

Executive and Administrative Orders: Explained

Gubernatorial executive orders are issued pursuant to a governor's executive authority as provided by the Kentucky Constitution and state statute. Executive orders can only address matters within the governor's authority and cannot exceed that authority granted by state law. Executive orders are generally limited in duration. For example, when a new administration takes office the governor usually reorganizes some aspects of state government by executive order. These executive orders remain in effect until the General Assembly can take action to codify the changes by enacting legislation.

When the commonwealth experiences, or is threatened by, disasters or emergency occurrences that jeopardize the people, businesses, institutions, structures, and governments of the state, the General Assembly has authorized the governor to issue a state of emergency. During this state of emergency, the governor has broad authority to issue executive orders to respond to the emergency. These orders are only effective during the state of emergency.

Administrative orders are issued by executive branch agencies under the direction of the governor. In Kentucky, administrative orders are rarely authorized as most administrative directives occur through administrative regulation. During a state of emergency, the governor can authorize executive branch agencies to issue administrative orders to ensure the effective administration of state government during the emergency. Administrative orders can only relate to matters under the agency's jurisdiction. For example, during the current state of emergency the governor extended all driver's license expiration dates by 90 days. The Secretary of the Department for Transportation issued an administrative order to effect this change. Similarly, many of the public health emergency restrictions have been accomplished by administrative order issued by the Cabinet for Health and Family Services, which is statutorily empowered to respond to the threat of contagious diseases. These orders are also limited in duration and carry the force and effect of law.