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Date 3-26-83

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

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ENROLLED
Committee Substitute for
SENATE BILL NO. 47

(By Mr. Halliday, et al)

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PASSED March 12, 1983
In Effect ninty days from Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 47

(BY MR. HOLLIDAY, MR. BOETTNER, MR. MCGRAW, MR. PRESIDENT, AND
MR. TONKOVICH)

[Passed March 12, 1983; 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 the state agency for surplus property; specifying additional eligible purchasers to be public service districts, county building commissions, airport authorities and parks and recreation commissions to purchase state surplus property; authorizing the director of the state agency for surplus property to sell expendable, obsolete or unused motor vehicles owned by the state to eligible organizations, for a price less than the "average loan" value as published in the National Automobile Dealer's Association Official Used Car Guide (N.A.D.A.) when the fair market value of the vehicle is less than the N.A.D.A. average loan value; and providing that such fair market value must be based on a thorough inspection of the vehicle by the director or his representative; sale of vehicles to eligible organizations; restrictions on titling and resale.

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; semiannual 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
3 commodities now owned or in the future acquired by the
4 state when, in the opinion of the director, any such
5 commodities are or become obsolete or unusable or are not
6 being used or should be replaced.

7 The director shall determine what commodities or
8 expendable commodities should be disposed of and he shall
9 make such disposition in the manner which in his opinion
10 will be most advantageous to the state, either by
11 transferring the particular commodities or expendable
12 commodities between departments, by selling such
13 commodities to county commissions, county boards of
14 education, municipalities, public service districts, county
15 building commissions, airport authorities, parks and
16 recreation commissions, and volunteer fire departments in
17 this state, when such volunteer fire departments have been
18 held exempt from taxation under section 501(c) of the
19 United States Internal Revenue Code, by trading in such
20 commodities as a part payment on the purchase of new
21 commodities, or by sale thereof to the highest bidder by
22 means of public auctions or sealed bids, after having first
23 advertised the time, terms and place of such sale as a Class II
24 legal advertisement in compliance with the provisions of
25 article three, chapter fifty-nine of this code, and the
26 publication area for such publication shall be the county
27 wherein the sale is to be conducted. The sale may also be
28 advertised in such other advertising media as the director
29 may deem advisable. The director may sell to the highest
30 bidder or to any one or more of the highest bidders, if there
31 is more than one, or, if in his opinion the best interest of the
32 state will be served, reject all bids.

33 Upon the transfer of commodities or expendable
34 commodities between departments, or upon the sale thereof

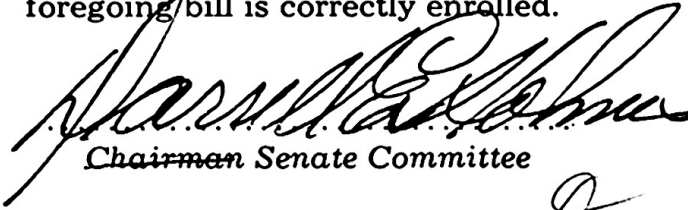
35 to an eligible organization described above, the director
36 shall set the price to be paid by the receiving eligible
37 organization, with due consideration given to current
38 market prices.

39 The director may sell expendable, obsolete or unused
40 motor vehicles owned by the state to an eligible
41 organization, other than volunteer fire departments. In
42 addition, the director may sell expendable, obsolete or
43 unused motor vehicles owned by the state with a gross
44 weight in excess of four thousand pounds to an eligible
45 volunteer fire department. The director, with due
46 consideration given to current market prices, shall set the
47 price to be paid by the receiving eligible organization, for
48 motor vehicles sold pursuant to this provision: *Provided*,
49 That the sale price of any motor vehicle sold to an eligible
50 organization shall not be less than the "average loan" value,
51 as published in the most recent available eastern edition of
52 the National Automobile Dealer's Association (N.A.D.A.)
53 Official Used Car Guide, if such a value is available unless
54 the fair market value of the vehicle is less than the N.A.D.A.
55 "average loan" value, in which case the vehicle may be sold
56 for less than the "average loan" value. Such fair market
57 value must be based on a thorough inspection of the vehicle
58 by the director or his representative who shall consider the
59 mileage of the vehicle, and the condition of the body, engine
60 and tires as indicators of its fair market value. If no such
61 value is available, the director shall set the price to be paid
62 by the receiving eligible organization with due
63 consideration given to current market prices. The duly
64 authorized representative of such eligible organization, for
65 whom such motor vehicle or other similar surplus
66 equipment is purchased or otherwise obtained, shall cause
67 ownership and proper title thereto to be vested only in the
68 official name of the authorized governing body for whom
69 the purchase or transfer was made. Such ownership or title,
70 or both, shall remain in the possession of that governing
71 body and be nontransferable for a period of not less than
72 one year from the date of such purchase or transfer. Resale
73 or transfer of ownership of such motor vehicle or equipment
74 prior to an elapsed period of one year may be made only by
75 reason of certified unserviceability.

76 The director shall report to the legislative auditor,
77 semiannually, all sales of commodities or expendable

78 commodities made during the preceding six months to
79 eligible organizations. The report shall include a
80 description of the commodities sold, the price paid by the
81 eligible organization, which received the commodities; and
82 the report shall show to whom each commodity was sold.
83 The proceeds of such sales or transfers shall be deposited
84 in the state treasury to the credit on a pro rata basis of the
85 fund or funds out of which the purchase of the particular
86 commodities or expendable commodities was made:
87 *Provided, however,* That the director may charge and assess
88 fees reasonably related to the costs of care and handling
89 with respect to the transfer, warehousing, sale and
90 distribution of state property disposed of or sold pursuant
91 to the provisions of this section.

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


Chairman Senate Committee

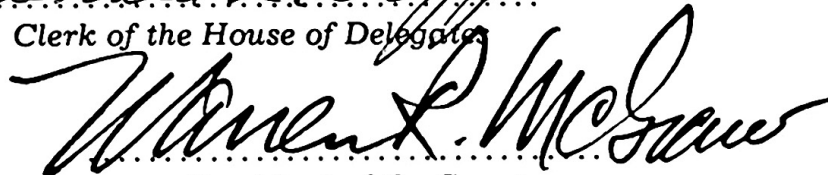

Chairman House Committee

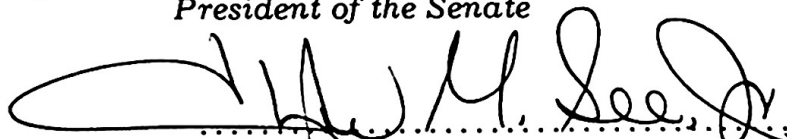
Originated in the Senate.

In effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 26
day of March, 1988


Governor

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