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



1	
2	
3	
4	A BILL
5	TO BE ENTITLED
6	AN ACT
7	
8	
9	Relating to Lamar County; to amend Section 45-38-71.01,
10	Code of Alabama 1975; to revise the process for personal
11	property auctions by the county commission; to remove any
12	publication requirement for the disposition of county property
13	via online auction; and to make nonsubstantive, technical
14	revisions to update existing code to current language style.
15	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
16	Section 1. Section 45-38-71.01, Code of Alabama 1975,
17	is amended to read as follows:
18	"\$45-38-71.01
19	(a) This section shall only apply in Lamar County.
20	(b)(1) All contracts for the sale or disposal of real
21	property, or tangible personal property, equipment, or other
22	items owned by or under the control of the county commission
23	shall be let by free and open competitive sealed bids. The
24	chair of the county commission shall certify to the
25	description and condition of the property, shall give
26	jurisdiction in writing for the disposal of the property,
27	shall estimate the value of the property, and shall keep the
28	certification as a part of the permanent record of the

HB399 Engrossed



- commission. Tangible personal property, equipment, or other

 items owned by or under the control of the county commission
 which havehas trade-in value may be offered as a credit
 against the cost of property purchased in accordance with the
- 33 Alabama Competitive Bid Law Article 3 of Chapter 16 of Title
- 34 <u>41</u>.

- (2) Every proposal to make a sale covered by this section shall be publicly advertised for four consecutive weeks in a newspaper of countywide circulation and advertised one time in a newspaper of statewide circulation not less than seven days in advance of the date fixed for closing the receipt of bids. The advertisements shall state a description of the property to be sold along with the date, time, and place of opening of the sealed bids.
- shall be entitled to be present at the bid opening in person or by representative. Any agreement or collusion among bidders or prospective bidders or any other person in restraint of freedom of competition, by any agreement to bid at a fixed price or to refrain from bidding, shall render the bids of the bidders void and shall cause such bidders to be disqualified from submitting further bids on the sale. Any disclosure prior to opening the sealed bids or the terms of a bid shall render the proceedings void.
- (d) In lieu of the bidding procedures provided in subsections (b) and (c), tangible personal property τ equipment, or other items owned by or under the control of the 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 consecutive weeks in advance of the auction. If the auction 61 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

66

67

68

69

70

71

72

73

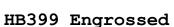
74

75

76

77

- (e) All proceeds from the sale or other disposition of the property under this section shall be deposited in the fund of the district owning the property or the general fund of the county, if the property was owned by the county.
- (f) Anyone who knowingly violates this section shall be guilty of a Class B felony and upon conviction shall be fined up to fifteen thousand dollars (\$15,000) and may be imprisoned in the state penitentiary for up to seven years.
 - (g) (f) Any taxpayer of the area within the jurisdiction of the county and any bona fide unsuccessful bidder on a particular contract may bring a civil action in the appropriate court to enjoin execution of any contract entered into in violation of this section."
- 78 Section 2. This act shall become effective on June 1,
 79 2025.





80 81 82 House of Representatives Read for the first time and referred06-Mar-25 83 to the House of Representatives 84 committee on Local Legislation 85 86 87 on the calendar: 88 89 0 amendments 90

Page 17 Read for the third time and passed08-Apr-25 as amended Yeas 17

94 Nays 0 95 Abstains 85 96

97

100

98 John Treadwell 99 Clerk