

House Bill 202

By: Representatives Coleman of the 97<sup>th</sup>, Maxwell of the 17<sup>th</sup>, Kaiser of the 59<sup>th</sup>, Amerson of the 9<sup>th</sup>, Austin of the 10<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 11 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to powers of local boards with respect to public school property and  
3 facilities, and Part 2 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia  
4 Annotated, relating to the sales tax for educational purposes, so as to enact the "Traffic  
5 Operations and School Safety Act of 2011"; to authorize the use of educational funds for  
6 roadway improvements; to require a planning and construction guide relating to site  
7 accessibility and traffic flow for school construction; to define the term "capital outlay  
8 projects for educational purposes" with respect to the sales tax for educational purposes; to  
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 This Act shall be known and may be cited as the "Traffic Operations and School Safety Act  
13 of 2011."

14 **SECTION 2.**

15 Part 1 of Article 11 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
16 relating to powers of local boards with respect to public school property and facilities, is  
17 amended by revising Code Section 20-2-520, relating to acquiring and disposing of school  
18 sites and building, repairing, renting, and furnishing schoolhouses, as follows:

19 "20-2-520.

20 (a) The county boards of education shall have the power to purchase, lease, or rent school  
21 sites; build, repair, or rent schoolhouses; purchase maps, globes, and school furniture; and  
22 make all arrangements necessary to the efficient operation of the schools. Such county  
23 boards are invested with the title, care, and custody of all schoolhouses or other property,  
24 with the power to control such property in such manner as they think will best serve the  
25 interests of the public schools; and when, in the opinion of the county board, any

26 schoolhouse site has become unnecessary or inconvenient, they may sell it in the name of  
 27 the county board; and the conveyance for any such sale shall be executed by the president  
 28 or secretary of the county board, according to the order of the county board. Such county  
 29 boards shall have the power to receive any gift, grant, donation, or devise made for the use  
 30 of the public schools within the respective counties; and all conveyances of real estate  
 31 which may be made to such a county board shall vest the property in such county board and  
 32 its successors in office. Such county board may provide for the building of schoolhouses  
 33 by a tax on all property located in the county and outside the territorial limits of any  
 34 independent school system. The construction of all public school buildings must be  
 35 approved by the county school superintendent and county board and must be according to  
 36 the plans furnished by the county school authorities and the State Board of Education. On  
 37 and after July 1, 2011, the construction, improvement, and renovation of public school  
 38 buildings and property located on state routes shall comply with a planning and  
 39 construction guide relating to site accessibility and flow of traffic composed and published  
 40 by the Department of Transportation. All public school construction contracts in excess  
 41 of \$100,000.00 shall be publicly advertised and awarded through an open and competitive  
 42 process, regardless of the funding source.

43 (b) If a schoolhouse site has become unnecessary or inconvenient, as provided by  
 44 subsection (a) of this Code section, and if the state or the county or municipality whose  
 45 territorial boundaries include such schoolhouse site needs such site for any governmental  
 46 purpose, then the county board may sell or convey such schoolhouse site to the state or  
 47 such county or municipality for such consideration and subject to such conditions, if any,  
 48 as may be determined by such county board.

49 (c) In addition to school property and facilities provided for in subsection (a) of this Code  
 50 section, a county board of education or an area board of education is authorized to expend  
 51 educational funds available to it for the purpose of acquiring, improving, and selling real  
 52 or personal property in connection with its secondary and postsecondary vocational  
 53 education curricula or program and for the purpose of roadway improvements necessary  
 54 to access the schoolhouse site."

### 55 SECTION 3.

56 Part 2 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated,  
 57 relating to the sales tax for educational purposes, is amended by adding a new Code section  
 58 to read as follows:

59 "48-8-145.

60 For purposes of the sales tax for educational purposes levied pursuant to Article VIII,  
61 Section VI, Paragraph IV of the Constitution and this part, the term 'capital outlay projects  
62 for educational purposes' shall include:

63 (1) Expenditures for capital outlay for educational facilities, as defined in subsection (b)  
64 of Code Section 20-2-260; and

65 (2) Expenditures relating to capital outlay for educational facilities as provided in  
66 paragraph (1) of this Code section for road, street, bridge, utility, and other improvements  
67 which are considered project improvements, as defined in paragraph (15) of Code Section  
68 36-71-2, but shall not include system improvement costs, as defined in paragraph (19) of  
69 Code Section 36-71-2."

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#### **SECTION 4.**

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