

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Executive orders-requirements.

Sponsored by: Representative(s) Sommers

A BILL

for

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

11

12 **9-1-225. Executive orders; general requirements;**

13 **definitions.**

1

2 (a) For purposes of W.S. 9-1-225 and 9-1-226,
3 "executive order" means a directive from the governor of
4 this state that manages the operation of state government.
5 "Executive order" shall include a declaration of a public
6 health emergency or other state of emergency and a
7 proclamation issued by the governor.

8

9 (b) To the extent allowed by applicable law, an
10 executive order may remain in effect for not more than six
11 (6) months. The governor may extend an executive order for
12 an additional six (6) month period if necessary. At the
13 expiration of the additional six (6) month period, the
14 executive order shall remain effective and shall be
15 considered a continued executive order only upon compliance
16 with this section and W.S. 9-1-226.

17

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

22

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

3

4 (a) Prior to the adoption or enforcement of an
5 executive order that will be in effect for more than an
6 initial period of six (6) months, or if extended under W.S.
7 9-1-225, a period of one (1) year, the governor shall:

8

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

15

16 (A) A copy of the proposed continued
17 executive order;

18

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

22

1 (C) A statement of the terms and substance
2 of the continued executive order or a description of the
3 subjects and issues involved;

4

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

7

8 (E) A concise statement of the principal
9 reasons for the adoption and need to continue enforcement
10 of the continued executive order. The statement shall
11 include a brief explanation of the substance or terms of
12 the executive order and the basis and purpose of the
13 executive order;

14

15 (ii) Afford all interested persons reasonable
16 opportunity to submit data, views or arguments, orally or
17 in writing, provided this period shall consist of at least
18 forty-five (45) days from the later of the dates specified
19 under subparagraph (A) of this paragraph, and provided:

20

21 (A) Opportunity for oral hearing shall be
22 granted if requested by not less than twenty-five (25)
23 persons, or by a governmental subdivision, or by an

1 association having not less than twenty-five (25) members.
2 No hearing under this subparagraph shall be conducted until
3 at least forty-five (45) days after the later of:
4

5 (I) The date notice of a proposed
6 continued executive order is given under paragraph (i) of
7 this subsection; or
8

9 (II) The date notice is published if
10 publication is required by subsection (c) of this section.
11

12 (B) The governor shall consider fully all
13 written and oral submissions regarding the proposed
14 continued executive order;
15

16 (C) Upon adoption of a continued executive
17 order, the governor, if requested to do so by an interested
18 person, shall issue a concise statement of the principal
19 reasons for overruling any submission urging rejection or
20 modification of the executive order.
21

22 (b) No continued executive order shall be adopted and
23 valid unless submitted, filed and adopted in substantial

1 compliance with W.S. 9-1-225 and this section. A proceeding
2 to contest any continued executive order on the ground of
3 noncompliance with the procedural requirements of this
4 section shall be commenced within two (2) years from the
5 effective date of the continued executive order.

6

7 (c) If the governor regularly publishes a newsletter,
8 memorandum or other written or electronic communication
9 which serves as a medium to provide information to the
10 public, then in addition to the notice requirements of
11 subsection (a) of this section, the governor shall publish
12 within that medium the proposed continued executive order.

13

14 (d) Upon receipt of a notice of a proposed continued
15 executive order from the governor under paragraph (a)(i) of
16 this section, the secretary of state's office shall
17 maintain a file of these notices and make them available
18 for public inspection during regular business hours. A
19 notice shall remain in the file until the proposed
20 executive order is adopted or until the governor determines
21 not to take action to continue the executive order. To the
22 extent that resources enable the office to do so, the
23 secretary of state's office shall make these notices

1 available to the public electronically. Compliance with
2 this subsection shall not affect the validity of an
3 executive order.

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

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7 **35-4-115. Definitions.**

8

9 (a) As used in this article:

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11 (i) "Public health emergency" means an
12 occurrence or imminent threat of an illness or health
13 condition caused by an epidemic or pandemic disease, a
14 novel and highly fatal infectious agent or a biological
15 toxin that poses a substantial risk of a significant number
16 of human fatalities or incidents of permanent or long-term
17 disability. Subject to the requirements of W.S. 9-1-225
18 and 9-1-226, the governor shall declare when a public
19 health emergency exists or has ended;

20

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

23

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

2

3

(END)