

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-1124 of the Code of Virginia, relating to the Department of General*
 3 *Services; disposition of surplus materials; donation of surplus computers; United States military.*

4 [H 446]
 5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.2-1124 of the Code of Virginia is amended and reenacted as follows:**8 **§ 2.2-1124. Disposition of surplus materials.**

9 A. For purposes of this section, "surplus materials" means personal property, including materials,
 10 supplies, equipment, and recyclable items, but does not include property as defined in § 2.2-1147 that is
 11 determined to be surplus. "Surplus materials" does not include finished products that a state hospital or
 12 training center operated by the Department of Behavioral Health and Developmental Services sells for
 13 the benefit of individuals receiving services in the state hospital or training center, provided that (i) most
 14 of the supplies, equipment, or products have been donated to the state hospital or training center; (ii) the
 15 individuals in the state hospital or training center have substantially altered the supplies, equipment, or
 16 products in the course of occupational or other therapy; and (iii) the substantial alterations have resulted
 17 in a finished product.

18 B. The Department shall establish procedures for the disposition of surplus materials from
 19 departments, divisions, institutions, and agencies of the Commonwealth. Such procedures shall:

20 1. Permit surplus materials to be transferred between or sold to departments, divisions, institutions, or
 21 agencies of the Commonwealth;

22 2. Permit surplus materials to be sold to Virginia charitable corporations granted tax-exempt status
 23 under § 501(c)(3) of the Internal Revenue Code and operating as clinics for the indigent and uninsured
 24 that are organized for the delivery of primary health care services (i) as federally qualified health centers
 25 designated by the Health Care Financing Administration or (ii) at a reduced or sliding fee scale or
 26 without charge;

27 3. Permit public sales or auctions, including online public auctions;

28 4. Permit surplus motor vehicles to be sold prior to public sale or auction to local social service
 29 departments for the purpose of resale at cost to TANF recipients;

30 5. Permit surplus materials to be sold to Virginia charitable corporations granted tax-exempt status
 31 under § 501(c)(3) of the Internal Revenue Code and operating as children's homes;

32 6. Permit donations to political subdivisions of the Commonwealth under the circumstances specified
 33 in this section;

34 7. Permit other methods of disposal when (a) the cost of the sale will exceed the potential revenue to
 35 be derived therefrom or (b) the surplus material is not suitable for sale;

36 8. Permit any animal especially trained for police work to be sold at a price of \$1 to the handler
 37 who last was in control of the animal. The agency or institution may allow the immediate survivor of
 38 any full-time sworn law-enforcement officer who (i) is killed in the line of duty or (ii) dies in service
 39 and has at least 10 years of service to purchase the service animal at a price of \$1. Any such sale shall
 40 not be deemed a violation of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et
 41 seq.);

42 9. Permit the transfer of surplus clothing to an appropriate department, division, institution, or agency
 43 of the Commonwealth for distribution to needy individuals by and through local social services boards;

44 10. Encourage the recycling of paper products, beverage containers, electronics, and used motor oil;

45 11. Require the proceeds from any sale or recycling of surplus materials be promptly deposited into
 46 the state treasury in accordance with § 2.2-1802 and report the deposit to the State Comptroller;

47 12. Permit donations of surplus computers and related equipment to:

48 a. ~~public~~ *Public* schools in the Commonwealth ~~and~~;

49 b. Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal
 50 Revenue Code and providing services to persons with disabilities, at-risk youths, or low-income families.
 51 For the purposes of this subdivision, "at-risk youths" means school-age children approved eligible to
 52 receive free or reduced price meals in the federally funded lunch program; *and*

53 c. *Organizations in the Commonwealth granted tax-exempt status under § 501(c)(3) of the Internal*
 54 *Revenue Code that refurbish computers and related equipment for donation to veterans and active*
 55 *military, naval, or air service members, as defined in § 2.2-2000.1. Any donation to an organization*
 56 *under this subdivision shall be conditioned upon, and in consideration of, the organization's promise to*

57 *refurbish the donated equipment and distribute it free of charge to such veterans or active military,*
58 *naval, or air service members.*

59 13. Permit surplus materials to be transferred or sold, prior to public sale or auction, to public
60 television stations located in the state and other nonprofit organizations approved for the distribution of
61 federal surplus materials;

62 14. Permit a public institution of higher education to dispose of its surplus materials at the location
63 where the surplus materials are held and to retain any proceeds from such disposal, provided that the
64 institution meets the conditions prescribed in subsection A of § 23.1-1002 and § 23.1-1019 (regardless of
65 whether or not the institution has been granted any authority under Article 4 (§ 23.1-1004 et seq.) of
66 Chapter 10 of Title 23.1);

67 15. Permit surplus materials from (i) the Department of Defense Excess Property Program or (ii)
68 other surplus property programs administered by the Commonwealth to be transferred or sold to Virginia
69 charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and
70 operating as an educational institution devoted to emergency management training, preparedness, and
71 response;

72 16. Require, to the extent practicable, the recycling and disposal of computers and other information
73 technology assets. Additionally, for computers or information technology assets that may contain
74 confidential state data or personal identifying information of citizens of the Commonwealth, the
75 Department shall ensure all policies for the transfer or other disposition of computers or information
76 technology assets are consistent with data and information security policies developed by the Virginia
77 Information Technologies Agency; and

78 17. Permit surplus materials to be sold, prior to public sale or auction, to (i) service disabled
79 veteran-owned businesses and (ii) veterans service organizations.

80 For purposes of this subdivision:

81 "Service disabled veteran" means the same as that term is defined in § 2.2-2000.1.

82 "Service disabled veteran-owned business" means the same as that term is defined in § 2.2-2000.1.

83 "Veterans service organization" means an association or other entity organized for the benefit of
84 veterans that has been recognized by the U.S. Department of Veterans Affairs or chartered by Congress.

85 C. The Department shall dispose of surplus materials pursuant to the procedures established in
86 subsection B or permit any department, division, institution, or agency of the Commonwealth to dispose
87 of its surplus materials consistent with the procedures so established. No surplus materials shall be
88 disposed of without prior consent of the head of the department, division, institution, or agency of the
89 Commonwealth in possession of such surplus materials or the Governor.

90 D. Departments, divisions, institutions, or agencies of the Commonwealth or the Governor may
91 donate surplus materials only under the following circumstances:

92 1. Emergencies declared in accordance with § 44-146.18:2 or 44-146.28;

93 2. As set forth in the budget bill as defined by § 2.2-1509, provided that (a) the budget bill contains
94 a description of the surplus materials, the method by which the surplus materials shall be distributed,
95 and the anticipated recipients, and (b) such information shall be provided by the Department to the
96 Department of Planning and Budget in sufficient time for inclusion in the budget bill;

97 3. When the market value of the surplus materials, which shall be donated for a public purpose, is
98 less than \$500; however, the total market value of all surplus materials so donated by any department,
99 division, institution, or agency shall not exceed 25 percent of the revenue generated by such
100 department's, division's, institution's, or agency's sale of surplus materials in the fiscal year, except these
101 limits shall not apply in the case of surplus computer equipment and related items donated to Virginia
102 public schools; or

103 4. During a local emergency, upon written request of the head of a local government or a political
104 subdivision in the Commonwealth to the head of a department, division, institution, or agency.

105 E. On or before October 1 of each year, the Department shall prepare, and file with the Secretary of
106 the Commonwealth, a plan that describes the expected disposition of surplus materials in the upcoming
107 fiscal year pursuant to subdivision B 6.

108 F. The Department may make available to any local public body of the Commonwealth the services
109 or facilities authorized by this section; however, the furnishing of any such services shall not limit or
110 impair any services normally rendered any department, division, institution or agency of the
111 Commonwealth. All public bodies shall be authorized to use the services of the Department's Surplus
112 Property Program under the guidelines established pursuant to this section and the surplus property
113 policies and procedures of the Department. Proceeds from the sale of the surplus property shall be
114 returned to the local body minus a service fee. The service fee charged by the Department shall be
115 consistent with the fee charged by the Department to state public bodies.