

House Bill 881 (AS PASSED HOUSE AND SENATE)

By: Representatives Epps of the 144th, Powell of the 32nd, Gardner of the 57th, Stephenson of the 90th, Mosby of the 83rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-2-86 of the Official Code of Georgia Annotated, relating to
2 special license plates promoting certain beneficial projects and supporting certain worthy
3 agencies, funds, or nonprofit corporations, so as to adjust fund allocation for certain specialty
4 wildlife license plates; to provide for a new special license plate for the Grady Health
5 Foundation; to repeal obsolete provisions; to provide for related matters; to require a
6 two-thirds' majority vote for passage in accordance with constitutional requirements; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Code Section 40-2-86 of the Official Code of Georgia Annotated, relating to special license
11 plates promoting certain beneficial projects and supporting certain worthy agencies, funds,
12 or nonprofit corporations, is amended by revising subsections (a) and (e) and by adding a
13 new subsection to read as follows:

14 "(a)(1) As used in this Code section, except as otherwise provided in subsection (n) of
15 this Code section, the term:

16 (A) 'Manufacturing fee' means a \$25.00 fee paid at the time a special license plate is
17 issued.

18 (B) 'Special license plate fee' means a \$35.00 fee paid at the time a special license plate
19 is issued.

20 (C) 'Special license plate renewal fee' means a \$35.00 fee paid at the time a
21 revalidation decal is issued for a special license plate.

22 (2) In accordance with Article III, Section IX, Paragraph VI(n) of the Constitution, the
23 General Assembly has determined that the issuance of special license plates to support
24 an agency or fund or a program beneficial to the people of this state that is administered
25 by a nonprofit corporation organized under Section 501(c)(3) of Title 26 of the Internal

26 Revenue Code and dedicating a portion of the funds raised from the sale of these special
27 license plates is in the best interests of the people of this state."

28 "(e) Before the department disburses to the agency, fund, or nonprofit corporation funds
29 from the sale of special license plates, the agency, fund, or nonprofit corporation must
30 provide a written statement stating the manner in which such funds shall be utilized. In
31 addition, a nonprofit corporation ~~must~~ shall provide the department with documentation
32 of its nonprofit status under Section 501(c)(3) of Title 26 of the Internal Revenue Code.
33 The purposes for which the funds shall be utilized ~~must~~ shall be the same as those
34 specified in this Code section authorizing the dedication to the agency, fund, or nonprofit
35 corporation of revenue from the sale of special license plates. The agency, fund, or
36 nonprofit corporation shall periodically provide to the commissioner an audit of the use
37 of the funds or other evidence of use of the funds satisfactory to the commissioner. Any
38 agency, fund, or nonprofit corporation which receives funds under subsection (n) of this
39 Code section shall submit annually to the members of the Senate Natural Resources and
40 the Environment Committee, the House Committee on Game, Fish, and Parks, the House
41 Committee on Appropriations, and the Senate Appropriations Committee, and to the
42 commissioner of natural resources a detailed audit containing the disposition and
43 expenditure of all funds received pursuant to such subsection. If it is determined that the
44 funds are not being used for the purposes set forth in the statement provided by the
45 agency, fund, or nonprofit corporation, the department shall withhold payment of such
46 funds until such noncompliance issues are resolved."

47 "(n)(1) The General Assembly recognizes that Code Section 12-3-600 mandates that the
48 best interests of the state are served by providing for the conservation of nongame species
49 of wildlife and has determined that the following special license plates supporting the
50 agencies, funds, or nonprofit corporations listed in this subsection shall be issued for the
51 purposes indicated. The special license plates listed in this subsection shall be subject to
52 a special license plate fee and a special license plate renewal fee. The revenue
53 disbursement for the special license plates listed in this subsection shall be as follows:

54 (A) Special license plate fee – \$25.00 of which \$5.00 is to be deposited into the general
55 fund, \$1.00 is to be paid to the local county tag agent and \$19.00 is to be dedicated to
56 the sponsoring agency, fund, or nonprofit corporation; and

57 (B) Special license plate renewal fee – \$25.00 of which \$5.00 is to be deposited into
58 the general fund and \$20.00 is to be dedicated to the sponsoring agency, fund, or
59 nonprofit corporation.

60 (2) Special license plates promoting the Nongame-Endangered Wildlife Program of the
61 Department of Natural Resources. The funds raised by the sale of these special license
62 plates shall be disbursed to the Nongame Wildlife Conservation and Wildlife Habitat

63 Acquisition Fund of the Department of Natural Resources for the purposes enumerated
 64 in subsection (b) of Code Section 12-3-602. Such license plates shall not include a space
 65 for a county name decal but shall instead bear the legend 'Give Wildlife a Chance' in lieu
 66 of the name of the county of issuance.

67 (3) A special license plate promoting conservation and enhancement of trout populations.
 68 The funds raised by the sale of this special license plate shall be disbursed to the Wildlife
 69 Resources Division of the Department of Natural Resources to supplement trout
 70 restoration and management programs.

71 (4) A special license plate supporting the Bobwhite Quail Restoration Initiative. The
 72 funds raised by the sale of this special license plate shall be disbursed to the Wildlife
 73 Resources Division of the Department of Natural Resources to conduct programs
 74 designed to enhance the bobwhite quail population in this state. Such programs may
 75 include the creation of habitat demonstration areas on state managed wildlife lands,
 76 education programs, technical assistance to private landowners in the creation and
 77 maintenance of bobwhite quail habitats on their lands, and projects to encourage public
 78 support for the license plate and the activities it funds. The Department of Natural
 79 Resources may enter into such contractual agreements as may be appropriate to further
 80 the objectives of the Bobwhite Quail Restoration Initiative, including entering into
 81 contractual agreements whereby private landowners, public agencies, or corporate entities
 82 create, preserve, or enhance habitat for bobwhite quail in return for the payment of
 83 incentives. Such license plate shall not include a space for a county decal but shall
 84 instead bear the legend 'Support Wildlife' in lieu of the name of the county of issuance."

85 **SECTION 2.**

86 Said Code section is further amended in subsection (1) by adding a new paragraph to read as
 87 follows:

88 "(51) A special license plate for the Grady Health Foundation to support and improve the
 89 quality of health care services. The funds raised by the sale of this special license plate
 90 shall be disbursed to the Grady Health Foundation."

91 **SECTION 3.**

92 Said Code section is further amended by repealing paragraphs (2), (3), and (4) of subsection
 93 (1) and designating said paragraphs as reserved.

94 **SECTION 4.**

95 In accordance with the requirements of Article III, Section IX, Paragraph (VI)(n) of the
96 Constitution of the State of Georgia, this Act shall not become law unless it receives the
97 requisite two-thirds' majority vote in both the Senate and the House of Representatives.

98 **SECTION 5.**

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