

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 2589**

By Delegate Sheedy

[Introduced February 18, 2025; referred to the

Committee on Energy and Public Works]

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.