

# HB147 INTRODUCED



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



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SYNOPSIS:

Under existing law, the state procurement code governs all purchases made by government entities. An exception within the procurement code is made for district attorneys and sheriffs, whose purchases are governed by local competitive bidding laws.

This bill would provide that purchases made by volunteer fire departments and rescue squads are excepted from the requirements of the state procurement code and are instead subject to the local competitive bid law requirements.

A BILL  
TO BE ENTITLED  
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



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

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

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

43 (2) The Retirement Systems of Alabama.

44 (3) The Department of Mental Health.

45 (c) The Alabama Department of Transportation is subject  
46 to this article except as it relates to the purchase of  
47 professional services and shall adopt rules governing the  
48 purchase of professional services by the department which are  
49 consistent with the principles contained in this article and  
50 promote fairness, competition, transparency, integrity, and  
51 value in the procurement process.

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

56 (e) The procurement of any supplies or services by a



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57 legislative agency or judicial agency shall be solely governed  
58 by procedures adopted by the Legislative Council for all  
59 legislative agencies and by rules adopted by the Supreme Court  
60 of Alabama for all judicial agencies. The procedures adopted  
61 shall be consistent with any applicable requirements of the  
62 Constitution of Alabama of 2022, and shall be established in  
63 accordance with the underlying purposes and policies of  
64 promoting responsible and efficient use of public funds  
65 dedicated and appropriated to the agencies for their use,  
66 providing consistency of application of rules and requirements  
67 across all agencies within the applicable branch of state  
68 government, and promoting fairness, competition, transparency,  
69 integrity, and value in the procurement process. In no case  
70 may the legislative and judicial departments of the state  
71 adopt procedures that conflict with the laws of this state  
72 regarding the public disclosure of the use of public funds and  
73 the transparency of public expenditures, or that otherwise  
74 conflict with state law regarding public records and public  
75 access to those records. Except for the requirement to act in  
76 good faith, no other provision of this article shall apply to  
77 legislative or judicial agencies; provided, ~~that~~ the  
78 legislative and judicial departments may adopt all or any part  
79 of this article and its accompanying rules.

80 (f) The procurement of any supplies or services by the  
81 Alabama State Port Authority shall be solely governed by  
82 procedures adopted by the Board of Directors of the Alabama  
83 State Port Authority. The procedures adopted shall be  
84 consistent with any applicable requirements of the



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85 Constitution of Alabama of 2022<sup>7</sup> and shall be established in  
86 accordance with the underlying purposes and policies of  
87 promoting responsible and efficient use of the funds of the  
88 Alabama State Port Authority, providing consistency of  
89 application of rules and requirements across all agencies  
90 within the applicable branch of state government, and  
91 promoting fairness, competition, transparency, integrity, and  
92 value in the procurement process. Except for the protection of  
93 information otherwise legally considered commercially  
94 confidential, sensitive, or of a nature that upon release  
95 would harm the competitive advantage of itself or its  
96 customers, concessionaires, lessees, or suppliers, the Alabama  
97 State Port Authority may not adopt procedures that conflict  
98 with the laws of this state regarding the public disclosure of  
99 the use of its funds and the transparency of its expenditures,  
100 or that otherwise conflict with state law regarding public  
101 records and public access to those records. Except as provided  
102 in this subsection and the requirement to act in good faith,  
103 no other provision of this article shall apply to the Alabama  
104 State Port Authority; provided, however, ~~that~~ the Alabama  
105 State Port Authority may adopt all or any part of this article  
106 and its accompanying rules."

107           Section 2. This act shall become effective on October  
108 1, 2025.