

1 HB69
2 187011-3
3 By Representative Hurst
4 RFD: State Government
5 First Read: 07-FEB-17
6 PFD: 01/27/2017

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2 ENROLLED, An Act,

3 To amend Section 41-16-52, Code of Alabama 1975,
4 providing an exemption from the competitive bid process for
5 the expenditure of funds by a county or municipality or
6 certain instrumentalities of a county or municipality for
7 repair parts or repair of heavy duty off-highway construction
8 equipment or vehicles exceeding a gross weight of 25,000
9 pounds; to increase the expenditures entitled to the exemption
10 to \$22,500.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 41-16-52, Code of Alabama 1975,
13 is amended to read as follows:

14 "§41-16-52.

15 "(a) All expenditures of funds of whatever nature
16 for repair parts and the repair of heavy duty off-highway
17 construction equipment ~~and of all~~ or of any vehicles with a
18 gross vehicle weight rating of 25,000 pounds or greater,
19 including machinery used for grading, drainage, road
20 construction, and compaction for the exclusive use of county
21 and municipal, highway, street, and sanitation departments,
22 involving not more than ~~\$15,000~~ twenty-two thousand five
23 hundred dollars (\$22,500) made by or on behalf of any county
24 commissions and the governing bodies of the municipalities of
25 the state, and the governing bodies of instrumentalities,

1 including waterworks boards, sewer boards, gas boards, and
2 other like utility boards and commissions, shall be made, at
3 the option of ~~said~~ the governing boards, bodies,
4 instrumentalities, and commissions, without regard to ~~the~~
5 ~~provisions of~~ this article. The foregoing exemption from ~~the~~
6 ~~provisions of~~ this article shall apply to each incident of
7 repair as to any ~~such~~ repair parts, equipment, vehicles, or
8 machinery. The amount of ~~such~~ the exempted expenditure shall
9 not be construed to be an aggregate of all ~~such~~ the
10 expenditures per fiscal year as to any individual vehicle or
11 piece of equipment or machinery.

12 " (b) The option provided by subsection (a) ~~of this~~
13 ~~section~~ may be exercised by ~~said~~ the governing boards, bodies,
14 instrumentalities, and commissions by specific reference to
15 this section on any and all purchase orders and purchase
16 commitments executed by ~~said~~ the governing boards, bodies,
17 instrumentalities, and commissions; provided, however ~~said~~ the
18 option shall not be exercised by any employee, agent, or
19 servant unless done so after having received official prior
20 approval of the respective governing board, body,
21 instrumentality, or commission or unless exercised pursuant to
22 a formal policy adopted by ~~such~~ the governing board, body,
23 instrumentality, or commission setting out conditions and
24 restrictions under which ~~such~~ the option shall be exercised.

1 "(c) All expenditures of funds of whatever nature
2 for the leasing of heavy duty off-highway construction
3 equipment and all vehicles with a gross vehicle weight rating
4 of 25,000 pounds or greater, including machinery for grading,
5 drainage, road construction, and compaction for exclusive use
6 of county and municipalities, highway, street, and sanitation
7 departments, involving a monthly rental of not more than
8 ~~\$5,000.00~~ five thousand dollars (\$5,000) per month per vehicle
9 or piece of equipment or machinery but not to exceed
10 ~~\$15,000.00~~ fifteen thousand dollars (\$15,000) per month for
11 all such vehicles and pieces of equipment made by or on behalf
12 of any county commissions and the governing boards of
13 municipalities of the state and the governing bodies of
14 instrumentalities, including waterworks boards, sewer boards,
15 gas boards, and other like utility boards and commissions
16 shall be made, at the option of the ~~said~~ governing boards,
17 bodies, instrumentalities, and commissions, without regard to
18 the provisions of this article."

19 Section 2. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.

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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 04-APR-17.

Jeff Woodard
Clerk

Senate	<hr/> 19-MAY-17 <hr/>	Amended and Passed
House	<hr/> 19-MAY-17 <hr/>	Concurred in Senate Amendment