

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Executive orders-requirements.

Sponsored by: Representative(s) Sommers

A BILL

for

1 AN ACT relating to administration of the government;
2 creating requirements for executive orders that extend
3 beyond a specified time period; providing definitions;
4 making conforming amendments; specifying applicability; and
5 providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 9-1-225 and 9-1-226 are created to

10 read:

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12 *****

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STAFF COMMENT

1 For the Committee's information, this bill draft has not
2 gone through the entire LSO review process. The Committee
3 may wish to hear the draft at its 7/30-31 meeting and again
4 at its October meeting so that the draft can go all the way
5 through review.

6 *****
7 *****
8

9 9-1-225. Executive orders; general requirements;
10 definitions.

11

12 (a) For purposes of W.S. 9-1-225 and 9-1-226,
13 "executive order" means a directive from the governor of
14 this state that manages the operation of state government
15 and that has the force and effect of law. "Executive order"
16 shall include a declaration of a public health emergency or
17 other state of emergency and a proclamation issued by the
18 governor.

19

20 (b) The governor is authorized to issue and implement
21 executive orders, which orders may remain in effect for not
22 more than six (6) months. The governor shall be authorized
23 to extend an executive order for an additional six (6)
24 month period if necessary. At the expiration of the
25 additional six (6) month period, the executive order shall

1 be effective and considered a continued executive order
2 only upon compliance with this section and W.S. 9-1-226.

3

4 (c) No executive order shall be valid or effective
5 against any person, nor shall it be invoked by the governor
6 for any purpose, until it has been filed with the secretary
7 of state and made available for public inspection.

8

9 **9-1-226. Adoption and amendment of continued**
10 **executive orders; notice; hearing.**

11

12 (a) Prior to the adoption or enforcement of an
13 executive order that will be in effect for more than an
14 initial period of six (6) months, or if extended under W.S.
15 9-1-225, a period of one (1) year, the governor shall:

16

17 (i) Give at least forty-five (45) days notice of
18 the intended action. Notice shall be mailed to all persons
19 making timely requests of the governor for advanced notice
20 of continued executive order proceedings and to the
21 attorney general, the secretary of state's office and the
22 legislative service office. The notice shall include:

23

1 (A) A copy of the proposed continued
2 executive order;

3

4 (B) The time when, the place where and the
5 manner in which interested persons may present their views
6 on the continued executive order;

7

8 (C) A statement of the terms and substance
9 of the continued executive order or a description of the
10 subjects and issues involved;

11

12 (D) The place where an interested person
13 may obtain a copy of the continued executive order;

14

15 (E) A concise statement of the principal
16 reasons for the adoption and need to continue enforcement
17 of the continued executive order. The statement shall
18 include a brief explanation of the substance or terms of
19 the executive order and the basis and purpose of the
20 executive order;

21

22 (ii) Afford all interested persons reasonable
23 opportunity to submit data, views or arguments, orally or

1 in writing, provided this period shall consist of at least
2 forty-five (45) days from the later of the dates specified
3 under subparagraph (A) of this paragraph, and provided:

4

5 (A) Opportunity for oral hearing shall be
6 granted if requested by not less than twenty-five (25)
7 persons, or by a governmental subdivision, or by an
8 association having not less than twenty-five (25) members.
9 No hearing under this subparagraph shall be conducted until
10 at least forty-five (45) days after the later of:

11

12 (I) The date notice of a proposed
13 continued executive order is given under paragraph (i) of
14 this subsection; or

15

16 (II) The date notice is published if
17 publication is required by subsection (c) of this section.

18

19 (B) The governor shall consider fully all
20 written and oral submissions regarding the proposed
21 continued executive order;

22

1 (C) Upon adoption of a continued executive
2 order, the governor, if requested to do so by an interested
3 person, shall issue a concise statement of the principal
4 reasons for overruling any submission urging rejection or
5 modification of the executive order.

6

7 (b) No continued executive order shall be adopted and
8 valid unless submitted, filed and adopted in substantial
9 compliance with W.S. 9-1-225 and this section. A proceeding
10 to contest any continued executive order on the ground of
11 noncompliance with the procedural requirements of this
12 section shall be commenced within two (2) years from the
13 effective date of the continued executive order.

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15 (c) If the governor regularly publishes a newsletter,
16 memorandum or other written or electronic communication
17 which serves as a medium to provide information to the
18 public, then in addition to the notice requirements of
19 subsection (a) of this section, the governor shall publish
20 within that medium the proposed continued executive order.

21

22 (d) Upon receipt of a notice of a proposed continued
23 executive order from the governor under paragraph (a)(i) of

1 this section, the secretary of state's office shall
2 maintain a file of these notices and make them available
3 for public inspection during regular business hours. A
4 notice shall remain in the file until the proposed
5 executive order is adopted or until the governor determines
6 not to take action to continue the executive order. To the
7 extent that resources enable the office to do so, the
8 secretary of state's office shall make these notices
9 available to the public electronically. Compliance with
10 this subsection shall not affect the validity of an
11 executive order.

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13 **Section 2.** W.S. 35-4-115 is amended to read:

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15 **35-4-115. Definitions.**

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17 (a) As used in this article:

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19 (i) "Public health emergency" means an
20 occurrence or imminent threat of an illness or health
21 condition caused by an epidemic or pandemic disease, a
22 novel and highly fatal infectious agent or a biological
23 toxin that poses a substantial risk of a significant number

1 of human fatalities or incidents of permanent or long-term
2 disability. Subject to the requirements of W.S. 9-1-225
3 and 9-1-226, the governor shall declare when a public
4 health emergency exists or has ended;

5

6 **Section 3.** This act shall only apply to executive
7 orders issued by the governor on or after July 1, 2025.

8

9 **Section 4.** This act is effective July 1, 2025.

10

11

(END)