

HB134 ENROLLED



1 HB134
2 4UQE63I-2
3 By Representative Estes (N & P)
4 RFD: Local Legislation
5 First Read: 13-Jan-26
6 PFD: 07-Jan-26



HB134 Enrolled

Enrolled, 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 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.



HB134 Enrolled

(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 in person or online, by public bidding once a year. The county shall publicly advertise for two consecutive weeks in advance the date, time, and location of the auction ~~shall be publicly advertised for four consecutive weeks in advance of the auction.~~ If the auction is online, the county is not required to publicly advertise the auction. A list of the items to be



HB134 Enrolled

57 auctioned shall be available in the offices of the county
58 commission.

59 (e) All proceeds from the sale or other disposition of
60 the property under this section shall be deposited in the fund
61 of the district owning the property or the general fund of the
62 county, if the property was owned by the county.

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

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

72 Section 2. This act shall become effective on June 1,
73 2026.



HB134 Enrolled

74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107

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 20-Jan-26.

John Treadwell
Clerk

Senate

22-Jan-26

Passed