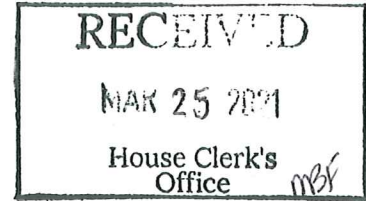




COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR



Andy Beshear
GOVERNOR

Capitol Building, Suite 100
700 Capitol Avenue
Frankfort, KY 40601
(502) 564-2611
Fax: (502) 564-2517

VETO MESSAGE FROM THE
GOVERNOR OF THE COMMONWEALTH OF KENTUCKY
REGARDING HOUSE JOINT RESOLUTION 77 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:

House Joint Resolution 77 of the 2021 Regular Session of the General Assembly in its entirety.

I am vetoing House Joint Resolution 77 because it is a surrender in what I hope are the waning months of the COVID-19 pandemic when victory is in sight. It is also unconstitutional and may violate a court injunction.

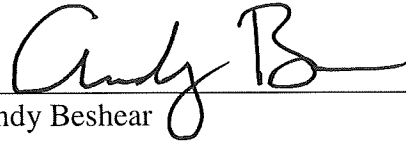
The General Assembly has no authority to extend, modify or terminate executive orders, administrative regulations or directives issued to slow the spread of COVID-19 and mitigate the consequences of its spread in order to protect our economy and public health. This authority – as held by the Kentucky Supreme Court - lies with the executive branch. Accordingly, House Joint Resolution 77 violates the separation of powers promised by the Kentucky Constitution.

House Joint Resolution 77 relies on power the General Assembly attempted to provide itself through Senate Bill 1 and Senate Bill 2 of the 2021 Regular Session of the General Assembly. But Senate Bill 1 and Senate Bill 2 are also unconstitutional violations of the separation of powers and enforcement of those bills is currently enjoined by order of the Franklin Circuit Court.

Aside from the constitutional infirmity, House Joint Resolution 77 would create a chaotic, haphazard public health response to the COVID-19 pandemic resulting in a public health catastrophe. For example, it does not seek to extend the Governor's executive order requiring facial coverings in public settings or orders limiting capacity in indoor public spaces. Additionally, it sets arbitrary deadlines for the expiration of other public health measures. Such a response would create confusion amongst the public as to what public health measures were in

place and, ultimately, lead to increased spread of the disease and delay the Commonwealth's ability to put an end to the COVID-19 state of emergency.

This the 25th day of March, 2021.

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

Andy Beshear
Governor