

HOUSE BILL NO. HB0078

Executive orders.

Sponsored by: Representative(s) Wallis and Teeters and
Senator(s) Von Flatern

A BILL

for

1 AN ACT relating to administration of government; providing
2 a process for issuance of executive orders and
3 proclamations of the governor; specifying requirements for
4 executive orders and proclamations; providing for
5 termination of certain executive orders; and providing for
6 an effective date.

7

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

9

10 **Section 1.** W.S. 9-1-224 is created to read:

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12 **9-1-224. Executive orders; requirements; effect.**

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14 (a) Each executive order issued by the governor shall
15 be serially numbered for each calendar year and shall be
16 effective as provided in this section. An executive order

1 shall be effective only after signature by the governor,
2 countersignature by and filing with the secretary of state.
3 The secretary of state shall keep a permanent register and
4 file of executive orders.

5

6 (b) An executive order shall state the constitutional
7 or statutory provision pursuant to which it is issued and
8 the specific constitutional or statutory provision which it
9 seeks to implement.

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11 (c) If an executive order fails to state the
12 constitutional or statutory provision pursuant to which it
13 is issued and the specific constitutional or statutory
14 provision which it seeks to implement, the order shall
15 cease to be effective on the fifteenth day following the
16 adjournment of the first regular legislative session
17 convened after the order was filed with the secretary of
18 state.

19

20 (d) The procedures set forth in this section shall be
21 sufficient to make an executive order effective.

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23 (e) As used in this section "executive order" means a
24 proclamation or order executed by the governor pursuant to

1 constitutional or statutory authority to implement any
2 provision of law; provided "executive order" does not
3 include:

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5 (i) A proclamation issued by the governor
6 calling a special session of the legislature;

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8 (ii) A proclamation issued pursuant to chapter 4
9 of title 8 of the Wyoming statutes;

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11 (iii) Any proclamation calling for an election
12 or the convening of a state convention pursuant to W.S.
13 22-20-201;

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15 (iv) A proclamation of the adoption of a
16 constitutional amendment.

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18 **Section 2.** W.S. 9-1-302(a)(ii) and 9-1-303(a)(iii)
19 are amended to read:

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21 **9-1-302. Powers and duties; custodian of public**
22 **records; preservation of proclamations of governor; removal**
23 **of public documents prohibited; exceptions.**

24

1 (a) The secretary of state is the custodian of, and
2 shall preserve:

3
4 (ii) All proclamations of the governor
5 proclaiming the effectiveness of constitutional amendments,
6 executive orders, corporate revocations and any other
7 proclamation designated as a permanent record by the
8 governor. The secretary of state shall preserve all other
9 proclamations of the governor for one (1) year and then
10 deliver them to the department of state parks and cultural
11 resources for destruction or preservation as it deems
12 desirable;

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14 **9-1-303. Powers and duties; affixing seal to and**
15 **countersigning commissions and documents; certified copies**
16 **of acts; file of commissions and appointments.**

17
18 (a) The secretary of state shall affix the great seal
19 of the state to, and countersign:

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21 (iii) Executive orders and proclamations of the
22 governor subject to W.S. 9-1-224 and other instruments when
23 required or authorized by the governor.

24

1 **Section 3.**

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3 (a) Any executive order in effect as of the effective
4 date of this act shall be numbered and filed by the
5 secretary of state in accordance with the provisions of this
6 act. Unless reissued in accordance with the provisions of
7 this act each such executive order shall cease to be
8 effective on the earlier of:

9

10 (i) The date prescribed in the executive order;

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12 (ii) Its repeal by a subsequent executive order;

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14 (iii) The fifteenth day following the
15 adjournment of the 2013 general and budget legislative
16 session.

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18 **Section 4.** This act is effective immediately upon
19 completion of all acts necessary for a bill to become law
20 as provided by Article 4, Section 8 of the Wyoming
21 Constitution.

22

23

(END)