

House Bill 286

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 and Choose Life, Inc., shall design special distinctive license plates. The words 'Georgia on My Mind' must appear at the top of the license plate and the words 'Choose Life' must appear the bottom. 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. It shall not be a requirement that a county name decal be affixed and displayed on license plates issued under this Code section.

(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.

1 Revalidation decals shall be issued for Choose Life adoption support program license
2 plates in the same manner as provided for general issue license plates.

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

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

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

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

31 (i) Sixty percent of the funds received shall be allocated by the qualified agency for the
32 material needs of pregnant women who are planning to place their children for adoption,
33 including clothing, housing, medical care, food, utilities, and transportation, and for such
34 expenses for the infants while awaiting placement with adoptive parents. Qualified
35 agencies that receive these moneys shall allocate 40 percent of the funds received to
36 enhance their adoption efforts through counseling, training, and advertising. These moneys
37 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 and redistributed with the next fiscal year distributions. No funds may be distributed to agencies or organizations described in subsection (h) of this Code section.

(k) A qualified agency must submit to the commissioner of human resources an annual audited financial statement by a certified public accountant of such funds verifying the funds received were used in the manner described in this Code section.

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

(1) The agency is a nonprofit organization;

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

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

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

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

(6) The agency understands and agrees that 60 percent of the funds received must be allocated for the material needs of pregnant women who are planning to place 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, and 40 percent of the funds received must be allocated to enhance their adoption efforts through counseling, training, and advertising;

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

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

(9) The agency agrees that it will submit an annual audited financial statement by a certified public accountant of such funds verifying the funds received were used in the manner described in this Code section.

1 (m) An applicant may request a Choose Life adoption support program license plate any
2 time during the applicant's registration period. If such a license plate is to replace a current
3 valid license plate, the Choose Life adoption support program license plate shall be issued
4 with appropriate decals attached.

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

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

9 **SECTION 3.**

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

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

16 **SECTION 4.**

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