
GOVERNOR BRIAN P. KEMP
2023 SESSION OF THE GEORGIA GENERAL ASSEMBLY
VETO MESSAGES & SIGNING STATEMENT

VETO 1

House Bill 319 would require legislative approval for any year-over-year tuition increase exceeding 3% at any University System of Georgia institution. The Georgia Constitution makes plain the authority to govern, control, and manage the University System and all system institutions is vested in the Board of Regents. GA. CONST. art. VIII, § 4, ¶ I(b). Because of the constitutional reservation of authority in the Board of Regents, the legislation cannot be adopted without the approval of Georgians through exercise of their franchise.

For these reasons, **I VETO HOUSE BILL 319.**

VETO 2

House Bill 52 is a housekeeping bill brought at the request of the Georgia Department of Transportation. A late amendment altered certain provisions of the bill.

For the foregoing reasons, **I VETO HOUSE BILL 52.**

VETO 3

House Bill 169 would change the compensation for members of the Carroll County Board of Education.

At the request of the sponsor, **I VETO HOUSE BILL 169.**

VETO 4

House Bill 193 increases the value of local government public works contracts subject to competitive bidding requirements from \$100,000.00 to \$250,000.00. A similar requirement, which this bill does not address, exists for public works construction contracts issued by state government entities. As a general matter, the State must competitively bid any construction or public works contracts more than \$100,000.00. There is no reason competitive bidding requirements for local governments should be more lenient than those for state-issued contracts.

For the foregoing reasons, **I VETO HOUSE BILL 193.**

VETO 5

House Bill 249 requires the Technical College System of Georgia to offer tuition-free commercial driver's license training programs to veterans and increases needs-based grant funding for certain students. I support veterans initiatives and making education more affordable. However, the proposals in this bill are subject to appropriations and the General Assembly failed to fully fund these educational incentives.

For the foregoing reasons, **I VETO HOUSE BILL 249.**

VETO 6

House Bill 317 would allow beneficiaries to assign a deceased state employee's life insurance and pension benefits to funeral directors to pay for funeral costs. Georgia law already allows beneficiaries to use the funds they receive from a loved one's life insurance or pension benefits to pay for funeral expenses as they see fit. However, allowing persons to directly assign control of such benefits to funeral homes, or any other interested party, would place families at risk of assigning away important benefits without fully realizing the long-term costs of such a decision.

For the foregoing reasons, **I VETO HOUSE BILL 317.**

VETO 7

House Bill 541 would expand Georgia's "move over" law to apply to any stationary vehicle displaying flashing hazard lights and would require motorists to change lanes, potentially into oncoming traffic, to give space to such vehicles. This bill originally expanded the "move over" law only to stationary postal service vehicles in keeping with the law's scope of protecting public service workers who routinely stop on the side of the road in the course of their duties, but was amended to cover all vehicles displaying flashing hazard lights even if such vehicle is unoccupied. Expanding the "move over" law to apply to every vehicle displaying flashing hazard lights will create additional safety and enforcement issues.

For the foregoing reasons, **I VETO HOUSE BILL 541.**

VETO 8

House Bill 611 requires the proceeds of all legal settlements paid to the State be held in the state treasury and appropriated by the General Assembly, "subject to any terms or conditions contained in a judgment, settlement agreement, or memorandum of

understanding.” H.B. 611, lines 13-15 (2023). As the bill’s language contemplates, settlement agreements often restrict the use of proceeds or require proceeds to be paid to certain persons or entities. Such restrictions and requirements are frequently material, negotiated terms of the settlement and crucial to the effective resolution of the underlying claims.

By subjecting all legal settlements to the appropriations process, regardless of their distribution requirements, House Bill 611 would add an unnecessary, bureaucratic hoop for the State to jump through to meet its legal obligations. This would only serve to delay, frustrate, and potentially threaten the final resolution of claims owed to the State and its citizens. Further, it would impair the expertise of the Office of Planning and Budget who routinely develop delicate spending plans for settlement funds and ensure the seamless administration of such funds.

My consideration of this legislation recognizes the General Assembly’s authority to appropriate settlement proceeds received by the State that are not, by the terms of the underlying agreements, encumbered by specific use restrictions or intended for certain persons or entities. These proceeds, such as those received in perpetuity by the State pursuant to the tobacco Master Settlement Agreement, are considered alongside general funds and serve an important role in the State’s budget each year. House Bill 611 would not affect the General Assembly’s discretion regarding such proceeds.

For the foregoing reasons, **I VETO HOUSE BILL 611.**

VETO 9

House Bill 680 would reapportion the electoral districts for the City of Thomasville City Council and Board of Education.

At the request of the sponsor, **I VETO HOUSE BILL 680.**

VETO 10

House Bill 774 would change the compensation for the members of the Board of Commissioners of Irwin County, provide for the appointment of a county administrator for Irwin County, and revise the provisions for the appointment of a superintendent of roads and bridges for Irwin County.

At the request of the sponsor, **I VETO HOUSE BILL 774.**

VETO 11

Senate Bill 23 has many parts. Parts I through XIII amend various titles of the Georgia Code to revise committee names and repeal certain provisions related to inactive state entities and legislation pre-filing in the General Assembly. A late amendment to Senate

Bill 23 added Part XIII A, which in part provides for a dispute resolution process for the Georgia Data Analytics Center including an administrative appeal to the Director of the Office of Planning and Budget. The process requires the Director to “consult with the chairpersons of the Senate and House appropriations committees prior to making a final determination.” S.B. 23, lines 360-362 (2023). This provision raises separation of powers concerns under the Georgia Constitution. *See* GA. CONST. art. I, § 2, ¶ III.

Because this administrative appeal process can also be accomplished via Executive Order without implicating separation of powers questions, **I VETO SENATE BILL 23.**

VETO 12

Senate Bill 164 would create professional licenses for advanced practice registered nurses and anesthesiologist assistants and revise the composition of the Georgia Composite Medical Board.

At the request of the sponsor, **I VETO SENATE BILL 164.**

VETO 13

Senate Bill 199 would allow the Employee Benefit Plan Council to include health savings accounts (“HSA”) in the flexible benefit plan options offered to all eligible state employees to be funded through automatic salary deductions. HSA benefits may be a valuable benefit to state employees; however, the fiscal impact of these changes is unknown. Adding these programs without a full understanding of the fiscal impact risks significant financial harm to the State and to affected employees. While I support expanding benefits to our state employees, I cannot do so without a clear understanding of the financial implications.

For the foregoing reasons, **I VETO SENATE BILL 199.**

VETO 14

Senate Bill 303 would alter the existing homestead exemption from Fulton County ad valorem taxes for senior citizens making annual income less than 200% of the federal poverty level by removing the requirement that property owners reapply for this exemption every two years. Senate Bill 303 does not provide for a new referendum for voters to approve this modification. Such a referendum is required under Georgia’s constitution. *See* GA. CONST. art. 7, § 2, ¶ 2(a)(2).

Because Senate Bill 303 does not provide for the required referendum, and at the request of several members of the local delegation, **I VETO SENATE BILL 303.**

SIGNING STATEMENT 1

Senate Bill 115 seeks to ensure sportsman have use of Georgia's navigable rivers. My office has received many calls both in support of and in opposition to this piece of legislation. After careful analysis, I have signed Senate Bill 115 for the following reasons.

One, the state has invested millions of dollars collected through license fees to establish fisheries and boat ramps and to manage sport fishing populations in our rivers. Two, this legislation does not affect non-navigable rivers or streams or change the definition of navigability. The definition of navigability is codified in a different subsection of this statute: O.C.G.A. § 44-8-5(a). Three, this legislation does not impact the use of water by adjacent landowners in navigable rivers. Four, this statute does not create a private right of action. Any implied private right of action is abrogated by statute. *See* O.C.G.A. § 9-2-8.

This bill allows for the public to hunt, fish, and transit the navigable waters of this state – an embodiment of the principle of *sic vos non vobis* and a privilege that has been assured Georgians for generations. To the extent some believe it stands for more, House Resolution 519 establishes the House Study Committee on Fishing Access to Freshwater Resources. This study committee will meet between legislative sessions this summer and is the appropriate venue to receive suggested amendments to the language in Senate Bill 115.

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