

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	Subject to legislative review
Alabama	S, I, Case Law	★	★	★	...	★	...	...	...	...	...	...
Alaska	C	...	...	...	★	...	...	...	...	★	...	★
Arizona	I	★(a)	★(a)	★(a)	★(a)	★(a)	★(a)	★(a)	★(a)	★(b)	...	...
Arkansas	I, Common Law	★	★	★	★	★	...	...	...	...	...	...
California	I (q)	★	★	★	★	★	★	★	★	...	...	...
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	★	★	...	★ (limited)	★	★	★	...	...	...	...
Iowa	(f)	★	★	★	★	★	★	★	(g)	★	★	★
Kansas	C, S	★	★	★	★	★	...	★	★	...	...	(h)
Kentucky	C, S	★	★	★(i)	★	★	★	★	★(j)(k)(l)	★(b)	★	★
Louisiana	C, S (m)	★	★	★	★	★	★	★	...	...	...	...
Maine	I	★	★	★	★	★	★	★	...	...	...	...
Maryland	C, S	★	★	★	★	★	★	★	★(n)	★	★	★(o)
Massachusetts	C, S	★	★	★	★	★	★	★	★	...	...	...
Michigan	C	★	★	★	★(p)	★	...	★	...	★(p)	...	...
Minnesota	S	★	★	★	★	★	...	...	(r)(bb)	★(b)	★	★(o)
Mississippi	C, S	★	★	★	★	★	...	...	(s)	(s)	...	...
Missouri	C, S, Common Law	★	...	★	★	★	★	★	★	★(o)	...	★(o)(t)
Montana	S, I, Common Law	★	★	★	★	★	★	★	★	★	...	...
Nebraska	C, S	★	★	★	...	★	...	...	...	...	...	...
Nevada	S, I	★	★	★	★	★	★	★	★	★(c)	...	...
New Hampshire	S	★	★(a)	★	...	★	★	...	★(k)	★	...	...
New Jersey	C, S, I	★	★	★	...	★	★	...	★(u)	★	...	...
New Mexico	C, S	★	★	★	★	★	★	★	★	★	...	...
New York	C, S	★	★	★	...	★	...	...	...	★	...	...
North Carolina	C, S	★	★	★	★	★	★	★	★	★	...	★(v)
North Dakota	S, I	★	★	★	...	...	...	...	(l)(r)(u)(w) (x)(y)	...	...	...
Ohio	C, S, I (z)	★	★	★	★	★	★	★	(ll)	★	...	...
Oklahoma	C	★	★	★	(aa)	★	★	★	...	★	...	...
Oregon	I	★	★	★	...	★	...	...	...	...	...	...
Pennsylvania	C, S	★	...	★(n)(bb) (cc)(dd)	...	★	★	...	★(dd)	★(b)(bb)	...	...
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	★	★	...	★(ee)	★	...	...	...	...	...	★(ff)
Virginia	C, S	★	★	★	★	★	★	★	...	...	...	★(mm)
Washington	S	★	...	...	...	...	...	...	...	...	...	...
West Virginia	C, S	★	★	...	...	★	★	...	(kk)	...	...	...
Wisconsin	C, S	★	★	★	★	★	★	★	(nn)	★	...	...
Wyoming	(gg)	...	...	...	...	...	...	...	...	...	...	...
American Samoa	C, S	★	★	★	★	★	★	★	★	★(hh)	★(hh)	...
Guam	C	★	★	...	(ii)	★	★	★	★	★	...	...
CNMI*	C	...	...	★	...	...	...	...	...	★	...	...
Puerto Rico	C, S, I, Case Law	★	★	★	★	★	★	★	★	(jj)	...	...
U.S. Virgin Islands	S	★	★	★	★	★	★	★	★	★	...	...

See footnotes at end of table

TABLE 4.5

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

Source: The Council of State Governments survey of governors' offices, September 2017.

*Commonwealth of the 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) In addition to filing and publication procedures—Executive Orders are countersigned by and filed with the Secretary of State and published.

(d) Implied from Constitution.

(e) Some implied.

(f) Constitution, statute, implied, case law, common law.

(g) Executive clemency.

(h) Only for EROs. When an ERO is submitted the legislature has 30 days to veto the ERO or it becomes law.

(i) To give immediate effect to state regulation in emergencies.

(j) To control administration of state contracts and procedures.

(k) To impound or freeze certain state matching funds.

(l) To reduce state expenditures in revenue shortfall.

(m) Inherent.

(n) To control procedures for dealing with public.

(o) Reorganization plans and agency creation.

(p) 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.

(q) Authorization implied from constitution and statute as recognized by 63 ops. Cal. Atty. Gen. 583.

(r) To assign duties to lieutenant governor, issue writ of special election.

(s) Governor is exempt from the Administrative Procedures Act and filing and administrative procedures Miss. Code Ann. § 25-43-102 (1972).

(t) Reorganization plans and agency creation and for meeting federal program requirements. To administer and govern the armed forces of the state.

(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) 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.

(bb) Filing.

(cc) For fire emergencies.

(dd) To transfer funds in an emergency.

(ee) Subject to legislative approval when inconsistent with statute.

(ff) Only if reorganization order filed with the legislature.

(gg) No specific authorization granted, general authority only.

(hh) If executive order fits definition of rule.

(ii) Can reorganize, but not create.

(jj) Executive Orders are filed in the Department of State.

(kk) 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.

(ll) General power to issue executive orders to execute the authority of the Governor as provided in the Constitution and state statute.

(mm) Some statutes set forward requirements for executive orders, but few established procedures.

(nn) 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.