

HB134 INTRODUCED



1 HB134
2 4UQE63I-1
3 By Representative Estes (N & P)
4 RFD: Local Legislation
5 First Read: 13-Jan-26
6 PFD: 07-Jan-26



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4 A BILL
5 TO BE ENTITLED
6 AN ACT

9 Relating to Lamar County; to amend Section 45-38-71.01,
10 Code of Alabama 1975; to revise the process for personal
11 property auctions by the county commission; to remove any
12 publication requirement for the disposition of county property
13 via online auction; and to make nonsubstantive, technical
14 revisions to update existing code to current language style.
15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 45-38-71.01, Code of Alabama 1975,
17 is amended to read as follows:

18 "§45-38-71.01

19 (a) This section shall only apply in Lamar County.

20 (b) (1) All contracts for the sale or disposal of real
21 property ~~or~~ tangible personal property, ~~equipment, or other~~
22 ~~items~~ owned by or under the control of the county commission
23 shall be let by free and open competitive sealed bids. The
24 chair of the county commission shall certify to the
25 description and condition of the property, shall give
26 jurisdiction in writing for the disposal of the property,
27 shall estimate the value of the property, and shall keep the
28 certification as a part of the permanent record of the



29 commission. Tangible personal property, ~~equipment, or other~~
30 ~~items~~ owned by or under the control of the county commission
31 which ~~have~~ has trade-in value may be offered as a credit
32 against the cost of property purchased in accordance with ~~the~~
33 Alabama Competitive Bid Law Article 3 of Chapter 16 of Title
34 41.

35 (2) Every proposal to make a sale covered by this
36 section shall be publicly advertised for ~~four~~ two consecutive
37 weeks in a newspaper of countywide circulation ~~and advertised~~
38 ~~one time in a newspaper of statewide circulation~~ not less than
39 seven days in advance of the date fixed for closing the
40 receipt of bids. The advertisements shall state a description
41 of the property to be sold along with the date, time, and
42 place of opening of the sealed bids.

43 (c) All bids shall be publicly opened and all bidders
44 shall be entitled to be present at the bid opening in person
45 or by representative. Any agreement or collusion among bidders
46 or prospective bidders or any other person in restraint of
47 freedom of competition, by any agreement to bid at a fixed
48 price or to refrain from bidding, shall render the bids of the
49 bidders void and shall cause such bidders to be disqualified
50 from submitting further bids on the sale. Any disclosure prior
51 to opening the sealed bids or the terms of a bid shall render
52 the proceedings void.

53 (d) In lieu of the bidding procedures provided in
54 subsections (b) and (c), tangible personal property, ~~equipment, or other items~~
55 owned by or under the control of the
56 county commission may be sold at a public auction, whether in



57 person or online, by public bidding ~~once a year~~. The county
58 shall publicly advertise for two consecutive weeks in advance
59 the date, time, and location of the auction ~~shall be publicly~~
60 ~~advertised for four consecutive weeks in advance of the~~
61 ~~auction. If the auction is online, the county is not required~~
62 to publicly advertise the auction. A list of the items to be
63 auctioned shall be available in the offices of the county
64 commission.

65 (e) All proceeds from the sale or other disposition of
66 the property under this section shall be deposited in the fund
67 of the district owning the property or the general fund of the
68 county, if the property was owned by the county.

69 ~~(f) Anyone who knowingly violates this section shall be~~
70 ~~guilty of a Class B felony and upon conviction shall be fined~~
71 ~~up to fifteen thousand dollars (\$15,000) and may be imprisoned~~
72 ~~in the state penitentiary for up to seven years.~~

73 ~~(g)~~ (f) Any taxpayer of the area within the jurisdiction
74 of the county and any bona fide unsuccessful bidder on a
75 particular contract may bring a civil action in the
76 appropriate court to enjoin execution of any contract entered
77 into in violation of this section."

78 Section 2. This act shall become effective on June 1,
79 2026.