

House Bill 254

By: Representatives White of the 3rd, Post 2, Smith of the 129th, Post 2, Westmoreland of the 86th, Keen of the 146th, Boggs of the 145th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to
2 department, commissioner, and board of human resources, so as to provide for a Choose Life
3 adoption support program; to provide for a trust fund to support the program; to authorize
4 the commissioner to administer the program; to amend Article 2 of Chapter 2 of Title 40 of
5 the Official Code of Georgia Annotated, relating to registration and licensing of motor
6 vehicles generally, so as to provide for special license plates promoting a Choose Life
7 adoption support program; to provide for issuance, renewal, fees, licensing agreements,
8 applications, transfers, and disposition of funds relative to such license plates; to provide for
9 related matters; to provide an effective date; to provide for contingent repeal; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to social services,
14 is amended by adding a new Code Section 49-2-6.1 to read as follows:

15 "49-2-6.1.

16 The commissioner shall establish a Choose Life adoption support program to encourage
17 women to consider adoption as a solution to their unplanned or unwanted pregnancies. The
18 department shall utilize moneys placed in a special fund for such program as derived from
19 special license plate sales pursuant to Code Section 40-2-49.4, any funds appropriated to
20 the department for such purposes, and any voluntary contributions or other funds made
21 available to the department for such purposes for the implementation, operation, and
22 support of such Choose Life adoption support program. The commissioner is authorized
23 to promulgate rules to direct and administer the Choose Life adoption support program and
24 to carry out this Code section."

SECTION 2.

Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles generally, is amended by adding, following Code Section 40-2-49.3, a new Code Section 40-2-49.4 to read as follows:

"40-2-49.4.

(a) In order to promote and financially provide for Choose Life adoption support programs to encourage women to consider adoption as a solution to their unplanned or unwanted pregnancies, there shall be issued beginning January 1, 2005, special license plates promoting the Choose Life adoption support program provided for in Code Section 49-2-6.1.

(b) The Department of Human Resources, in cooperation with the commissioner, shall design special distinctive license plates appropriate to promote Choose Life adoption support programs. The Choose Life adoption support program license plates must be of the same size as general issue motor vehicle license plates and shall include a unique design and identifying number, whereby the total number of characters does not exceed six. No two recipients shall receive identically numbered plates. Such design shall provide space in which to indicate the name of the county of issuance.

(c) Notwithstanding the provisions of subsection (b) of this Code section, this Code section shall not be implemented until such time as the State of Georgia has, through a licensing agreement or otherwise, received such licenses or other permissions as may be required to implement this Code section. The design of the initial edition of the Choose Life adoption support program license plates, as well as the design of subsequent editions and excepting only any part or parts of the designs owned by others and licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and control, except as authorized by the commissioner of human resources. The commissioner of human resources may take such steps as may be necessary to give notice of and protect such right, including the copyright or copyrights. However, such steps shall be cumulative of the ownership and exclusive use and control established by this subsection as a matter of law, and no person shall reproduce or otherwise use such design or designs, except as authorized by the commissioner of human resources.

(d) Beginning in calendar year 2005, any Georgia resident who is the owner of a motor vehicle, except a vehicle registered under the International Registration Plan, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles and upon the payment of a fee of \$25.00 in addition to the regular motor vehicle registration fee, shall be issued a Choose Life adoption support program license plate. Revalidation decals shall be issued for Choose Life adoption support program license plates in the same manner as provided for general issue license plates.

(e) The funds derived from the sale of Choose Life adoption support program license plates, less a \$1.00 processing fee which shall be granted to county tag offices per plate sold and less the actual manufacturing cost of the plates, shall be deposited in a nonlapsing special fund for support of the Choose Life adoption support program as authorized by Article III, Section IX, Paragraph VI(n) of the Constitution of the State of Georgia. As soon as practicable after December 31 of each year, the commissioner shall report the net amount derived from the sale of Choose Life adoption support program license plates to the Department of Human Resources.

(f) The moneys in the Choose Life trust fund shall be distributed at the beginning of each fiscal year to nongovernmental, not for profit agencies within the county whose services are limited to counseling and meeting the needs of pregnant women who are committed to placing their children for adoption. Funds shall be distributed to qualified agencies in each county in proportion to the number of registrations and renewals under this Code section from that county. Funds at the county level shall be distributed equally among each qualified agency with a place of business in the county which applies for funds and meets the requirements of this section. If a qualified agency maintains a place of business in more than one county, the agency shall be eligible to receive a pro rata share of the funds distributed in each of those counties.

(g) If there is no qualified agency which applies to receive funds in a particular county, the portion of the Choose Life trust fund that would have gone to that county shall be distributed to qualified agencies that apply, which maintain a place of business within a 100 mile radius of the county seat of such county. If no qualified agencies apply, the funds shall be kept in the trust fund until a qualified agency under this Code section applies for the funds.

(h) Funds may not be distributed to any agency that is involved or associated with abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising. Funds may not be distributed to any agency that charges women for services received.

(i) Sixty percent of the funds received shall be allocated by the qualified agency for the material needs of pregnant women who are committed to placing their children for adoption, including clothing, housing, medical care, food, utilities, and transportation, and for such expenses for the infants while awaiting placement with adoptive parents. Qualified agencies that receive these moneys shall allocate 40 percent of the funds received to enhance their adoption efforts through counseling, training, and advertising. These moneys may not be used for administrative expenses, legal expenses, or capital expenditures.

(j) One year after an allocation to a qualified agency, any unused funds in excess of 10 percent of the allocation shall be returned to the Choose Life trust fund to be aggregated

1 and redistributed with the next fiscal year distributions. No funds may be distributed to
2 agencies or organizations described in subsection (h) of this Code section.

3 (k) In order to become a qualified agency to apply for and receive the funds available
4 through the Choose Life trust fund, an agency must deliver to the commissioner of human
5 resources an application certifying items in paragraphs (1) through (9) of this subsection.
6 Such application must contain an affidavit signed by a duly authorized officer of the
7 agency certifying under penalty of perjury that the information given in the application is
8 true and correct to the best of his or her knowledge and belief:

9 (1) The agency is a nonprofit organization;

10 (2) The agency does not discriminate because of race, marital status, gender, religion,
11 national origin, handicap, or age;

12 (3) The agency is committed to counseling pregnant women about the option of
13 adoption;

14 (4) The agency is not involved or associated with any abortion activities, including
15 counseling for or referrals to abortion clinics, providing medical abortion-related
16 procedures, or pro-abortion advertising;

17 (5) The agency does not charge women for services received;

18 (6) The agency understands and agrees that 60 percent of the funds received must be
19 allocated for the material needs of pregnant women who are committed to placing their
20 children for adoption, including clothing, housing, medical care, food, utilities, and
21 transportation, and for such expenses for the infants while awaiting placement with
22 adoptive parents, and 40 percent of the funds received must be allocated to enhance their
23 adoption efforts through counseling, training, and advertising;

24 (7) The agency understands and agrees that these moneys may not be used for
25 administrative expenses, legal expenses, or capital expenditures;

26 (8) The agency understands and agrees that funds not used within one year of allocation,
27 that exceed 10 percent of the allocation, must be returned to the Choose Life trust fund
28 to be aggregated and redistributed with the next fiscal year distribution; and

29 (9) The agency agrees that it will submit an annual audit of such funds verifying the
30 funds received were used in the manner described in this Code section.

31 (l) An applicant may request a Choose Life adoption support program license plate any
32 time during the applicant's registration period. If such a license plate is to replace a current
33 valid license plate, the Choose Life adoption support program license plate shall be issued
34 with appropriate decals attached.

35 (m) Choose Life adoption support program license plates shall be transferred from one
36 vehicle to another vehicle in accordance with the provisions of Code Section 40-2-42.

(n) Choose Life adoption support program license plates shall be issued within 30 days of application."

SECTION 3.

(a) This Act shall become effective on January 1, 2005, except as otherwise provided in subsection (b) of this section.

(b) If an amendment to the Constitution of the State of Georgia authorizing the creation of a special fund for support of a Choose Life adoption support program is not ratified at the general election in 2004, this Act shall be repealed in its entirety on January 1, 2005, and no such motor vehicle license plates shall be issued pursuant to this Act.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.