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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 2 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 2 of the 2021 Regular Session of the General Assembly in its entirety.

I am vetoing Senate Bill 2 because it is unconstitutional. Senate Bill 2 attempts to authorize binding decisions by interim legislative committees by removing the word "nonbinding" from the language of the current provision of KRS Chapter 13A related to the interim Administrative Regulation Review Subcommittee. Senate Bill 2 is further unconstitutional because it attempts to allow interim legislative committees to amend regulations with the force of law. Senate Bill 2 is also unconstitutional in attempting to limit the authority of the Cabinet for Health and Family Services to promulgate any administrative regulations under KRS Chapter 214 to address infectious and contagious diseases in the Commonwealth by making any such administrative regulations effective for only 30 days as to certain entities. Senate Bill 2 violates the limitations placed on the General Assembly under the Kentucky Constitution and Legislative Research Commission, By and Through Joseph W. Prather v. Brown, 664 S.W.2d 907 (Ky. 1984), and violates the separation of powers under Sections 27 and 28 of the Kentucky Constitution and Brown v. Barkley, 628 S.W.2d 616 (Ky. 1982).

This the 19th day of January, 2021.

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

Andy Beshear
Governor