

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-29-81

Time \_\_\_\_\_

No: 1673

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981



# ENROLLED

HOUSE BILL No. 1673

(By Mr. Whitlow + Mr. Frazier)



Passed April 11, 1981

In Effect Ninety Days From Passage



**ENROLLED**

**H. B. 1673**

(By MR. WHITLOW and 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

9 make such disposition in the manner which in his opinion will  
10 be most advantageous to the state, either by transferring the  
11 particular commodities or expendable commodities between  
12 departments, by selling such commodities to county commis-  
13 sions, county boards of education, municipalities or volunteer  
14 fire departments in this state when such volunteer fire de-  
15 partments have been held exempt from taxation under section  
16 101 (6) of the United States Internal Revenue Code, by  
17 trading in such commodities as a part payment on the pur-  
18 chase of new commodities, or by sale thereof to the highest  
19 bidder by means of public auctions or sealed bids, after having  
20 first advertised the time, terms and place of such sale as a  
21 Class II legal advertisement in compliance with the provisions  
22 of article three, chapter fifty-nine of this code, and the pub-  
23 lication area for such publication shall be the county wherein  
24 the sale is to be conducted. The sale may also be advertised  
25 in such other advertising media as the director may deem ad-  
26 visable. The director may sell to the highest bidder or to  
27 any one or more of the highest bidders, if there is more than  
28 one, or, if in his opinion the best interest of the state will be  
29 served, reject all bids.

30 Upon the transfer of commodities or expendable com-  
31 modities between departments, or upon the sale thereof to  
32 a county commission, county board of education, municipality  
33 or qualified volunteer fire department, the director shall set the  
34 price to be paid by the receiving department, county commis-  
35 sion, county board of education, municipality or volunteer  
36 fire department, with due consideration given to current  
37 market prices.

38 The director may sell expendable, obsolete or unused motor  
39 vehicles owned by the state to county commissions, county  
40 boards of education or municipalities. In addition, the director  
41 may sell expendable, obsolete or unused motor vehicles owned  
42 by the state with a gross weight in excess of four thousand  
43 pounds to volunteer fire departments in this state when such  
44 volunteer fire departments have been held exempt from taxa-  
45 tion under section 101 (6) of the United States Internal  
46 Revenue Code. The director, with due consideration given to  
47 current market prices, shall set the price to be paid by the

48 receiving county commission, county board of education, muni-  
49 cipality or qualified volunteer fire department for motor  
50 vehicles sold pursuant to this provision: *Provided*, That in no  
51 event shall the sale price of any motor vehicle sold to a  
52 county commission, county board of education, municipality  
53 or qualified volunteer fire department be less than the  
54 "average loan" value, as published in the most recent available  
55 eastern edition of the National Automotive Dealer's Associa-  
56 tion (N.A.D.A.) Official Used Car Guide, if such a value  
57 is available. If no such value is available, the director shall  
58 set the price to be paid by the receiving county commission,  
59 county board of education, municipality or volunteer fire de-  
60 partment with due consideration given to current market  
61 prices.

62 The director shall report to the legislative auditor, semi-  
63 annually, all sales of commodities or expendable commodities  
64 made during the preceding six months to county commis-  
65 sions, county boards of education, municipalities and qualified  
66 volunteer fire departments. The report shall include a descrip-  
67 tion of the commodities sold, the price paid by the commission,  
68 board or governing body or fire department which received  
69 the commodities; and the report shall show to whom each  
70 commodity was sold.

71 The proceeds of such sales or transfers shall be deposited  
72 in the state treasury to the credit on a pro rata basis of the  
73 fund or funds out of which the purchase of the particular com-  
74 modities or expendable commodities was made: *Provided*,  
75 That the director may charge and assess fees reasonably  
76 related to the costs of care and handling with respect to the  
77 transfer, warehousing, sale and distribution of state property  
78 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. Baylor*  
-----  
Chairman Senate Committee

*Jonny E. Whitlow*  
-----  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*Isaac C. Willis*  
-----  
Clerk of the Senate

*W. Blankenship*  
-----  
Clerk of the House of Delegates  
*Mark B. ...*  
-----  
President of the Senate

*Hyde P. Lee, Jr.*  
-----  
Speaker House of Delegates

The within *is approved* this the *29*  
day of *April* 1981.

*Robert T. ...*  
-----  
Governor

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