

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Lamar County; to amend Section
14 45-38-71.01 of the Code of Alabama 1975, to further provide
15 for the sale or disposal of tangible personal property,
16 equipment, and other items under the control of the county
17 commission.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

21 "§45-38-71.01.

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

23 "(b) (1) All contracts for the sale or disposal of
24 real property, tangible personal property, equipment, or other
25 items owned by or under the control of the county commission
26 shall be let by free and open competitive sealed bids. The
27 chair of the county commission shall certify to the

1 description and condition of the property, shall give
2 jurisdiction in writing for the disposal of the property,
3 shall estimate the value of the property, and shall keep the
4 certification as a part of the permanent record of the
5 commission. ~~However, tangible personal property, equipment, or~~
6 ~~other items owned by or under the control of the county~~
7 ~~commission may be sold at public auction once a year after~~
8 ~~sufficient notice of the auction has been given by the county~~
9 ~~commission.~~ Tangible personal property, equipment, or other
10 items owned by or under the control of the county commission
11 which has trade-in value may be offered as a credit against
12 the cost of property purchased in accordance with the Alabama
13 Competitive Bid Law.

14 "(2) Every proposal to make a sale covered by this
15 section shall be publicly advertised for four consecutive
16 weeks in a newspaper of countywide circulation and advertised
17 one time in a newspaper of statewide circulation not less than
18 seven days in advance of the date fixed for closing the
19 receipt of bids. The advertisements shall state a description
20 of the property to be sold along with the date, time, and
21 place of opening of the sealed bids.

22 "(c) All bids shall be publicly ~~owned~~ opened and all
23 bidders shall be entitled to be present at the bid opening in
24 person or by representative. Any agreement or collusion among
25 bidders or prospective bidders or any other person in
26 restraint of freedom of competition, by any agreement to bid
27 at a fixed price or to refrain from bidding, shall render the

1 bids of such bidders void and shall cause such bidders to be
2 disqualified from submitting further bids on the sale. Any
3 disclosure prior to opening the sealed bids or the terms of a
4 bid shall render the proceedings void.

5 "(d) In lieu of the bidding procedures provided in
6 subsections (a), (b), and (c), tangible personal property,
7 equipment, or other items owned by or under the control of the
8 county commission may be sold at a public auction by public
9 bidding once a year. The date, time, and location of the
10 auction shall be publicly advertised for four consecutive
11 weeks in advance of the auction. A list of the items to be
12 auctioned shall be available in the offices of the county
13 commission.

14 ~~"(d)~~ (e) All proceeds from the sale or other
15 disposition of the property under this section shall be
16 deposited in the fund of the district owning the property or
17 the general fund of the county, if the property was owned by
18 the county.

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

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

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