

Proclamation

by

Andy Beshear
Governor

of the

Commonwealth of Kentucky



To All To Whom These Presents Shall Come:

The novel coronavirus (COVID-19) is a respiratory disease that has contributed to the deaths of nearly 642,000 Americans and 7,821 Kentuckians over the past 18 months.

Under the powers provided by the Kentucky Constitution and Kentucky Revised Statutes, including KRS Chapter 39A, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth.

New cases of and hospitalizations for COVID-19 continue to increase in the United States and Kentucky at the fastest rate of growth of the pandemic because of the transmission of the highly contagious SARS-CoV-2 Delta variant. According to the Centers for Disease Control and Prevention ("CDC"), the Delta variant is nearly twice as contagious as previous COVID-19 variants, and fully vaccinated people with Delta variant breakthrough infections can spread the virus to others. Further, per the CDC, on August 30 Kentucky had averaged more than 4,000 cases a day in the prior seven days, equaling approximately 28,000 for the week, and the United States had averaged more than 150,000 new cases a day. With each day, Kentucky reports its highest number of hospitalizations due to COVID-19 of the entire pandemic, with 2,267 patients reported on September 1, 2021, 644 of these in the ICU and 410 fighting for their lives on ventilators. That same day, Kentucky reported 4,942 new cases of the virus, including 1,560 new cases in children age 18 and under, and 12 new deaths. On September 2, Kentucky reported 5,457 new COVID-19 cases – 1,774 new cases in those age 18 and under – and

45 deaths, with 2,315 people hospitalized with COVID-19, 620 patients in the ICU and 408 on ventilators. The Commonwealth currently has a 13.29% positivity rate.

Merely two months ago, on July 1, 2021, Kentucky reported only 215 new cases of COVID-19 – 47 of which were for those age 18 and under – and three deaths, 201 hospitalizations, 55 patients in the ICU, 25 patients on ventilators, and a positivity rate of 1.99%.

As of August 26, 2021, the American Academy of Pediatrics reported nearly 4.8 million children had tested positive for COVID-19 and about 204,000 cases in children were reported that past week, which marked the second week with child cases at the level of the winter surge of 2020-21. COVID-19 cases in children has skyrocketed, with a five-fold increase the past month. The CDC reported that in August 2021 52,963 children age 17 and under were hospitalized due to COVID-19, with a seven-day average of 350 hospitalizations, up 12.4% from 311 hospitalizations averaged the prior week.

Vaccines and other public health interventions, such as facial coverings, can curb the surge of cases, and federal officials, governors and local officials are taking steps to require or encourage vaccinations and facial coverings.

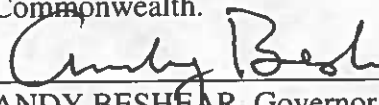
The State of Emergency continues in the Commonwealth.

NOW, THEREFORE, pursuant to the power vested in me under Section 80 of the Constitution of the Commonwealth of Kentucky, I, Andy Beshear, Governor, do hereby issue this proclamation convening the Kentucky General Assembly in Extraordinary Session at the Seat of Government, Frankfort, Kentucky, at 10:00 a.m. (EDT), Tuesday, September 7, 2021, for the sole purpose of considering legislation addressing the following subjects:

1. Extend the State of Emergency declared by the Governor in response to COVID-19 on March 6, 2020, by Executive Order 2020-215, until January 15, 2022.
2. Approve Executive Orders, Cabinet and agency orders, and licensure board orders that would have expired under House Joint Resolution 77 (R.S. 2021), or that are currently in effect, or that have been issued since the adjournment of the 2021 Regular Session of the General Assembly sine die, and provide that such orders will remain in effect until the expiration of the State of Emergency declared under Executive Order 2020-215, notwithstanding any state law to the contrary.
3. Set forth the criteria pursuant to which the Governor may exercise authority to require facial coverings in indoor settings during the State of Emergency.
4. Extend all or some portions of Senate Bill 5 (R.S. 2021) for the duration of the State of Emergency.

5. Extend all or some portions of Senate Bill 150 (R.S. 2020) for the duration of the State of Emergency.
6. Provide additional operational flexibility for school districts to use alternatives to in-person instruction during the 2021-22 school year, including Non-Traditional Instruction (NTI), Temporary Remote Instruction, and Hybrid Instruction; provide funding stability to school districts for the upcoming 2022-23 school year; provide additional sick leave days to eligible staff members, reimburse school districts for the cost of this leave, and make an appropriation therefor; and provide additional staffing support by determining circumstances under which retired teachers and student teachers can provide instruction.
7. Make an appropriation not to exceed \$69,268,300 from American Rescue Plan Act of 2021 and other funds for the purpose of providing the following COVID-19 response, mitigation, and prevention activities eligible under federal law,: vaccination programs; testing; contact tracing; support for isolation or quarantine; support for vulnerable populations to access medical or public health services; public health surveillance (e.g., monitoring case trends, genomic sequencing for variants); public communication efforts; purchases of personal protective equipment; support for prevention, mitigation, or other services in congregate living facilities (e.g., nursing homes, incarceration settings, homeless shelters, group living facilities) and other key settings like schools; ventilation improvements in congregate settings, health care settings, or other key locations; advancement of public health data systems; and capital improvements in public health care facilities to implement COVID-19 mitigation tactics.
8. Fund programs and provide flexibility for projects for economic development projects exceeding a minimum investment of \$2,000,000,000, making any such project the largest in Kentucky's history, and make an appropriation therefor.
9. Extend the State of Emergency declared by the Governor in response to the flash flooding and flooding in Nicholas County, Kentucky, and in particular the City of Carlisle, on August 3, 2021, by Executive Order 2021-565, by an additional 30 days to ensure any necessary emergency services that may be required are provided to residents of and businesses in Nicholas County and the City of Carlisle, as the Commonwealth's request for federal assistance submitted to the President of the United States through the Federal Emergency Management Agency on August 19, 2021 remains under review.
10. Under the authority of Section 80 of the Kentucky Constitution and Stickler v. Higgins, 106 S.W.2d 1008 (Ky. 1937), the provisions of this Proclamation and the designated subjects to be considered may be amended hereafter solely by action of the Governor to include additional specific subjects to be considered by the General Assembly.

DONE AT THE CAPITOL, in the City of Frankfort this 4th day of September, in the year of Our Lord Two Thousand Twenty-One and in the 230th year of the Commonwealth.



ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State