

HB147 ENROLLED



1 HB147
2 267VISK-2
3 By Representative Pettus
4 RFD: Fiscal Responsibility
5 First Read: 04-Feb-25



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Enrolled, An Act,

Relating to the state procurement code; to amend Section 41-4-124, Code of Alabama 1975, to further provide exceptions relating to volunteer fire departments and rescue squads.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 41-4-124, Code of Alabama 1975, is amended to read as follows:

"§41-4-124

(a) Except as otherwise provided in this article, all rights, powers, duties, and authority relating to the procurement of supplies and services now vested in, or exercised by, any governmental body under existing law are transferred to the Chief Procurement Officer.

(b) The following governmental bodies are subject to this article except as it relates to the purchase of professional services and the oversight and authority of the Chief Procurement Officer, and shall establish and maintain procurement offices and personnel and adopt rules ~~as may be~~ necessary to comply with this article:

(1) All educational and eleemosynary institutions governed by a board of trustees or other similar governing body.

(2) The Retirement Systems of Alabama.

(3) The Department of Mental Health.

(c) The Alabama Department of Transportation is subject to this article except as it relates to the purchase of



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professional services and shall adopt rules governing the purchase of professional services by the department which are consistent with the principles contained in this article and promote fairness, competition, transparency, integrity, and value in the procurement process.

(d) The procurement of any supplies, services, or professional services by a district attorney, volunteer fire department, rescue squad, or sheriff shall be solely governed by Article 3, ~~commencing with Section 41-16-50~~ of Chapter 16.

(e) The procurement of any supplies or services by a legislative agency or judicial agency shall be solely governed by procedures adopted by the Legislative Council for all legislative agencies and by rules adopted by the Supreme Court of Alabama for all judicial agencies. The procedures adopted shall be consistent with any applicable requirements of the Constitution of Alabama of 2022, and shall be established in accordance with the underlying purposes and policies of promoting responsible and efficient use of public funds dedicated and appropriated to the agencies for their use, providing consistency of application of rules and requirements across all agencies within the applicable branch of state government, and promoting fairness, competition, transparency, integrity, and value in the procurement process. In no case may the legislative and judicial departments of the state adopt procedures that conflict with the laws of this state regarding the public disclosure of the use of public funds and the transparency of public expenditures, or that otherwise conflict with state law regarding public records and public



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57 access to those records. Except for the requirement to act in
58 good faith~~7~~, no other provision of this article shall apply to
59 legislative or judicial agencies; provided, ~~that~~ the
60 legislative and judicial departments may adopt all or any part
61 of this article and its accompanying rules.

62 (f) The procurement of any supplies or services by the
63 Alabama State Port Authority shall be solely governed by
64 procedures adopted by the Board of Directors of the Alabama
65 State Port Authority. The procedures adopted shall be
66 consistent with any applicable requirements of the
67 Constitution of Alabama of 2022~~7~~, and shall be established in
68 accordance with the underlying purposes and policies of
69 promoting responsible and efficient use of the funds of the
70 Alabama State Port Authority, providing consistency of
71 application of rules and requirements across all agencies
72 within the applicable branch of state government, and
73 promoting fairness, competition, transparency, integrity, and
74 value in the procurement process. Except for the protection of
75 information otherwise legally considered commercially
76 confidential, sensitive, or of a nature that upon release
77 would harm the competitive advantage of itself or its
78 customers, concessionaires, lessees, or suppliers, the Alabama
79 State Port Authority may not adopt procedures that conflict
80 with the laws of this state regarding the public disclosure of
81 the use of its funds and the transparency of its expenditures,
82 or that otherwise conflict with state law regarding public
83 records and public access to those records. Except as provided
84 in this subsection and the requirement to act in good faith,



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85 no other provision of this article shall apply to the Alabama
86 State Port Authority; provided, however, ~~that~~ the Alabama
87 State Port Authority may adopt all or any part of this article
88 and its accompanying rules."

89 Section 2. This act shall become effective on October
90 1, 2025.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and
was passed by the House 25-Feb-25.

John Treadwell
Clerk

Senate

06-May-25

Passed