

**General Assembly Process and Alternatives for Action on
Executive Orders Nos. 05-17, 06-17, and 07-17**

A. Reorganization by Executive Order—Process

- Under 3 V.S.A. § 2001, the Governor may make changes in the organization of the Executive Branch or in the assignment of functions among its units as he or she considers necessary for efficient administration.
- Under 3 V.S.A. § 2002, the Governor may propose by Executive Order changes in the organization of the Executive Branch of government which are not consistent with or will supersede existing organization provided for by law.
 - The Executive Order shall be submitted to both houses of the General Assembly.
 - A reorganization Executive Order must be presented to the General Assembly by January 15th of the year in which the General Assembly sits.
- The Executive Order shall become effective unless disapproved by resolution of either the House or the Senate within 90 days, or before final adjournment of that annual session, whichever comes first.
 - A reorganization Executive Order that becomes effective shall be printed with the session laws and published as an appendix to the Vermont Statutes Annotated.
- If a reorganization order becomes effective, there are limitations or provisions regarding staff and appropriations when the order is implemented.
 - New agencies, departments, and divisions shall be staffed so far as possible by personnel from those agencies, departments, or divisions which are integrated in, consolidated with, or transferred to the new units or whose functions in whole or in part are transferred to those new units.
 - Upon the transfer of personnel or any function of any agency, department, or any division, the Governor may transfer or reallocate in whole or in part the appropriations affected to the unit of government to which the function or personnel were transferred consistent with the purpose for which the appropriations were made.
 - This transfer or reallocation is implemented by Executive Order.

B. Alternatives for Legislative Action¹

1. Both Bodies Take No Action—Order Effective

- 3 V.S.A. § 2002 provides that the Executive Order shall become effective unless disapproved by resolution of either the House or the Senate within 90 days, or before final adjournment of that annual session, whichever comes first.
- If no disapproval within 90 days, the Order would be effective.

2. Both Bodies Approve the Executive Order—Order Effective

- Although statute provides that the Executive Order goes into effect unless disapproved, both Bodies could each adopt a resolution within 90 days affirmatively approving the Executive Order.

3. One Body Approves the Executive Order and One Body Takes No Action—Order Effective

- As a variant on the two options above, one Body could affirmatively approve within 90 days and the other Body could take no action within 90 days.
- There would be no “disapproval” within 90 days, and the Order would be effective.

4. One Body Disapproves the Executive Order—Order Not Effective

- If one Body disapproves of the Executive Order by resolution within 90 days, the Order is not effective.
- Resolution need only be a short House or Senate Resolution disapproving of the Order. The Body may or may not provide a basis for the disapproval.

5. Both Bodies Disapprove of the Executive Order—Order Not Effective

- Only one House must disapprove by resolution for the Order to not be effective. However, both Houses could disapprove by resolution.

6. One Body Disapproves, Seeks Legislative Compromise—Order Not Effective; Some Results

- One body may object of certain aspects of an Order, but see merit in other aspects of the Order.
- However, the Governor cannot amend the Orders at this point. Statute requires that they be submitted by January 15—a revised Order would be a new order beyond the deadline.
- Thus, a body could disapprove the Order by resolution, but introduce a bill seeking legislative compromise.
- As legislation, both bodies and the Governor would need to act to enact.

¹ This memo only summarizes legislative alternatives. The Governor also has an option of rescinding, revoking, or withdrawing the Executive Orders prior to 90 days.