

HB399 INTRODUCED



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



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



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

(2) Every proposal to make a sale covered by this
section shall be publicly advertised for ~~four~~ two 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.

(c) All bids shall be publicly opened and all bidders
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, ~~equipment, or other items~~
owned by or under the control of the
county commission may be sold at a public auction, whether at



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57 a public auction in person or online, by public bidding. ~~onee~~
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.