WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1986

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ENROLLED

SENATE BILL NO. 552

(By Senator R. Williams)

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PASSED March 7, 1986
In Effect 90 days from Passage
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Senate Bill No. 552
(BY SENATOR R. WILLIAMS)

[Passed March 7, 1986; 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 sale of surplus state property; purchasers eligible to purchase such property; and domestic nonprofit corporations qualified as tax exempt under section 501 (c) (3) of the Internal Revenue Code exempt.

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 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 become obsolete or unusable or are not being used or should be replaced.

7 The director shall 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, municipalities, public service districts, county building commissions, airport authorities, parks and recreation commissions, nonprofit domestic corporations qualified as tax exempt under section 501 (c) (3) of the Internal Revenue Code of 1954, as amended, and volunteer fire departments in this state, when such volunteer fire departments have been held exempt from taxation under section 501 (c) 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 an eligible organization described above, the director shall set the price to be paid by the receiving eligible organization, with due consideration given to current market prices.

The director may sell expendable, obsolete or unused motor vehicles owned by the state to an eligible organization, other than volunteer fire departments. 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 an eligible volunteer fire department. The director, with due consideration
given to current market prices, shall set the price to be paid by the receiving eligible organization, for motor vehicles sold pursuant to this provision: Provided, That the sale price of any motor vehicle sold to an eligible organization shall not be less than the "average loan" value, as published in the most recent available eastern edition of the National Automobile Dealer's Association (N.A.D.A.) Official Used Car Guide, if such a value is available, unless the fair market value of the vehicle is less than the N.A.D.A. "average loan" value, in which case the vehicle may be sold for less than the "average loan" value. Such fair market value must be based on a thorough inspection of the vehicle by the director or his representative who shall consider the mileage of the vehicle, and the condition of the body, engine and tires as indicators of its fair market value. If no such value is available, the director shall set the price to be paid by the receiving eligible organization with due consideration given to current market prices. The duly authorized representative of such eligible organization, for whom such motor vehicle or other similar surplus equipment is purchased or otherwise obtained, shall cause ownership and proper title thereto to be vested only in the official name of the authorized governing body for whom the purchase or transfer was made. Such ownership or title, or both, shall remain in the possession of that governing body and be nontransferable for a period of not less than one year from the date of such purchase or transfer. Resale or transfer of ownership of such motor vehicle or equipment prior to an elapsed period of one year may be made only by reason of certified unserviceability.

The director shall report to the legislative auditor, semiannually, all sales of commodities or expendable commodities made during the preceding six months to eligible organizations. The report shall include a description of the commodities sold, the price paid by the eligible organization, 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.

Bruce O. Williams
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Joll C. Wells
Clerk of the Senate

Donald A. Repp
Clerk of the House of Delegates

Dan Teetor, Jr.
President of the Senate

Joseph P. Altobelli
Speaker House of Delegates

The within approved this the 25th day of March, 1986.

Ann W. Van Vactor
Governor
PRESENTED TO THE
GOVERNOR
Date 3/13/86
Time 12:36 p.m.