

1 HB363
2 203683-2
3 By Representatives South and Estes (N & P)
4 RFD: Local Legislation
5 First Read: 03-MAR-20

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ENROLLED, An Act,

Relating to Lamar County; to amend Section 45-38-71.01 of the Code of Alabama 1975, to further provide for the sale or disposal of tangible personal property, equipment, and other items under the control of the county commission.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§45-38-71.01.

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

"(b) (1) All contracts for the sale or disposal of real property, tangible personal property, equipment, or other items owned by or under the control of the county commission shall be let by free and open competitive sealed bids. The chair of the county commission shall certify to the description and condition of the property, shall give jurisdiction in writing for the disposal of the property, shall estimate the value of the property, and shall keep the certification as a part of the permanent record of the commission. ~~However, tangible personal property, equipment, or other items owned by or under the control of the county commission may be sold at public auction once a year after sufficient notice of the auction has been given by the county~~

1 ~~commission.~~ Tangible personal property, equipment, or other
2 items owned by or under the control of the county commission
3 which has trade-in value may be offered as a credit against
4 the cost of property purchased in accordance with the Alabama
5 Competitive Bid Law.

6 "(2) Every proposal to make a sale covered by this
7 section shall be publicly advertised for four consecutive
8 weeks in a newspaper of countywide circulation and advertised
9 one time in a newspaper of statewide circulation not less than
10 seven days in advance of the date fixed for closing the
11 receipt of bids. The advertisements shall state a description
12 of the property to be sold along with the date, time, and
13 place of opening of the sealed bids.

14 "(c) All bids shall be publicly ~~owned~~ opened and all
15 bidders shall be entitled to be present at the bid opening in
16 person or by representative. Any agreement or collusion among
17 bidders or prospective bidders or any other person in
18 restraint of freedom of competition, by any agreement to bid
19 at a fixed price or to refrain from bidding, shall render the
20 bids of such bidders void and shall cause such bidders to be
21 disqualified from submitting further bids on the sale. Any
22 disclosure prior to opening the sealed bids or the terms of a
23 bid shall render the proceedings void.

24 "(d) In lieu of the bidding procedures provided in
25 subsections (a), (b), and (c), tangible personal property,

1 equipment, or other items owned by or under the control of the
2 county commission may be sold at a public auction by public
3 bidding once a year. The date, time, and location of the
4 auction shall be publicly advertised for four consecutive
5 weeks in advance of the auction. A list of the items to be
6 auctioned shall be available in the offices of the county
7 commission.

8 "~~(d)~~ (e) All proceeds from the sale or other
9 disposition of the property under this section shall be
10 deposited in the fund of the district owning the property or
11 the general fund of the county, if the property was owned by
12 the county.

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

17 "~~(f)~~ (g) Any taxpayer of the area within the
18 jurisdiction of the county and any bona fide unsuccessful
19 bidder on a particular contract shall be empowered to bring a
20 civil action in the appropriate court to enjoin execution of
21 any contract entered into in violation of this section."

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

