
GOVERNOR BRIAN P. KEMP
2021 SESSION OF THE GEORGIA GENERAL ASSEMBLY
VETO MESSAGES & SIGNING STATEMENTS

Veto 1

While I understand the frustration that many in our state have felt regarding the backlog of unemployment claims, Senate Bill 156 proposes significant infringements on the separation of powers guaranteed by Georgia's Constitution.

Senate Bill 156 would create the position of Chief Labor Officer within the Department of Labor that is appointed by and responsible to the Legislative Branch of state government. The bill would give the actions of the Chief Labor Officer "the same force and effect" as actions of the Commissioner of Labor.

The Georgia Constitution provides that "[t]he legislative, judicial, and executive powers shall forever remain separate and distinct; and no person discharging the duties of one shall at the same time exercise the functions of either of the others except as herein provided." GA. CONST. art. I, § 2, ¶ III. Interpreting this, the Georgia Supreme Court held that, "[a] legislative enactment violates separation of powers when it increases legislative powers at the expense of the executive branch, or when the enactment...prevent[s] the Executive Branch from accomplishing its constitutionally assigned functions ... even if it does not increase legislative powers." *Perdue v. Baker*, 586 S.E.2d 606, 615 (2003).

Further, the bill does not provide a conflict resolution mechanism between the Chief Labor Officer and the Commissioner of Labor despite powers being shared between the two. Instead, this bill would allow the Chief Labor Officer to seek a writ of mandamus against the Commissioner when the two experienced an irreconcilable dispute. This would put the State in the position of using taxpayer dollars to sue between two branches of the same government to enforce a remedy against a duly elected state official.

Rather than creating a new Chief Labor Officer position that reports directly to the legislature, I believe we should work with the Labor Commissioner to identify the challenges his agency is facing and ensure the Georgia Department of Labor is doing everything it can to review unemployment claims for validity and deliver payments for those who qualify. In addition, many Georgia employers are struggling to find workers for important manufacturing and service industries. For our state's economic momentum to continue, the Commissioner of Labor must do more to match employers with job seekers and make policy decisions that encourage more Georgians to return to the workforce.

For the foregoing reasons, **I VETO SENATE BILL 156.**

Statement on House Bill 160

House Bill 160 expands the availability of Municipal Option Sales Tax (“MOST”) to any city that operates a waste-water system that interconnects with the waste-water system of a municipality with an average flow of more than 85 million gallons per day. Currently, the City of Atlanta is the only waste-water system in the state with an average flow of more than 85 million gallons per day, and the only cities that are connected to Atlanta’s system are Hapeville, East Point, and College Park.

It is my opinion that non-revenue generating services should be operated as self-funded units, with costs paid by system revenue rather than general tax revenues. By using sales tax to pay for water and sewer infrastructure, the system will be supported by visitors to the city, instead of system users. This model incentivizes mismanagement of services.

However, Atlanta has used MOST revenues to upgrade its water and sewer system beyond what can currently be similarly sustained by Hapeville, East Point, and College Park’s user fees alone. This disparity must be addressed for the entire system to operate equitably.

Further, this bill allows for voters in these cities to pass a MOST referendum to address the disparity in funding between the interconnected systems.

Therefore, while I disagree with imposing sales taxes to fund system operation and upgrades, this bill allows for the voters of the cities of Hapeville, East Point, and College Park to decide whether such a tax is the right policy solution to solve the disparity between these cities systems and Atlanta’s.

For the foregoing reasons, I SIGN HOUSE BILL 160.

Statement on House Bill 34

House Bill 34, the Audiology and Speech-Language Pathology Interstate Compact, is designed to streamline professional licensure across state lines and enhance regulatory information-sharing among regulators. Upon signature, Georgia will become the eleventh state to pass the Compact. In accordance with the Georgia Occupational Regulation Review Law, O.C.G.A. § 43-1A-1, *et seq*, this legislation received a favorable recommendation from the Georgia Occupational Regulation Review Council.

The objectives of multi-state or “compact” licensure laws are compelling. By standardizing licensure requirements and increasing data-sharing across state lines, workers can more easily practice their profession with less paperwork and standardized accountability by regulators in participating states. Uniform licensure is especially beneficial for the military community, and service members – along with their family

members and dependents – have expressed a desire to see this legislation signed into law alongside many audiologists and speech-language pathologists.

This legislation allows for a “home state” audiology or speech-language pathology license for Georgia residents and a “privilege to practice” in Georgia for compact license-holders who reside in a “remote” member state. If you hold a home state compact license in a member state, you may apply for a privilege to practice in the compact’s member states.

A handful of Georgia citizens have alleged that this legislation will gut existing state law mandating verification of an applicant’s lawful presence for “public benefits,” which includes a professional license. *See* O.C.G.A. § 50-36-1, *et seq.* The concern is that illegal immigrants will no longer have to verify their lawful presence before securing authorization to practice as an audiologist or speech-language pathologist in Georgia, taking jobs away from lawfully present individuals. This claim is false.

Conversely, in the last couple of weeks, the I have received numerous letters of support from Georgia’s military leaders reiterating the importance of these agreements for spouses who move from state to state with their families. Georgia is proud to be a state that supports our military heroes and their families, and I greatly appreciate the willingness of those who serve our country so selflessly.

To secure a home state audiology or speech-language pathology license, the applicant must satisfy threshold eligibility categories and comply with “the home state’s qualifications for licensure or renewal of licensure,” including “all other applicable state laws.” *See* lines 215-217. Therefore, a home state license applicant must comply with O.C.G.A. § 50-36-1, *et seq* by verifying lawful status as an American citizen or federally authorized immigrant. The same is true for those seeking a privilege to practice in Georgia since the applicant’s privilege to practice is also contingent on compliance with applicable state law, including O.C.G.A. § 50-36-1, *et seq* regarding proof of lawful presence.

Therefore, I reject the claim that this compact legislation will circumvent existing state law mandating documentation of lawful presence in Georgia before issuance of state authorization to practice audiology or speech-language pathology.

For the foregoing reasons, I SIGN HOUSE BILL 34.

Statement on House Bill 268

Nearly identical to House Bill 34, House Bill 268 is the Occupational Therapy Licensure Compact Act. Upon signature, Georgia will become the second state to enact the Compact, which does not become effective until ten states enact the legislation. In accordance with the Georgia Occupational Regulation Review Law, O.C.G.A. § 43-1A-1, *et seq*, this

legislation received a favorable recommendation from the Georgia Occupational Regulation Review Council.

The same Georgians who raised concerns about this legislation circumventing Georgia law regarding proof of lawful presence to obtain a professional license, O.C.G.A. § 50-36-1, *et seq*, hold concerns about House Bill 268. However, for a home state compact license and a privilege to practice in a remote state, this legislation demands compliance with applicable Georgia law regarding professional licensure, which clearly includes O.C.G.A. § 50-36-1, *et seq*.

Likewise, here, I have received numerous letters of support from Georgia's military leaders reiterating the importance of these compacts for spouses who move from state to state with their families. Georgia is proud to be a state that supports our military heroes and their families, and I greatly appreciate the willingness of those who serve our country so selflessly.

For the foregoing reasons, I SIGN HOUSE BILL 268.

Statement on House Bill 395

House Bill 395 is the Professional Counselors Licensure Compact Act. Upon signature, Georgia will become the first state to enact the Compact, which does not become effective until ten states enact the legislation. In accordance with the Georgia Occupational Regulation Review Law, O.C.G.A. § 43-1A-1, *et seq*, this legislation received a favorable recommendation from the Georgia Occupational Regulation Review Council.

Once again, a handful of Georgians raised concerns about the applicability of Georgia's statute for proving lawful presence to obtain a professional license, O.C.G.A. § 50-36-1, *et seq*, and House Bill 395. However, their concerns that this legislation circumvents state law mandating documentation of lawful presence before issuance or use of a compact license or privilege to practice are meritless.

Also, relevant here, I have received numerous letters of support from Georgia's military leaders reiterating the importance of these agreements for spouses who move from state to state with their families. Georgia is proud to be a state that supports our military heroes and their families, and I greatly appreciate the willingness of those who serve our country so selflessly.

For a home state compact license and a privilege to practice in a remote state, this legislation demands compliance with applicable Georgia law regarding professional licensure, which includes documentation of lawful presence as outlined in O.C.G.A. § 50-36-1, *et seq*, since the statute applies to professional licenses, a term which clearly encompasses both definitions for a home state "license" and "privilege to practice" in

House Bill 395. To practice professional counseling in Georgia, an individual must be lawfully present and able to prove their status or they cannot obtain authorization to practice.

For the foregoing reasons, I SIGN HOUSE BILL 395.