

## House Resolution 51EX

By: Representatives Hugley of the 141<sup>st</sup>, Park of the 107<sup>th</sup>, Williams of the 168<sup>th</sup>, Frye of the 122<sup>nd</sup>, Reese of the 140<sup>th</sup>, and others

## A RESOLUTION

1 Urging Governor Brian P. Kemp to immediately release funds withheld through executive  
2 budget disregards issued against House Bill 974, the Fiscal Year 2027 General  
3 Appropriations Act; affirming the exclusive constitutional authority of the General Assembly  
4 over the appropriation of public funds; recognizing the bipartisan effort of House and Senate  
5 leadership in crafting a balanced budget; urging the Governor to honor the will of the  
6 legislature; and for other purposes.

7 WHEREAS, Article III, Section I, Paragraph I of the Georgia Constitution vests the  
8 legislative power of the state in the General Assembly, including the exclusive authority to  
9 appropriate public funds on behalf of the people of Georgia; and

10 WHEREAS, Article III, Section IX, Paragraph I of the Georgia Constitution provides that  
11 no money shall be drawn from the state treasury except by appropriation made by law,  
12 establishing the legislature as the sole branch authorized to direct public spending; and

13 WHEREAS, Article III, Section IX, Paragraph II requires the General Assembly to annually  
14 appropriate funds necessary to operate all departments and agencies of the state, and it is the  
15 legislature, not the executive, that holds final appropriating authority; and

16 WHEREAS, Article V, Section I, Paragraph II charges the Governor with the duty to take  
17 care that the laws are faithfully executed, a duty that expressly includes the faithful execution  
18 of duly enacted appropriations acts; and

19 WHEREAS, Article III, Section IX, Paragraph VI(e) grants the Governor a constitutionally  
20 defined line-item veto power over appropriations bills, which triggers the General  
21 Assembly's right to override that veto by a two-thirds vote of both chambers, preserving the  
22 constitutional balance of power between the branches; and

23 WHEREAS, the use of executive budget disregards to withhold appropriated spending  
24 bypasses the line-item veto process entirely, strips the General Assembly of its override  
25 authority, and allows one officer of the executive branch to unilaterally nullify decisions  
26 made by 236 duly elected members of the legislature; and

27 WHEREAS, Article I of the Georgia Constitution requires that the legislative, judicial, and  
28 executive powers remain forever separate and distinct, and that no person discharging the  
29 duties of one branch shall exercise the functions of another; and

30 WHEREAS, the 2026 Legislative Session was Governor Kemp's eighth and final as  
31 governor, making the integrity of the Fiscal Year 2027 appropriations process a matter of  
32 lasting significance for the state's financial continuity and the orderly transition to the next  
33 administration; and

34 WHEREAS, House Bill 974, the Fiscal Year 2027 General Appropriations Act, passed the  
35 Georgia House of Representatives by a vote of 159 to 4, reflecting broad, bipartisan  
36 consensus built through months of hearings, negotiations, and deliberation between members  
37 and staff of both chambers; and

38 WHEREAS, House Speaker Jon G. Burns and House Appropriations Committee Chairman  
39 Representative Matt Hatchett led the House through a rigorous and transparent budget  
40 process focused on strategic investment and fiscal responsibility; and

41 WHEREAS, Lieutenant Governor Burt Jones and Senate Appropriations Committee  
42 Chairman Senator Blake Tillery guided the Senate's review of the budget, working through  
43 the conference committee process to reach agreement with the House on a final  
44 appropriations act that reflected the collective judgment of both chambers; and

45 WHEREAS, House Minority Leader Carolyn Hugley and Senate Minority Leader Harold  
46 Jones II, together with both Democratic caucuses, participated fully in the appropriations  
47 process and placed the passage of a balanced, responsible budget at the top of their legislative  
48 priorities; and

49 WHEREAS, the bipartisan, bicameral work that produced House Bill 974 represents  
50 hundreds of hours of hearings, testimony from agencies and community stakeholders, fiscal  
51 analysis, and good-faith negotiation, all of which the Governor's unilateral disregards  
52 effectively nullify without legislative recourse; and

53 WHEREAS, Governor Brian Kemp, upon signing House Bill 974 on May 12, 2026,  
54 simultaneously issued 157 executive budget disregards and line-item vetoes, cutting more  
55 than \$344 million from the budget approved by the General Assembly; and

56 WHEREAS, the Governor's stated justification was a \$1.3 billion revenue shortfall created  
57 by House Bill 463, an income tax reduction bill he himself signed into law on the same day,  
58 meaning the budget hole he cited was one of his own making; and

59 WHEREAS, the disregards cut more than \$88 million from public education, including \$30.7  
60 million for school transportation, a \$12 million bond veto for school safety equipment, \$2.7  
61 million for vision and hearing screening tied to the legislature's literacy initiative, and \$2.5  
62 million for out-of-school care; and

63 WHEREAS, the disregards cut more than \$81 million from healthcare, including the full \$48  
64 million in new Medicaid reimbursement rate increases for primary care, dental, and  
65 psychiatric providers, as well as \$2 million for senior caregiver support services; and

66 WHEREAS, the disregards withheld approximately \$15.8 million from the Department of  
67 Human Services, including \$9.4 million for domestic violence shelters, \$3.3 million for  
68 sexual assault centers, \$2 million for unhoused veterans, and \$1.5 million for child welfare  
69 and family reunification services; and

70 WHEREAS, across the Governor's first four fiscal years, he issued 49 disregards totaling \$85  
71 million, then escalated to 134 disregards on \$242 million in FY 2024 alone, and has now  
72 issued 157 disregards on more than \$344 million in FY 2027, representing a dramatic and  
73 unchecked escalation of executive spending authority; and

74 WHEREAS, the practice of issuing disregards to impound appropriated funds, rather than  
75 exercising the constitutionally prescribed line-item veto, denies the legislature any  
76 opportunity for override, treats enacted law as advisory, and sets a precedent that threatens  
77 the fundamental constitutional role of the General Assembly; and

78 WHEREAS, the Georgia House of Representatives formally rejects the use of executive  
79 budget disregards as a substitute for the line-item veto and demands that appropriations  
80 enacted by the legislature be treated as binding law.

81 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that  
82 the members of this body urge Governor Brian P. Kemp to immediately release all funds  
83 withheld through executive budget disregards issued in connection with House Bill 974 and  
84 direct affected state agencies to proceed with expenditure of appropriated funds in  
85 accordance with the enacted appropriations act.

86 BE IT FURTHER RESOLVED that the members of this body affirm that the appropriation  
87 of public funds is an exclusively legislative power under the Georgia Constitution, that  
88 appropriations lawfully enacted through the general appropriations process carry the full  
89 force of law, and that executive budget disregards do not constitute a valid or constitutional  
90 exercise of executive authority.

91 BE IT FURTHER RESOLVED that the members of this body urge the Governor to exercise  
92 the constitutionally prescribed line-item veto rather than issuing disregards for any specific  
93 appropriation that cannot be funded, thereby allowing the General Assembly to consider  
94 exercising its override authority and preserving the proper separation of powers.

95 BE IT FURTHER RESOLVED that the members of this body recognize the dedicated work  
96 of Speaker Jon G. Burns, Representative Matt Hatchett, Minority Leader Carolyn Hugley,  
97 Lieutenant Governor Burt Jones, Senator Blake Tillery, Minority Leader Harold Jones II, and  
98 the members and staff of both chambers whose collective effort produced a balanced and  
99 responsible appropriations act.

100 BE IT FURTHER RESOLVED that the members of this body urge the Office of the  
101 Attorney General to provide a formal legal opinion on the constitutional authority of the  
102 Governor to issue executive budget disregards that impound appropriated funds and to advise  
103 the General Assembly on available legal remedies to enforce its appropriations authority.

104 BE IT FURTHER RESOLVED that the members of this body urge the House  
105 Appropriations Committee and the House Judiciary Committee to develop legislation  
106 establishing clear statutory limits on the Governor's authority to withhold appropriated funds  
107 outside the constitutionally prescribed line-item veto process, protecting the legislature's  
108 power of the purse for this and all future administrations.

109 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized  
110 and directed to make appropriate copies of this resolution available for distribution to  
111 Governor Brian P. Kemp, the Lieutenant Governor, the President Pro Tempore of the  
112 Georgia Senate, the Attorney General, the Office of Planning and Budget, the Senate  
113 Appropriations Committee, the House Appropriations Committee, and the Georgia Budget  
114 and Policy Institute.