WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1978

--- • ---

ENROLLED

HOUSE BILL No. 830

(By Mr. Colombo)

--- • ---

PASSED March 9, 1978

In Effect ninety days from Passage
ENROLLED

H. B. 830
(By Mr. Colombo)

[Passed March 9, 1978; in effect ninety days from passage.]

AN ACT to amend and reenact section three-a, article eight, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to disposition of certain state property; and allowing transfer of surplus state commodities between state departments and agencies, and allowing sale thereof to county commissions, county boards of education, or municipalities.

Be it enacted by the Legislature of West Virginia:

That section three-a, 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-8-3a. Disposition by director of obsolete, etc., state commodities; application of proceeds from sale.

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

7. It shall be the duty of the director to determine what commodities or expendable commodities should be disposed of
and he shall make such disposition in the manner which in his opinion will be most advantageous to the state, either by transferring the particular commodities or expendable commodities between departments, by selling such commodities to county commissions, county boards of education, or municipalities, by trading in such commodities as a part payment on the purchase of new commodities, or by sale thereof to the highest bidder by means of public auctions or sealed bids, after having first advertised the time, terms and place of such sale as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the county wherein the sale is to be conducted. The sale may also be advertised in such other advertising media as the director may deem advisable. The director shall have the authority to sell to the highest bidder or to any one or more of the highest bidders, if there be more than one, or, if in his opinion the best interest of the state will be served, to reject all bids.

Upon the transfer of commodities or expendable commodities between departments, or upon the sale thereof to a county commission, county board of education, or municipality, the director shall set the price to be paid by the receiving department, county commission, county board of education, or municipality, with due consideration given to current market prices.

The director is also hereby authorized to sell expendable, obsolete or unused motor vehicles owned by the State to county commissions, county boards of education or municipalities. The director, with due consideration given to current market prices, shall set the price to be paid by the receiving county commission, county board of education, or municipality, for motor vehicles sold pursuant to this provision: Provided, That in no event shall the sale price of any motor vehicle sold to a county commission, county board of education, or municipality, be less than the “average loan” value as published in the most recent available eastern edition of the National Automotive Dealer’s Association (N.A.D.A.) Official Used Car Guide, if such a value be available. If no such value be
available, the director shall set the price to be paid by the
receiving county commission, county board of education or
municipality with due consideration given to current market
prices.

The director shall report to the legislative auditor, semi-
annually, all sales of commodities or expendable commodities
made during the preceding six months to county commissions,
county boards of education and municipalities. The report
shall include a description of the commodities sold, the price
paid by the commission, board or governing body which re-
ceived the commodities; and the report shall show to whom
each commodity was sold.

The proceeds of such sales or transfers shall be deposited in
the state treasury to the credit on a pro rata basis of the fund
or funds out of which the purchase of the particular com-
modities or expendable commodities was made: Provided,
That the director may charge and assess fees reasonably
related to the costs of care and handling with respect to the
transfer, warehousing, sale and distribution of state property
disposed of or sold pursuant to the provisions of this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Chilton Jr.
Clerk of the Senate

Clerk of the House of Delegates

W. B. Rutledge
President of the Senate

Donald L. Carew
Speaker House of Delegates

The within is approved this the 30
day of March, 1978.

John D. Rhoades
Governor