



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE GOVERNOR

Andy Beshear  
GOVERNOR

RECEIVED

MAR 26 2021

House Clerk's  
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**VETO MESSAGES FROM THE**  
**GOVERNOR OF THE COMMONWEALTH OF KENTUCKY**  
**REGARDING HOUSE BILL 405 OF THE**  
**2021 REGULAR SESSION**

**Section 8. American Rescue Plan Appropriation to Justice Administration**

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

Page 12, lines 25 through 27, in their entirety.

Page 13, lines 1 through 17, in their entirety.

*I am vetoing this part because it may not be an allowable expenditure and presumes a specific type of eligible use of funding from the American Rescue Plan Act that is not yet known. Guidance has not yet been received from the federal agencies that will award funds to the Commonwealth on this type of specific eligible use. This part could require the administration to do something that violates the American Rescue Plan Act, which would result in a forfeiture of those funds by the Commonwealth.*

**Section 10. American Rescue Plan Appropriation to Attorney General**

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

Page 14, lines 7 through 15, in their entirety.

*I am vetoing this part because it may not be an allowable expenditure and presumes a specific type of eligible use of funding from the American Rescue Plan Act that is not yet known. Guidance has not yet been received from the federal agencies that will award funds to the Commonwealth on this type of specific eligible use. This part could require the administration to do something that violates the American Rescue Plan Act, which would result in a forfeiture of those funds by the Commonwealth.*

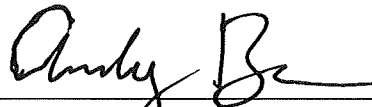
**Section 11. America (sic) Rescue Plan Act**

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

Page 14, lines 16 through 21, in their entirety.

*I am vetoing this part even though its legal effect is null, as the statute that permits the appropriation of unbudgeted federal funds, KRS 48.630, is not suspended by this provision, and therefore, remains in force. The legislative branch has one means of providing "express authority", that is through legislation; in this case through KRS 48.630. Furthermore, the American Rescue Plan Act contains federal funding for about 30 programs that will provide funding to and through Kentucky state government. This includes funding for education, higher education, public health, rental assistance, child care, mental health, services to older Americans, utility bill assistance, and others. These funds are categorical in that there are specific, eligible uses that are not subject to different disposition and need not be delayed in providing the ability to spend them, as this provision intends. In certain programs, the subrecipients, as with local school districts, choose which eligible uses the funds will be directed, not the State. As the recipient of these federal funds, the Commonwealth needs to carry out the services and activities required by each program in a timely manner.*

This the 26<sup>th</sup> day of March, 2021.



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Andy Beshear  
Governor