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COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

Andy Beshear
GOVERNOR

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VETO MESSAGE FROM THE
GOVERNOR OF THE COMMONWEALTH OF KENTUCKY
REGARDING SENATE BILL 1 OF THE
2021 REGULAR SESSION

I, Andy Beshear, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under section 88 of the Kentucky Constitution, do hereby veto the following:

Senate Bill 1 of the 2021 Regular Session of the General Assembly in its entirety.

I am vetoing Senate Bill 1 because it unconstitutionally interferes with the Governor's power and responsibility to confront emergencies. It would severely limit Kentucky's ability to respond to emergencies like this pandemic, putting lives at risk.

Senate Bill 1 attempts to limit all emergency orders that restrict certain in-person activities to thirty days, unless the General Assembly approves the extension. This limitation would prevent state government from responding to future disease outbreaks and many other emergencies unless the General Assembly is called to special session and passes approving legislation within thirty days.

That is not workable. Emergencies call for flexibility, which is why the power to respond to emergencies rests with the executive branch. It is also not constitutional. The Governor is charged with responding to emergencies under Kentucky's Constitution. By attempting to limit the duration of emergencies, the General Assembly is intruding on the Governor's executive power in violation of the Constitution.

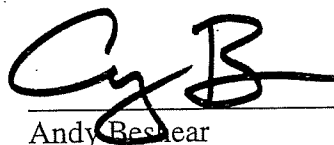
Senate Bill 1 also violates the Constitution by allowing the General Assembly to exercise power outside of session and forcing the Governor to call it back into session in the event of an emergency. Our General Assembly is a part-time, citizen legislature. When it is out of session, it ceases to exist. The Framers of our Constitution wisely imposed these limits to check legislative abuses. This bill attempts to circumvent those limits by forcing the Governor to call the General Assembly into session in order to respond to emergencies. The General Assembly cannot try to accomplish by statute that which the Constitution prohibits.

I am also vetoing Senate Bill 1 because it limits all other emergency orders to thirty days unless a local judge-executive requests an extension. As this pandemic has shown, and as the Kentucky Supreme Court has recognized, a coordinated statewide response to certain emergencies is

essential. Natural emergencies do not respect county lines. Moreover, this provision is unconstitutional. The Governor exercises the supreme executive power of the Commonwealth. That power cannot be subject to the approval of local officials.

Finally, Senate Bill 1 is unconstitutional because it provides an inferior executive officer – the Attorney General – the power to approve or disapprove the Governor’s decision to suspend laws. The supreme executive power rests in the Governor. The Attorney General may advise the Governor, but he cannot override the Governor’s decision to suspend laws if needed in response to an emergency.

This the 19th day of January, 2021.

A handwritten signature in black ink, appearing to read 'CyB', written over a horizontal line.

Andy Beshear
Governor