

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 2 of Title 37 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to the administration of mental health, mental
3 retardation, substance abuse, and other disability services, so as to establish an Intellectually
4 Disabled Health and Fitness Program Fund for state-wide health and fitness programs for the
5 intellectually disabled provided solely by Special Olympics Georgia and to provide for a
6 program for the purpose of providing direct aid to adults with intellectual and other
7 developmental disabilities who need financial assistance in establishing an independent
8 residence; to provide for funds, rules, and reports related thereto; to amend Article 2 of
9 Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and
10 licensing of motor vehicles generally, so as to provide for a special and distinctive license
11 plate to promote Special Olympics Georgia and to promote and financially benefit the
12 Intellectually Disabled Health and Fitness Program Fund; to provide for issuance, renewal,
13 fees, licensing agreements, applications, transfers, and disposition of funds relative to such
14 license plates; to provide for related matters; to provide for contingent repeal; to provide for
15 an effective date; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Article 1 of Chapter 2 of Title 37 of the Official Code of Georgia Annotated, relating to
19 general provisions relative to the administration of mental health, mental retardation,
20 substance abuse, and other disability services, is amended by inserting a new Code Section
21 37-2-1.1 to read as follows:

22 "37-2-1.1.

23 (a) There shall be established a special fund to be known as the 'Intellectually Disabled
24 Health and Fitness Program Fund.' This fund shall consist of any appropriations by the
25 General Assembly to the fund, revenues derived from the sale of any special and distinctive
26 Special Olympics Georgia (SOGA) motor vehicle license plates issued pursuant to Code

Section 40-2-49.4, any contributions to the fund from any other source, and all interest thereon. All moneys collected under this Code section and fees for any special and distinctive SOGA motor vehicle license plates shall be paid into the fund. All balances in the fund shall be deposited in an interest-bearing account identifying the fund and shall be carried forward each year so that no part thereof may be deposited in the general treasury. The department shall administer the fund and shall, by the fifteenth of each month, present a check to SOGA in the amount of 75 percent of the moneys deposited into the Intellectually Disabled Health and Fitness Program Fund to fund state-wide health and fitness programs for the intellectually disabled provided solely by SOGA, including the development of new SOGA programs, and to fund existing SOGA programs. The department shall retain 25 percent of the moneys deposited into the Intellectually Disabled Health and Fitness Program Fund for a program to be administered by the Governor's Council on Developmental Disabilities for the purpose of providing direct aid to adults with intellectual and other developmental disabilities who need financial assistance in establishing an independent residence.

(b) In addition to the foregoing, the department may, without limitation, promote and solicit voluntary contributions, promote the sale of motor vehicle license plates authorized under Code Section 40-2-49.4, and develop any fundraising or other promotional techniques deemed appropriate by the department. Contributions to the fund shall be deemed supplemental to and shall in no way supplant funding that would otherwise be appropriated for these purposes. The department shall prepare, by February 1 of each year, an accounting of the funds received and expended from the fund. The report shall be made available to the members of the Governor's Council on Developmental Disabilities, the Senate Health and Human Services Committee, and the House Committee on Human Relations and Aging, and to members of the public on request."

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, is amended by inserting a new Code Section 40-2-49.4 to read as follows:

"40-2-49.4.

(a) In order to promote and financially benefit the Intellectually Disabled Health and Fitness Program Fund established pursuant to Code Section 37-2-1.1, there shall be issued special and distinctive Special Olympics Georgia (SOGA) license plates to promote the Special Olympics movement in Georgia and the benefits of supporting the Intellectually Disabled Health and Fitness Program Fund.

1 (b) SOGA shall design a special and distinctive license plate appropriate to promote the
2 spirit of the Special Olympics movement in Georgia. The SOGA motor vehicle license
3 plate shall be of the same size and general design of general issue motor vehicle license
4 plates and shall include a unique identifying number, whereby the total number of
5 characters does not exceed six. No two recipients shall receive identically numbered
6 plates. Such design shall require space in which to indicate the name of the county of
7 issuance.

8 (c) Notwithstanding subsection (b) of this Code section, this Code section shall not be
9 implemented until such time as the State of Georgia has, through licensing agreement or
10 otherwise, received such licenses or other permissions as may be required to implement
11 this Code section. The design of the initial edition of the SOGA motor vehicle license
12 plate, as well as the design of subsequent editions and excepting only any part or parts of
13 the designs owned by others and licensed to the state, shall be owned solely by the State
14 of Georgia for its exclusive use and control, except as authorized by the commissioner. The
15 commissioner may take such steps as may be necessary to give notice of and protect such
16 right, including the copyright or copyrights. However, such steps shall be cumulative of
17 the ownership and exclusive use and control established by this subsection as a matter of
18 law, and no person shall reproduce or otherwise use such design or designs, except as
19 authorized by the commissioner.

20 (d) Beginning in calendar year 2005, any Georgia resident who is the owner of a motor
21 vehicle, except a vehicle registered under the International Registration Plan, upon
22 complying with the motor vehicle laws relating to registration and licensing of motor
23 vehicles and upon the payment of a fee of not more than \$25.00 in addition to the regular
24 motor vehicle registration fee, shall be issued a SOGA motor vehicle license plate.
25 Revalidation decals shall, upon payment of fees required by law and collected by the
26 county tag agency and remitted to the state as provided in Code Section 40-2-34, be issued
27 for SOGA license plates in the same manner as provided for general issue license plates.

28 (e) The funds derived from the sale of SOGA motor vehicle license plates, less a \$1.00
29 processing fee which shall be granted to county tag offices per plate sold and less the actual
30 manufacturing cost of the plates, shall be transferred to the Department of Human
31 Resources to be deposited in the Intellectually Disabled Health and Fitness Program Fund
32 established by Code Section 37-2-1.1 and shall be expended only for the purposes set forth
33 in subsection (a) of Code Section 37-2-1.1.

34 (f) An applicant may request a SOGA motor vehicle license plate any time during the
35 applicant's registration period. If a SOGA motor vehicle license plate is to replace a
36 current valid license plate, the department shall issue the SOGA motor vehicle license plate
37 with appropriate decals attached.

(g) SOGA motor vehicle license plates shall be transferred from one vehicle to another in accordance with the provisions of Code Section 40-2-42.

(h) SOGA motor vehicle license plates shall be issued within 30 days of application.

(i) The commissioner is authorized to establish procedures and promulgate rules and regulations necessary to carry out the provisions of this Code section."

SECTION 3.

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

(b) If an amendment to the Constitution of the State of Georgia authorizing the creation of the Intellectually Disabled Health and Fitness Program Fund is not ratified at the general election in 2004, this Act shall not become effective and shall be repealed in its entirety on January 1, 2005.

SECTION 4.

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