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LEGISLATIVE UPDATE from Representative Bill Wesley

Governor's challenge of separation of powers legislation continues

As you know by now, the first votes taken when we returned to Frankfort earlier this month were to override the vetoes of six bills passed during the January portion of the session. The bills vetoed include pro-life legislation, a measure that changes an archaic law that limits where Kentuckians can file suit against the state, and legislation that redefines the emergency powers of governors. Each of these vetoes passed with an overwhelming majority, and I know that my vote reflected the phone calls, messages, and conversations I have had with the people of this district over the past year.

Shortly after we cast our votes, the bills were signed and filed by the Secretary of State. While all six measures contain emergency clauses that make them effective immediately, the Governor filed suit to stop three of them within minutes of their delivery to the Secretary of State. The Governor is challenging HB 1, SB 1, and SB 2. HB 1 creates a framework to help businesses, schools, nonprofits, and other organizations remain safely open throughout the rest of the COVID-19 pandemic. Other provisions of HB 1 give employers some relief in making their unemployment insurance payments and provides for visitation of those in long-term care as well as children in state custody.

SB 1 and SB 2 are specifically aimed at increasing oversight and transparency, as well as strengthening the separation of powers called for in the Kentucky Constitution. SB 1 recognizes the need for Kentucky to act quickly in an emergency but also prevents a governor from overstepping his or her authority and attempt to legislate through executive orders during a long-term emergency. Similarly, SB 2 prevents the executive branch from effectively making laws by issuing regulations rather than going through the legislature. Under the provisions of SB 1 and SB 2, the Governor's COVID-related emergency orders will expire on March 4. At that point, the General Assembly will decide whether to extend these mandates past March 4.

The day after the Governor filed suit, a Franklin Circuit Court Judge granted the administration's request to temporarily block a section of HB 1 from becoming law. That section specifically allows any business, school, church or local government to remain open if they adopt an operating plan that is consistent with guidance from the Center for Disease Control (CDC) or executive branch. The injunction on this provision continues after the judge met with attorneys from both the legislative and executive branch last week. During that hearing, the same judge stated he hopes to issue a final ruling on the case before the end of February. At that time, we will learn if we must continue to defend the legislature's authority.

While the Governor and others claim this legislation is motivated by politics, in reality it is part of a national trend. State legislatures across the country are reexamining how existing laws define the boundary between legislative and executive authority called for in the sep-

aration of powers. It is happening in states where the legislative and executive branches are led by the same political parties as well as those where they are split, so it is misleading to frame this action as one political party going after another. It is happening in every region - including Louisiana, New York, California, and in neighboring states like Indiana and Ohio. This is not about "reining in" the Governor's authority but rather about making sure the line between the legislative and executive branch is clear.

In addition to the national trend, Kentucky's legislature has less authority to act as a "check" to the executive branch when compared to other states. Previous legislatures have given Kentucky governors broad authority in a state of emergency, and we are in session only three or four months a year. The COVID-19 pandemic has exposed many areas that need improvement and we have an opportunity to use this experience to make sure that our statutes reflect the people's will and the need for good government. It is our responsibility to do so because, as the old saying goes, there is no education in the second kick of a mule.

We have just three weeks of legislative days left in this year's legislative session and must adjourn by March 30. I will continue to update you on our progress, but in the meantime, I can be reached here at home anytime or through the toll-free message line in Frankfort at 1-800-372-7181. If you would like more information, please visit the legislature's website at www.legislature.ky.gov or you can email me at Bill.Wesley@lrc.ky.gov.

Maudie's Naughties



Call Home

A woman is in bed with her husband's best friend when the phone rings. She answers the phone while he quietly listens to one side of the conversation.

"Hello? Oh, hi. I'm so glad that you called. Really? That's wonderful. I am so happy for you. That sounds terrific. Great! Thanks. Okay. Bye bye."

She hangs up the telephone, and he asks, "Who was that?"

"Oh," she replies, "That was my husband telling me all about the wonderful time he's having on his fishing trip with you."

The Therapist

A noted therapist realizes that people often lie about the frequency of their romantic encounters. So he devises a test to tell for certain by looking at a person's smile.

To prove his theory, he fills up an auditorium with people, and goes down the line, asking each person to smile. Using the size of the person's smile, the therapist is able to guess accurately until he comes to the last man in line, an elderly gentleman, who is grinning from ear to ear.

"Twice a day," the therapist guesses, but is surprised when the man says no. "Once a day, then?" Again the answer is no.

"Twice a week?" "No." "Twice a month?" "No." The man finally says yes when the doctor gets to "once a year."

The therapist is angry that his theory isn't working, and asks the elderly gentleman, "Then, what the heck are you so happy about?"

The gent answers, "Tonight's the night!"

Bragging Rights

Four guys are drinking in a bar, bragging about their children.

"My son," the first one says, "Started out washing cars at a dealership, but now owns the dealership and just gave one of his friends four new cars of her choice!"

"My son," says the second, "Started out serving lunch in a real estate office, but now owns the real estate office and just gave one of his friends a new mansion!"

"My son," says the third, "Started out sweeping the floors at the Stock Exchange, but now practically owns the Stock Exchange and just gave one of his friends a \$1,000,000 in stock."

"Well," the fourth guy says, "My daughter's turned out to be a bit of a disappointment. She works at a restaurant for minimum wage and tips, but she has SEVERAL boyfriends. On the plus side, between them, they gave her four cars, a mansion, and a million dollars in stock for her birthday."

Helping A Little Old Lady

A little boy asks his dad for a dollar to give to a little old lady in the park. His father impressed by his son's kindness, gives him the dollar. "There you are my son," says the father. "But, tell me, isn't the little old lady able to work any more?"

"Sure, she does," says the boy. "She sells candy."

A Changing Mind

Mrs. Sullivan and her little daughter Patty are outside the church watching all the comings and goings of a wedding. After the photographs have been taken, everyone has driven off to the reception, and all the excitement is over. Patty asks her mother, "Why did the bride change her mind, Mommy?"

"How do you mean, change her mind?" asks Mrs. Sullivan.

"Well says the child, "She went into the church with one man and came out with another!"

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