

House Bill 374

By: Representative Rogers of the 20th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to provide for timely payment for goods and
3 services purchased by local boards of education; to provide for complaints to the State Board
4 of Education; to provide for withholding of state funds in certain circumstances; to amend
5 Chapters 60 and 80 of Title 36 of the Official Code of Georgia Annotated, relating,
6 respectively, to general provisions applicable to municipal corporations and counties and to
7 general provisions applicable to municipal corporations, counties, and other governmental
8 entities, so as to provide for timely payment for goods and services purchased by local
9 governments and local authorities; to provide for complaints to the State Department of
10 Community Affairs; to provide for withholding of state funds in certain circumstances; to
11 amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general
12 provisions relative to state government, so as to provide for timely payment for goods and
13 services purchased by state authorities; to provide for complaints to the State Department of
14 Community Affairs; to provide for withholding of state funds in certain circumstances; to
15 repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
19 secondary education, is amended by inserting a new Code section to be designated Code
20 Section 20-2-71 to read as follows:

21 "20-2-71.

22 Local boards of education shall pay for goods and services that were lawfully purchased
23 on behalf of the local board and provided to the local board within 90 days of receipt of an
24 invoice for such goods or services. A supplier of such goods and services that does not
25 receive timely payment may file a complaint with the State Board of Education. The State

1 Board of Education is authorized to withhold grants of state funds to any local board of
2 education that fails to comply with this Code section without good cause."

3 **SECTION 2.**

4 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
5 provisions applicable to governing authorities of municipal corporations and counties, is
6 amended by inserting a new Code section to be designated Code Section 36-60-24 to read
7 as follows:

8 "36-60-24.

9 The governing authority of each county, each municipal authority, and each consolidated
10 government shall provide for the payment for goods and services that were lawfully
11 purchased on behalf of the governing authority and were delivered to the governing
12 authority within 90 days after receipt of an invoice for such goods or services. A supplier
13 of goods or services that does not receive timely payment may file a complaint with the
14 State Department of Community Affairs. The State Department of Community Affairs is
15 authorized to withhold grants of state funds to local governments that fail to comply with
16 this Code section without good cause."

17 **SECTION 3.**

18 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general
19 provisions applicable to municipal corporations, counties, and other governmental entities,
20 is amended by inserting a new Code section to be designated Code Section 36-80-21 to read
21 as follows:

22 "36-80-21.

23 As used in this Code section, the term 'local governmental authority' shall have the
24 meaning set out in Code Section 36-80-16. The members of each local governmental
25 authority shall provide for the payment for goods and services that were lawfully purchased
26 on behalf of the authority and were delivered to the authority within 90 days after receipt
27 of an invoice for such goods or services. A supplier of goods or services that does not
28 receive timely payment may file a complaint with the State Department of Community
29 Affairs. The State Department of Community Affairs is authorized to withhold grants of
30 state funds to local governmental authorities that fail to comply with this Code section
31 without good cause."

SECTION 4.

Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to state government, is amended by inserting a new Code section to be designated Code Section 50-1-8 to read as follows:

"50-1-8.

As used in this Code section, the term 'state authorities' means authorities that were created by general law and that are not geographically limited to an area that is less than the entire state. State authorities shall pay for goods and services that were lawfully purchased on behalf of the state authority and provided to the state authority within 90 days of receipt of an invoice for such goods or services. A supplier of such goods and services that does not receive timely payment may file a complaint with the Department of Community Affairs. The Department of Community Affairs is authorized to withhold grants of state funds to any state authority that fails to comply with this Code section without good cause."

SECTION 5.

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