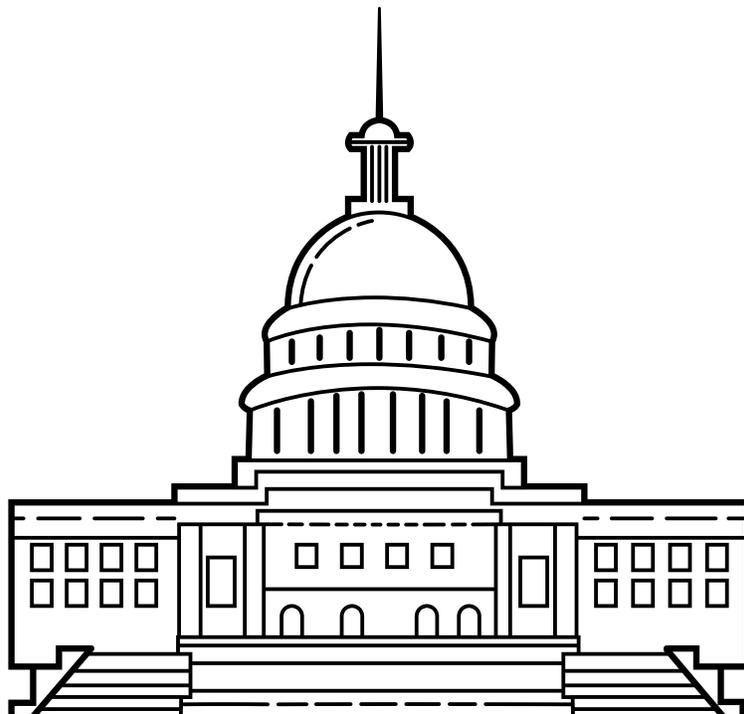


DECLARING AN EMERGENCY

**CROSS-STATE COMPARISONS AND
RECOMMENDATIONS FOR REFORM**

A PEGASUS INSTITUTE REPORT



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PEGASUS INSTITUTE





I. Introduction

The American system of government is a calculated structure of limited and separate governmental powers. In times of emergency, however, it may be necessary for a Governor or local chief executive to have greater power and flexibility in order to respond effectively to a specific set of events. All 50 states have acknowledged these unique needs with statutes that allow Governors to declare an emergency and operate with certain emergency powers.

The COVID-19 pandemic has led to country-wide declarations of emergency unlike ever before in modern American history. In light of these unique circumstances, there is an equally unique opportunity to examine state statutes that govern declarations of emergency and to propose reforms.

Emergency powers are “the exception to the foundation of liberal constitutionalism: the limited sovereignty of the state, which protects individuals from tyranny.”¹ Vesting too much power in a single branch of government or individual throws off the delicate balance between the three branches of government, and this balance between the separate powers “is not merely a matter of convenience or of governmental mechanism. Its object is basic and vital.”²

Groups on both ends of the ideological spectrum have stressed the need to rebalance the powers of the three branches of government in recent years, as the power of the executive branch has grown significantly.³

The Founders were wary of concentrating too much power in one person or branch of government. As James Madison laid out in Federalist Paper No. 51, “[i]n order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own.”

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This sentiment was shared by President Washington in his 1796 Farewell Address,

The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them.⁴

Nevertheless, concentrated powers, if limited in time and scope, are necessary in certain instance, but this does little to undermine the republican form of government as long as states carefully distinguish between an emergency and circumstances best left to traditional government processes.

In this sense, Kentucky lacks many of the procedural safeguards that other state emergency statutes have. This is largely the result of Kentucky's part-time legislature that is governed by both a Constitutional limit on total legislative days as well as a mandated end date to the legislative calendar. Kentucky's statute also fails to clarify if the Governor may suspend or amend both statutes and regulations, or just regulations, as some other states do. Kentucky would benefit from careful revisions to its declaration of emergency statutes.

II. A Recent History of Declarations of Emergency in Kentucky

Declarations of Emergency in Kentucky are governed by Kentucky Revised Statutes (KRS) Chapter 39A. The powers of the Governor and local chief executives are laid out in KRS Chapter 39A.100. These powers were created in 1998 and amended in 2005, 2006, 2010, and 2020.⁵

Under current law, once an emergency is declared, there is no established process by which the legislature or other Constitutional office holder may intercede with the declaration of emergency.

According to the Secretary of State's Governor's Journal, there have been 57 declarations of emergency since the Fletcher Administration: 17 during the Fletcher Administration, 30 during the Steve Beshear Administration, 7 during the Bevin Administration, and 2 so far during the Andy Beshear Administration.⁶ Of these 57 declarations, all but 11 dealt with severe weather or drought emergencies.⁷

On March 6, 2020, Governor Andy Beshear declared a state of emergency related to the COVID-19 pandemic. The initial emergency order included the following:

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1. The Division of Emergency Management within the Department of Military Affairs and the Kentucky Department of Public Health shall coordinate the response and relief activities of all state agencies and private relief organizations in response to the COVID-19 emergency described herein.
2. The Division of Emergency Management within the Department of Military Affairs shall execute the Kentucky Emergency Operations Plan and, from the Kentucky Emergency Operations Center, shall coordinate the relief and response activities of all state agencies and private relief organizations in response to this emergency.
3. The Adjutant General is authorized to issue active duty orders for the mobilization of such National Guard personnel and equipment as he may determine to protect life and safety, to continue essential public services, and to prevent undue loss and suffering.
4. The Division of Emergency Management is authorized to request assistance, federal, state, local, private sector, volunteer, and donated resources as may be available to minimize human suffering and to restore essential services to the general population and to assist state and local governments and individuals impacted by this emergency.
5. The Finance and Administration Cabinet is directed to provide assistance with incident resource management, procurements, and contracting and to fund the urgent operational and/or response of the Division of Emergency Management and the unbudgeted expenditures and obligations of other state agencies that are incurred in response and recovery from this emergency incident and in executing the provisions of this Executive Order.
6. The Kentucky Department of Public Health and all other state agencies shall provide sufficient personnel required for the staffing of the Kentucky Emergency Operations Center or other command, control, and coordination points as may be designated by the Division of Emergency Management's Director and shall provide such personnel, vehicles, equipment, and other resources needed to protect life and property and to ensure continuation, restoration, and recovery of essential public services.
7. The Kentucky Office of Homeland Security ("KOHS") shall provide information to individuals and private organizations, including volunteer and religious organizations, regarding how they can best prepare for and respond to the COVID-19 emergency described herein and whom to contact to volunteer help or services. Further, the KOHS shall specifically identify and encourage private organizations to commit to provide food, shelter, personnel, equipment, materials, consultation, and advice, or other services needed to respond to the COVID-19 emergency. Additionally, the KOHS shall coordinate its efforts with the federal Department of Homeland Security, as necessary, and administer the Kentucky Intelligence Fusion Center to facilitate information sharing about COVID-19 among public safety and public service agencies at the federal, state, and local levels, as well as the private sector.⁸

The COVID-19 emergency declaration is unique both in its state-wide application and its timeline. As of Wednesday May 27, 2020, the order is still in effect, 82 days after it was initially declared.

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III. Declarations of Emergency Across the United States

In all 50 states, Governors may unilaterally declare a state of emergency. Once that emergency is declared, Governors across the country generally have the same powers— although finer details differ. Governors may issue orders, proclamations, and regulations necessary for emergency management which shall have the force of law.⁹ They may enforce laws, rules, and regulations relating to emergency management.¹⁰ Governors may compel the evacuation of all or part of the population from any stricken or threatened area or areas within the state and to take necessary steps to care for evacuees.¹¹ They may also procure, by purchase, condemnation, seizure, or other means, construct, lease, transport, store, maintain, renovate, or distribute materials and facilities for emergency management without regard to the limitations of any existing law.¹² And, generally, they may perform and exercise other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population.¹³

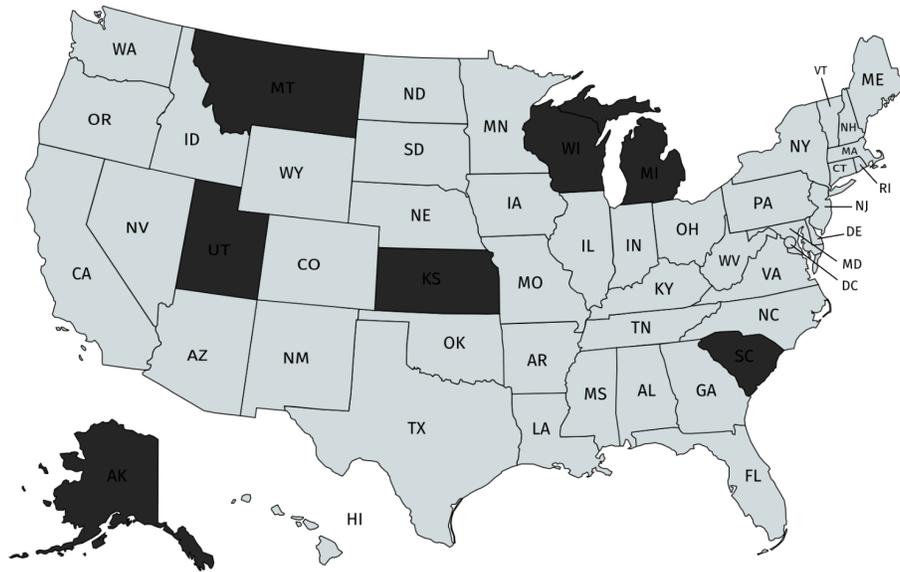
A full breakdown of each state’s emergency declaration statute is included in Attachment I.

Governors’ emergency powers do, however, differ in a few important ways. According to a 2019 article in Health Security, there are “35 states that explicitly permit governors to suspend or amend both statutes and regulations; 7 states in which governors are permitted to amend regulations during a declared emergency but are not explicitly authorized to modify or remove statutes; and 8 states and the District of Columbia that provide no explicit authority to governors to change statutes or regulations during a declared emergency.”¹⁴ Kentucky is one of the eight states that does not provide the Governor with the explicit authority to change statutes or regulations in its emergency declaration statute.

Additionally, states differ considerably in the role that the legislature plays once an emergency is declared. In 7 states, if an emergency last longer than a certain period, the legislature must extend the declaration, or the emergency order expires¹⁵ (**see Image 1**).

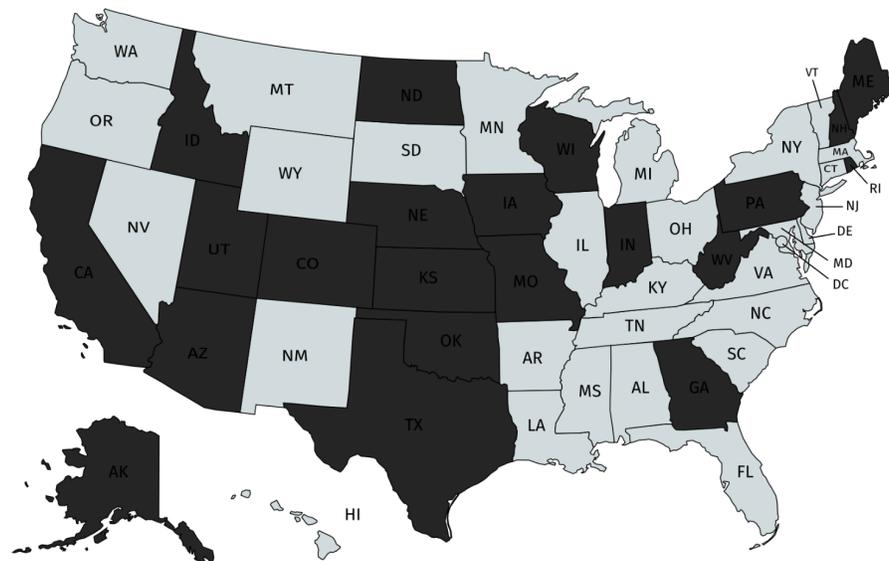
Declaring an Emergency

Image 1



In 21 states, the legislature – as well as the Governor – may terminate the declaration of emergency (see Image 2).

Image 2



Lawsuits were filed in Michigan and Wisconsin by each legislature asserting that their respective governors had exceeded their authority under their emergency powers by extending their COVID-19 emergency orders without legislative approval. The Wisconsin Supreme Court ruled in favor of the legislature, ending the emergency declaration.¹⁶ A Michigan judge, however, dismissed the challenge from the Michigan Legislature.¹⁷

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IV. Policy Recommendations

Kentucky would benefit from revising its emergency powers statutes to clarify the Governor's ability to suspend or amend statutes and to include some legislative participation in the extending a state of emergency beyond a particular timeframe.

The Kentucky General Assembly should determine if the Governor can suspend or amend regulations and statutes under KRS 39A.100

Kentucky is one of eight states, along with Massachusetts, Nevada, New Mexico, Ohio, Vermont, Virginia, and Wyoming and the District of Columbia, that provide no explicit authority to their chief executive to change statutes or regulations during a declared emergency.

Kentucky would benefit from explicitly stating the Governor's authority to do both or either of these in statute.

States do this to ensure that if compliance with the provisions of an existing statute, order, or regulation would prevent or substantially impede or delay action necessary to cope with the disaster emergency, action can be taken. Doing so both grants a substantial level of authority to Governors during declared emergencies, but also allows for the legislature to ensure that the existing silence of our statutes does not convey more authority than they believe is necessary.

The Kentucky General Assembly should have to extend emergency declarations beyond a particular time period

The Kentucky legislature should amend KRS 39A to require legislative approval of any declaration of emergency beyond 30 days. Once a declaration has been extended, the Kentucky legislature should have to re-extend the declaration every 15 days.

Given the part-time nature of the Kentucky General Assembly, if the Governor wishes to extend an emergency declaration after the legislature has gavelled out, he or she should have to call the General Assembly in for a special session to do so.

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2. O'Donoghue v. United States, 289 U.S. 516 (1933).
3. See generally, A Guide to Emergency Powers and Their Use (pp. 1-48, Rep.). (2020). New York City, New York: Brennan Center for Justice at New York University School of Law; Pye, J., & Withrow, J. (2020). Restoring the Balance of Powers (pp. 1-46, Rep.). FreedomWorks Foundation.
4. Washington, G (2008). Washington's Farewell Address. Retrieved from https://avalon.law.yale.edu/18th_century/washing.asp
5. KRS 39A.100
6. See Attachment II; This number was taken from the larger pool of all available state of emergency orders (which came in at well over 100) and orders were filtered out that were not Kentucky-related - such as providing aid to other states - as well as orders that seemed to relate to the same Kentucky emergency. Once all those orders were removed, 57 was the final number.
7. Ibid.
8. See Attachment III
9. Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Rhode Island, Tennessee, Texas, Virginia, Washington, Wisconsin, Wyoming
10. Alabama, Arkansas, California, Georgia, Indiana, Kentucky, Nevada, New Hampshire, Oklahoma, Vermont, West Virginia, Wyoming
11. Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Kansas, Louisiana, Maine, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia
12. Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Mississippi, Missouri, Nevada, North Dakota, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, West Virginia
13. Alabama, Alaska, Arizona, Connecticut, Delaware, Georgia, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, Nevada, New Hampshire, New Mexico, Oklahoma, Rhode Island, Utah, Vermont, West Virginia

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14. Sunshine, G., Thompson, K., Menon, A. N., Anderson, N., Penn, M., & Koonin, L. M. (2019). An Assessment of State Laws Providing Gubernatorial Authority to Remove Legal Barriers to Emergency Response. *Health Security*, 17(2), 156-161. doi:10.1089/hs.2018.0126
15. Alaska: 30 days, Kansas: 15 days, Michigan: 28 days, Montana: 30 days, South Carolina: 15 days, Utah: 30 days, Wisconsin: 60 days
16. Itkowitz, C. (2020, May 14). Wisconsin Supreme Court strikes down governor's extension of stay-at-home order. Retrieved from <https://www.washingtonpost.com/politics/2020/05/13/wisconsin-supreme-court-strikes-down-governors-extension-stay-at-home-order/>
17. Riess, R., & LeBlanc, P. (2020, May 22). Judge dismisses Michigan Legislature's lawsuit over governor's use of emergency powers. Retrieved from <https://www.cnn.com/2020/05/21/politics/michigan-lawsuit-dismissed-whitmer-order/index.html>

ATTACHMENT I

State	Provision	Details
Alabama	Alabama Emergency Management Act of 1955	<p>Section 31-9-3 – Definitions.</p> <ul style="list-style-type: none"> - State public health emergency - An occurrence or imminent threat of an illness or health condition that does all of the following: <ul style="list-style-type: none"> - Is believed to be caused by any of the following: <ol style="list-style-type: none"> 1. Bioterrorism. 2. The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin. 3. A natural disaster. 4. A chemical attack or accidental release. 5. A nuclear or radiological attack or accident. - Poses a high probability of any of the following harms: <ol style="list-style-type: none"> 1. A large number of deaths in the affected population. 2. A large number of serious or long-term disabilities in the affected population. 3. Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population. - State of emergency - When the Governor duly proclaims the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by fire, flood, storm, epidemic, technological failure or accident, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, earthquake, explosion, terrorism, or man-made disaster, or other conditions, other than conditions resulting from a labor controversy or conditions causing a state of war emergency, which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or energy shortage requires extraordinary measures beyond the authority vested in the Alabama Public Service Commission. <p>Section 31-9-6 – Powers and duties of Governor with respect to emergency management.</p> <p>Section 31-9-8 – Emergency Powers of Governor.</p> <ul style="list-style-type: none"> - State of emergency may be declared by governor or by joint resolution of the legislature - Emergency terminates 60 days after proclaimed unless extended by Governor or by joint resolution of the legislature

<p>Alaska</p>	<p>Alaska Statute 26.23.020(c)</p>	<p>Section 26.23.020 – The governor and disaster emergencies.</p> <ul style="list-style-type: none"> - Governor may declare emergency if disaster has occurred or is imminent by proclamation <ul style="list-style-type: none"> a. Disaster emergency remains in effect until emergency no longer exists - Proclamation of disaster emergency may not remain in effect longer than 30 days unless extended by the legislature by a concurrent resolution <p>Sec. 26.23.025. The legislature and disaster emergencies.</p> <ul style="list-style-type: none"> - While Governor declares a disaster emergency, Governor shall prepare and deliver to the presiding officers of the legislature a financing plan describing the amount by fund source of money that the Governor intends to dedicate to the disaster and the estimated time frame - The legislature may terminate a disaster emergency at any time by law
<p>Arizona</p>	<p>ARS §26-303(D)</p>	<p>26-301 – Definitions</p> <ul style="list-style-type: none"> - "State of emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons or property within the state caused by air pollution, fire, flood or floodwater, storm, epidemic, riot, earthquake or other causes, except those resulting in a state of war emergency, which are or are likely to be beyond the control of the services, personnel, equipment and facilities of any single county, city or town, and which require the combined efforts of the state and the political subdivision. <p>26-303 – Emergency powers of governor; termination; authorization for adjutant general; limitation</p> <ul style="list-style-type: none"> - The governor may proclaim a state of emergency which shall take effect immediately in an area affected or likely to be affected if the governor finds that circumstances meet the definition of a state of emergency - State of emergency shall terminate either by proclamation from Governor or by concurrent resolution of the legislature

<p>Arkansas</p>	<p>Ark. Code Ann. §12-75-101</p>	<p>AR Code § 12-75-103</p> <ul style="list-style-type: none"> - "Disaster" means any tornado, storm, flood, high water, earthquake, drought, fire, radiological incident, air or surface-borne toxic or other hazardous material contamination, or other catastrophe, whether caused by natural forces, enemy attack, or any other means which: <ul style="list-style-type: none"> a. In the determination of the Governor or the Director of the Arkansas Department of Emergency Management or his or her designee is or threatens to be of sufficient severity and magnitude to warrant state action or to require assistance by the state to supplement the efforts and available resources of local governments and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, and with respect to which the chief executive of any political subdivision in which the disaster occurs or threatens to occur certifies the need for state assistance and gives assurance of the local government for alleviating the damage, loss, hardship, or suffering resulting from such disaster <p>AR Code § 12-75-107</p> <ul style="list-style-type: none"> - Governor may declare emergency by executive order or proclamation if disaster has occurred or is imminent <ul style="list-style-type: none"> b. In case of a rapidly occurring disaster, Governor may verbally declare emergency until written order may be prepared - State of emergency continues until <ul style="list-style-type: none"> c. Governor terminates state of emergency by executive order or proclamation d. No state of emergency may continue for longer than 60 days unless renewed by Governor - General Assembly may terminate a state of emergency at any time
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<p>California</p>	<p>California Emergency Services Act</p>	<p>Article 2 – General Definitions</p> <ul style="list-style-type: none"> - “State of emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a “state of war emergency,” which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission. <p>Article 3 – Powers of the Governor</p> <p>Article 13 – State of Emergency</p> <ul style="list-style-type: none"> - Governor proclaims state of emergency - State of emergency may be terminated when conditions warrant by proclamation of the Governor or concurrent resolution of the legislature
<p>Colorado</p>	<p>Colorado Disaster Emergency Act (C.R.S. §24-33.5-701)</p>	<p>CO Rev Stat § 24-33.5-703 – Definitions</p> <ul style="list-style-type: none"> - "Emergency" means an unexpected event that places life or property in danger and requires an immediate response through the use of state and community resources and procedures. <p>CO Rev Stat § 24-33.5-704 – The governor and disaster emergencies – response – duties and limitations</p> <ul style="list-style-type: none"> - A disaster emergency shall be declared by executive order or proclamation of the governor if the governor finds a disaster has occurred or that this occurrence or the threat thereof is imminent. The state of disaster emergency shall continue until the governor finds that the threat of danger has passed or that the disaster has been dealt with to the extent that emergency conditions no longer exist and the governor terminates the state of disaster emergency by executive order or proclamation, but no state of disaster emergency may continue for longer than thirty days unless renewed by the governor. - The general assembly, by joint resolution, may terminate a state of disaster emergency at any time.

<p>Connecticut</p>	<p>Sections 19a-131a and 28-9 of the Connecticut General Statutes</p>	<p>Sec. 19a-131a. Declaration of public health emergency by Governor.</p> <ul style="list-style-type: none"> - In the event of a state-wide or regional public health emergency, the Governor shall make a good faith effort to inform the legislative leaders before declaring that the emergency exists - Any such declaration issued by the Governor may be disapproved and nullified by majority vote of a committee consisting of the president pro tempore of the Senate, the speaker of the House of Representatives, the majority and minority leaders of both houses of the General Assembly and the cochairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to public health. - Any declaration issued pursuant to this section may be renewed by the Governor upon its filing with the Secretary of the State and with the clerks of the House of Representatives and Senate. The renewal declaration shall state the nature of the continuing public health emergency, the political subdivisions or geographic area subject to the renewal, the conditions that have brought about the renewal declaration, the duration of the renewal declaration and the public health authority responding to the public health emergency. Any such renewal declaration issued by the Governor may be disapproved and nullified by majority vote of a committee consisting of the legislative leaders. <p>Sec. 28-9. Civil preparedness or public health emergency; Governor's powers. Modification or suspension of statutes, regulations or other requirements.</p>
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<p>Delaware</p>	<p>Title 20, Chapter 31 of the Delaware Code</p>	<p>§ 3102 Definitions.</p> <ul style="list-style-type: none"> - “Emergency” means any situation which requires efforts and capabilities to save lives or to protect property, public health and safety, or to lessen or avert the threat of a disaster in Delaware. - “State of emergency” means an emergency proclaimed pursuant to an emergency order by the Governor. All emergency orders issued under this chapter shall indicate the nature of the emergency or disaster, the area or areas threatened, and the conditions which have brought it about and may limit the order to a geographic area or specific resources. Such an emergency order may be issued in writing subsequent to its effect so long as a written log recording the dates and times of such order is maintained by DEMA. Emergency orders shall be filed with the Secretary of State. <p>§ 3115 General authority of the Governor.</p> <ul style="list-style-type: none"> - A state of emergency may be proclaimed by emergency order of the Governor upon a finding that an emergency or disaster has occurred or that such occurrence or threat of that occurrence is imminent. The state of emergency shall continue until the Governor finds that the threat or danger has passed or the emergency or disaster has been dealt with to the extent that conditions necessitating a state of emergency no longer exist and terminates the state of emergency by subsequent order. - No state of emergency can continue for more than 30 days without being renewed by the Governor. <p>§ 3116 Powers.</p>
<p>Florida</p>	<p>Article IV, Section (1)(a) of the Florida Constitution</p>	<p>SECTION 1. Governor.—</p> <p>(a) The supreme executive power shall be vested in a governor, who shall be commander-in-chief of all military forces of the state not in active service of the United States. The governor shall take care that the laws be faithfully executed, commission all officers of the state and counties, and transact all necessary business with the officers of government. The governor may require information in writing from all executive or administrative state, county or municipal officers upon any subject relating to the duties of their respective offices. The governor shall be the chief administrative officer of the state responsible for the planning and budgeting for the state.</p>

Georgia	Code Section 38-3-51	<p>Georgia Code Title 38. Military, Emergency Management, and Veterans Affairs § 38-3-51</p> <ul style="list-style-type: none">- In the event of actual or impending emergency or disaster of natural or human origin, or pandemic influenza emergency, or impending or actual enemy attack, or a public health emergency, within or affecting this state or against the United States, the Governor may declare that a state of emergency or disaster exists.- As a condition precedent to declaring that a state of emergency or disaster exists as a result of a public health emergency, the Governor shall issue a call for a special session of the General Assembly pursuant to Article V, Section II, Paragraph VII of the Constitution of Georgia, which session shall convene at 8:00 A.M. on the second day following the date of such declaration for the purpose of concurring with or terminating the public health emergency.- The state of emergency or disaster shall continue until the Governor finds that the threat or danger has passed or the emergency or disaster has been dealt with, to the extent that emergency or disaster conditions no longer exist, and terminates the state of emergency or disaster.- No state of emergency or disaster may continue for longer than 30 days unless renewed by the Governor.- The General Assembly by concurrent resolution may terminate a state of emergency or disaster at any time.
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<p>Hawaii</p>	<p>Sections 127A-2 and 127A-14, Hawaii Revised Statutes</p>	<p>§127A-2 Definitions.</p> <ul style="list-style-type: none"> - "Disaster" means any emergency, or imminent threat thereof, which results or may likely result in loss of life or property and requires, or may require, assistance from other counties or states or from the federal government. - "Emergency" means any occurrence, or imminent threat thereof, which results or may likely result in substantial injury or harm to the population or substantial damage to or loss of property. - "State of emergency" means an occurrence in any part of the State that requires efforts by state government to protect property, public health, welfare, or safety in the event of an emergency or disaster, or to reduce the threat of an emergency or disaster, or to supplement the local efforts of the county. <p>§127A-14 State of emergency.</p> <ul style="list-style-type: none"> - The governor may declare the existence of a state of emergency in the State by proclamation if the governor finds that an emergency or disaster has occurred or that there is imminent danger or threat of an emergency or disaster in any portion of the State. - The governor or mayor shall be the sole judge of the existence of the danger, threat, or circumstances giving rise to a declaration of a state of emergency in the State or a local state of emergency in the county, as applicable. - A state of emergency and a local state of emergency shall terminate automatically sixty days after the issuance of a proclamation of a state of emergency or local state of emergency, respectively, or by a separate proclamation of the governor or mayor, whichever occurs first.
<p>Idaho</p>	<p>Section 46-1008 of the Idaho Code</p>	<p>46-1008. THE GOVERNOR AND DISASTER EMERGENCIES.</p> <ul style="list-style-type: none"> - A disaster emergency shall be declared by executive order or proclamation of the governor if he finds a disaster has occurred or that the occurrence or the threat thereof is imminent - No state of disaster emergency may continue for longer than thirty (30) days unless the governor finds that it should be continued for another thirty (30) days or any part thereof. - The legislature by concurrent resolution may terminate a state of disaster emergency at any time.
<p>Illinois</p>	<p>Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7</p>	<p>Sec. 7. Emergency Powers of the Governor.</p> <ul style="list-style-type: none"> - The Governor may, by proclamation declare that a disaster exists. Upon such proclamation, the Governor shall have and may exercise for a period not to exceed 30 days the following emergency powers

<p>Indiana</p>	<p>Indiana Code §10-14-3</p>	<p>IC 10-14-3-1 "Disaster"</p> <ul style="list-style-type: none"> - "Disaster" means an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural phenomenon or human act. <p>IC 10-14-3-11 Governor; duties</p> <ul style="list-style-type: none"> - The governor has general direction and control of the agency and is responsible for carrying out this chapter. In the event of disaster or emergency beyond local control, the governor may assume direct operational control over all or any part of the emergency management functions within Indiana. <p>IC 10-14-3-12 Disaster emergency; emergency gubernatorial powers</p> <ul style="list-style-type: none"> - The governor shall declare a disaster emergency by executive order or proclamation if the governor determines that a Indiana Code 2015 disaster has occurred or that the occurrence or the threat of a disaster is imminent. The state of disaster emergency continues until the governor: (1) determines that the threat or danger has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist; and (2) terminates the state of disaster emergency by executive order or proclamation. - A state of disaster emergency may not continue for longer than thirty (30) days unless the state of disaster emergency is renewed by the governor. - The general assembly, by concurrent resolution, may terminate a state of disaster emergency at any time.
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<p>Iowa</p>	<p>Iowa Code §§29C.6(1), 135.140(6), and 135.144</p>	<p>Iowa Code §29C.6(1) Proclamation of disaster emergency by governor</p> <ul style="list-style-type: none"> - Governor may proclaim a state of disaster emergency - A state of disaster emergency shall continue for thirty days, unless sooner terminated or extended in writing by the governor. - The general assembly may, by concurrent resolution, rescind this proclamation. If the general assembly is not in session, the legislative council may, by majority vote, rescind this proclamation. <p>Iowa Code §135.140(6) Definitions</p> <ul style="list-style-type: none"> - “Public health disaster” means a state of disaster emergency proclaimed by the governor in consultation with the department pursuant to section 29C.6 for a disaster which specifically involves an imminent threat of an illness or health condition that meets any of the following conditions of paragraphs “a” and “b”: <ul style="list-style-type: none"> a. Is reasonably believed to be caused by any of the following: <ol style="list-style-type: none"> 1) Bioterrorism or other act of terrorism. 2) The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin. 3) A chemical attack or accidental release. 4) An intentional or accidental release of radioactive material. 5) A nuclear or radiological attack or accident. 6) A natural occurrence or incident, including but not limited to fire, flood, storm, drought, earthquake, tornado, or windstorm. 7) A man-made occurrence or incident, including but not limited to an attack, spill, or explosion. b. Poses a high probability of any of the following: <ol style="list-style-type: none"> 1) A large number of deaths in the affected population. 2) A large number of serious or long-term disabilities in the affected population. 3) Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of the affected population. 4) Short-term or long-term physical or behavioral health consequences to a large number of the affected population. <p>Iowa Code §135.144 Additional duties of the department related to a public health disaster.</p>
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<p>Kansas</p>	<p>Kansas Emergency Management Act, Chapter 48, Article 9</p>	<p>48-924. Disasters; responsibilities of governor; state of disaster emergency.</p> <ul style="list-style-type: none"> - The governor, upon finding that a disaster has occurred or that occurrence or the threat thereof is imminent, shall issue a proclamation declaring a state of disaster emergency. - The state of disaster emergency so declared shall continue until the governor finds that the threat or danger of disaster has passed, or the disaster has been dealt with to the extent that emergency conditions no longer exist. - No state of disaster emergency may continue for longer than 15 days unless ratified by concurrent resolution of the legislature, with the single exception that upon specific application by the governor to the state finance council and an affirmative vote of a majority of the legislative members thereof, a state of disaster emergency may be extended once for a specified period not to exceed 30 days beyond such 15-day period. - At any time, the legislature by concurrent resolution may require the governor to terminate a state of disaster emergency. <p>48-925. Powers of governor during state of disaster emergency; orders and proclamations, administered by adjutant general.</p>
<p>Kentucky</p>	<p>Chapter 39A of the Kentucky Revised Statutes</p>	<p>39A.090 Executive orders.</p> <ul style="list-style-type: none"> - The Governor may make, amend, and rescind any executive orders as deemed necessary to carry out the provisions of KRS Chapters 39A to 39F. <p>39A.100 Emergency powers of Governor and local chief executive officers.</p> <ul style="list-style-type: none"> - In the event of the occurrence or threatened or impending occurrence of any of the situations or events contemplated by KRS 39A.010, 39A.020, or 39A.030, the Governor may declare, in writing, that a state of emergency exists.
<p>Louisiana</p>	<p>Louisiana Health Emergency Powers Act, La R.S. 29:760</p>	<p>§766. Declaration of a state of public health emergency</p> <ul style="list-style-type: none"> - A state of public health emergency may be declared by executive order or proclamation of the governor, following consultation with the public health authority, if he finds a public health emergency as defined in R.S. 29:762 has occurred or the threat thereof is imminent. <p>§769. Special powers during a state of public health emergency; control of property</p>

<p>Maine</p>	<p>37-B MR.S. §742</p>	<p>§742. Emergency proclamation</p> <ul style="list-style-type: none"> - Whenever a disaster or civil emergency exists or appears imminent, the Governor shall, by oral proclamation, declare a state of emergency in the State or any section of the State. If the Governor is temporarily absent from the State or is otherwise unavailable, the next person in the State who would act as Governor if the office of the Governor were vacant may, by oral proclamation, declare the fact that a civil emergency exists or appears sufficiently imminent to activate emergency plans in any or all areas of the State. A written copy of the proclamation must be filed with the Secretary of State within 24 hours of the oral proclamation. - In the event that an order or rule issued by the Governor, pursuant to the powers granted in paragraph B, are to be in effect for longer than 90 days, the Governor shall, before the 80th day following the issuance of the order or rule, convene the Legislature. <p>§743. Termination of emergency</p> <ul style="list-style-type: none"> - Whenever the Governor is satisfied that a disaster or civil emergency no longer exists, the Governor shall terminate the emergency proclamation by another proclamation affecting the sections of the State covered by the original proclamation, or any part thereof. - No state of emergency may continue for longer than 30 days unless renewed by the Governor. - The Legislature, by joint resolution, may terminate a state of emergency at anytime.
<p>Maryland</p>	<p>Title 14 of the Public Safety Article of the Maryland Constitution</p>	<p>§ 14-3A-02. Governor's proclamation</p> <ul style="list-style-type: none"> - If the Governor determines that a catastrophic health emergency exists, the Governor may issue a proclamation under this subtitle. - The Governor shall rescind a proclamation issued under this section whenever the Governor determines that the catastrophic health emergency no longer exists. - Unless renewed, the proclamation expires 30 days after issuance. - The Governor may renew the proclamation for successive periods, each not to exceed 30 days, if the Governor determines that a catastrophic health emergency continues to exist. <p>§ 14-3A-03. Governor's orders</p>

<p>Massachusetts</p>	<p>Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws</p>	<p>Chapter 639</p> <ul style="list-style-type: none"> - §4. Powers and Duties of the Governor, Generally - §5. Proclamation of State of Emergency; Power to Seize or Possess Personal and Real Property; Awards to Owners of Seized Property. - § 7. Additional Powers of Governor During State of Emergency. <p>Section 2A: Powers of commissioner upon declaration of emergency</p> <ul style="list-style-type: none"> - Upon declaration by the governor that an emergency exists which is detrimental to the public health, the commissioner may, with the approval of the governor and the public health council, during such period of emergency, take such action and incur such liabilities as he may deem necessary to assure the maintenance of public health and the prevention of disease. - The commissioner, with the approval of the public health council, may establish procedures to be followed during such emergency to insure the continuation of essential public health services and the enforcement of the same. - Upon declaration by the governor that such emergency has terminated, all powers granted to and exercised by the commissioner under this section shall terminate.
<p>Michigan</p>	<p>Emergency Management Act, 1976 PA 390, as amended, MCL 30.403(4)</p> <p>Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31(1)</p>	<p>30.403 Responsibility of governor; executive orders, proclamations, and directives; declaration, duration, and termination of state of disaster or state of emergency; contents and dissemination of executive order or proclamation.</p> <ul style="list-style-type: none"> - The governor shall, by executive order or proclamation, declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists. The state of emergency shall continue until the governor finds that the threat or danger has passed, the emergency has been dealt with to the extent that emergency conditions no longer exist, or until the declared state of emergency has been in effect for 28 days. - After 28 days, the governor shall issue an executive order or proclamation declaring the state of emergency terminated, unless a request by the governor for an extension of the state of emergency for a specific number of days is approved by resolution of both houses of the legislature. <p>10.31 Proclamation of state of emergency; promulgation of orders, rules, and regulations; seizure of firearms, ammunition, or other weapons.</p>

Minnesota	Minnesota Statutes 2019, Section 4.035, Subdivision 2	<p>Effective date.</p> <ul style="list-style-type: none"> - An executive order issued pursuant to sections 12.31 to 12.32 or any other emergency executive order issued to protect a person from an imminent threat to health and safety shall be effective immediately and shall be filed with the secretary of state and published in the state register as soon as possible after its issuance. Emergency executive orders shall be identified as such in the order. Any other executive order shall be effective upon 15 days after its publication in the state register and filing with the secretary of state. The governor shall submit a copy of the executive order to the commissioner of administration to facilitate publication in the State Register.
Mississippi	Miss. Code Ann. §33-15-11(b) (17)	<p>§ 33-15-11. Emergency management powers of Governor</p> <ul style="list-style-type: none"> - Governor may proclaim a state of emergency when conditions described in Section 33-15-5(g) exist - The Governor shall review the need for continuing the state of emergency at least every thirty (30) days until the emergency is terminated and shall proclaim a reduction of area or the termination of the state of emergency at the earliest possible date that conditions warrant.
Missouri	Section 44.100, RSMo	<p>44.100. Emergency powers of governor.</p> <ul style="list-style-type: none"> - The existence of an emergency may be proclaimed by the governor or by resolution of the legislature - Any emergency, whether proclaimed by the governor or by the legislature, shall terminate upon the proclamation thereof by the governor, or the passage by the legislature, of a resolution terminating such emergency
Montana	Title 10, Chapter 3, MCA	<p>Part 1. General Provisions and Administration 10-3-104. General authority of governor</p> <p>Part 3. State Planning and Execution 10-3-302. Declaration of emergency -- effect and termination</p> <ul style="list-style-type: none"> - A state of emergency may be declared by the governor when the governor determines that an emergency as defined in 10-3-103 exists. - A state of emergency may not continue for longer than 30 days unless continuing conditions of the state of emergency exist, which must be determined by a declaration of an emergency by the president of the United States or by a declaration of the legislature by joint resolution of continuing conditions of the state of emergency.

Nebraska	Neb. Rev. Stat. §81-829.40	<p>81-829.40. Governor; powers and duties.</p> <ul style="list-style-type: none"> - A state of emergency proclamation shall be issued by the Governor if he or she finds that a disaster, emergency, or civil defense emergency has occurred or that the occurrence or threat thereof is imminent. - The proclamation shall continue in effect until the Governor finds that the threat or danger has passed or the disaster, emergency, or civil defense emergency has been dealt with to the extent that those conditions no longer exist and terminates the proclamation by letter of notice to such agency, the Secretary of State, and the clerks of the local governments in the area to which it applies. - The Legislature by resolution may terminate a state of emergency proclamation at any time
Nevada	Nevada Revised Statutes, Chapter 414	<p>NRS 414.060 - Powers and duties of Governor. NRS 414.070 - Additional powers of Governor during existence of state of emergency or declaration of disaster.</p> <ul style="list-style-type: none"> - A state of emergency may be declared by the Governor or by resolution of the legislature - Any such emergency or disaster, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination thereof by the Governor, or the passage by the Legislature of a resolution terminating the emergency or disaster.
New Hampshire	New Hampshire RSA 4:45	<p>4:45 State of Emergency Declaration; Powers.</p> <ul style="list-style-type: none"> - The governor shall have the power to declare a state of emergency, as defined in RSA 21-P:35, VIII, by executive order if the governor finds that a natural, technological, or man-made disaster of major proportions is imminent or has occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section. The general court shall have the same power to declare a state of emergency by concurrent resolution of the house and senate. - A state of emergency shall terminate automatically 21 days after its declaration unless it is renewed under the same procedures set forth in paragraph I of this section. The governor may, by executive order, renew a declaration of a state of emergency as many times as the governor finds is necessary to protect the safety and welfare of the inhabitants of this state. - If the governor finds that maintaining the state of emergency is no longer justified, the governor shall issue an executive order terminating the state of emergency. - The legislature may terminate a state of emergency by concurrent resolution adopted by a majority vote of each chamber.

New Jersey	N.J.S.A. 26:13-1 et seq.	<p>26:13-3 Declaration of public health emergency.</p> <ul style="list-style-type: none"> - The Governor, in consultation with the commissioner and the Director of the State Office of Emergency Management, may declare a public health emergency. - Any public health emergency declared pursuant to this act shall be terminated automatically after 30 days unless renewed by the Governor under the same standards and procedures set forth in subsection a. of this section.
New Mexico	All Hazard Emergency Management Act, NMSA 1978, §§12-10-1 through 12-10-10	<p>Section 12-10-4 - All hazard emergency management; powers of the governor.</p> <ul style="list-style-type: none"> - The governor shall have general direction and control of the activities of the homeland security and emergency management department and shall be responsible for carrying out the provisions of the All Hazard Emergency Management Act [12-10-1 to 12-10-10 NMSA 1978] and, in the event of any man-made or natural disaster causing or threatening widespread physical or economic harm that is beyond local control and requiring the resources of the state, shall exercise direction and control over any and all state forces and resources engaged in emergency operations or related all hazard emergency management functions within the state.
New York	Section 28 of Article 2-B of the Executive Law	<p>Section 28. State declaration of disaster emergency</p> <ul style="list-style-type: none"> - Whenever the governor, on his own initiative or pursuant to a request from one or more chief executives, finds that a disaster has occurred or may be imminent for which local governments are unable to respond adequately, he shall declare a disaster emergency by executive order. - Such order or orders shall remain in effect for a period not to exceed six months or until rescinded by the governor, whichever occurs first. The governor may issue additional orders to extend the state disaster emergency for additional periods not to exceed six months.
North Carolina	N.C. Gen. Stat. §§166A-19.10 and 166A-19.20	<p>§ 166A-19.10. Powers of the Governor. § 166A-19.20. Gubernatorial or legislative declaration of state of emergency.</p> <ul style="list-style-type: none"> - A state of emergency may be declared by the Governor or by a resolution of the General Assembly, if either of these finds that an emergency exists. - A state of emergency declared pursuant to this section shall expire when it is rescinded by the authority that issued it.

<p>North Dakota</p>	<p>North Dakota Century Code 37-17.1</p>	<p>37-17.1-05. The governor and disasters or emergencies – Penalty</p> <ul style="list-style-type: none"> - A disaster or emergency must be declared by executive order or proclamation of the governor if the governor determines a disaster has occurred or a state of emergency exists. The state of disaster or emergency shall continue until the governor determines that the threat of an emergency has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist. - The legislative assembly by concurrent resolution may terminate a state of disaster or emergency at any time
<p>Ohio</p>	<p>Section 5502.22 of the Ohio Revised Code</p>	<p>5502.22 Emergency management agency.</p> <p>(A) There is hereby established within the department of public safety an emergency management agency, which shall be governed under rules adopted by the director of public safety under section 5502.25 of the Revised Code. The director, with the concurrence of the governor, shall appoint an executive director, who shall be head of the emergency management agency. The executive director may appoint a chief executive assistant, executive assistants, and administrative and technical personnel within that agency as may be necessary to plan, organize, and maintain emergency management adequate to the needs of the state. The executive director shall coordinate all activities of all agencies for emergency management within the state, shall maintain liaison with similar agencies of other states and of the federal government, shall cooperate with those agencies subject to the approval of the governor, and shall develop a statewide emergency operations plan that shall meet any applicable federal requirements for such plans. The executive director shall have such additional authority, duties, and responsibilities as are prescribed by the governor and the director or provided by law in all matters relating to emergency management that may be reflected in other sections of the Revised Code. The executive director shall advise the governor and director on matters pertaining to emergency management on a regular basis.</p> <p>Whenever the disaster services agency or director is referred to or designated in any statute, rule, contract, or other document, the reference or designation shall be deemed to refer to the emergency management agency or executive director, as the case may be.</p> <p>(B) For the purposes of emergency management, the executive director, with the approval of the director, may participate in federal programs, accept grants from, and enter into cooperative agreements or contractual arrangements with any federal, state, or local department, agency, or subdivision thereof, or any other person or body politic. Whenever the duties of the emergency management agency overlap with rights or duties of other federal, state, or local departments, agencies, subdivisions, or officials, or private agencies, the executive director shall cooperate with, and not infringe upon the rights and duties of, the other public or private entities.</p> <p>Funds made available by the United States for the use of the emergency management agency shall be expended by that agency only for the purposes for which the funds were appropriated. In accepting federal funds, the emergency management agency shall abide by the terms and conditions of the grant, cooperative agreement, or contractual arrangement and shall expend the funds in accordance with the laws and regulations of the United States.</p>

Oklahoma	63 O.S. 2001, Section 683 Oklahoma Emergency Management Act of 2003	63 O.S. 2001, Section 683.8 Powers and duties of Governor 63 O.S. 2001, Section 683.9. Emergency - Additional powers of Governor. <ul style="list-style-type: none"> - The existence of an emergency must be proclaimed by the Governor through executive declaration or by the Legislature by concurrent resolution for the Governor to exercise such powers. Any emergency, whether proclaimed by the Governor or by the Legislature, may be terminated by the proclamation of the Governor or by the Legislature with a concurrent resolution terminating such emergency.
Oregon	ORS 401.165	ORS 401.165 Declaration of state of emergency <ul style="list-style-type: none"> - The Governor may declare a state of emergency by proclamation at the request of a county governing body or after determining that an emergency has occurred or is imminent.
Pennsylvania	Subsection 7301(c) of the Emergency Management Services Code, 35 Pa. C.S. § 7101	§ 7301. General authority of Governor. <ul style="list-style-type: none"> - A disaster emergency shall be declared by executive order or proclamation of the Governor upon finding that a disaster has occurred or that the occurrence or the threat of a disaster is imminent. The state of disaster emergency shall continue until the Governor finds that the threat or danger has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist and terminates the state of disaster emergency by executive order or proclamation, but no state of disaster emergency may continue for longer than 90 days unless renewed by the Governor. - The General Assembly by concurrent resolution may terminate a state of disaster emergency at any time.
Rhode Island	Title 30, Chapter 15 of the Rhode Island General Laws	§ 30-15-9. Governor's responsibilities relating to disaster emergencies. <ul style="list-style-type: none"> - A state of emergency shall be declared by executive order or proclamation of the governor if he or she finds a disaster has occurred or that this occurrence, or the threat thereof, is imminent. The state of disaster emergency shall continue until the governor finds that the threat or danger has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist and terminates the state of disaster emergency by executive order or proclamation, but no state of disaster emergency may continue for longer than thirty (30) days unless renewed by the governor. - The general assembly, by concurrent resolution, may terminate a state of disaster emergency at any time.

<p>South Carolina</p>	<p>Section 25-1-440 of the South Carolina Code of Laws</p>	<p>SC Code § 25-1-440</p> <ul style="list-style-type: none"> - The Governor may declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency, as defined in Section 44-4-130, has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation. - A declared state of emergency shall not continue for a period of more than fifteen days without the consent of the General Assembly - Prior to the declaration of a public health emergency, the Governor must consult with the Public Health Planning Committee and may consult with any public health agency and other experts as necessary. Nothing herein shall be construed to limit the Governor's authority to act without such consultation when the situation calls for prompt and timely action.
<p>South Dakota</p>	<p>SDCL 34-48A</p>	<p>34-48A-5. Authority of Governor in time of disaster, terrorist attack, or emergency.</p> <ul style="list-style-type: none"> - Governor may declare an emergency or disaster to exist in the stricken area and employ emergency management to assist local authorities to affect relief and restoration
<p>Tennessee</p>	<p>Section 58-2-107(e)(1)</p>	<p>§ 58-2-107. Emergency management powers of the governor.</p> <ul style="list-style-type: none"> - The governor shall declare a state of emergency or a disaster declaration in one (1) of two (2) ways: (A) By executive order or proclamation; or (B) By the activation of the TEMP. - (These two (2) types of threats may be declared by the governor if the governor finds an emergency has occurred or the occurrence of threat thereof is imminent. - The state of emergency shall continue until the governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and the governor terminates the state of emergency by executive order or proclamation, but no state of emergency may continue for longer than sixty (60) days unless renewed by the governor.

<p>Texas</p>	<p>Section 418.014 of the Texas Government Code</p>	<p>Section 418.014</p> <ul style="list-style-type: none"> - The governor by executive order or proclamation may declare a state of disaster if the governor finds a disaster has occurred or that the occurrence or threat of disaster is imminent. - The state of disaster continues until the governor: (1) finds that: (A) the threat or danger has passed; or (B) the disaster has been dealt with to the extent that emergency conditions no longer exist; and (2) terminates the state of disaster by executive order. - A state of disaster may not continue for more than 30 days unless renewed by the governor. - The legislature by law may terminate a state of disaster at any time.
<p>Utah</p>	<p>Disaster Response and Recovery Act – Title 53, Chapter 2a of the Utah Code Annotated 1953</p>	<p>53-2a-206. State of emergency -- Declaration -- Termination -- Commander in chief of military forces.</p> <ul style="list-style-type: none"> - A state of emergency may be declared by executive order of the governor if the governor finds a disaster has occurred or the occurrence or threat of a disaster is imminent in any area of the state in which state government assistance is required to supplement the response and recovery efforts of the affected political subdivision or political subdivisions. - A state of emergency shall continue until the governor finds the threat or danger has passed or the disaster reduced to the extent that emergency conditions no longer exist. - A state of emergency may not continue for longer than 30 days unless extended by joint resolution of the Legislature, which may also terminate a state of emergency by joint resolution at any time.
<p>Vermont</p>	<p>20 V.S.A. §§ 8, 9 and 11 and Chapter 29</p>	<p>§ 8. General powers of governor</p> <ul style="list-style-type: none"> - Governor may declare emergency through proclamation or executive order <p>§ 9 Emergency powers of Governor</p> <p>§ 11. Additional emergency powers</p> <p>§ 13. Termination of emergencies</p> <ul style="list-style-type: none"> - The governor: (1) May terminate by proclamation the emergencies provided for in sections 9 and 11 of this title; provided, however, that no emergencies shall be terminated prior to the termination of such emergency as provided in federal law. (2) May declare the state of emergency terminated in any area affected by an all-hazards event. (3) Upon receiving notice that a majority of the legislative body of a municipality affected by a natural disaster no longer desires that the state of emergency continue within its municipality, shall declare the state of emergency terminated within that particular municipality.

<p>Virginia</p>	<p>§§ 44-146.17 and 44-75.1 of the Code</p>	<p>§ 44-146.</p> <ul style="list-style-type: none"> - "State of emergency" means the condition declared by the Governor when in his judgment, the threat or actual occurrence of an emergency or a disaster in any part of the Commonwealth is of sufficient severity and magnitude to warrant disaster assistance by the Commonwealth to supplement the efforts and available resources of the several localities, and relief organizations in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby and is so declared by him. - Whenever, in the opinion of the Governor, the safety and welfare of the people of the Commonwealth require the exercise of emergency measures due to a threatened or actual disaster, he may declare a state of emergency to exist
<p>Washington</p>	<p>Chapters 38.08, 38.52 and 43.06 RCW</p>	<p>RCW 38.52.050 Governor's general powers and duties. RCW 43.06.210 Proclamations—Generally—State of emergency.</p> <ul style="list-style-type: none"> - The proclamation of a state of emergency and other proclamations or orders issued by the governor pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended shall be in writing and shall be signed by the governor and shall then be filed with the secretary of state. A proclamation of a state of emergency is effective upon the governor's signature. The governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended. The state of emergency shall cease to exist upon the issuance of a proclamation of the governor declaring its termination: PROVIDED, That the governor must terminate said state of emergency proclamation when order has been restored in the area affected. <p>RCW 43.06.220 State of emergency—Powers of governor pursuant to proclamation.</p>

<p>West Virginia</p>	<p>Section six, Article five, Chapter fifteen of the Code of West Virginia</p>	<p>§15-5-6. Emergency powers of Governor.</p> <ul style="list-style-type: none"> - The existence of a state of emergency or state of preparedness may be proclaimed by the Governor or by concurrent resolution of the Legislature if the Governor in the proclamation, or the Legislature in the resolution, finds that an attack upon the United States has occurred or is anticipated in the immediate future, or that a natural or man-made disaster of major proportions has actually occurred or is imminent within the state, or that an emergency exists or may be imminent due to a large-scale threat beyond local control, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section. - Any state of emergency or state of preparedness, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the state of emergency or state of preparedness.
<p>Wisconsin</p>	<p>Sections 323.10, 323.12 the Wisconsin Statutes</p>	<p>323.10 Declaration by governor.</p> <ul style="list-style-type: none"> - The governor may issue an executive order declaring a state of emergency for the state or any portion of the state if he or she determines that an emergency resulting from a disaster or the imminent threat of a disaster exists. If the governor determines that a public health emergency exists, he or she may issue an executive order declaring a state of emergency related to public health for the state or any portion of the state and may designate the department of health services as the lead state agency to respond to that emergency. - A state of emergency shall not exceed 60 days, unless the state of emergency is extended by joint resolution of the legislature. - The executive order may be revoked at the discretion of either the governor by executive order or the legislature by joint resolution. <p>323.12 Governor; duties and powers; out-of-state assistance.</p>
<p>Wyoming</p>	<p>Wyo. Stat. Ann. §19-13-102 and 19-13-104, 35-4-115(a)(i)</p>	<p>19-13-104. Powers of governor generally; director, office of homeland security. Title 35 - Public Health and Safety. Chapter 4 - Health Regulations Generally. Article 1 - Communicable Diseases. Section 35-4-115 - Definitions.</p> <ul style="list-style-type: none"> - "Public health emergency" means an occurrence or imminent threat of an illness or health condition caused by an epidemic or pandemic disease, a novel and highly fatal infectious agent or a biological toxin that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability. The governor shall declare when a public health emergency exists or has ended

ATTACHMENT II

Date	Governor	Category	Description
5/27/2004	Fletcher	Weather	Declaring a state of emergency due to strong spring storms producing tornados, severe thunderstorms, heavy rainfall, hail, flash flooding, mudslides and flooding that moved across the Commonwealth of Kentucky beginning on May 26, 2004
7/20/2004	Fletcher	Weather	Declaring that a state of emergency exists due to widespread severe thunderstorms occurred across central Kentucky producing heavy rainfall, damaging winds and hail, resulting in widespread damages, power outages, damages to public and private property and road closures.
9/16/2004	Fletcher	Weather	Declaring a State of Emergency due to remnants of Hurricane Ivan moving into Kentucky causing heavy amounts of rainfall as high as 5 to 10 inches across central and eastern Kentucky causing flooding, flash flooding, mud slides tornadoes, damaging winds and hail.
12/23/2004	Fletcher	Weather	Declaring a State of Emergency due to a vigorous winter storm producing heavy snow, ice, and freezing rain resulting in personal injury, stranded travelers, opening of shelters, hazardous road conditions, widespread power outages, and damages to public and private property and road closures statewide.
8/30/2005	Fletcher	Weather	Beginning on August 29, 2005 and continuing, remnants of Hurricane Katrina could potentially move across the Commonwealth of Kentucky producing heavy amounts of rainfall as high as 5 to 7 inches possibly causing flooding, flash flooding, tornadoes, mudslides, and damaging winds resulting in loss of life and personal injury, widespread damages, power outages, damages to public and private property and road closures.
11/7/2005	Fletcher	Weather	Beginning on November 5, 2005 and continuing, extreme fall storms tore across southwestern Indiana and western Kentucky producing heavy amounts of rainfall, tornadoes, and damaging winds resulting in loss of life and personal injury, widespread damages, power outages, damages to public and private property and road closures.
11/16/2005	Fletcher	Weather	Beginning on November 15, 2005 and continuing, extreme fall storms tore across western Kentucky producing heavy amounts of rainfall, tornadoes, and damaging winds resulting in loss of life and personal injury, widespread damages, power outages, damages to public and private property and road closures.
12/21/2005	Fletcher	Weather	Declaring a State of Emergency due to extreme winter storms beginning on December 8, 2005 and continuing, which tore across Kentucky threatening widespread damages, power outages, damages to public and private property and road closures.

1/4/2006	Fletcher	Weather	Beginning on January 2, 2006, and continuing, tornados and severe storms tore across Kentucky threatening widespread damages, power outages, damages to public and private property and road closures and declaring a State of Emergency.
4/3/2006	Fletcher	Weather	Beginning on April 2, 2006 and continuing, widespread severe weather across Kentucky resulted in numerous damages, power outages, damages to public and private property and road closures and declaring a State of Emergency.
9/29/2006	Fletcher	Weather	Beginning on September 22, 2006 extreme fall storms across Kentucky produced heavy amounts of rainfall, torpedoes, severe weather and damaging winds and flooding resulting in loss of life and personal injury, widespread damages, power outages, damages to public and private property and road closures and Governor Ernie Fletcher has declared a State of Emergency.
1/1/2007	Fletcher	Train Derailment	Beginning on January 16, 2007 and continuing, a train derailment in Bullitt County has resulted in evacuations, damages to public and private property and road closures, and declaring a State of Emergency exists.
2/28/2007	Fletcher	Water Shortage	Beginning on February 23, 2007 and continuing, a water emergency occurred in Knott County and the City of Hindman in the Commonwealth of Kentucky, resulting in a water shortage
3/30/2007	Fletcher	Other	Allows emergency promulgation of an amendment to administrative regulation 31 KAR 5:010E, which provides a process by which residents of Kentucky who are military personnel serving outside the United States and other residents of Kentucky residing outside of the United States can vote in the event of a runoff primary election.
4/25/2007	Fletcher	Weather	Beginning on April 14, 2007 severe weather spread across Eastern Kentucky resulting in numerous damages, flooding, mudslides, power outages, damages to public and private property, road closures and problems across the area, including, but not limited to, Floyd, Knott, Lawrence, Leslie, Martin, and Pike Counties; and declaring that a State of Emergency exists.
7/27/2007	Fletcher	Dam Failure	State of Emergency and Exigent Situation as a result of the threat of failure of the Wolf Creek Dam and the lowering of the lake elevation
10/4/2007	Fletcher	Drought	Beginning on October 4, 2007 and continuing until rescinded by further order, declaring a ban on open burning, and declaring a state of emergency exists

10/23/2007	Fletcher	Drought	Beginning in February 2007, Kentucky has experienced an exceptional and unseasonable outbreak of drought conditions, caused by higher than normal temperatures and limited rainfall and declaring that a State of Emergency exists in the Commonwealth of Kentucky
2/6/2008	S. Beshear	Weather	Beginning on Tuesday, February 5, 2008 and continuing through Wednesday, February 6, 2008, the Commonwealth was impacted by a series of intense thunderstorms and embedded tornados resulting in widespread power outages, damage to commercial and private structures and at least seven (7) fatalities confirmed by coroners, and Governor Beshear has declared a State of Emergency
4/16/2008	S. Beshear	Weather	Beginning on April 3, 2008, continuing through April 11, 2008, strong storms producing tornados, severe thunderstorms, heavy rainfall, flash flooding, mudslides, and flooding moved across the Commonwealth of Kentucky resulting in loss of life and personal injury, widespread damages, power outages, damages to public and private property and road closures.
7/7/2008	S. Beshear	Biohazard	Beginning on July 1, 2008, a biohazard was released in the Federal Prison which is located at McCreary County's Pine Knott Community within Kentucky, resulting in decontamination, biohazard identification and transport of individuals to local area hospitals.
9/15/2008	S. Beshear	Weather	Beginning on September 14, 2008, conditions within the Commonwealth of Kentucky resulting from Hurricane Ike have created a danger to public health and safety and have threatened public and private property in multiple counties statewide
10/10/2008	S. Beshear	Water Emergency	Governor Beshear orders and declares that a state of water emergency exists in Magoffin County, Kentucky within the watershed of the Licking River, from the headwaters to the intersection of the Licking River and the Morgan County line
11/12/2008	S. Beshear	Drought	State of Emergency for Damage Relief caused by Drought
1/27/2009	S. Beshear	Weather	Beginning on January 27, 2009, conditions within the Commonwealth of Kentucky resulting from a snow and ice storm have created a danger to public health and safety and have threatened public and private property in multiple counties statewide and Governor Beshear has declared that a state of emergency exists in Kentucky
2/20/2009	S. Beshear	Other	Beginning on January 10, 2009, four young duck hunters were on a boat that capsized in Marshall County in the Commonwealth of Kentucky resulting in the apparent loss of three lives, one rescue with personal injury, and the remains of the three other young hunters yet to be rescued or recovered

5/11/2009	S. Beshear	Weather	Beginning on May 8, 2009 strong storms producing tornados, severe thunderstorms, heavy rainfall, flash flooding, and generalized flooding moved across the Central and Eastern parts of the Commonwealth of Kentucky resulting in loss of life and personal injury, widespread damages, flooding, power outages, damages to public and private property and road closures and Governor Beshear has declared that a State of Emergency exists
8/11/2009	S. Beshear	Weather	Beginning on August 4, 2009, strong storms producing severe thunderstorms, heavy rainfall, flash flooding, and generalized flooding moved across north central and eastern parts of the Commonwealth of Kentucky resulting in widespread damages, flooding, power outages, damages to public and private property and road closures and Governor Beshear has declared that a State of Emergency exists in the Commonwealth of Kentucky
12/21/2009	S. Beshear	Weather	Beginning on December 18, 2009, strong winter storms producing heavy snow moved across the central and eastern parts of the Commonwealth of Kentucky resulting in broken trees, road closures, stranded motorists, power outages, flooding, and damages to public and private property and Governor Beshear has declared a State of Emergency exists in the Commonwealth of Kentucky
1/6/2010	S. Beshear	Water Shortage	Beginning on December 29, 2009 and continuing, Kentucky Emergency Management has been notified by the City of Buckhorn in Perry County that an ongoing water shortage existed and continues to exist because a major water line break, multiple subsequent leaks, water storage tanks emptying that supply the cities of Buckhorn, Hazard, and Vicco in Perry County, and most recently a frozen intake water valve which continues to stagger the availablilty of water and Governor Beshear has declared a State of Emergency exists in Perry County, Kentucky
5/3/2010	S. Beshear	Weather	Beginning on May 1, 2010, strong storms producing tornados, severe thunderstorms, heavy rainfall, flash flooding, and generalized flooding moved across the Central and Eastern parts of the Commonwealth of Kentucky resulting in loss of life and personal injury, widespread damages, flooding, power outages, damages to public property and road closures.
7/19/2010	S. Beshear	Weather	Beginning on July 17, 2010 and continuing, Kentucky Emergency Management has been notified by the County Judge Executives of Pike and Shelby Counties that a devastating flash flood occurred in those counties resulting in loss of life, the loss and damage of property and caused significant impact to county infrastructure and Governor Beshear has declared that a State of Emergency does exist in those counties.

7/21/2010	S. Beshear	Weather	Beginning on July 20, 2010 and continuing, Kentucky Emergency Management has been notified by local emergency management officials in Carter, Fleming, Lewis, and Rowan Counties that severe storms and devastating floods occurred in those counties that resulted in the loss and damage of public and private property and which caused significant impact to county infrastructure and Governor Beshear has declared a State of Emergency exists in these affected areas.
11/4/2010	S. Beshear	Drought	Beginning in June 2010, a large portion of Kentucky has experienced an exceptional and unseasonable outbreak of drought conditions, caused by higher than normal temperatures and limited rainfall and so continues today and Governor Beshear declares that a state of emergency exists
4/25/2011	S. Beshear	Weather	Beginning on April 22, 2011 and continuing, strong spring storms that included torrential rains and wind moved across the Commonwealth, creating dangerous conditions, flooding, downed trees, debris and damage to public and private structures, which are beyond the capacity of local jurisdictions to manage and Governor Beshear has declared that a State of Emergency exists
6/21/2011	S. Beshear	Weather	Beginning on June 19, 2011 and continuing, a strong storm that included heavy rain, flash flooding, hail, and wind moved across the eastern part of the Commonwealth creating dangerous conditions, damage to public and private structures, which are beyond the capacity of local jurisdictions to manage and Governor Beshear has declared that a State of Emergency exists
9/9/2011	S. Beshear	Drought	The United States Secretary of Agriculture has designated several areas in the southwestern part of the United States as disaster areas due to continuing drought and high temperature conditions and Governor Beshear has declared that a State of Emergency exists.
2/6/2012	S. Beshear	Water Shortage	On February 1, 2012 and continuing, a complete water loss of the public water system in Green Hills and Bledsoe communities of Harlan County and the Green Hills Supply District experienced a complete failure of the public water supply resulting in approximately 500 customers being without water for approximately 10 days and the failure affects approximately 1500 people in the Green Hills and Bledsoe communities of Harlan County and Governor Beshear does hereby declare that a State of Emergency exists within Harlan County.
2/24/2012	S. Beshear	Other	On January 26, 2012, a vessel specifically designed for inland navigation and in operation upon the Kentucky Lake reservoir of the Tennessee River collided with the e span of the Egner's Ferry Bridge in Trigg County, Kentucky and Governor Beshear has declared that a State of Emergency exists in the areas impacted

3/3/2012	S. Beshear	Weather	Beginning on March 2, 2012 and continuing, an ongoing severe weather system consisting of hurricane force winds, super cells, tornadoes, flash flooding and significant initial reports of damage continue to endanger public health and safety with potential threats to public and private property and Governor Beshear has declared that a State of Emergency exists
6/27/2012	S. Beshear	Drought	Beginning in March 2012, a large portion of Kentucky has experienced an exceptional and unseasonable outbreak of drought conditions and Governor Beshear has declared that a state of emergency does exist
10/29/2012	S. Beshear	Weather	Hurricane Sandy has caused an emergency of national scope and the Commonwealth of Kentucky has been requested to render mutual aid to assist federal and state disaster response and Governor Beshear has declared that a state of emergency exists in the Commonwealth of Kentucky in order to adequately respond to the emergency situation caused by Hurricane Sandy
4/25/2013	S. Beshear	Weather	Beginning on April 15, 2013, and continuing, a strong storm system that included heavy rain, severe wind, hail, flash flooding, and flooding moved across the Commonwealth creating dangerous conditions and damage to public and private structures, which are beyond the capacity of local jurisdictions to manage and Governor Beshear has declared that a State of Emergency exists
2/17/2015	S. Beshear	Weather	Beginning February 15, 2015, and continuing, a severe winter storm with significant snowfall accumulations, bitterly cold air and sub zero wind chills began tracking across the Commonwealth, with severe impacts to infrastructure, governmental properties, and private properties; and these conditions continue to endanger public health and safety and Governor Beshear has declared that a State of Emergency exists
3/6/2015	S. Beshear	Weather	Beginning March 3, 2015, and continuing, a severe winter storm with heavy rain, flooding, ice, sleet, significant snowfall accumulations, strong winds, bitterly cold air, and sub zero wind chills began tracking across the Commonwealth, with severe impacts to infrastructure, governmental properties, and private properties and Governor Beshear has declared that a State of Emergency exists
4/6/2015	S. Beshear	Weather	Beginning on April 2, 2015, and continuing, a severe series of storm fronts with heavy rain, flash flooding, flooding, strong winds, and hail began tracking across the Commonwealth, causing deaths and resulting in severe impacts to infrastructure, governmental properties, and private properties and Governor Beshear has declared that a State of Emergency does exist

7/14/2015	S. Beshear	Weather	Beginning on July 13, 2015 and continuing, a series of severe storms with heavy rain, flash flooding, flooding, strong winds, straight line winds, and damaging hail began tracking across the entire Commonwealth, causing injuries and deaths and resulting in severe impacts to infrastructure, governmental properties, and private properties and Governor Beshear has declared that a State of Emergency does exist
1/25/2016	Bevin	Weather	Beginning on January 11, 2016, and continuing, a severe series of winter events with arctic air, rain, sleet, ice, protracted snowfall, wind gusting, and drifting snow began tracking across the entire Commonwealth, resulting in deaths and severe impacts to infrastructure, governmental properties, and private properties and Governor Bevin has declared that a State of Emergency does exist
7/8/2016	Bevin	Weather	On July 3, 2016, and continuing, a severe storm system with wind, rain, torrential rain, hail, severe wind gusting, and tornadoes, began tracking across the entire Commonwealth, resulting in, and having the potential to further cause, injuries and major impacts to infrastructure, governmental properties, and private properties and Governor Bevin has declared that a State of Emergency does exist
11/3/2016	Bevin	Drought	Beginning October 27, 2016, and continuing, draught conditions intensified across the Commonwealth, resulting in increased threats of wildfires and Governor Bevin declares that a State of Emergency does exist
12/22/2016	Bevin	Other	Governor Bevin does declare that a State of Emergency does exist in Montgomery County due to arsenic at extremely high levels within the proximity of several residential properties
3/6/2017	Bevin	Weather	On February 28 and March 1, 2017, a severe storm system with wind, rain, torrential rain, hail, severe wind gusting, straight-line winds, flash flooding, and tornadoes tracked across the entire Commonwealth, resulting in injuries and major impacts to infrastructure, governmental properties, commercial properties, agricultural production, and private properties; and Gov. Bevin has declared that a State of Emergency exists
2/26/2018	Bevin	Weather	Beginning on February 9 and continuing, the Commonwealth has experienced several prolonged episodes of severe storms across the entire state, producing heavy rain, strong wind gusting, causing flooding, flash flooding, landslides, and mudslides, resulting in injuries and major impacts to infrastructure, governmental properties, commercial properties, agricultural production, and private properties, these conditions prevail as of this date and Governor Bevin has declared that a State of Emergency exists

2/25/2019	Bevin	Weather	Beginning on February 6, 2019, and continuing, the Commonwealth has experienced prolonged episodes of severe storms producing heavy rain, strong and gusting wind, flooding, flash flooding, landslides, and mudslides across the entire Commonwealth and Governor Bevin has declared that a state of emergency exists
2/7/2020	A. Beshear	Weather	Declaring a State of Emergency due to a recent weather system generating heavy rain tracked across the Commonwealth, causing flash flooding, flooding and landslides resulting in severe impacts to infrastructure, governmental properties, and private properties.
3/10/2020	A. Beshear	COVID-19	Declaring a State of Emergency and do hereby order and direct the issuance of appropriate state resources of the Kentucky National Guard and other logistical support necessary for an immediate response to the novel coronavirus (COVID-19) emergency in the Commonwealth. This Order shall be in effect for the duration of the State of Emergency herein referenced, or until this Executive Order is rescinded by further order or by operation of law.

ATTACHMENT III



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-215

March 6, 2020

STATE OF EMERGENCY

WHEREAS, On January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for the novel coronavirus (COVID-19), beginning on January 27, 2020; and

WHEREAS, there are numerous confirmed lab cases of COVID-19 throughout the United States; and

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person; and

WHEREAS, the CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as "high", and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and

WHEREAS, the World Health Organization currently indicates there are 98,192 confirmed cases of COVID-19 worldwide, and the CDC currently indicates that 164 of those cases are in the United States; and

WHEREAS, the planning and preparedness of all state and local agencies for a COVID-19 public health emergency in the Commonwealth is a concern to all Kentuckians; and

WHEREAS, the Kentucky Department of Emergency Management has special personnel and equipment resources to assist the state and local authorities in the protection of life, public health and safety, to promote the public welfare, to prevent undue loss and suffering, and to mitigate the effects of such an event; and

WHEREAS, the Kentucky Department of Public Health has specially trained personnel and resources to assist the state and local authorities in the protection of life, public health and safety, through coordinating a response to this emergency; and

WHEREAS, it is both appropriate and desirable to combine the resources of the Kentucky Department of Emergency Management and the Kentucky Department of Public Health in joint operations with selected federal, state and local agencies to attain the maximum effective response to the circumstances described herein;

CLARA GLEASON
STATE GOVERNOR
VOLUNTARILY RELEASED 1/2020



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by Chapter 39A of the Kentucky Revised Statutes, declare that a State of Emergency exists in the Commonwealth of Kentucky and do hereby order and direct the issuance of appropriate state active duty orders for the necessary officers, troops, personnel, equipment, including the resources of the Kentucky National Guard and other logistical support necessary for an immediate response to the novel coronavirus (COVID-19) emergency in the Commonwealth. I further order and direct as follows:

1. The Division of Emergency Management within the Department of Military Affairs and the Kentucky Department of Public Health shall coordinate the response and relief activities of all state agencies and private relief organizations in response to the COVID-19 emergency described herein.
2. The Division of Emergency Management within the Department of Military Affairs shall execute the Kentucky Emergency Operations Plan and, from the Kentucky Emergency Operations Center, shall coordinate the relief and response activities of all state agencies and private relief organizations in response to this emergency.
3. The Adjutant General is authorized to issue active duty orders for the mobilization of such National Guard personnel and equipment as he may determine to protect life and safety, to continue essential public services, and to prevent undue loss and suffering.
4. The Division of Emergency Management is authorized to request assistance, federal, state, local, private sector, volunteer, and donated resources as may be available to minimize human suffering and to restore essential services to the general population and to assist state and local governments and individuals impacted by this emergency.
5. The Finance and Administration Cabinet is directed to provide assistance with incident resource management, procurements, and contracting and to fund the urgent operational and/or response of the Division of Emergency Management and the unbudgeted expenditures and obligations of other state agencies that are incurred in response and recovery from this emergency incident and in executing the provisions of this Executive Order.
6. The Kentucky Department of Public Health and all other state agencies shall provide sufficient personnel required for the staffing of the Kentucky Emergency Operations Center or other command, control, and coordination points as may be designated by the Division of Emergency Management's Director and shall provide such personnel, vehicles, equipment, and other resources needed to protect life and property and to ensure continuation, restoration, and recovery of essential public services.



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

7. The Kentucky Office of Homeland Security ("KOHS") shall provide information to individuals and private organizations, including volunteer and religious organizations, regarding how they can best prepare for and respond to the COVID-19 emergency described herein and whom to contact to volunteer help or services. Further, the KOHS shall specifically identify and encourage private organizations to commit to provide food, shelter, personnel, equipment, materials, consultation, and advice, or other services needed to respond to the COVID-19 emergency. Additionally, the KOHS shall coordinate its efforts with the federal Department of Homeland Security, as necessary, and administer the Kentucky Intelligence Fusion Center to facilitate information sharing about COVID-19 among public safety and public service agencies at the federal, state, and local levels, as well as the private sector.

This order is effective March 6, 2020.



Michael G. Adams
MICHAEL G. ADAMS
Secretary of State



ANDY BESHEAR, Governor
Commonwealth of Kentucky

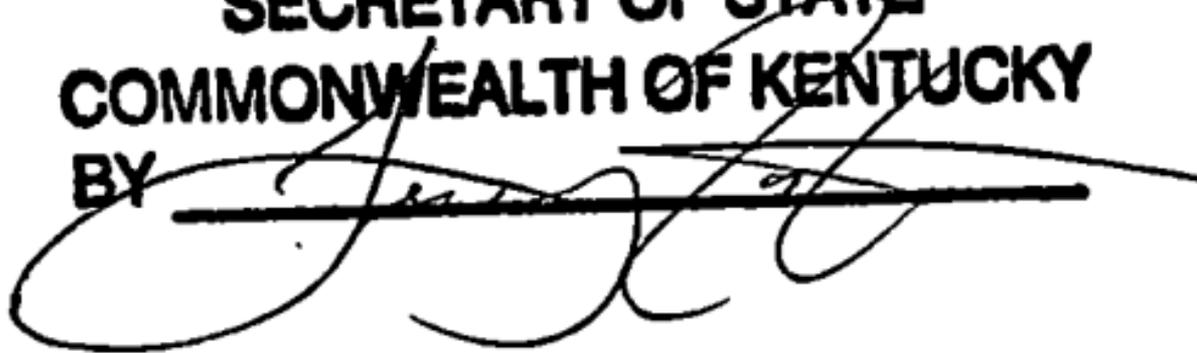
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DATE

3/6/2020

**MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY**

BY

A large, stylized handwritten signature in black ink is written over a horizontal line. The signature is cursive and appears to read "Michael G. Adams".

ATTACHMENT IV

39A.100 Emergency powers of Governor and local chief executive officers.

- (1) In the event of the occurrence or threatened or impending occurrence of any of the situations or events contemplated by KRS 39A.010, 39A.020, or 39A.030, the Governor may declare, in writing, that a state of emergency exists. The Governor shall have and may exercise the following emergency powers during the period in which the state of emergency exists:
 - (a) To enforce all laws, and administrative regulations relating to disaster and emergency response and to assume direct operational control of all disaster and emergency response forces and activities in the Commonwealth;
 - (b) To require state agencies and to request local governments, local agencies, and special districts to respond to the emergency or disaster in the manner directed;
 - (c) To seize, take, or condemn property, excluding firearms and ammunition, components of firearms and ammunition, or a combination thereof, for the protection of the public or at the request of the President, the Armed Forces, or the Federal Emergency Management Agency of the United States, including:
 1. All means of transportation and communication;
 2. All stocks of fuel of whatever nature;
 3. Food, clothing, equipment, materials, medicines, and all supplies; and
 4. Facilities, including buildings and plants;
 - (d) To sell, lend, give, or distribute any of the property under paragraph (c) of this subsection among the inhabitants of the Commonwealth and to account to the State Treasurer for any funds received for the property;
 - (e) To make compensation for the property seized, taken, or condemned under paragraph (c) of this subsection;
 - (f) To exclude all nonessential, unauthorized, disruptive, or otherwise uncooperative personnel from the scene of the emergency, and to command those persons or groups assembled at the scene to disperse. A person who refuses to leave an area in which a written order of evacuation has been issued in accordance with a written declaration of emergency or a disaster may be forcibly removed to a place of safety or shelter, or may, if this is resisted, be arrested by a peace officer. Forcible removal or arrest shall not be exercised as options until all reasonable efforts for voluntary compliance have been exhausted;
 - (g) To declare curfews and establish their limits;
 - (h) To prohibit or limit the sale or consumption of goods, excluding firearms and ammunition, components of firearms and ammunition, or a combination thereof, or commodities for the duration of the emergency;
 - (i) To grant emergency authority to pharmacists pursuant to KRS 315.500, for the duration of the emergency;
 - (j) Except as prohibited by this section or other law, to perform and exercise

other functions, powers, and duties deemed necessary to promote and secure the safety and protection of the civilian population;

- (k) To request any assistance from agencies of the United States as necessary and appropriate to meet the needs of the people of the Commonwealth; and
 - (l) Upon the recommendation of the Secretary of State, to declare by executive order a different time or place for holding elections in an election area for which a state of emergency has been declared for part or all of the election area. The election shall be held within thirty-five (35) days from the date of the suspended or delayed election. The State Board of Elections shall establish procedures for election officials to follow.
- (2) In the event of the occurrence or threatened or impending occurrence of any of the situations or events contemplated by KRS 39A.010, 39A.020, or 39A.030, which in the judgment of a local chief executive officer is of such severity or complexity as to require the exercise of extraordinary emergency measures, the county judge/executive of a county other than an urban-county government, or mayor of a city or urban-county government, or chief executive of other local governments or their designees as provided by ordinance of the affected county, city, or urban-county may declare in writing that a state of emergency exists, and thereafter, subject to any orders of the Governor, shall have and may exercise for the period as the state of emergency exists or continues, the following emergency powers:
- (a) To enforce all laws and administrative regulations relating to disaster and emergency response and to direct all local disaster and emergency response forces and operations in the affected county, city, urban-county, or charter county;
 - (b) To exclude all nonessential, unauthorized, disruptive, or uncooperative personnel from the scene of the emergency, and to command persons or groups of persons at the scene to disperse. A person who refuses to leave an area in which a written order of evacuation has been issued in accordance with a written declaration of emergency or a disaster may be forcibly removed to a place of safety or shelter, or may, if this is resisted, be arrested by a peace officer. Forcible removal or arrest shall not be exercised as options until all reasonable efforts for voluntary compliance have been exhausted;
 - (c) To declare curfews and establish their limits;
 - (d) To order immediate purchase or rental of, contract for, or otherwise procure, without regard to procurement codes or budget requirements, the goods and services essential for protection of public health and safety or to maintain or to restore essential public services; and
 - (e) To request emergency assistance from any local government or special district and, through the Governor, to request emergency assistance from any state agency and to initiate requests for federal assistance as are necessary for protection of public health and safety or for continuation of essential public services.
- (3) Nothing in this section shall be construed to allow any governmental entity to

impose additional restrictions on the lawful possession, transfer, sale, transport, carrying, storage, display, or use of firearms and ammunition or components of firearms and ammunition.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 22, sec. 3, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 7, sec. 1, effective March 8, 2006; and ch. 240, sec. 10, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 91, sec. 1, effective June 20, 2005. -- Created 1998 Ky. Acts ch. 226, sec. 9, effective July 15, 1998.