the publication of the "Code" in part.

**D.** The Secretary is authorized to correct spelling errors in rules submitted for publication in the "Code" or any such supplements or in "The Oklahoma Register". Any other errors in rules submitted for publication in the "Code" may be noted in editorial notes provided by the Secretary.

**E.** The Secretary shall make copies of the "Code" generally available at a cost sufficient to defray the cost of publication and mailing. Except as otherwise provided by Section 257.1 of this title, the Secretary is authorized to sell or otherwise distribute the "Code" and its supplements.

**F.**

1. The codification system, derivations, cross references, notes of decisions, source notes, authority notes, numerical lists, and codification guides, other than the actual text of rules, indexes, tables and other aids relevant to the publication of the "Oklahoma Administrative Code" and "The Oklahoma Register" shall be the property of the state and may be reproduced only with the written consent of the Secretary. The information which appears on the same page with the text of a rule may be reproduced incidentally with the reproduction of the rule, if the reproduction is for the private use of the individual and not for resale. No person shall attempt to copyright or publish the "Oklahoma Administrative Code" or "The Oklahoma Register", in printed or electronic media, without expressed written consent of the Secretary of State. The Secretary shall notify the Speaker of the House of Representatives and the President Pro Tempore of the Senate of any requests to copyright or publish the "Oklahoma Administrative Code" or "The Oklahoma Register", prior to consent by the Secretary.
2. The Secretary may provide for the electronic access to the "Oklahoma Administrative Code" and "The Oklahoma Register" by:
  - a. subscription, or



# Idaho Code § 67-5807

Statutes current through all legislation from the 2023 Regular Session

**Idaho Code > Title 67 State Government and State Affairs (Chs. 1 — 96) > Chapter 58  
Protection of Natural Resources (§§ 67-5801 — 67-5807)**

## **67-5807. Governor — Executive orders.**

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(1) Pursuant to this act, the governor may issue executive orders and proclamations and amend or rescind such orders and proclamations. Executive orders and proclamations have the force and effect of law. A disaster emergency may be declared by **executive order** or proclamation of the governor if the governor finds any of the following:

- (a) Any Canadian gray wolf within the state is a carrier of a disease harmful to humans, livestock, pets and wild game and that there is a risk of transmission of such disease to humans, livestock, pets or wild game;
- (b) The potential of human-wolf conflict exists and that the Canadian gray wolf is frequenting areas inhabited by humans or showing habituated behavior toward humans;
- (c) That the potential for livestock-wolf conflict exists and that the Canadian gray wolf is frequenting areas that are largely rangeland with livestock or showing evidence of habituated behavior toward livestock;
- (d) The numbers of Canadian gray wolves are such that there is an impact to Idaho big game herds as identified in the wolf management plan of 2002, and that there is evidence that increasing the number of wolves beyond one hundred (100) has had detrimental impacts on big game populations, the economic viability of the Idaho department of fish and game, outfitters and guides, and others who depend on a viable population of big game animals;
- (e) The numbers of big game animals have been significantly impacted below that of recent historical numbers and that there has been a measurable diminution in the value of businesses tied to outfitting and other game or hunting based businesses.

(2) The **executive order** or proclamation shall direct the office of species conservation to initiate emergency proceedings in accordance with section 67-5247, Idaho Code. Any person may challenge an action or proposed action of the office of species conservation by following the appeals process prescribed by the Idaho administrative procedure act, chapter 52, title 67, Idaho Code.

(3) The state of disaster emergency shall continue until the governor finds that either gray wolves are delisted in Idaho with full state management restored or the threat has been dealt with to the extent that emergency conditions no longer exist. When either or both of these events occur, the governor **shall terminate** the state of disaster emergency by **executive order** or proclamation. Provided however, that no state of disaster emergency pursuant to the provisions of this act may continue for longer than one (1) year. The legislature by concurrent resolution may terminate a state of disaster emergency at any time. Thereupon, the governor shall issue an **executive order** or proclamation ending the state of disaster emergency. All executive orders or proclamations issued pursuant to this section shall indicate which of the conditions in this section exist, the area or areas threatened and the actions planned to resolve the issue, including contracting with USDA-APHIS wildlife services. An **executive order** or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent or impede, be promptly filed with the office of species conservation, the department of fish and game, the office of the secretary of state and the office of the sheriff of each county where the state of disaster emergency applies.

## History

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I.C., § 67-5807, as added by 2011, ch. 334, § 3, p. 976.

Idaho Code  
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## La. R.S. § 49:215

Current through the 2023 First Extraordinary and Act 344 of the 2023 Regular Session with exceptions to Act 150 and Act 279.

*LexisNexis® Louisiana Annotated Statutes > Louisiana Revised Statutes > Title 49. State administration (Chs. 1 — 21) > Chapter 2. Office of the governor (Pts. 1 — 8) > Part 3. Powers and duties (§ 49:215)*

### § 49:215. Executive orders; procedures; limitations

---

- A. The authority of the governor to see that the laws are faithfully executed by issuing executive orders is recognized.
- B. Each **executive order** issued by the governor shall be published in the Louisiana Register as required by the provisions of R.S. 49:953.
- C. Each **executive order** issued by the governor **shall terminate** and shall be void and of no effect on such date as shall be provided in the **executive order** or a subsequent **executive order**. If no such termination date is provided by **executive order**, the order **shall terminate** sixty days following adjournment sine die of the regular session of the legislature after the issuing governor leaves office.
- D. The governor may establish executive branch agencies by **executive order**. Any agency so created **shall terminate** on such date as is provided in the **executive order** or by subsequent **executive order**, which termination date shall be within one year of the date of issuance of the order, or, if no such date is stated, one year from the date of issuance of the order, unless the agency is, within such period, statutorily created or terminated by the legislature.
- E. Whenever an **executive order** issued by the governor provides for an appointment to public office, whether to a board, commission, committee, executive or other office and whether to fill an initial or succeeding full term of office or the unexpired portion of a term of office, the governor shall submit the appointment to the Senate for confirmation. After initial confirmation by the Senate, reconfirmation shall not be required for appointments by the governor to any board or commission which is established by the Constitution of Louisiana.

### History

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Added by Acts 1982, No. 687, § 1, eff. Aug. 2, 1982; H.C.R. No. 4, 1984 1st Ex. Sess; Acts 1984, No. 778, § 1; Acts 2003, No. 774, § 13.

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## MCLS § 16.134

This document is current through Act 120 of the 2023 Regular Legislative Session and E.R.O. 2023-1

**Michigan Compiled Laws Service > Chapter 16 Executive Organization (§§ 16.1 — 16.733) > Act 380 of 1965 (Chs. 1 — 21) > Chapter 2 Department of State (§§ 16.125 — 16.134)**

### **§ 16.134. Executive orders; filing; submission to legislature; publication; modification and repeal.**

---

Sec. 34.

- (1) Whenever the governor issues an executive order pertaining to organization of the executive branch, it shall be filed with the department of state in the same manner as required by law for the filing of public acts of this state. Copies of each such ***executive order shall be*** filed with and retained on record by the legislative council and a copy transmitted to each member of the legislature.
- (2) Whenever the governor makes changes in the organization of the executive branch or in the assignment of functions among its units which require the force of law, such changes shall be set forth in executive orders and copies of the orders shall be submitted to the legislature as provided in section 2 of article 5 of the state constitution. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house within the constitutional time period, such executive orders shall become effective at the date designated by the governor.
- (3) Executive orders as described in subsection (2) shall be dated, shall be given an identification number and published in the same manner as required by law for the publication of the public acts of the state.
- (4) An executive order as described in subsection (2) may be modified or repealed by the legislature at any time by law.

### **History**

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Pub Acts 1965, No. 380, Ch. 2, § 34, as added by Pub Acts 1968, No. 237, imd eff June 26, 1968.

Michigan Compiled Laws Service  
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## Minn. Stat. § 4.035

This document is current with legislation through the end of the 2023 regular session.

**LexisNexis® Minnesota Annotated Statutes > Constitutional Offices and Duties (Chs. 4 — 9) > Chapter 4. Governor (§§ 4.01 — 4.60)**

### 4.035 EXECUTIVE ORDERS

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**Subdivision 1. Applicability.** — A written statement or order executed by the governor pursuant to constitutional or statutory authority and denominated as an executive order, or a statement or order of the governor required by law to be in the form of an ***executive order, shall*** be uniform in format, shall be numbered consecutively, and shall be effective and expire as provided in this section. Executive orders creating agencies shall be consistent with the provisions of this section and section 15.0593.

**Subd. 2. Effective date.** — An executive order issued pursuant to sections 12.31 to 12.32 or any other emergency executive order issued to protect a person from an imminent threat to health and safety shall be effective immediately and shall be filed with the secretary of state and published in the state register as soon as possible after its issuance. Emergency executive orders shall be identified as such in the order. Any other ***executive order shall*** be effective upon 15 days after its publication in the state register and filing with the secretary of state. The governor shall submit a copy of the executive order to the commissioner of administration to facilitate publication in the State Register.

**Subd. 3. Expiration date.** — Unless an earlier date is specified by statute or by executive order, an ***executive order shall*** expire 90 days after the date that the governor who issued the order leaves office.

### History

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1977 c 305 s 2; 1986 c 444; 2007 c 148 art 2 s 3.

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## ORC Ann. 107.19

Current through Files 1 to 7 and Files 9 and 10 of the 135th General Assembly (2023-2024).

*Page's Ohio Revised Code Annotated > Title 1: State Government (Chs. 101 — 197) > Chapter 107: Governor (§§ 107.01 — 107.71) > State Appropriation Limitations (§§ 107.032 — 107.71)*

### **§ 107.19 Unlawful executive orders.**

---

The governor shall have no power to issue any executive order that has previously been issued and that the federal trade commission, office of policy planning, bureau of economics, and bureau of competition has opined is anti-competitive and is in violation of anti-trust laws. Any such **executive order shall be** considered invalid and unenforceable.

### **History**

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153 v H 1, § 101.01, eff. 10-16-09.

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# Appendix D

**GOVERNOR EXECUTIVE ORDER REFERENCES IN WYOMING STATUTES**

7-19-106. Access to, and dissemination of, information.

(a) Criminal history record information shall be disseminated by criminal justice agencies in this state, whether directly or through any intermediary, only to:

(iv) Other governmental agencies as authorized by the laws of the United States or any state or by **executive order**;

**NATIONAL CRIME PREVENTION AND PRIVACY COMPACT ACT**

7-19-602. Compact provisions generally.

(a) As used in this compact, unless the context clearly requires otherwise:

(vii) "Criminal justice agency" means:

(B) A governmental agency or any subunit thereof that:

(I) Performs the administration of criminal justice pursuant to a statute or **executive order**; and

(xi) "**Executive order**" means an order of the president of the United States or the **chief executive officer of a state** that has the force of law and that is promulgated in accordance with applicable law;

**NORTHWEST INTERSTATE COMPACT ON LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT**

9-6-206. Generally.

**ARTICLE VI**

(2) After the compact has initially taken effect pursuant to paragraph (1) of this article, any eligible party state may become a party to this compact by the execution of **an executive order** by the governor of the state. Any state which becomes a party in this manner shall cease to be a party upon the final adjournment of the next general or regular session of its legislature or July 1, 1983, whichever occurs first, unless the compact has by then been enacted as a statute by that state.

16-4-204. Right of inspection; copies, printouts or photographs; fees.

(c) After July 1, 2003, any fees or charges assessed by a custodian of a public record shall first be authorized by duly enacted or adopted statute, rule, resolution, ordinance, **executive order** or other like authority.

EMERGENCY MANAGEMENT ASSISTANCE COMPACT

19-13-406. Licenses and permits.

Whenever any person holds a license, certificate or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical or other skills, and when assistance is requested by the receiving party state, the person shall be deemed licensed, certified or permitted by the state requesting assistance to render aid involving the skill to meet a declared emergency or disaster, subject to limitations and conditions the governor of the requesting state may prescribe by **executive order** or otherwise.

21-13-307. Eligibility to share in distribution of money from foundation account; mandatory financial reporting.

(a) Each district which meets the following requirements is eligible to share in the distribution of funds from the foundation account:

(ii) Operated all schools for a term of at least one hundred eighty-five (185) days or the number of days or equivalent hours authorized under an alternative schedule approved by the state board during the previous school year. If the school term of any school in a district was less than one hundred eighty-five (185) days or less than the total number of days authorized under an alternative schedule approved by the state board, the amount allotted per average daily membership (ADM) under W.S. 21-13-309 for the school shall be in proportion to the length of the term the school actually operated, unless caused by closures of schools:

(B) Whenever necessary to protect the health, safety or welfare of students, teachers and other employees and closures are approved by the state superintendent or are the result of presidential or **gubernatorial executive orders**.

35-4-115. Definitions.

(a) As used in this article:

(i) "Public health emergency" means an occurrence or imminent threat of an illness or health condition caused by an epidemic or pandemic disease, a novel and highly fatal infectious agent or a biological toxin that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability. The **governor shall declare** when a public health emergency exists or has ended;