

House Bill 766 (AS PASSED HOUSE AND SENATE)

By: Representatives Smith of the 129th, Smyre of the 132nd, Hugley of the 133rd, Smith of the 131st, and Buckner of the 130th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Muscogee County School District, approved February 25,
2 1949 (Ga. L. 1949, p. 1086), as amended, particularly by an Act approved May 17, 2004 (Ga.
3 L. 2004, p. 4192), so as to exclude routine operation, repair, or maintenance of existing
4 structures, buildings, or real property from the definition of public works construction; to
5 change the maximum amount for which the superintendent of the board of education may
6 make contracts, other than public works construction contracts, for supplies, labor, repairs,
7 and other necessary school purposes, to \$15,000.00; to change to \$15,000.00 the amount of
8 purchases under public construction contracts that can be expended without affording free
9 competition; to change the maximum amount to \$15,000.00 which may be expended for
10 contracts, other than public works construction contracts, without affording free competition;
11 to provide that the superintendent of the board of education in an emergency may make
12 certain contracts other than public works construction contracts; to provide for rules and
13 regulations; to provide definitions; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

16 An Act creating the Muscogee County School District, approved February 25, 1949 (Ga. L.
17 1949, p. 1086), as amended, particularly by an Act approved May 17, 2004 (Ga. L. 2004, p.
18 4192), is amended by revising the undesignated first two paragraphs of Section 11 as
19 follows:

20 "That the superintendent of the board of education may: (1) make public works
21 construction contracts defined as the building, altering, repairing, improving, demolishing,
22 or other improvement of any kind to any school district property, binding said merged
23 school system where the expenditure does not exceed \$50,000.00; provided, however, such
24 term does not include the routine operation, repair, or maintenance of existing structures,
25 buildings, or real property; and (2) make contracts, other than public works construction
26 contracts, for supplies, labor, repairs, and other necessary school purposes, binding said

1 merged school system where the expenditure involved does not exceed \$15,000.00. All
2 expenditures for such purposes in excess of such designated amounts must be first
3 authorized by resolution adopted at a regular or special meeting of the board. No public
4 works construction contract involving an expenditure of more than \$50,000.00 and no
5 purchase involving a public works construction contract involving an expenditure of more
6 than \$15,000.00 shall be made in any case without affording free competition. No public
7 works construction contract shall be entered into by the board without taking the statutory
8 performance bond required of counties and cities by the laws of this state in such cases.

9 That the superintendent of the board of education in the event of an emergency may make
10 contracts, other than public works construction contracts, for supplies, labor, repairs, and
11 other necessary school purposes, binding said merged school system where the expenditure
12 involved exceeds \$15,000.00, and that the board of education by resolution may adopt rules
13 and regulations governing the administration of this paragraph, including specific
14 procedures which the superintendent must follow in exercising these emergency spending
15 powers. As used in this paragraph, the term 'emergency' means an eventuality which cannot
16 reasonably be foreseen and which if not corrected immediately will result in harm to people
17 or property or in economic loss to said merged school system."

18 **SECTION 2.**

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