

SB185 INTRODUCED



1 8M7OFF-1
2 By Senator Albritton
3 RFD: Finance and Taxation General Fund
4 First Read: 06-Apr-23
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SYNOPSIS:

This bill would establish the Corrections Motor Vehicle Replacement Fund to replace or repair department vehicles and equipment.

This bill would allow the Commissioner of the Department of Corrections to dispose of department vehicles and equipment and would provide for the proceeds from sales.

This bill would also provide for certain notice requirements.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Department of Corrections; to create the Corrections Motor Vehicle Replacement Fund; to allow the Commissioner of the Department of Corrections to dispose of department vehicles and equipment and to provide for the proceeds of the sales; and to provide for certain notice requirements.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is created in the State Treasury the Corrections Motor Vehicle Replacement Fund of the Department



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29 of Corrections. The fund shall assist in providing the
30 necessary funds for the replacement and repair of Department
31 of Corrections motor vehicles and equipment. This fund shall
32 be used specifically for departmental operations purposes and
33 none of the funds may be used by the department for salaries
34 nor for any purpose other than the replacement or repair of
35 vehicles and equipment.

36 Section 2. Any funds generated from depreciation,
37 equipment replacement allowance, sale, and salvage value for
38 replacement of motor vehicles in the department shall be
39 deposited in the Corrections Motor Vehicle Replacement Fund.
40 The expenditure of any monies appropriated from this fund
41 shall be budgeted and allotted pursuant to the Budget
42 Management Act and Article 4 of Chapter 4 of Title 41, Code of
43 Alabama 1975. These funds may not revert at the end of each
44 fiscal year, but shall be carried over to each succeeding
45 fiscal year.

46 Section 3. (a) Notwithstanding the provisions of
47 Sections 41-16-120 to 41-16-125, inclusive, Code of Alabama
48 1975, the Commissioner of the Department of Corrections shall
49 be responsible for the disposal of any department vehicles or
50 equipment. The vehicles or equipment shall be sold by the
51 commissioner, or his or her designee, either at public auction
52 or by a negotiated sale by the department to any other state
53 department, agency, or any county or municipal agency or
54 entity. Any state department or agency may negotiate for the
55 purchase of the vehicle or equipment for its use in compliance
56 with state law.



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57 (b) Every proposal to make a sale at public auction
58 shall be advertised for at least two weeks in advance of the
59 date fixed for the auction. The advertisement shall appear at
60 least once a week for two consecutive weeks in a newspaper of
61 general circulation in the county where the sale is to be
62 made, and a copy of the proposal shall simultaneously be
63 posted on the department's website. Advertisements for
64 auctions shall list the item or items to be sold, by class and
65 description, where the vehicles or equipment are located, and
66 the date, time, and place of the auction. All vehicles and
67 equipment advertised under this section shall be available for
68 inspection during normal state office hours for at least 48
69 hours prior to the sale.

70 (c) All vehicles and equipment sold under this section
71 shall be paid for by the purchaser or his or her
72 representative by cashier's check, certified check, U.S.
73 currency, or notarized bank letter stating that the holder may
74 purchase the property and also stating a maximum amount, at
75 the time of acceptance of bid and award of contract, and the
76 removal shall be no later than seven days after the awarding
77 of the contract.

78 (d) No officer or employee of this state or any of its
79 departments, boards, bureaus, commissions, institutions,
80 corporations, or agencies may act as agent for any bidder;
81 provided, however, that the officers or employees may not be
82 excluded from bidding on or purchasing state vehicles or
83 equipment at public sale.

84 (e) Any sale made in violation of the terms of this



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85 section shall be void, and the person or persons responsible
86 for the violation shall be subject to damages of not less than
87 one thousand dollars (\$1,000) nor more than ten thousand
88 dollars (\$10,000), which may be recovered for this state by
89 the Attorney General by civil action in the Circuit Court of
90 Montgomery County. Any monies recovered by the Attorney
91 General under this section shall be deposited into the State
92 General Fund.

93 (f) All proceeds from sales made under this act shall
94 be paid into the Corrections Motor Vehicle Replacement Fund in
95 the State Treasury for use by the department for the
96 replacement or repair of vehicles and equipment.

97 Section 4. The funds designated by this article to be
98 deposited to the Corrections Motor Vehicle Replacement Fund
99 are intended to be in addition to any other funds appropriated
100 to the department.

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