

**WEST VIRGINIA  
SECRETARY OF STATE  
BETTY IRELAND  
ADMINISTRATIVE LAW DIVISION**

Form #4

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2005 DEC -5 A 10: 39

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: Department of Administration TITLE NUMBER: 148

CITE AUTHORITY: 5A-3-45

AMENDMENT TO AN EXISTING RULE: YES  NO

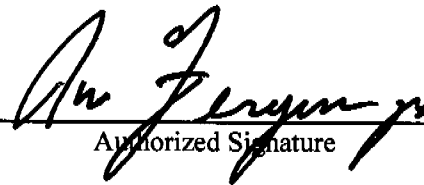
IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 16

TITLE OF RULE BEING PROPOSED: Cannibalization of State Property

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

  
Authorized Signature

\$2.50

**TITLE 148**  
**DEPARTMENT OF ADMINISTRATION**  
**PURCHASING DIVISION**

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**SERIES 16**  
**CANNIBALIZATION OF STATE PROPERTY**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**§148-16-1. General.**

- 1.1. Scope. - This Legislative Rule is an explanation and clarification of operative procedures for the disposal of state surplus property by cannibalization for use of component parts.
- 1.2. Authority. - W.Va. Code, §5A-3-45.
- 1.3. Filing Date. - May 15, 2005
- 1.4. Effective Date. -

**§148-16-2. Definitions.**

As used in this rule, all terms have the same meaning as provided in W.Va. Code §5A-1-1 and 5A-3-1 et seq., and as follows:

- (a) "Director" means the Director of the Purchasing Division of the Department of Administration.
- (b) "Cannibalization" means the removal of parts from one commodity to use in the creation or repair of another commodity.

**§148-16-3. Applicability.**

- 3.1 This legislative rule applies to all spending units of State government except those statutorily exempted. Exempted spending units may elect to follow this rule
- 3.2 All requests for property cannibalization under this rule must be approved by the Director of the Purchasing Division, or a designee.

**§148-16-4. Authority**

The Director shall:

- (a) Ensure state assets are disposed of exclusively through the state agency for surplus property;

- (b.) Provide for a means of disposal, which includes cannibalization of property;
- (c.) Require a written request to be submitted on a standardized form prescribed by the Purchasing Division;
- (d.) Evaluate requests for cannibalization of state property and respond to agencies with documented decision;
- (e.) Provide recommendation to agencies for disposal of assets if cannibalization method is not approved.
- (f.) Permit cannibalization when in the best interest of the state.

**§148-16-5. Cannibalization Procedures.**

- 5.1 The requesting agency submits a "Cannibalization Asset Request Form" to the state agency for surplus property outlining:
  - (a.) commodity identification number,
  - (b.) commodity acquisition date;
  - (c.) commodity acquisition cost;
  - (d.) description of the commodity;
  - (e.) whether commodity is operable and, if so, how well it operates;
  - (f.) how the agency will dispose of the remaining parts of the commodity; and,
  - (g.) who will cannibalize the commodity and how the person is qualified to remove and reinstall the parts.
- 5.2 If the agency plans to use the cannibalized parts immediately, information listed in 5.1 (a-e) must be submitted for the commodity receiving the part(s). In addition, the following information must be provided:
  - (a.) whether the part restores the commodity to an operable condition;
  - (b.) the cost of the parts and labor to restore the commodity to an operable condition without cannibalization.
- 5.3 If the agency plans to retain the cannibalized parts for future use, justification must be submitted to and approved by the state agency for surplus property.
- 5.4 Residual components of the cannibalized commodity must be retired to the state agency for surplus property using other authorized means of disposal as outlined in §5A-3-45.



STATE OF WEST VIRGINIA  
DEPARTMENT OF ADMINISTRATION  
OFFICE OF THE CABINET SECRETARY

JOE MANCHIN III  
GOVERNOR

ROBERT W. FERGUSON, JR.  
CABINET SECRETARY

December 2, 2005

***Via Hand-Delivery***

The Honorable Betty Ireland  
Secretary of State  
Building 1, Suite 157K  
1900 Kanawha Boulevard, East  
Charleston, WV 25305

**Re: Cannibalization of State Property, 148CSR16  
Legislative Rules**

Dear Secretary Ireland,

I am enclosing the original and ten copies of the "Notice of Rule Modification of a Proposed Rule" regarding Cannibalization of State Property. These rules contain modifications requested at the Legislative Rule-Making interim meeting. The Department of Administration has agreed to the modifications. It is my understanding that your office will maintain the original in your files. Once the ten copies have been stamped filed I will provide the copies to the Legislative Rule-Making office.

Thank you very much for your assistance. If you have any questions, or need any additional information, please do not hesitate to give me a call.

Sincerely,

  
Donna M. Lipscomb  
Executive Coordinator

DMP:dp

Enclosures

cc: Debra Graham, Counsel for Legislative Rule-Making