

The House Committee on Defense and Veterans Affairs offers the following substitute to SB 555:

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 10, 29, 31, 38, and 50 of the Official Code of Georgia Annotated, relating
2 to commerce and trade, guardian and ward, health, military, emergency management, and
3 veterans affairs, and state government, respectively, so as to authorize the admission of
4 eligible nonveteran residents to a Georgia War Veterans' Home under certain circumstances;
5 to provide for definitions; to provide limited authority to serve as an authorized
6 representative for the purposes of completing an application for public benefits on behalf of
7 a deceased individual and attending any hearing thereon or litigating any appeal related
8 thereto; to provide for the termination of such authority; to provide for related matters; to
9 provide an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **PART I**
12 **SECTION 1-1.**

13 Title 38 of the Official Code of Georgia Annotated, relating to military, emergency
14 management, and veterans affairs, is amended in Part 2 of Article 2 of Chapter 4, relating to

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15 war veterans home, by revising Code Section 38-4-55, relating to admissions and discharges,
16 rules and regulations concerning, as follows:

17 "38-4-55.

18 (a) As used in this Code section, the term:

19 (1) 'Eligible nonveteran resident' means a resident of this state who is either a spouse of
20 a war veteran or a parent whose child or children was or were war veterans and died
21 while serving in the armed forces.

22 (2) 'Georgia War Veterans' Home' means the Georgia War Veterans' Nursing Home or
23 the Georgia State War Veterans' Home.

24 ~~(a)(b)~~ Admissions to and discharges from ~~any facility of the Georgia State War Veterans'~~
25 ~~Home~~ a Georgia War Veterans' Home shall be under the control of the governing authority
26 of the facility concerned under the laws and department rules and regulations in force at
27 the time application for admission or for discharge is presented; provided, however, that
28 a war veteran or eligible nonveteran resident shall not be eligible for admission to ~~the~~
29 ~~Georgia War Veterans' Nursing Home or the Georgia State War Veterans' Home~~ such
30 home unless such war veteran individual:

31 (1) Has been a resident of this state for a period of at least two years immediately prior
32 to application for admission; or

33 (2) Is a current resident of this state and has been a resident of this state for at least five
34 years out of the last 15 years prior to application for admission.

35 (c) War veterans shall retain first priority for admission, waitlisting, and bed assignment.
36 No eligible nonveteran resident may be admitted if such admission would displace or delay
37 an otherwise admissible veteran when a veteran appropriate bed is available.

38 (d) The Veterans Service Board or its designee may admit an eligible nonveteran resident
39 who is a spouse for the limited purpose of maintaining co-occupancy of a room in a
40 Georgia War Veterans' Home with the war veteran when:

- 41 (1) Such spouse is admitted or simultaneously applies with the war veteran to whom he
42 or she is legally married; and
- 43 (2) Co-occupancy will not reduce veteran bed availability below occupancy targets set
44 by rules adopted by the Veterans Service Board.
- 45 (e) The aggregate census of eligible nonveteran residents at any Georgia War Veterans'
46 Home shall not exceed the lesser of:
- 47 (1) Twenty-five percent of total operational beds in the facility;
48 (2) Any lower percentage required to maintain Veterans Administration certification or
49 per diem; or
- 50 (3) Any lower percentage provided by rules adopted by the Veterans Service Board.
- 51 (f) Provided, further, that the ~~The~~ Veterans Service Board may admit and discharge
52 veterans to the ~~Georgia State War Veterans' Home~~ a Georgia War Veterans' Home who
53 qualify for care and treatment under Title 38, U.S.C., Section 101 (19) and Section ~~641~~
54 1741.
- 55 (g) The Veterans Service Board may adopt appropriate rules consistent with accepted
56 medical considerations to determine if ~~a war veteran~~ an individual qualifies under this
57 subsection Code section.
- 58 (~~b~~)(h) The governing authority of ~~such facility~~ a Georgia War Veterans' Home shall
59 exercise appropriate police power and power of restraint over veterans at the ~~Georgia State~~
60 ~~War Veterans' Home~~ such facility consistent with policies applied to other patients under
61 their care or responsibility.
- 62 (i) Eligible nonveteran residents shall be private-pay residents unless otherwise eligible
63 for third-party coverage under state or federal law.
- 64 (j) Private-pay rates for eligible nonveteran residents shall be no less than the full cost of
65 care, as determined annually by the Department of Veterans Service. When determining
66 such rates, the Department of Veterans Service may consider factors, including, but not
67 limited to, market adjustments due to acuity level, room type, and specialized services."

PART II**SECTION 2-1.**

68 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
69 amended in Article 2 of Chapter 6B, relating to authority of agent relative to Georgia power
70 of attorney, by adding a new subsection to Code Section 10-6B-53, relating to benefits from
71 governmental programs or civil or military service, to read as follows:
72

73 “(c) Notwithstanding any provision of Code Section 10-6B-10 or any other law to the
74 contrary, a valid power of attorney that grants general authority with respect to the
75 principal's entitlement to or claim for benefits from governmental programs or civil or
76 military service shall not terminate when the principal dies, but shall continue after the
77 principal's death for the exclusive and limited purpose of authorizing the agent to serve as
78 an authorized representative, to the extent one was not previously appointed, for the
79 purposes of completing an application for public benefits on behalf of a principal and
80 attending any hearing thereon or litigating any appeal related thereto; provided, however,
81 that such authority shall terminate immediately upon the earlier of the appointment of such
82 authorized representative by any individual or entity authorized to make such appointment
83 or the appointment of a temporary administrator or personal representative for the
84 principal's estate by a court of competent jurisdiction.”
85

SECTION 2-2.

86 Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, is
87 amended in Article 5 of Chapter 4, relating to review and termination of guardianship, by
88 revising subsection (e) of Code Section 29-4-42, relating to termination of guardianship,
89 required evidence, burden of proof, and return of property, as follows:
90

91 “(e) The death of the ward automatically terminates the guardianship, except as otherwise
92 provided in Code Section 29-4-43 and subsection (b.1) of Code Section 50-13-13.”

SECTION 2-3.

93

94 Said title is further amended in Article 8 of Chapter 5, relating to modification and
95 termination of conservatorship, by revising subsection (e) of Code Section 29-5-72, relating
96 to termination of conservatorship, required evidence to support, burden of proof, and death
97 of ward, as follows:

98 "(e) The death of the ward automatically terminates the conservatorship except:

99 (1) For for purposes of the final settlement of the petition for letters of discharge, as
100 provided in Code Section 29-5-81; or

101 (2) That the conservator who is serving at the time of the ward's death shall be authorized
102 to serve as an authorized representative, to the extent one was not previously appointed,
103 for the purposes of completing an application for public benefits on behalf of the ward
104 and attending any hearing thereon or litigating any appeal related thereto; provided,
105 however, that such authority shall terminate immediately upon the earliest of:

106 (A) The appointment of such authorized representative by any individual or entity
107 authorized to make such appointment;

108 (B) The appointment of a temporary administrator or personal representative for the
109 ward's estate by a court of competent jurisdiction; or

110 (C) The final settlement of the conservator's accounts and the conservator's discharge,
111 as provided in Code Section 29-5-81."

SECTION 2-4.

112

113 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in Chapter
114 32, relating to advance directives for health care, by adding a new paragraph to subsection
115 (e) of Code Section 31-32-7, relating to duties and responsibilities of health care agents, to
116 read as follows:

117 "(3.1) The individual who is a declarant's health care agent at the time of such declarant's
118 death shall be authorized to serve as an authorized representative, to the extent one was

119 not previously appointed, for the purposes of completing an application for public
120 benefits on behalf of the declarant and attending any hearing thereon or litigating any
121 appeal related thereto; provided, however, that such authority shall terminate immediately
122 upon the earlier of the appointment of such authorized representative by any individual
123 or entity authorized to make such appointment or the appointment of a temporary
124 administrator or personal representative for the declarant's estate by a court of competent
125 jurisdiction."

126 **SECTION 2-5.**

127 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
128 in Article 1 of Chapter 13, relating to general provisions relative to administrative
129 procedures, by adding a new subsection to Code Section 50-13-13, relating to opportunity
130 for hearing in contested cases, notice, counsel, subpoenas, record, enforcement powers, and
131 revenue cases, to read as follows:

132 "(b.1) The authority of an agent under a power of attorney provided for in Chapter 6B of
133 Title 10, a health care agent under an advance directive for health care provided for in
134 Chapter 32 of Title 31, a conservator or guardian provided for in Title 29, or an authorized
135 representative for the purposes of completing an application for public benefits, shall
136 continue after the death of the principal to serve as an authorized representative for the
137 purposes of completing an application for public benefits on behalf of such principal and
138 attending any hearing thereon or litigating any contested case or appeal related thereto;
139 provided, however, that such authority shall terminate immediately upon the earlier of the
140 appointment of such authorized representative by any individual or entity authorized to
141 make such appointment or the appointment of a temporary administrator or personal
142 representative for the principal's estate by a court of competent jurisdiction."

143

PART III

144

SECTION 3-1.

145 This Act shall become effective on July 1, 2026.

146

SECTION 3-2.

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