

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5388

By Delegates Sheedy, Foggin, and Stephens

[Introduced January 31, 2024; Referred to the
Committee on Technology and Infrastructure]

1 A BILL to amend and reenact §17-2A-14 of the Code of West Virginia, 1931, as amended, relating
 2 to disposition of surplus materials, including asphalt grindings or millings, by the
 3 commissioner of highways.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§17-2A-14. Disposition of surplus, etc., equipment and materials; inventories.

1 (a) The commissioner shall dispose of obsolete and unusable equipment, surplus supplies
 2 and other unneeded materials, either by transfer to other governmental agencies or institutions, by
 3 exchange or trade, or by sale as junk or otherwise. The commissioner shall adopt and promulgate
 4 rules and regulations governing and controlling the disposition of all such equipment, supplies and
 5 materials. ~~He~~ The commissioner shall advertise, by newspaper publication or otherwise, the
 6 availability or sales of such disposable equipment, supplies and materials and may sell same, in
 7 whole or in part, at public auction, or may transfer, exchange or trade same (if by exchange or
 8 trade, then without advertising), in whole or in part, as sound business practices may warrant
 9 under existing circumstances and conditions. The commissioner shall inventory all such
 10 disposable equipment, supplies and materials from time to time as quantity and stocks may
 11 warrant but shall make a complete semiannual inventory thereof as of the 31st day of March and
 12 September 30, of each year. ~~He~~ The commissioner may report such inventories to the director of
 13 purchases whose services and facilities shall be available to the commissioner in making
 14 advantageous disposition of any part or all of such disposable equipment, supplies and materials.
 15 ~~Such~~ The inventories shall briefly describe the disposable items, the date of purchase thereof, the
 16 vendor to the commissioner, the purchase price paid therefor and the commissioner's order
 17 number authorizing disposition thereof and shall indicate briefly the reason said items are no
 18 longer needed or can no longer be used by the commission. All such inventories shall be kept as
 19 public records open to public inspection at the office of the commissioner for a period of five years
 20 and may thereafter be destroyed.

21 (b) Any asphalt grindings or millings removed from any Division of Highways right of way
22 that are not to be recycled for another Division of Highways project shall remain the property of the
23 Division of Highways and placed on a site designated by the local district having jurisdiction over
24 the project. If the local district office does not have storage or need then the contractor can dispose
25 of them to local residents along the project right of way. Under no circumstances may these
26 grindings or millings to be sold for profit by any contractor or person with whom the contractor has
27 deposited them.

NOTE: The purpose of this bill is to specify how the commissioner of highways may dispose of surplus asphalt grindings or millings.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.