

39A.090 Executive actions -- Time limit on directives issued by Governor -- Extensions and modifications -- Approval and termination by General Assembly -- Waiver of immunity.

- (1) The Governor may make, amend, and rescind any executive actions as deemed necessary to carry out the provisions of KRS Chapters 39A to 39F.
 - (2) (a) Executive orders, administrative regulations, or other directives issued under this chapter by the Governor shall be in effect no longer than thirty (30) days unless an extension, modification, or termination is approved by the General Assembly prior to the extension of any executive order or directive that:
 1. Places restrictions on the in-person meeting or places restrictions on the functioning of the following:
 - a. Elementary, secondary, or postsecondary educational institutions;
 - b. Private businesses or nonprofit organizations;
 - c. Political, religious, or social gatherings;
 - d. Places of worship; or
 - e. Local governments; or
 2. Imposes mandatory quarantine or isolation requirements.
 - (b) All other executive orders, administrative regulations, or directives that are not described in paragraph (a) of this subsection may exceed thirty (30) days if requested by a chief executive officer or a legislative body of a local government only for that local government and only for the period of time requested by the chief executive officer or a legislative body. The chief executive officer or a legislative body may make a written request for extensions or early termination of the executive order.
- (3) Upon the expiration of an executive order or other directive described in subsection (2)(a) of this section declaring an emergency or other implementation of powers under this chapter, the Governor shall not declare a new emergency or continue to implement any of the powers enumerated in this chapter based upon the same or substantially similar facts and circumstances as the original declaration or implementation without the prior approval of the General Assembly.
 - (4) The General Assembly, by joint resolution, may terminate a declaration of emergency at any time.
 - (5) The Commonwealth waives immunity for prospective equitable and declaratory relief only, under the Eleventh Amendment to the Constitution of the United States for cases brought against it in federal jurisdictions pursuant to KRS 446.350 during emergencies declared under KRS Chapters 39A to 39F. No award of monetary damages, costs, or attorney fees is waived or authorized under this subsection.

Effective: April 11, 2021

History: Amended 2021 Ky. Acts ch. 6, sec. 2, effective February 2, 2021; and ch. 205, sec. 4, effective April 11, 2021. -- Created 1998 Ky. Acts ch. 226, sec. 8, effective July 15, 1998.

Legislative Research Commission Note (4/11/2021). This statute was amended

by 2021 Ky. Acts. chs. 6 and 205, which do not appear to be in conflict and have been codified together.