

Table 4.5
GUBERNATORIAL EXECUTIVE ORDERS: AUTHORIZATION, PROVISIONS, PROCEDURES

State or other jurisdiction	Authorization for executive orders	Provisions										Procedures				
		Civil defense emergencies, public 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)	★	★	★	★	★	★	★	★	★	★	★	★
Arkansas.....	S, I, Common Law	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
California.....	I	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Colorado.....	C	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Connecticut.....	C, S	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Delaware.....	C	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Florida.....	C, S	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Georgia.....	S, I (d)	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Hawaii.....	C	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Idaho.....	S	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Illinois.....	C, S	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Indiana.....	C, S, Case Law	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Iowa.....	(f)	★	★	★	★(limited)	★	★	★	★	★	★	★	★	★	★	★
Kansas.....	C, S	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Kentucky.....	C, S	★	★	★(f)	★	★	★	★	★	★	★	★	★	★	★	★
Louisiana.....	C, S (m)	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Maine.....	I	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Maryland.....	C, S	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Massachusetts.....	C, S	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Michigan.....	C, S, I	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Minnesota.....	S	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Mississippi.....	C, S	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Missouri.....	C, S, Common Law	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Montana.....	S, I, Common Law	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Nebraska.....	C, S	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Nevada.....	S, I	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
New Hampshire.....	S	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
New Jersey.....	C, S, I	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
New Mexico.....	C, S	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
New York.....	C, S	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
North Carolina.....	C, S	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
North Dakota.....	S, I	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Ohio.....	S, I (z)	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Oklahoma.....	C, S	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Oregon.....	I	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Pennsylvania.....	C, S	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
Rhode Island.....	I, Case Law	★	★	★	★	★(n)(bb)(cc)(dd)	★	★	★	★	★	★	★	★	★	★
South Carolina.....	S	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★

See footnotes at end of table.

GUBERNATORIAL EXECUTIVE ORDERS: AUTHORIZATION, PROVISIONS, PROCEDURES — Continued

State or other jurisdiction	Authorization for executive orders	Provisions							Procedures			
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South Dakota.....	C	★	★	★	★	★	★	★	★	★	★	★
Tennessee.....	S	★	★	★	★	★	★	★	★	★	★	★
Texas.....	I	★	★	★	★	★	★	★	★	★	★	★
Utah.....	S, I	★	★	★	★	★	★	★	★	★	★	★
Vermont.....	S, I	★	★	★	★	★	★	★	★	★	★	★
Virginia.....	S	★	★	★	★	★	★	★	★	★	★	★
Washington.....	S	★	★	★	★	★	★	★	★	★	★	★
West Virginia.....	C, S	★	★	★	★	★	★	★	★	★	★	★
Wisconsin.....	S	★	★	★	★	★	★	★	★	★	★	★
Wyoming.....	(gg)	★	★	★	★	★	★	★	★	★	★	★
American Samoa.....	C, S	★	★	★	★	★	★	★	★	★	★	★
Guam.....	C	★	★	★	★	★	★	★	★	★	★	★
No. Mariana Islands.....	C	★	★	★	★	★	★	★	★	★	★	★
Puerto Rico.....	C, S, I, Case Law	★	★	★	★	★	★	★	★	★	★	★
U.S. Virgin Islands....	C	★	★	★	★	★	★	★	★	★	★	★

Source: The Council of State Governments' survey, April 2013.

Key:

C — Constitutional

S — Statutory

I — Implied

★ — Formal provision.

... — No formal provision.

(a) Broad interpretation of gubernatorial authority.

(b) Executive orders must be filed with secretary of state or other designated officer. In Idaho, must also be published in state general circulation newspaper.

(c) Under some circumstances the Cabinet must approve before an order becomes law. The Joint Administrative Procedure Committee must make sure agency rules have legislative authority to do so.

(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) If an energy emergency is declared by the state's Executive Council or legislature.
- (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.
- (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 the 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 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.
- (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.