WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED

HOUSE BILL No. 1673

(By Mr. Whitley & Mr. Frazier)

Passed April 11, 1981

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 authorizing certain volunteer fire departments in the state to purchase certain obsolete, unused, expendable, unneeded or otherwise surplus property of the state.

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 surplus state property; semi-annual report by director; 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 become obsolete or unusable or are not being used
6 or should be replaced.
7 The director shall determine what commodities or ex-
8 pendable 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, municipalities or volunteer fire departments in this state when such volunteer fire departments have been held exempt from taxation under section 101 (6) of the United States Internal Revenue Code, 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 may sell to the highest bidder or to any one or more of the highest bidders, if there is more than one, or, if in his opinion the best interest of the state will be served, 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, municipality or qualified volunteer fire department, the director shall set the price to be paid by the receiving department, county commission, county board of education, municipality or volunteer fire department, with due consideration given to current market prices.

The director may sell expendable, obsolete or unused motor vehicles owned by the state to county commissions, county boards of education or municipalities. In addition, the director may sell expendable, obsolete or unused motor vehicles owned by the state with a gross weight in excess of four thousand pounds to volunteer fire departments in this state when such volunteer fire departments have been held exempt from taxation under section 101 (6) of the United States Internal Revenue Code. 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, municipality or qualified volunteer fire department 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, municipality or qualified volunteer fire department 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 is available. If no such value is available, the director shall set the price to be paid by the receiving county commission, county board of education, municipality or volunteer fire department 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, municipalities and qualified volunteer fire departments. The report shall include a description of the commodities sold, the price paid by the commission, board or governing body or fire department which received 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 commodities 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.

R. P. Baylon
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Jeff C. Willis
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within ________________ approved this the __________ day of ________________ 1981.

[Signature]
Governor