

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978

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ENROLLED

HOUSE BILL No. 830

(By Mr. Colombo)

— ● —

PASSED March 9, 1978

In Effect ninety days from Passage



C 641

ENROLLED

H. B. 830

(By MR. COLOMBO)

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

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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  
2 to make disposition of commodities or expendable com-  
3 modities now owned or in the future acquired by the state,  
4 when, in the opinion of the director, any such commodities  
5 are or shall become obsolete, unusable or are not being used,  
6 or should be replaced.

7 It shall be the duty of the director to determine what  
8 commodities or expendable commodities should be disposed of

9 and he shall make such disposition in the manner which in  
10 his opinion will be most advantageous to the state, either by  
11 transferring the particular commodities or expendable com-  
12 modities between departments, by selling such commodities  
13 to county commissions, county boards of education, or  
14 municipalities, by trading in such commodities as a part  
15 payment on the purchase of new commodities, or by sale  
16 thereof to the highest bidder by means of public auctions  
17 or sealed bids, after having first advertised the time, terms  
18 and place of such sale as a Class II legal advertisement  
19 in compliance with the provisions of article three, chap-  
20 ter fifty-nine of this code, and the publication area for  
21 such publication shall be the county wherein the sale is  
22 to be conducted. The sale may also be advertised in such  
23 other advertising media as the director may deem advisable.  
24 The director shall have the authority to sell to the highest  
25 bidder or to any one or more of the highest bidders, if there  
26 be more than one, or, if in his opinion the best interest of the  
27 state will be served, to reject all bids.

28 Upon the transfer of commodities or expendable commodi-  
29 ties between departments, or upon the sale thereof to a county  
30 commission, county board of education, or municipality, the  
31 director shall set the price to be paid by the receiving depart-  
32 ment, county commission, county board of education, or  
33 municipality, with due consideration given to current market  
34 prices.

35 The director is also hereby authorized to sell expendable,  
36 obsolete or unused motor vehicles owned by the State to  
37 county commissions, county boards of education or municipi-  
38 palities. The director, with due consideration given to current  
39 market prices, shall set the price to be paid by the receiving  
40 county commission, county board of education, or municipality,  
41 for motor vehicles sold pursuant to this provision: *Provided,*  
42 That in no event shall the sale price of any motor vehicle sold  
43 to a county commission, county board of education, or municipi-  
44 pality, be less than the "average loan" value as published in  
45 the most recent available eastern edition of the National Auto-  
46 motive Dealer's Association (N.A.D.A.) Official Used Car  
47 Guide, if such a value be available. If no such value be

48 available, the director shall set the price to be paid by the  
49 receiving county commission, county board of education or  
50 municipality with due consideration given to current market  
51 prices.

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

60 The proceeds of such sales or transfers shall be deposited in  
61 the state treasury to the credit on a pro rata basis of the fund  
62 or funds out of which the purchase of the particular com-  
63 modities or expendable commodities was made: *Provided*,  
64 That the director may charge and assess fees reasonably  
65 related to the costs of care and handling with respect to the  
66 transfer, warehousing, sale and distribution of state property  
67 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

Darrence C. Christian Jr.  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Wilson, Jr.  
Clerk of the Senate

V. Blankenship  
Clerk of the House of Delegates

M. E. Brubaker Jr.  
President of the Senate

Donald L. Kopp  
Speaker House of Delegates

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

John J. Ralston  
Governor



RECEIVED  
MAR 13 2 11 PM '78  
OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date Mar. 30, 1978  
Time 9:00 A.M.

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78 MAR 30 P 9:25  
OFFICE  
SECY. OF STATE