

SB128 ENROLLED



1 U8U5GX-2
2 By Senators Scofield, Sessions, Williams, Butler
3 RFD: Agriculture, Conservation, and Forestry
4 First Read: 22-Mar-23
5
6 2023 Regular Session



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1 Enrolled, An Act,

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

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

16 (b) Every proposal to make a sale at public auction
17 shall be advertised for at least two consecutive weeks in
18 advance of the date fixed for the auction. The advertisement
19 shall be listed continuously for at least two weeks on the
20 public website of the Alabama Forestry Commission. Any
21 additional advertisements may be made as deemed necessary by
22 the commission. Advertisements for auctions shall describe the
23 property to be sold, where the property is located, the date,
24 time, and place the property may be inspected and the date,
25 time, and place of the auction. Property advertised under this
26 section shall be available for inspection during normal
27 business hours, at the advertised location of the property,
28 for at least 48 hours prior to sale.



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29 (c) Bids shall be publicly taken or opened, in the case
30 of sealed bids, by the Alabama Forestry Commission or its
31 designee, and all bidders shall be entitled to be present in
32 person or by representative. The bid of the successful bidder
33 so marked, as well as the bids of unsuccessful bidders in the
34 case of sealed bids, shall be placed on file open to public
35 inspection and shall become matters of public record. If a
36 successful bidder fails to make payment for any item
37 successfully bid upon, he or she may be prohibited from
38 bidding at any sale held by the Alabama Forestry Commission
39 for a period of 12 months following the failure to pay.

40 (d) All property sold under this section shall be paid
41 for at the time of acceptance of a bid by the purchaser or his
42 or her representative, either by cashier's check, bank draft,
43 certified check, U.S. currency, or notarized bank letter
44 stating that the holder may purchase surplus property and also
45 stating a maximum amount. A successful bidder shall take
46 possession of and remove the purchased property within seven
47 days of payment, unless some other time is agreed to in
48 advance and in writing by the Alabama Forestry Commission.

49 (e) No officer or employee of the State of Alabama or
50 any of its departments, boards, bureaus, commissions,
51 institutions, corporations, or agencies shall act as agent for
52 any bidder, provided that officers or employees may not be
53 excluded from bidding on or purchasing state property at
54 public sale.

55 (f) Any sale made in violation of the terms of this
56 section shall be void, and the person responsible for the



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57 violations shall be subject to liquidated damages of not less
58 than one thousand dollars (\$1,000) and not more than ten
59 thousand dollars (\$10,000), which may be recovered for the
60 State of Alabama by the Attorney General by civil action in
61 the Circuit Court of Montgomery County. Any monies recovered
62 by the Attorney General under this section shall be deposited
63 into the State General Fund.

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

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

70 Section 2. This act shall become effective on the first
71 day of the third month following its passage and approval by
72 the Governor, or its otherwise becoming law.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB128

Senate 06-Apr-23

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives

Passed: 27-Apr-23

By: Senator Scofield