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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2002

ENROLLED

Committee Substitute for
SENATE BILL NO. 289

(By Senator Tamblin, Mr. President, et al)

PASSED March 6, 2002

In Effect ninety days from **Passage**

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 289

(SENATORS TOMBLIN, MR. PRESIDENT, CHAFIN, PLYMALE,
SPROUSE, BAILEY, EDGELL, KESSLER, MINARD, ROSS,
CALDWELL, SHARPE, HUNTER, HELMICK, FANNING, BOWMAN,
MITCHELL, ROWE, UNGER, ANDERSON, MCCABE, BURNETTE
AND PREZIOSO, *original sponsors*)

[Passed March 6, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, two and three, article four-b, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the state computer donation program; expanding the eligible recipient organizations to include educational facilities, nonprofit organizations and other public, charitable or educational enterprises or organizations; expanding the auditor's legislative rule-making authority to implement the computer donation program; and deleting obsolete language.

Be it enacted by the Legislature of West Virginia:

That sections one, two and three, article four-b, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 4B. COMPUTER DONATION PROGRAM.

§12-4B-1. Legislative findings.

1 The Legislature finds that:

2 (a) Educational facilities, nonprofit organizations,
3 juvenile detention centers, municipal and county public
4 safety offices and other public, charitable or educational
5 enterprises or organizations are always in need of comput-
6 ers, telecommunications devices and other technological
7 equipment, while the acquisition of such equipment is
8 costly;

9 (b) The state auditor must frequently purchase comput-
10 ers, telecommunications devices and other technological
11 equipment for his, or her interaction with national and
12 international financial services industries;

13 (c) The purchase by the state auditor of modern comput-
14 ers, telecommunications devices and other technological
15 equipment frequently results in the surplus of existing
16 equipment;

17 (d) Surplus equipment is generally obsolete and may no
18 longer be used effectively by agency employees;

19 (e) Although the computers, telecommunications devices
20 and other technological equipment is no longer useful in
21 interacting with the financial services industry, they may
22 still be useful items for a less complex and less high-speed
23 dependent use;

24 (f) Heretofore, the state auditor has stripped the equip-
25 ment for spare parts for other machines and that this

26 continued practice does not necessarily result in the
27 equipment's highest and best remaining use; and

28 (g) Rather than break down the equipment for spare
29 parts or send obsolete machines to the surplus property
30 unit of the state purchasing division where they may
31 languish with lack of use, it would be in the best interest
32 of the state that any obsolete computers, telecommunica-
33 tions devices or technological equipment be donated by the
34 state auditor's office to educational facilities, nonprofit
35 organizations, juvenile detention centers, municipal and
36 county public safety offices and other public, charitable or
37 educational enterprises or organizations.

§12-4B-2. Computer donation program created.

1 (a) Notwithstanding any other provision of this code to
2 the contrary, the state auditor is hereby authorized within
3 his or her agency to create a computer donation program
4 to donate equipment, which would otherwise be trans-
5 ferred to the surplus property unit of the purchasing
6 division, to educational facilities, nonprofit organizations,
7 juvenile detention centers, municipal and county public
8 safety offices and other public, charitable or educational
9 enterprises or organizations in this state. This program
10 authorizes the state auditor's office to donate surplus
11 equipment.

12 (b) The program shall be administered by a director as
13 appointed or employed by the state auditor. The auditor
14 may either appoint the director from existing staff from
15 his or her office or may employ a director from existing
16 funds.

17 (c) The director shall keep records and accounts that
18 indicate the equipment donated, the age of the equipment,
19 the reasons for declaring it obsolete and to which educa-
20 tional facility, nonprofit organization, juvenile detention
21 center, municipal or county public safety office or other

22 public, charitable or educational enterprise or organiza-
23 tion the equipment was donated.

§12-4B-3. Legislative rules.

1 The state auditor shall propose legislative rules in
2 accordance with the provisions of article three-a, chapter
3 twenty-nine-a of this code which shall detail the regula-
4 tions for implementing the program. The rules shall
5 provide for fair and impartial selection of equipment
6 recipients.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *18th*
Day of *June* 2002.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/12/02

Time 10:38 AM