

HB 2919

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# **WEST VIRGINIA LEGISLATURE**

**FIRST REGULAR SESSION, 1999**



# **ENROLLED**

## **House Bill No. 2919**

(By Delegates Mezzatesta, Williams, Stemple,  
Ennis, Romine, Shelton and Fletcher)



Passed March 10, 1999

In Effect Ninety Days from Passage

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LEGISLATIVE DEPARTMENT  
STATE OF WEST VIRGINIA

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# H. B. 2919

(BY DELEGATES MEZZATESTA, WILLIAMS, STEMPLER,  
ENNIS, ROMINE, SHELTON AND FLETCHER)

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[Passed March 10, 1999; in effect ninety days from passage.]

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AN ACT to amend chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article four-a, relating to the powers and duties of the state auditor; legislative findings; the continued use by public schools, juvenile detention centers, and municipal and county public safety offices of certain computers, telecommunications devices and other technological equipment following their use by the state auditor's office; creation of the computer donation program; program administration; and legislative rules.

*Be it enacted by the Legislature of West Virginia:*

That chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article four-a, to read as follows:

### ARTICLE 4A. COMPUTER DONATION PROGRAM.

#### §12-4A-1. Legislative findings.

- 1 The Legislature finds that:
- 2 (a) Public schools, juvenile detention centers, and municipi-
- 3 pal and county public safety offices are always in need of

4 computers, telecommunications devices and other technological  
5 equipment, while the acquisition of such is a costly enterprise;

6 (b) The state auditor must frequently purchase such  
7 computers, telecommunications devices and other technological  
8 equipment as is necessary for their interaction with national and  
9 international financial services industries;

10 (c) The purchase by the state auditor of modern computers,  
11 telecommunications devices and other technological equipment  
12 frequently results in the surplus of such existing equipment;

13 (d) Surplus equipment is generally obsolete and as such  
14 may no longer be used effectively by agency employees;

15 (e) Although the computers, telecommunications devices or  
16 other technological equipment is no longer useful in interacting  
17 with the financial services industry, they may still be useful  
18 items for a less complex and less high-speed dependent use;

19 (f) Heretofore, the state auditor has stripped the equipment  
20 for spare parts for other machines, and that this continued  
21 practice does not necessarily result in the equipment's highest  
22 and best remaining use; and

23 (g) Rather than break down the equipment for spare parts  
24 or send obsolete machines to the surplus property unit of the  
25 state purchasing division where they may languish with lack of  
26 use, it would be in the best interest of the state that any obsolete  
27 computers, telecommunications devices or technological  
28 equipment be donated by the state auditor's office to public  
29 schools, juvenile detention centers, and municipal and county  
30 public safety offices.

**§12-4A-2. Computer donation program created.**

1 (a) Notwithstanding any other provision of this code to the  
2 contrary, the state auditor is hereby authorized within his or her  
3 agency to create a computer donation program for public  
4 schools, juvenile detention centers, and municipal and county  
5 public safety offices in this state. This program authorizes the  
6 state auditor's office to donate equipment to those entities  
7 which would otherwise be transferred to the surplus property  
8 unit of the purchasing division.

9 (b) The program shall be administered by a director as  
10 appointed or employed by the state auditor. The auditor may  
11 either appoint the director from existing staff from his or her  
12 office, or may employ a director from existing funds.

13 (c) The director shall keep records and accounts that  
14 indicate the equipment donated, the age of the equipment, the  
15 reasons for declaring it obsolete, and to which public school,  
16 juvenile detention center, or municipal or county public safety  
17 office the equipment was donated.

**§12-4A-3. Legislative rules.**

1 The state auditor shall propose legislative rules in accor-  
2 dance with the provisions of article three-a, chapter twenty-  
3 nine-a of this code which shall detail the regulations for the  
4 public notice of the program, the method of receiving requests  
5 for participation in the program, any compliance and reporting  
6 information required of participants in the program, and the  
7 method of selecting recipients of equipment. The rules shall  
8 provide for fair and impartial selection of equipment recipients.  
9 The rules shall be presented for approval to the legislative  
10 oversight commission on education accountability by the first  
11 day of July, one thousand nine hundred ninety-nine.

**§12-4A-4. Severability.**

1 If any provision or application of this article is held invalid,  
2 the invalidity does not affect any other provision or application  
3 of this article which can be given effect without the invalid  
4 provision or application, and to this end the provisions of this  
5 chapter are severable.

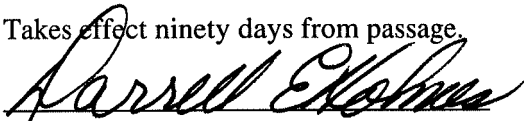
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

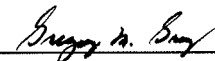
  
Chairman Senate Committee

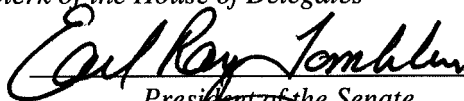
  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

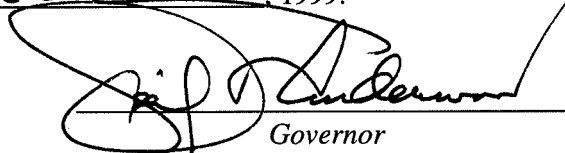
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within approved this the 20th  
day of March, 1999.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/16/99

Time 3:33 pm