

House Bill 1232

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

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 change the maximum amount for which the superintendent of the
4 board of education may make public works construction contracts; to change the maximum
5 amount which may be expended for a public works construction contract without affording
6 free competition; to provide that the superintendent of the board of education in an
7 emergency may make certain contracts other than public works construction contracts; to
8 provide for rules and regulations; to provide definitions; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act creating the Muscogee County School District, approved February 25, 1949 (Ga. L.
13 1949, p. 1086), as amended, particularly by an Act approved May 17, 2004 (Ga. L. 2004, p.
14 4192), is amended by revising the first two undesignated paragraphs of Section 11 as
15 follows:

16 "That the superintendent of the board of education may make public works construction
17 contracts defined as the building, altering, repairing, improving, demolishing, or other
18 improvement of any kind to any school district property, binding said merged school
19 system where the expenditure does not exceed the maximum amount established by the
20 board, and may make contracts, other than public works construction contracts, for
21 supplies, labor, repairs, and other necessary school purposes, binding said merged school
22 system where the expenditure involved does not exceed the maximum amount established
23 by the board. All expenditures for such purposes in excess of such designated amounts
24 must be first authorized by resolution adopted at a regular or special meeting of the board.
25 No public works construction contract involving an expenditure of more than the maximum
26 amount established by the board and no purchase involving a public works construction

27 contract involving an expenditure of more than the maximum amount established by the
28 board shall be made in any case without affording free competition. No public works
29 construction contract shall be entered into by the board without taking the statutory
30 performance bond required of counties and cities by the laws of this state in such cases.
31 That the superintendent of the board of education in the event of an emergency may make
32 contracts, other than public works construction contracts, for supplies, labor, repairs, and
33 other necessary school purposes, binding said merged school system where the expenditure
34 involved exceeds the maximum amount established by the board, and that the board of
35 education by resolution may adopt rules and regulations governing the administration of
36 this paragraph, including specific procedures which the superintendent must follow in
37 exercising these emergency spending powers. As used in this paragraph, the term
38 'emergency' means an eventuality which cannot reasonably be foreseen and which if not
39 corrected immediately will result in harm to people or property or in economic loss to said
40 merged school system."

41 **SECTION 2.**

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