

1 HB643
2 168829-1
3 By Representative Johnson (R)
4 RFD: Public Safety and Homeland Security
5 First Read: 07-MAY-15

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8 SYNOPSIS: This bill would allow the Secretary of the
9 Alabama Law Enforcement Agency to dispose of agency
10 vehicles and equipment at a public auction or by
11 negotiated sale.

12 This bill would also specify that any
13 authority, power, duties, or other responsibilities
14 contained in any law or rule relating to any legacy
15 agency is applicable to, and under the authority
16 and power of, the Alabama Law Enforcement Agency
17 and the Secretary of Law Enforcement and would
18 authorize the agency to apply for grants and accept
19 lawful gifts and donations.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 To amend Section 32-2-83, Code of Alabama 1975, to
26 allow the Secretary of the Alabama Law Enforcement Agency to
27 dispose of agency vehicles and equipment; to specify that any

1 authority, power, duties, or other responsibilities contained
2 in any law or rule relating to any legacy agency shall be
3 applicable to, and under the authority and power of, the
4 Alabama Law Enforcement Agency and the Secretary of Law
5 Enforcement; and to authorize the agency to apply for grants
6 and accept lawful gifts and donations.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 32-2-83, Code of Alabama 1975, is
9 amended to read as follows:

10 "§32-2-83.

11 "(a) Any other provisions to the law contrary
12 notwithstanding, the ~~Director of the Department of Public~~
13 ~~Safety~~ Secretary of the Alabama Law Enforcement Agency shall
14 be responsible for the disposal of any ~~Department of Public~~
15 ~~Safety law enforcement vehicle~~ agency vehicles or equipment.
16 Such ~~vehicle~~ vehicles or equipment shall be sold by the
17 ~~director~~ Secretary or his or her designee either at public
18 auction or by a negotiated sale by the ~~Department of Public~~
19 ~~Safety~~ Alabama Law Enforcement Agency to any other state
20 department or agency. Any state department or agency may
21 negotiate for the purchase of the vehicle or equipment for
22 their use in compliance with state law.

23 "(b) Every proposal to make a sale at public auction
24 shall be advertised for at least two weeks in advance of the
25 date fixed for the auction. Such advertisement shall appear at
26 least once a week for two consecutive weeks in a newspaper of
27 general circulation in the county where the sale is to be

1 made, and a copy of such proposal shall simultaneously be
2 posted on a readily accessible public bulletin board at the
3 main office of the ~~Department of Public Safety~~ Alabama Law
4 Enforcement Agency. Advertisements for auctions shall state
5 the item or items to be sold, by class and description, where
6 the property is located and the dates, time, and place the
7 property may be inspected. The advertisements shall further
8 state the date, time, and place of auction. All property
9 advertised under ~~the provisions of~~ this section shall be
10 available for inspection during the normal state office hours,
11 and at whatever place advertised for at least 48 hours prior
12 to sale.

13 "(c) All property sold under ~~the provisions of~~ this
14 section shall be paid for by the purchaser or his or her
15 representative by cashier's check, bank draft, certified
16 check, U.S. currency, or notarized bank letter stating that
17 the holder may purchase surplus property and also stating a
18 maximum amount, at the time of acceptance of bid and award of
19 contract, and ~~said~~ the removal shall be not later than seven
20 days after the awarding of the contract.

21 "(d) No officer or employee of the State of Alabama
22 or any of its departments, boards, bureaus, commissions,
23 institutions, corporations, or agencies shall act as agent for
24 any bidder; provided, however, that such officers or employees
25 shall not be excluded from bidding on or purchasing state
26 property at public sale.

1 "(e) Any sale made in violation of the terms of this
2 section shall be null and void, and the person or persons
3 responsible for the violation shall be subject to liquidated
4 damages of not less than \$1,000.00 nor more than \$10,000.00,
5 which may be recovered for the State of Alabama by the
6 Attorney General by civil action in the Circuit Court of
7 Montgomery County. Any moneys recovered by the Attorney
8 General under this section shall be deposited into the State
9 General Fund.

10 "(f) All proceeds from sales made under ~~the~~
11 ~~provisions of~~ this article, whether at public auction or by
12 negotiation, shall be paid into the ~~Public Safety Motor~~
13 ~~Vehicle Replacement Fund~~ Public Safety Fund in the State
14 Treasury for use by the Alabama Law Enforcement Agency."

15 Section 2. (a) Any and all authority, power, duties,
16 or other responsibilities contained in any law or rule
17 relating to any legacy agency as provided in Chapter 27, Title
18 41 of the Code of Alabama 1975, shall be applicable to, and
19 under the authority and power of, the Alabama Law Enforcement
20 Agency and the Secretary of Law Enforcement. Any reference in
21 any law or rule to a legacy agency or a subdivision of a
22 legacy agency is hereby deemed a reference to the Alabama Law
23 Enforcement Agency.

24 (b) The Alabama Law Enforcement Agency shall have
25 the authority to apply for any grants and to accept any lawful
26 gifts or donations.

1 Section 3. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.