

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974

ENROLLED

SENATE BILL NO. 79

(By Mr. Mc Crow)

PASSED March 5 1974

In Effect ninety days from Passage



FILED IN THE OFFICE  
EDGAR F. HEISKELL III  
SECRETARY OF STATE

THIS DATE 3-14-74

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## ENROLLED

### Senate Bill No. 79

(By MR. MCGRAW)

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[Passed March 5, 1974; in effect ninety days from passage.]

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AN ACT to amend and reenact section three, article eight, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to permitting the state agency for surplus property to acquire and distribute surplus property to fire departments, volunteer fire departments and rescue squads.

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

That section three, article eight, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 8. STATE AGENCY FOR SURPLUS PROPERTY.**

**§5A-8-3. Authority and duties of state agency for surplus property.**

1 (a) The state agency for surplus property is hereby  
2 authorized and empowered (1) to acquire from the  
3 United States of America such property, including equip-  
4 ment, materials, books or other supplies under the con-  
5 trol of any department or agency of the United States  
6 of America as may be usable and necessary for edu-  
7 cational, fire protection and prevention, rescue, or public  
8 health purposes, including research; (2) to warehouse  
9 property acquired; and (3) to distribute the property to  
10 tax-supported medical institutions, hospitals, clinics, fire  
11 departments, rescue squads, health centers, school sys-

12 tems, schools, colleges and universities within the state,  
13 and to other nonprofit medical institutions, hospitals,  
14 clinics, volunteer fire departments, volunteer rescue  
15 squads, health centers, schools, colleges and universities  
16 within the state which have been held exempt from tax-  
17 ation under section 101 (6) of the United States Internal  
18 Revenue Code.

19 (b) For the purpose of executing its authority under  
20 this article, the state agency for surplus property is au-  
21 thorized and empowered to adopt, amend or rescind rules  
22 and regulations as may be deemed necessary, and take  
23 other action necessary and suitable in the administration  
24 of this article, including the enactment and promulgation  
25 of rules and regulations necessary to bring this article and  
26 its administration into conformity with any federal stat-  
27 utes or rules and regulations promulgated under federal  
28 statutes for the acquisition and disposition of surplus  
29 property.

30 (c) The state agency for surplus property is author-  
31 ized and empowered to appoint advisory boards or com-  
32 mittees necessary to the end that this article and the rules  
33 and regulations promulgated hereunder conform with  
34 federal statutes and rules and regulations promulgated  
35 under federal statutes for the acquisition and disposition  
36 of surplus property.

37 (d) The state agency for surplus property is author-  
38 ized and empowered to take action, make expenditures  
39 and enter into contracts, agreements and undertakings  
40 for and in the name of the state, require reports, and  
41 make investigations as may be required by law or regu-  
42 lation of the United States of America in connection with  
43 the receipt, warehousing and distribution of property re-  
44 ceived by the state agency for surplus property from the  
45 United States of America.

46 (e) The state agency for surplus property is authorized  
47 and empowered to act as a clearinghouse of information  
48 for the public and private nonprofit institutions and agen-  
49 cies referred to in subsection (a) of this section, to locate  
50 property available for acquisition from the United States  
51 of America, to ascertain the terms and conditions under  
which the property may be obtained, to receive requests

52 from the above-mentioned institutions and agencies and  
53 to transmit to them all available information in reference  
54 to the property, and to aid and assist the institutions and  
55 agencies in every way possible in the consummation or  
56 acquisition of transactions hereunder.

57 (f) The state agency for surplus property, in the ad-  
58 ministration of this article, shall cooperate to the fullest  
59 extent consistent with the provisions of this article, with  
60 the departments or agencies of the United States of  
61 America and shall make reports in the form and con-  
62 taining the information the United States of America or  
63 any of its departments or agencies may from time to time  
64 require, and it shall comply with the laws of the United  
65 States of America and the rules and regulations of any  
66 of the departments or agencies of the United States of  
67 America governing the allocation, transfer, use or ac-  
68 counting for property donable or donated to the state.

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

H. Darrel Olesky  
Chairman Senate Committee

James C. Chubb  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Howard W. Carson  
Clerk of the Senate

V. A. Blankenship  
Clerk of the House of Delegates

H. P. Butherton, Jr.  
President of the Senate

Sam J. M. Thomas  
Speaker House of Delegates

The within approved this the 13th  
day of March, 1974.

Arka Shaver, Jr.  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/8/14

Time 11:47 a.m.