

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

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8 SYNOPSIS: This bill would allow the Secretary of the
9 Alabama Law Enforcement Agency to dispose of agency
10 vehicles and property at a public auction or by
11 negotiated sale and would allow the agency to sell
12 vehicles and property to local law enforcement
13 agencies.

14 This bill would also specify that any
15 authority, power, duties, or other responsibilities
16 contained in any law or rule relating to any legacy
17 agency is applicable to, and under the authority
18 and power of, the Alabama Law Enforcement Agency
19 and the Secretary of Law Enforcement and would
20 authorize the agency to apply for grants and accept
21 lawful gifts and donations.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 To amend Section 32-2-83, Code of Alabama 1975, to
2 allow the Secretary of the Alabama Law Enforcement Agency to
3 dispose of agency vehicles and property; to allow the agency
4 to sell vehicles and property to local law enforcement
5 agencies; to specify that any authority, power, duties, or
6 other responsibilities contained in any law or rule relating
7 to any legacy agency shall be applicable to, and under the
8 authority and power of, the Alabama Law Enforcement Agency and
9 the Secretary of Law Enforcement; and to authorize the agency
10 to apply for grants and accept lawful gifts and donations.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

14 "§32-2-83.

15 "(a) Any other provisions to the law contrary
16 notwithstanding, the ~~Director of the Department of Public~~
17 ~~Safety~~ Secretary of the Alabama Law Enforcement Agency shall
18 be responsible for the disposal of any ~~Department of Public~~
19 ~~Safety law enforcement vehicle~~ agency vehicles or property.
20 Such ~~vehicle~~ vehicles or property shall be sold by the
21 ~~director~~ Secretary or his or her designee either at public
22 auction or by a negotiated sale by the ~~Department of Public~~
23 ~~Safety~~ Alabama Law Enforcement Agency to any other state
24 department or agency. The Alabama Law Enforcement Agency may
25 sell vehicles and property under this subsection to any county
26 or municipal law enforcement agency. Any state department or

1 agency may negotiate for the purchase of the vehicle or
2 property for their use in compliance with state law.

3 "(b) Every proposal to make a sale at public auction
4 shall be advertised for at least two weeks in advance of the
5 date fixed for the auction. Such advertisement shall appear at
6 least once a week for two consecutive weeks in a newspaper of
7 general circulation in the county where the sale is to be
8 made, and a copy of such proposal shall simultaneously be
9 posted on a readily accessible public bulletin board at the
10 main office of the ~~Department of Public Safety~~ Alabama Law
11 Enforcement Agency. Advertisements for auctions shall state
12 the item or items to be sold, by class and description, where
13 the property is located and the dates, time, and place the
14 property may be inspected. The advertisements shall further
15 state the date, time, and place of auction. All property
16 advertised under ~~the provisions of~~ this section shall be
17 available for inspection during the normal state office hours,
18 and at whatever place advertised for at least 48 hours prior
19 to sale.

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

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

7 "(e) Any sale made in violation of the terms of this
8 section shall be null and void, and the person or persons
9 responsible for the violation shall be subject to liquidated
10 damages of not less than ~~\$1,000.00~~ one thousand dollars
11 (\$1,000) nor more than ~~\$10,000.00~~ ten thousand dollars
12 (\$10,000), which may be recovered for the State of Alabama by
13 the Attorney General by civil action in the Circuit Court of
14 Montgomery County. Any moneys recovered by the Attorney
15 General under this section shall be deposited into the State
16 General Fund.

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

22 Section 2. (a) Any and all authority, power, duties,
23 or other responsibilities contained in any law or rule
24 relating to any legacy agency as provided in Chapter 27, Title
25 41 of the Code of Alabama 1975, shall be applicable to, and
26 under the authority and power of, the Alabama Law Enforcement
27 Agency and the Secretary of Law Enforcement. Any reference in

1 any law or rule to a legacy agency or a subdivision of a
2 legacy agency is hereby deemed a reference to the Alabama Law
3 Enforcement Agency.

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

7 Section 3. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.