

1 SB271
2 174042-2
3 By Senators Beasley and Orr
4 RFD: Governmental Affairs
5 First Read: 18-FEB-16

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 32-2-83, Code of Alabama 1975, to
12 allow the Secretary of the Alabama Law Enforcement Agency to
13 dispose of agency vehicles and property; to allow the agency
14 to sell vehicles and property to local law enforcement
15 agencies; to specify that any authority, power, duties, or
16 other responsibilities contained in any law or rule relating
17 to any legacy agency shall be applicable to, and under the
18 authority and power of, the Alabama Law Enforcement Agency and
19 the Secretary of Law Enforcement; and to authorize the agency
20 to apply for grants and accept lawful gifts and donations.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 32-2-83, Code of Alabama 1975, is
23 amended to read as follows:

24 "§32-2-83.

25 "(a) Any other provisions to the law contrary
26 notwithstanding, the ~~Director of the Department of Public~~
27 ~~Safety~~ Secretary of the Alabama Law Enforcement Agency shall

1 be responsible for the disposal of any ~~Department of Public~~
2 ~~Safety law enforcement vehicle~~ agency vehicles or property.
3 Such ~~vehicle~~ vehicles or property shall be sold by the
4 ~~director~~ Secretary or his or her designee either at public
5 auction or by a negotiated sale by the ~~Department of Public~~
6 ~~Safety~~ Alabama Law Enforcement Agency to any other state
7 department or agency. The Alabama Law Enforcement Agency may
8 sell vehicles and property under this subsection to any county
9 or municipal law enforcement agency or any county or municipal
10 entity. Any state department or agency may negotiate for the
11 purchase of the vehicle or property for their use in
12 compliance with state law.

13 "(b) Every proposal to make a sale at public auction
14 shall be advertised for at least two weeks in advance of the
15 date fixed for the auction. Such advertisement shall appear at
16 least once a week for two consecutive weeks in a newspaper of
17 general circulation in the county where the sale is to be
18 made, and a copy of such proposal shall simultaneously be
19 posted on a readily accessible public bulletin board at the
20 main office of the ~~Department of Public Safety~~ Alabama Law
21 Enforcement Agency. Advertisements for auctions shall state
22 the item or items to be sold, by class and description, where
23 the property is located and the dates, time, and place the
24 property may be inspected. The advertisements shall further
25 state the date, time, and place of auction. All property
26 advertised under ~~the provisions of~~ this section shall be
27 available for inspection during the normal state office hours,

1 and at whatever place advertised for at least 48 hours prior
2 to sale.

3 "(c) All property sold under ~~the provisions of this~~
4 section shall be paid for by the purchaser or his or her
5 representative by cashier's check, bank draft, certified
6 check, U.S. currency, or notarized bank letter stating that
7 the holder may purchase surplus property and also stating a
8 maximum amount, at the time of acceptance of bid and award of
9 contract, and ~~said the~~ removal shall be not later than seven
10 days after the awarding of the contract.

11 "(d) No officer or employee of the State of Alabama
12 or any of its departments, boards, bureaus, commissions,
13 institutions, corporations, or agencies shall act as agent for
14 any bidder; provided, however, that such officers or employees
15 shall not be excluded from bidding on or purchasing state
16 property at public sale.

17 "(e) Any sale made in violation of the terms of this
18 section shall be null and void, and the person or persons
19 responsible for the violation shall be subject to liquidated
20 damages of not less than ~~\$1,000.00~~ one thousand dollars
21 (\$1,000) nor more than ~~\$10,000.00~~ ten thousand dollars
22 (\$10,000), which may be recovered for the State of Alabama by
23 the Attorney General by civil action in the Circuit Court of
24 Montgomery County. Any moneys recovered by the Attorney
25 General under this section shall be deposited into the State
26 General Fund.

1 "(f) All proceeds from sales made under ~~the~~
2 ~~provisions of~~ this article, whether at public auction or by
3 negotiation, shall be paid into the ~~Public Safety Motor~~
4 ~~Vehicle Replacement Fund~~ Public Safety Fund in the State
5 Treasury for use by the Alabama Law Enforcement Agency."

6 Section 2. (a) Any and all authority, power, duties,
7 or other responsibilities contained in any law or rule
8 relating to any legacy agency as provided in Chapter 27, Title
9 41 of the Code of Alabama 1975, shall be applicable to, and
10 under the authority and power of, the Alabama Law Enforcement
11 Agency and the Secretary of Law Enforcement. Any reference in
12 any law or rule to a legacy agency or a subdivision of a
13 legacy agency is hereby deemed a reference to the Alabama Law
14 Enforcement Agency.

15 (b) The Alabama Law Enforcement Agency shall have
16 the authority to apply for any grants and to accept any lawful
17 gifts or donations.

18 Section 3. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Governmental Affairs..... 18-FEB-16

Read for the second time and placed on the calen-
dar 1 amendment..... 25-FEB-16

Read for the third time and passed as amended 03-MAR-16

Yeas 24
Nays 0

Patrick Harris
Secretary