

HOUSE BILL NO. HB0055

Executive orders.

Sponsored by: Representative(s) Wallis and Senator(s) Case

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; applying the provisions
5 of the Wyoming Regulatory Takings Act to executive orders
6 and proclamations; declaring previously issued executive
7 orders and proclamations void; and providing for an
8 effective date.

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

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

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14 **9-1-224. Executive orders; requirements; effect.**

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16 (a) Each executive order issued by the governor shall
17 be serially numbered for each calendar year and shall be

1 effective and expire as provided in this section. An
2 executive order shall be effective only after signature by
3 the governor, countersignature by and filing with the
4 secretary of state. The secretary of state shall keep a
5 permanent register and file of executive orders.

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7 (b) An executive order shall specify the
8 constitutional or statutory provision pursuant to which it
9 is issued and the constitutional or statutory provision
10 which it seeks to implement. An executive order shall be
11 subject to the provisions of the Wyoming Regulatory Takings
12 Act, and shall not issue if it is determined by the
13 governor that it may result in a taking of private property
14 without just compensation or in violation of due process.
15 An executive order which is issued and subsequently
16 determined by a final nonappealable order of a court of
17 competent jurisdiction to result in a taking of private
18 property without just compensation or violation of due
19 process shall be void.

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21 (c) An executive order shall prescribe a date after
22 which it shall cease to be effective, which shall be within
23 four (4) years of the filing of the order, and if no such
24 date is contained in the order, then the order shall cease

1 to be effective four (4) years from the date it was filed
2 with the secretary of state, unless renewed by subsequent
3 executive order. The governor may modify or repeal any
4 executive order by issuance of a new executive order.

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

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9 (e) Each executive order issued prior to the
10 effective date of this act is void as of July 1, 2011, or
11 upon its repeal by a subsequent executive order, whichever
12 is earlier.

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14 (f) As used in this section "executive order" means a
15 proclamation or order executed by the governor pursuant to
16 constitutional or statutory authority to implement any
17 provision of law; provided "executive order" does not
18 include:

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

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

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2 (iii) Any proclamation calling for an election
3 or the convening of a state convention pursuant to W.S.
4 22-20-201;

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6 (iv) A proclamation of the adoption of a
7 constitutional amendment.

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9 **Section 2.** W.S. 9-1-302(a)(ii), 9-1-303(a)(iii) and
10 9-5-302(a)(ii) and (iii)(A) by creating a new subdivision
11 (III) are amended to read:

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13 **9-1-302. Powers and duties; custodian of public**
14 **records; preservation of proclamations of governor; removal**
15 **of public documents prohibited; exceptions.**

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17 (a) The secretary of state is the custodian of, and
18 shall preserve:

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20 (ii) All proclamations of the governor
21 proclaiming the effectiveness of constitutional amendments,
22 executive orders, corporate revocations and any other
23 proclamation designated as a permanent record by the
24 governor. The secretary of state shall preserve all other

1 proclamations of the governor for one (1) year and then
2 deliver them to the department of state parks and cultural
3 resources for destruction or preservation as it deems
4 desirable;

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6 **9-1-303. Powers and duties; affixing seal to and**
7 **countersigning commissions and documents; certified copies**
8 **of acts; file of commissions and appointments.**

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10 (a) The secretary of state shall affix the great seal
11 of the state to, and countersign:

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

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17 **9-5-302. Definitions.**

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19 (a) As used in this act:

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21 (ii) "Government agency" means the state of
22 Wyoming, the office of the governor and any officer,
23 agency, board, commission, department or similar body of
24 the executive branch of state government;

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(iii) "Governmental action" or "action":

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(A) Means:

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(III) Executive orders and proclamations of the governor that if issued and enforced may limit the use of private property.

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Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)