



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE GOVERNOR  
HARRISBURG

May 29, 2020

THE GOVERNOR

TO THE HONORABLE SENATE OF THE  
COMMONWEALTH OF PENNSYLVANIA

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, Senate Bill 1027, Printer's Number 1729.

We are living in unprecedented times as we confront the extraordinary challenges posed by the COVID-19 pandemic. In response to these challenges, I ordered the temporary closure of non-life sustaining businesses and issued stay-at-home orders. These were steps necessary to save lives across this Commonwealth and to flatten the curve so that our health system would not be overwhelmed by a surge of COVID-19 cases. We came together as Pennsylvanians to make these sacrifices for the common good.

Because of the success of these early mitigation efforts, we are now focused on a plan to reopen Pennsylvania while prioritizing the health and welfare of its citizens. Our reopening plan uses a combination of factors, including statistical metrics developed in collaboration with Carnegie Mellon University, to evaluate when and to what extent our communities can safely reopen while guarding against a COVID-19 resurgence. We have developed a data-driven, color-coded system that transitions counties from the most restrictive red phase to the intermediate yellow phase (limited reopening) and ultimately to the least restrictive green phase. As part of our ongoing progress towards reopening, I have announced that all of Pennsylvania's sixty-seven counties will have moved from the red to the yellow phase by June 5<sup>th</sup> with some counties transitioning to the green phase prior to that date. As the Commonwealth continues to re-open, we will continue to monitor and assess the data, county by county, to maximize our economic recovery while minimizing public health risks.

Unfortunately, certain counties have opted to go "rogue" by prematurely re-opening their economies and unilaterally moving themselves to the "next phase," driven by fear rather than by scientifically-proven metrics. I have warned that I would impose consequences for such a unilateral move, including using the Commonwealth's licensing capabilities to enforce the non-life sustaining business shutdown order. This bill limits my ability to take that executive enforcement action. The bill prohibits a penalty from being imposed upon a licensed business for re-opening in violation of the non-life sustaining business shutdown order. Such a prohibition is a legislative infringement on executive authority and violates the separation of powers which is critical to the proper functioning of our democracy.

Now is not the time to surrender; we need to continue to be united in the fight against COVID-19.

For the reasons set forth above, I must withhold my signature from Senate Bill 1027, Printer's Number 1729.

Sincerely,

A handwritten signature in blue ink that reads "Tom Wolf".

TOM WOLF  
Governor