
GOVERNOR BRIAN P. KEMP
2019 SESSION OF THE GEORGIA GENERAL ASSEMBLY
VETO MESSAGES & SIGNING STATEMENTS

Veto 1

House Bill 598: At the request of the sponsor, **I VETO HOUSE BILL 598.**

Veto 2

House Bill 83: Currently, local boards of education hold broad authority to establish recess policies for students in kindergarten through eighth grade. This local control allows school boards to set these policies based on a thorough understanding of day-to-day educational operations as well as regular interaction with administrators, educators, families, and students. House Bill 83 would dramatically restrict this local control, stripping long-held authority from school boards. While I support expanded recess opportunities for Georgia's students, I am a firm believer in local control, especially in education. This legislation would impose unreasonable burdens on educational leaders without meaningful justification.

For the foregoing reasons, I VETO HOUSE BILL 83.

Veto 3

House Bill 187 would provide for a three-year pilot program covering prescription drugs for the treatment and management of obesity and related conditions for State Health Benefit Plan (hereinafter, "SHBP") members. SHBP is a self-funded program sustained through employer contributions and employee premiums. In analyzing this legislation's fiscal impact, state officials prepared projections for cost scenarios which ranged tens of millions of dollars. Even at the lowest-projected cost, this program would result in increased premiums for employees and potential increases in the employer share, which is primarily funded through state appropriations.

For the foregoing reasons, I VETO HOUSE BILL 187.

Veto 4

House Bill 279 would allow the Commissioner of the Department of Revenue to authorize agency law enforcement personnel to utilize department vehicles while working off-duty jobs involving police powers. This legislation would create potential liability for the State and negatively affect Automobile Physical Damage insurance programs.

For the foregoing reasons, I VETO HOUSE BILL 279.

Veto 5

House Bill 311 would create a waiver of sovereign immunity for claims brought against state government. As Governor Deal correctly stated in his May 3, 2016 veto statement for House Bill 59, “[w]hile the concept of sovereign immunity is relatively simple on its face, it is complex in application . . .” In considering the possible ramifications of a waiver, it is essential that the provisions be appropriately tailored in conjunction with the executive branch to provide pathways for judicial intervention without unduly interfering with the daily operations of the state. For example, this bill bars claims against the state by individuals in a state mental health facility. Until a workable waiver can be crafted, it is important to note that not all suits against the state are barred. The Supreme Court in *Lathrop v. Deal*, 301 Ga. 408 (2017), *Olvera v. Univ. Sys. of Ga.’s Bd. of Regents*, 298 Ga. 425 (2016), and *Ga. Dep’t of Nat. Res. v. Ctr. for a Sustainable Coast, Inc.*, 294 Ga. 593 (2014) has provided a path for suits to be brought against the state. Further, the defense of sovereign immunity is also waived for certain actions, including breach of contract and tort claims against state officers and employees while such individuals are acting within the scope of their official duties of employment.

For the foregoing reasons, I VETO HOUSE BILL 311.

Veto 6

House Bill 516 would create a new certificate of registration for a “professional structural engineer” in addition to existing regulatory schemes for professional engineers and professional land surveyors through the Georgia Board of Professional Engineers & Land Surveyors (hereinafter, “Board”). In 1986, the Georgia General Assembly established the Georgia Occupational Regulation Review Council (hereinafter, “GORRC”) to weigh the necessity of new and ongoing occupational regulation by the State. Under Georgia law, GORRC must consider the following factors if the State is considering new occupational regulation: (i) whether the unregulated practice of an occupation may harm or endanger the health, safety, and welfare of citizens of this state and whether the potential for harm is recognizable and not remote; (ii) whether the practice of the occupation requires specialized skill or training and whether the public needs and will benefit by assurances of initial and continuing occupational ability; (iii) whether the citizens of this state are or may be effectively protected by other means; (iv) whether the

overall cost effectiveness and economic impact would be positive for citizens of this state; and (v) whether there are means other than state regulation to protect the interests of the state. GORRC was created to protect the citizens of Georgia by reviewing state regulation and determining whether government regulation positively impacts our citizens. This legislation did not receive statutorily mandated review and approval through GORRC. *See* O.C.G.A. § 43-1A-1, *et seq.* This legislation also received no fiscal analysis to determine the costs associated with this proposed regulatory scheme.

For the foregoing reasons, I VETO HOUSE BILL 516.

Veto 7

Senate Bill 15 is a well-intentioned piece of legislation, but many school superintendents, non-partisan advocacy groups, and educators across Georgia have expressed concern over its provisions. These stakeholders agree that this legislation undermines local control, generates an unfunded mandate for school safety coordinators, and places a ministerial duty on school administrators, increasing their exposure to legal liability. In stark contrast, House Bill 30 – the State’s Amended 2019 Budget – allocates \$69,000,000 in school security grants to every public school and allows local leaders – who best understand the needs and operations of their communities – to decide how to use this funding for safer learning environments. Moving forward, it is important for local leaders to first have an opportunity to utilize state grant funding before imposing additional requirements. The State will continue to invest in the safety of our children by working closely with local officials, parents, and students to ensure a safer, stronger Georgia.

For the foregoing reasons, I VETO SENATE BILL 15.

Veto 8

Senate Bill 53 would provide that the jurisdictional limits of independent school systems no longer be coterminous with the geographical limits of municipalities in DeKalb County unless expressly approved in a separate referendum following a successful municipal annexation. The outcome of this second referendum would not be final until the vote is further ratified by the approval of a local Act of the General Assembly or approval of both the independent school system and DeKalb County Board of Education. Furthermore, no annexation may be contemplated unless the number of students within the proposed annexation area exceeds two percent (2%) of the total number of students enrolled in the DeKalb County School System. This act would subject referenda outcomes to legislative review, subjugate home rule, and invite litigation.

For the foregoing reasons, I VETO SENATE BILL 53.

Veto 9

Senate Bill 75 would increase the membership of the State Board of Veterinary Medicine (hereinafter, “Board”) from six to seven members and authorize the Board to create a professional health program for monitoring and rehabilitation of impaired veterinarians by reason of illness, a mental or physical condition, or the use of alcohol, drugs, narcotics, chemicals, or related substances. This legislation does not strike the appropriate balance between protecting the rights of consumers with the concerns surrounding the impairment of a veterinarian resulting in his or her inability to practice with reasonable skill and safety. This legislation shields any information related to a veterinarian’s impairment and participation in the Board’s professional health program from the Georgia Open Records Act, O.C.G.A. § 50-18-70, *et seq.*, court subpoena, and discovery proceedings. Although this measure is well-intentioned to ensure that an impaired veterinarian seeks necessary treatment, a consumer cannot make an informed decision when he or she is deciding whether to hire a licensed veterinarian if state law shields the mere existence of adverse board action from disclosure.

Further, in 1986, the Georgia General Assembly established the Georgia Occupational Regulation Review Council (hereinafter, “GORRC”) to weigh the necessity of new and ongoing occupational regulation by the State. Under Georgia law, GORRC must consider the following factors if the State is considering new occupational regulation: (i) whether the unregulated practice of an occupation may harm or endanger the health, safety, and welfare of citizens of this state and whether the potential for harm is recognizable and not remote; (ii) whether the practice of the occupation requires specialized skill or training and whether the public needs and will benefit by assurances of initial and continuing occupational ability; (iii) whether the citizens of this state are or may be effectively protected by other means; (iv) whether the overall cost effectiveness and economic impact would be positive for citizens of this state; and (v) whether there are means other than state regulation to protect the interests of the state. GORRC was created to protect the citizens of Georgia by reviewing state regulation and determining whether government regulation positively impacts our citizens. This legislation did not receive statutorily mandated review and approval through GORRC. *See* O.C.G.A. § 43-1A-1, *et seq.*

For the foregoing reasons, I VETO SENATE BILL 75.

Veto 10

Senate Bill 80 would allocate state funding to the Georgia Sports Hall of Fame for marketing purposes. Over the years, the Georgia Sports Hall of Fame has funded operations through the solicitation of private contributions and local government appropriations. At this time, there is no demonstrated need for state appropriations for this entity to continue to operate.

For the foregoing reasons, I VETO SENATE BILL 80.

Veto 11

Senate Bill 103 would require a minimum of two priority parking spaces for veterans at airports offering commercial air services and owned, operated, or controlled by a county, municipality, or political subdivision of this State. While my family and I hold the deepest admiration and respect for current and former members of the United States Armed Forces, this legislation would operate as an unfunded mandate on airport facilities. Further, this measure has no specified enforcement mechanism or associated penalty for misuse of priority parking spaces. Current law does not prohibit airport facilities from voluntarily designating priority parking spaces for veterans, and I would strongly encourage airports to do so, if feasible.

For the foregoing reasons, I VETO SENATE BILL 103.

Veto 12

Senate Bill 120 would create a new section in the Georgia Fiscal Note Act allowing the State House Ways and Means Committee Chair and State Senate Finance Committee Chair to each request as many as three “economic analyses” from the State Auditor on an annual basis. *See* O.C.G.A. § 28-5-40, *et seq.* Each request would be limited to a single, existing provision of law or proposed law for a preferential tax rate or tax abatement, exemption, exclusion, deduction, deferral, credit, or rebate. In accordance with O.C.G.A. § 28-5-42(g)(1), a fiscal note is required for a bill having a significant impact on anticipated revenues or expenditures. Additionally, fiscal notes must be jointly prepared by the Director of the Governor’s Office of Planning and Budget and State Auditor with the cooperation of administrative and fiscal officers of the applicable departments, boards, councils, committees, commissions, and other entities of state government. This legislation would omit this cooperation and place the burden of fiscal analysis solely upon the State Auditor. Given the State Auditor’s intimate involvement in preparing a tax proposal’s fiscal note, I believe that an independent auditor should conduct any subsequent analysis of the effectuated tax measure, allowing for more objective analysis and comparison between the terms of the fiscal note and the tax measure’s real impact.

For the foregoing reasons, I VETO SENATE BILL 120.

Veto 13

Senate Bill 153 would impose unfunded and extensive regulation on the crime- and trauma-scene cleaning services industry through the Georgia Bureau of Investigation. In 1986, the Georgia General Assembly established the Georgia Occupational Regulation Review Council (hereinafter, “GORRC”) to weigh the necessity of new and ongoing occupational regulation in the State. Under Georgia law, GORRC must consider the

following factors if the State is considering new occupational regulation: (i) whether the unregulated practice of an occupation may harm or endanger the health, safety, and welfare of citizens of this state and whether the potential for harm is recognizable and not remote; (ii) whether the practice of the occupation requires specialized skill or training and whether the public needs and will benefit by assurances of initial and continuing occupational ability; (iii) whether the citizens of this state are or may be effectively protected by other means; (iv) whether the overall cost effectiveness and economic impact would be positive for citizens of this state; and (v) whether there are means other than state regulation to protect the interests of the state. GORRC was created to protect the citizens of Georgia by reviewing state regulation and determining whether government regulation positively impacts our citizens. This legislation did not receive statutorily mandated review and approval through GORRC. *See* O.C.G.A. § 43-1A-1, *et seq.* This legislation also received no fiscal analysis to determine the costs associated with this proposed regulatory scheme.

For the foregoing reasons, I VETO SENATE BILL 153.

Veto 14

House Resolution 51 would create the Joint Georgia-North Carolina and Georgia-Tennessee Boundary Line Commission (hereinafter, “Commission”). Purportedly, the Commission would confer with counterpart commissions in North Carolina and in Tennessee on boundary line disputes. At this time, however, North Carolina and Tennessee have not created boundary line dispute commissions.

For the foregoing reasons, I VETO HOUSE RESOLUTION 51.

Statement on Senate Bill 7.

By not signing **Senate Bill 7**, it will become law on May 13 pursuant to GA. CONST. Art. 3 § 5 ¶ XIII. This issue is a matter of great importance to the citizens of DeKalb County for the proper governance of their community. Whereas the underlying policy of reconstituting the Board of Ethics is supported, it is unfortunate that DeKalb County’s elected leaders and the county’s legislative delegation could not come to a consensus on a structure that could be supported by all. Senate Bill 7 provides for a county-wide referendum for adoption of the proposed Board of Ethics structure provided in Senate Bill 7. I have faith in the people of DeKalb County to determine for themselves what Board of Ethics structure best suits the needs of their county. This referendum will be an important election, and I encourage the citizens of DeKalb County to vote and allow their voices to be heard on this important issue.

Therefore, so as not to endorse either viewpoint in the debate over the Board of Ethics structure, I have declined to sign Senate Bill 7 and have allowed it to become law.