

# HB121 INTRODUCED



1 VM5ELL-1  
2 By Representative Shedd  
3 RFD: Ways and Means General Fund  
4 First Read: 21-Mar-23  
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SYNOPSIS:

This bill would establish in the State Treasury the Motor Vehicle Maintenance and Replacement Fund of the Board of Pardons and Paroles, solely for the maintenance, lease, and purchase of motor vehicles.

This bill would provide the procedure for sale and disposal of the vehicles and for the deposit of the proceeds of a sale.

This bill would also provide that any person responsible for a sale in violation of this law would be liable for civil penalties.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to state government; to establish the Motor Vehicle Maintenance and Replacement Fund of the Board of Pardons and Paroles; and to provide for the maintenance, lease, and purchase of motor vehicles.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is created in the State Treasury the Board of Pardons and Paroles Motor Vehicle Maintenance and Replacement Fund. This fund shall be used to provide funds to



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29 maintain and replace the Board of Pardons and Paroles motor  
30 vehicles. None of the funds appropriated from this fund may be  
31 expended by the board for salaries nor for any purpose other  
32 than the maintenance, lease, and purchase of motor vehicles.

33 Section 2. Any monies received by the Board of Pardons  
34 and Paroles from an equipment replacement allowance, or the  
35 disposal of any agency vehicles or property for the board  
36 shall be deposited in the Board of Pardons and Paroles Motor  
37 Vehicle Maintenance and Replacement Fund created pursuant to  
38 this act. The expenditure of any monies appropriated from this  
39 fund shall be budgeted and allotted pursuant to the Budget  
40 Management Act and Article 4 of Chapter 4 of Title 41. Monies  
41 in the fund shall not revert at the end of each fiscal year  
42 but shall be carried over to each succeeding fiscal year.

43 Section 3. The Board of Pardons and Paroles may not  
44 transfer motor vehicles to any other state department or  
45 agency. Whenever the Board of Pardons and Paroles intends to  
46 purchase a vehicle, or to lease a vehicle with the option to  
47 purchase it at the end of the lease term, the director of the  
48 board shall provide written notification to the Director of  
49 Finance, the Chair of the House Committee on Ways and Means,  
50 and the Chair of the Senate Committee on Finance and  
51 Taxation-General Fund at least 10 days prior to the purchase  
52 or the execution of the lease. The notification shall include  
53 the number of vehicles, the cost to purchase or lease the  
54 vehicles, and the designated purpose for those vehicles.

55 Section 4. (a) Notwithstanding any other provisions of  
56 law to the contrary, the Director of the Board of Pardons and



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57 Paroles shall be responsible for the disposal of any agency  
58 vehicles or property. Vehicles or property shall be sold by  
59 the director or his or her designee, either at public auction  
60 or by a negotiated sale by the director, to any other state  
61 department or agency. The director may sell vehicles and  
62 property under this subsection to any county or municipal  
63 entity. Any state department or agency may negotiate for the  
64 purchase of these vehicles or property for its use in  
65 compliance with state law.

66 (b) Every proposal to make a sale at public auction  
67 shall be advertised for at least two weeks in advance of the  
68 date fixed for the auction. The advertisement shall appear at  
69 least one time per week for two consecutive weeks in a  
70 newspaper of general circulation in the county where the sale  
71 is to be made, and a copy of the proposal shall simultaneously  
72 be posted on a readily accessible public bulletin board at the  
73 main office of the Board of Pardons and Paroles.

74 Advertisements for auctions shall state the property to be  
75 sold by class and description, and the date, time, and place  
76 where the property may be inspected. The advertisements shall  
77 further state the date, time, and place of the auction. All  
78 property advertised under this section shall be available for  
79 inspection during normal state office hours and at the  
80 advertised location for at least 48 hours prior to sale.

81 (c) All property sold under this section shall be paid  
82 for by the purchaser or his or her representative by cashier's  
83 check, bank draft, certified check, U.S. currency, or  
84 notarized bank letter stating that the holder may purchase



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85 surplus property and also stating a maximum amount, at the  
86 time of acceptance of bid and award of contract, and the  
87 removal shall be not later than seven days after the awarding  
88 of the contract.

89 (d) No officer or employee of this state or any of its  
90 departments, boards, bureaus, commissions, institutions,  
91 corporations, or agencies shall act as agent for any bidder;  
92 provided, however, that officers or employees shall not be  
93 excluded from bidding on or purchasing state property at  
94 public sale.

95 (e) Any sale made in violation of the terms of this  
96 section shall be void, and the person or persons responsible  
97 for the violation shall be subject to liquidated damages of  
98 not less than one thousand dollars (\$1,000) nor more than ten  
99 thousand dollars (\$10,000), which may be recovered for the  
100 State of Alabama by the Attorney General by civil action in  
101 the Circuit Court of Montgomery County. Any monies recovered  
102 by the Attorney General under this section shall be deposited  
103 into the State General Fund.

104 (f) All proceeds from sales made under this act,  
105 whether at public auction or by negotiation, shall be paid  
106 into the Board of Pardons and Paroles Motor Vehicle  
107 Maintenance and Replacement Fund.

108 Section 5. This act shall become effective on the first  
109 day of the third month following its passage and approval by  
110 the Governor, or its otherwise becoming law.