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OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1975

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# ENROLLED

SENATE BILL NO. 463

(By Mr. ROGERSON.....)

—•—

PASSED March 8,..... 1975

In Effect ninety days from Passage



463

**ENROLLED**  
**Senate Bill No. 463**  
(By MR. ROGERSON)

[Passed March 8, 1975; in effect ninety days from passage.]

AN ACT to repeal section twenty-three, article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend article eight of said chapter five-a, by adding thereto a new section, designated section three-a; and to amend and reenact section four of said article eight, all relating to the disposition of obsolete state commodities; application of proceeds from sale; power of the director to delegate authority; and bonding employees.

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

That section twenty-three, article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that article eight of said chapter five-a be amended by adding thereto a new section, designated section three-a; and that section four of said article eight, be amended and reenacted, all to read as follows:

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

**§5A-8-3a. Disposition by director of obsolete, etc., state commodities; application of proceeds from sale.**

1 The director shall have the exclusive power and  
2 authority to make disposition of commodities or expend-  
3 able commodities now owned or in the future acquired by  
4 the state, when, in the opinion of the director, any such  
5 commodities are or shall become obsolete, unusable or  
6 are not being used, or should be replaced.

7 It shall be the duty of the director to determine what  
8 commodities or expendable commodities should be dis-  
9 posed of and he shall make such disposition in the man-  
10 ner which in his opinion will be most advantageous to

11 the state, either by transferring the particular commodi-  
12 ties or expendable commodities between departments, by  
13 trading in such commodities as a part payment on the  
14 purchase of new commodities, or by sale thereof to the  
15 highest bidder by means of public auctions or sealed  
16 bids after having first advertised the time, terms and  
17 place of such sale as a Class II legal advertisement in  
18 compliance with the provisions of article three, chapter  
19 fifty-nine of this code, and the publication area for such  
20 publication shall be the county wherein the sale is to be  
21 conducted. The sale may also be advertised in such other  
22 advertising media as the director may deem advisable.  
23 The director shall have the authority to sell to the highest  
24 bidder or to any one or more of the highest bidders, if  
25 there be more than one, or, if in his opinion the best  
26 interest of the state will be served, to reject all bids.  
27 Upon the transfer of commodities or expendable commod-  
28 ities between departments, the director shall set the  
29 price to be paid by the receiving department with due  
30 consideration given to current market prices. The pro-  
31 ceeds of such sales or transfers shall be deposited in the  
32 state treasury to the credit on a pro rata basis of the  
33 fund or funds out of which the purchase of the particular  
34 commodities or expendable commodities was made: *Pro-*  
35 *vided*, That the director may charge and assess fees rea-  
36 sonably related to the costs of care and handling with  
37 respect to the transfer, warehousing, sale and distribu-  
38 tion of state property disposed of or sold pursuant to the  
39 provisions of this section.

**§5A-8-4. Power of director to delegate authority; bonding em-  
ployees.**

1 The commissioner of finance and administration, as  
2 director of the state agency for surplus property, may  
3 delegate to any employee of the agency such power and  
4 authority as he deems reasonable and proper for the  
5 effective administration of this article. The director of  
6 the agency may, in his discretion, bond any person in the  
7 employ of the state agency for surplus property, handling  
8 moneys, signing checks or receiving or distributing  
9 property from the United States of America or from this  
10 state under authority of this article.

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

James L. Davis  
Chairman Senate Committee

Clarence C. Christian, Jr.  
Chairman House Committee

Originated in the Senate.

Takes effect ninety days from passage.

John C. Wilson, Jr.  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

W. T. B. B. B. B.  
President of the Senate

James R. M. M.  
Speaker House of Delegates

The within approved this the 25th  
day of March, 1975.

Arthur A. Shaarefi  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/20/75  
Time 4:30 P.M.