

**HB399 ENGROSSED**



1 HB399  
2 K8DV55A-2  
3 By Representative Estes (N & P)  
4 RFD: Local Legislation  
5 First Read: 06-Mar-25



## HB399 Engrossed

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A BILL  
TO BE ENTITLED  
AN ACT

Relating to Lamar County; to amend Section 45-38-71.01, Code of Alabama 1975; to revise the process for personal property auctions by the county commission; to remove any publication requirement for the disposition of county property via online auction; and to make nonsubstantive, technical revisions to update existing code to current language style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§45-38-71.01

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

(b) (1) All contracts for the sale or disposal of real property, or tangible personal property, ~~equipment, or other items~~ owned by or under the control of the county commission shall be let by free and open competitive sealed bids. The chair of the county commission shall certify to the description and condition of the property, shall give jurisdiction in writing for the disposal of the property, shall estimate the value of the property, and shall keep the certification as a part of the permanent record of the



## HB399 Engrossed

29 commission. Tangible personal property, ~~equipment, or other~~  
30 ~~items~~ owned by or under the control of the county commission  
31 which ~~have~~has trade-in value may be offered as a credit  
32 against the cost of property purchased in accordance with ~~the~~  
33 ~~Alabama Competitive Bid Law~~Article 3 of Chapter 16 of Title  
34 41.

35 (2) Every proposal to make a sale covered by this  
36 section shall be publicly advertised for four consecutive  
37 weeks in a newspaper of countywide circulation ~~and advertised~~  
38 ~~one time in a newspaper of statewide circulation~~ not less than  
39 seven days in advance of the date fixed for closing the  
40 receipt of bids. The advertisements shall state a description  
41 of the property to be sold along with the date, time, and  
42 place of opening of the sealed bids.

43 (c) All bids shall be publicly opened and all bidders  
44 shall be entitled to be present at the bid opening in person  
45 or by representative. Any agreement or collusion among bidders  
46 or prospective bidders or any other person in restraint of  
47 freedom of competition, by any agreement to bid at a fixed  
48 price or to refrain from bidding, shall render the bids of the  
49 bidders void and shall cause such bidders to be disqualified  
50 from submitting further bids on the sale. Any disclosure prior  
51 to opening the sealed bids or the terms of a bid shall render  
52 the proceedings void.

53 (d) In lieu of the bidding procedures provided in  
54 subsections (b) and (c), tangible personal property,   
55 ~~equipment, or other items~~ owned by or under the control of the  
56 county commission may be sold at a public auction, whether at



## HB399 Engrossed

57 a public auction in person or online, by public bidding. ~~once~~  
58 ~~a year.~~ The county shall publicly advertise for two  
59 consecutive weeks in advance the ~~The~~ date, time, and location  
60 of the auction. ~~shall be publicly advertised for four~~  
61 ~~consecutive weeks in advance of the auction.~~ If the auction  
62 will be online, the county is not required to publicly  
63 advertise the auction. A list of the items to be auctioned  
64 shall be available in the offices of the county commission.

65 (e) All proceeds from the sale or other disposition of  
66 the property under this section shall be deposited in the fund  
67 of the district owning the property or the general fund of the  
68 county, if the property was owned by the county.

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

73 ~~(g)~~ (f) Any taxpayer of the area within the jurisdiction  
74 of the county and any bona fide unsuccessful bidder on a  
75 particular contract may bring a civil action in the  
76 appropriate court to enjoin execution of any contract entered  
77 into in violation of this section."

78 Section 2. This act shall become effective on June 1,  
79 2025.



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House of Representatives

Read for the first time and referred .....06-Mar-25  
to the House of Representatives  
committee on Local Legislation  
  
Read for the second time and placed .....03-Apr-25  
on the calendar:  
0 amendments  
  
Read for the third time and passed .....08-Apr-25  
as amended  
Yeas 17  
Nays 0  
Abstains 85

John Treadwell  
Clerk