

SB128 INTRODUCED



1 U8U5GX-1
2 By Senator Scofield
3 RFD: Agriculture, Conservation, and Forestry
4 First Read: 22-Mar-23
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SYNOPSIS:

Under existing law, the Alabama Department of Economic and Community Affairs is responsible for the sale of surplus personal property owned by the Alabama Forestry Commission.

This bill would provide for the State Forester to dispose of surplus personal property owned by the Alabama Forestry Commission through sale.

A BILL
TO BE ENTITLED
AN ACT

Relating to surplus state property; to authorize the State Forester to sell surplus personal property owned by the Alabama Forestry Commission

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Notwithstanding any law to the contrary, the State Forester shall have the authority to and be responsible for the sale of any vehicles, equipment, and other personal property owned by the Alabama Forestry Commission. These items shall be sold by the State Forester or his or her designee either at public auction or by a negotiated sale to any other state department, agency, or



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29 political subdivision thereof.

30 (b) Every proposal to make a sale at public auction
31 shall be advertised for at least two consecutive weeks in
32 advance of the date fixed for the auction. The advertisement
33 shall be listed continuously for at least two weeks on the
34 public website of the Alabama Forestry Commission. Any
35 additional advertisements may be made as deemed necessary by
36 the commission. Advertisements for auctions shall describe the
37 property to be sold, where the property is located, the date,
38 time, and place the property may be inspected and the date,
39 time, and place of the auction. Property advertised under this
40 section shall be available for inspection during normal
41 business hours, at the advertised location of the property,
42 for at least 48 hours prior to sale.

43 (c) Bids shall be publicly taken or opened, in the case
44 of sealed bids, by the Alabama Forestry Commission or its
45 designee, and all bidders shall be entitled to be present in
46 person or by representative. The bid of the successful bidder
47 so marked, as well as the bids of unsuccessful bidders in the
48 case of sealed bids, shall be placed on file open to public
49 inspection and shall become matters of public record. If a
50 successful bidder fails to make payment for any item
51 successfully bid upon, he or she may be prohibited from
52 bidding at any sale held by the Alabama Forestry Commission
53 for a period of 12 months following the failure to pay.

54 (d) All property sold under this section shall be paid
55 for at the time of acceptance of a bid by the purchaser or his
56 or her representative, either by cashier's check, bank draft,



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57 certified check, U.S. currency, or notarized bank letter
58 stating that the holder may purchase surplus property and also
59 stating a maximum amount. A successful bidder shall take
60 possession of and remove the purchased property within seven
61 days of payment, unless some other time is agreed to in
62 advance and in writing by the Alabama Forestry Commission.

63 (e) No officer or employee of the State of Alabama or
64 any of its departments, boards, bureaus, commissions,
65 institutions, corporations, or agencies shall act as agent for
66 any bidder, provided that officers or employees may not be
67 excluded from bidding on or purchasing state property at
68 public sale.

69 (f) Any sale made in violation of the terms of this
70 section shall be void, and the person responsible for the
71 violations shall be subject to liquidated damages of not less
72 than one thousand dollars (\$1,000) and not more than ten
73 thousand dollars (\$10,000), which may be recovered for the
74 State of Alabama by the Attorney General by civil action in
75 the Circuit Court of Montgomery County. Any monies recovered
76 by the Attorney General under this section shall be deposited
77 into the State General Fund.

78 (g) All proceeds from sales made under this section,
79 whether at public auction or by negotiation, shall be paid
80 into the Alabama Forestry Commission Fund in the State
81 Treasury for use by the Alabama Forestry Commission.

82 (h) The Alabama Forestry Commission may adopt rules as
83 deemed necessary to carry out this section.

84 Section 2. This act shall become effective on the first



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85 day of the third month following its passage and approval by
86 the Governor, or its otherwise becoming law.