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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



ENROLLED

SENATE BILL NO. 552

(By Senator R. Williams)



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 author-
2 ity 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
6 not being used 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
10 will be most advantageous to the state, either by trans-
11 ferring the particular commodities or expendable com-
12 modities between departments, by selling such commodi-
13 ties to county commissions, county boards of education,
14 municipalities, public service districts, county building
15 commissions, airport authorities, parks and recreation
16 commissions, nonprofit domestic corporations qualified as
17 tax exempt under section 501 (c) (3) of the Internal
18 Revenue Code of 1954, as amended, and volunteer fire
19 departments in this state, when such volunteer fire depart-
20 ments have been held exempt from taxation under section
21 501 (c) of the United States Internal Revenue Code, by
22 trading in such commodities as a part payment on the
23 purchase of new commodities, or by sale thereof to the
24 highest bidder by means of public auctions or sealed
25 bids, after having first advertised the time, terms and
26 place of such sale as a Class II legal advertisement in
27 compliance with the provisions of article three, chapter
28 fifty-nine of this code, and the publication area for such
29 publication shall be the county wherein the sale is to be
30 conducted. The sale may also be advertised in such other
31 advertising media as the director may deem advisable.
32 The director may sell to the highest bidder or to any one
33 or more of the highest bidders, if there is more than one,
34 or, if in his opinion the best interest of the state will be
35 served, reject all bids.

36 Upon the transfer of commodities or expendable com-
37 modities between departments, or upon the sale thereof
38 to an eligible organization described above, the director
39 shall set the price to be paid by the receiving eligible
40 organization, with due consideration given to current
41 market prices.

42 The director may sell expendable, obsolete or unused
43 motor vehicles owned by the state to an eligible organi-
44 zation, other than volunteer fire departments. In addition,
45 the director may sell expendable, obsolete or unused
46 motor vehicles owned by the state with a gross weight in
47 excess of four thousand pounds to an eligible volunteer
48 fire department. The director, with due consideration

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

80 The director shall report to the legislative auditor,
81 semiannually, all sales of commodities or expendable
82 commodities made during the preceding six months to
83 eligible organizations. The report shall include a descrip-
84 tion of the commodities sold, the price paid by the eligible
85 organization, which received the commodities; and the
86 report shall show to whom each commodity was sold.

87 The proceeds of such sales or transfers shall be depos-
88 ited in the state treasury to the credit on a pro rata basis

89 of the fund or funds out of which the purchase of the
90 particular commodities or expendable commodities was
91 made: *Provided*, That the director may charge and assess
92 fees reasonably related to the costs of care and handling
93 with respect to the transfer, warehousing, sale and dis-
94 tribution of state property disposed of or sold pursuant
95 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.

Ed C. Stullis
Clerk of the Senate

Donald G. Kopp
Clerk of the House of Delegates

Don Tomlin
President of the Senate

Joseph P. Allright
Speaker House of Delegates

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

Arha. Shroyer
Governor

PRESENTED TO THE

GOVERNOR

Date 3/13/86

Time 12:36 p.m.

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SECRETARIAT OF STATE

FILE IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86