

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

SENATE BILL NO. 4

(By Mr. Bullard & Reed)

PASSED March 9 1957

In Effect from Passage



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(By MR. BALLARD AND MR. REED)

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AN ACT to repeal articles two and two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to enact in lieu thereof two new articles, designated articles two and two-a; to amend and reenact sections four and nineteen, article four of said chapter; and to amend article nineteen of said chapter by adding thereto a new section, designated section four, all relating to the organization, administration and supervision of a system of state roads and highways.

Be it enacted by the Legislature of West Virginia:

That articles two and two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as

amended, be repealed, and that two new articles, designated articles two and two-a, be enacted in lieu thereof; that sections four and nineteen, article four of said chapter, be amended and reenacted; and that article nineteen of said chapter be amended by adding thereto a new section, designated section four, all to read as follows:

Article 2. State Road Commission.

Section 1. *State Road Commission; Purposes and Responsibilities.*—The State Road Commission of West Virginia, heretofore created and existing as a corporation, shall be and is hereby continued as in this article provided. The commission is hereby authorized and empowered to adopt and use a seal; to negotiate and enter into contracts; to institute, prosecute and defend suits, actions and proceedings; and to otherwise exercise all powers and functions necessary and germane to its public corporate existence and purposes.

Sec. 2. *Members; Appointment.*—The commission shall be composed of seven members, who shall be appointed by the governor by and with the advice and consent of the senate. Nominations for all appointments hereunder

5 shall be submitted by the governor to the senate at the
6 first meeting thereof next after such appointments are
7 made.

Sec. 3. *Offices and Place of Business.*—The commission
2 shall be provided adequate offices at the state capital
3 where its books and records shall be kept and where its
4 meetings shall be held and its business transacted, except
5 as otherwise provided in this article.

Sec. 4. *Terms of Office; Vacancies.*—The term of office
2 of each member of the commission shall be seven years,
3 except that the first appointments made pursuant to this
4 article shall be for terms of one, two, three, four, five, six
5 and seven years, respectively. Terms shall commence as
6 of the first day of July and shall end as of the thirtieth
7 day of June. Any vacancy on the commission shall be
8 filled by appointment by the governor for a new term of
9 seven years or an unexpired term of less than seven years,
10 as the case may be.

Sec. 5. *Appointments; Qualifications; Status of Present*
2 *Members; Removal for Cause.*—On or before the first day
3 of July next after the effective date of this article the gov-

4 ernor shall appoint the members of the commission. Not
5 more than four of the members shall be of the same po-
6 litical party. One member shall be appointed from each
7 of the six congressional districts and one member shall
8 be appointed from the state at large. Each member shall
9 be a citizen and resident of the state. Each member ap-
10 pointed from a congressional district shall be a citizen
11 and resident of such congressional district. Removal of
12 a member from the state or from the particular congres-
13 sional district from which he was appointed shall im-
14 mediately vacate his office. In making appointments to
15 the commission, the governor shall consider each ap-
16 pointee's age, ability, experience and general qualifica-
17 tions. Members of the commission shall be eligible for
18 reappointment to fill an unexpired term or a new term of
19 seven years.

20 Any members of the commission, who have been duly
21 appointed and qualified and approved by the senate and
22 are in office when this article becomes effective, shall con-
23 tinue in office until their respective terms expire or until
24 their death, resignation or removal from office. In mak-

25 ing his initial appointments to the commission pursuant
26 to the provisions hereof, the governor shall ascertain the
27 names, residence addresses and political party affiliation
28 of any such members of the commission then in office and
29 shall select his first appointees with reference thereto and
30 due consideration thereof so as to comply with the resi-
31 dence and political party affiliation qualifications as here-
32 in prescribed.

33 As terms expire or positions on the commission other-
34 wise become vacant the governor shall appoint persons to
35 fill all such vacancies on the commission as provided in
36 this article.

37 No member of the commission may be removed from
38 office by the governor except for official misconduct, in-
39 competence, neglect of duty or gross immorality and then
40 only in the manner prescribed by law for the removal by
41 the governor of state elective officers.

Sec. 6. *Disqualifications; Vacation of Office.*—No per-
2 son while in the employ of, or holding, or who has within
3 twelve months held any official relation to any person,
4 firm or corporation selling or furnishing any materials

5 entering into the construction, reconstruction, repair or
6 maintenance of any road or highway of this state, or any
7 part thereof, or who is pecuniarily interested therein, as
8 a stockholder or otherwise, shall be a member of the state
9 road commission. No member of the commission shall
10 be a candidate for or hold any public office other than
11 that of member of the commission. A member of the
12 commission shall not be a member of any political com-
13 mittee while a member of the commission. In case any
14 member of the commission becomes a candidate for or is
15 appointed to any other public office or any political com-
16 mittee, his office as a member of the commission shall au-
17 tomatically and immediately be vacated.

Sec. 7. *Oath.*—Prior to the assumption of the duties of
2 his office as a member of the commission, each member
3 shall take and subscribe to the oath of office prescribed by
4 the constitution, the certificate of which oath shall be filed
5 with the secretary of state.

Sec. 8. *Commission Meetings and Organizations.*—The
2 commission shall convene in regular meetings at least once
3 every three months, unless necessity of any such quarterly

4 meeting is negated by order entered in the minute rec-
5 ord of the commission. Special meetings shall be held,
6 on call of the chairman or any three members of the com-
7 mission, at such other times as circumstances and bus-
8 iness may warrant. All meetings of the commission shall
9 be held at its offices at the state capital unless by a ma-
10 jority vote the commission selects another meeting place.
11 Four members of the commission shall constitute a quo-
12 rum for transaction of business and a majority vote shall
13 be necessary for any action taken by the commission. At
14 the meeting held in July of each year the commission
15 shall organize by electing one of its members as chairman
16 and another member as vice-chairman for such year and
17 may also select a secretary who need not be a member of
18 the commission. The vice-chairman shall have and may
19 exercise all of the powers of the chairman in the chair-
20 man's absence or inability to serve. In the event of the
21 absence or inability of the chairman and vice-chairman
22 to serve as such at any meeting, a quorum of the members
23 of the commission present shall select a chairman pro
24 tempore. The commission shall keep a minute record of

25 its proceedings and transactions. Such record shall be
26 open to public inspection and examination. It shall adopt
27 and enter of record in its minutes such other rules for the
28 conduct of its meetings and the transaction of its business
29 as may be found expedient.

Sec. 9. *Compensation and Expenses.*—The members of
2 the commission shall each receive an honorarium of twen-
3 ty-five dollars for each day actually devoted to commis-
4 sion business and shall be reimbursed for their actual ex-
5 penses incurred in the discharge of their official du-
6 ties. The total honorarium paid to each member during
7 any one fiscal year shall not exceed three hundred dollars.
8 Statements covering expenses shall be itemized and veri-
9 fied by the member by whom submitted for payment.

Sec. 10. *Powers and Duties.*—The state road commis-
2 sion shall be an advisory body to the state road com-
3 missioner and shall have the following powers and
4 duties:

5 (1) To consider and study the entire field of legisla-
6 tion and administration concerning roads and highways,
7 and motor vehicle regulation.

8 (2) To advise the commissioner concerning the high-
9 way needs of particular localities or districts of the state.

10 (3) To recommend policies and practices to the com-
11 missioner relative to any duty imposed upon him by
12 law.

13 (4) To investigate the conduct and the work of the de-
14 partment, and for this purpose it shall have access at
15 any time to all books, papers, documents and records of
16 the department.

17 (5) To advise or make recommendations to the gov-
18 ernor and the legislature relative to the highway policy
19 of the state.

Sec. 11. *Intrastate Toll Bridges, Acquisition; Discharge*
2 *of Obligations.*—The commission is authorized to include
3 any or all existing intrastate toll bridges within the sys-
4 tem of state roads and highways and is further authorized
5 to expend out of the proceeds of any sale of West Virginia
6 state road bonds, authorized by the legislature and the
7 "Good Roads Amendment of 1920", if not otherwise re-
8 stricted by law, not to exceed one million five hundred
9 thousand dollars, (a) for the purpose of discharging out-

10 standing bonds or obligations upon any of such intrastate
11 toll bridges which become the property of the commission
12 when such bonds or obligations are discharged and (b)
13 for the purpose of acquiring by eminent domain pro-
14 ceedings any or all of the existing privately-owned intra-
15 state toll bridges for including in such system of roads
16 and highways;

Article 2-a. State Road Commissioner.

Section 1. *State Road Commissioner; Appointment and*
2 *Tenure.*—The office of state road commissioner heretofore
3 created by law shall be continued. The governor, by and
4 with the advice and consent of the Senate, shall appoint
5 a state road commissioner for a term of four years.
6 Within thirty days after the effective date of this article,
7 the governor shall appoint a state road commissioner
8 whose term shall last until the first day of March, one
9 thousand nine hundred sixty-one. The incumbent com-
10 missioner shall continue to serve in that capacity until
11 a successor is appointed pursuant to the terms of this
12 article. Thereafter all appointments shall be for a term

13 of four years, except that an appointment to fill a vacancy
14 shall be for the unexpired term.

15 During his term no commissioner who has been duly
16 appointed and qualified and confirmed by the Senate may
17 be removed from office except for official misconduct,
18 incompetence, neglect of duty, gross immorality, perma-
19 nent and total disability, habitual drunkenness or drug
20 addiction, and then only in the manner prescribed by
21 law for the removal by the governor of state elective
22 officials.

Sec. 2. *Qualifications; Duties; Office, Oath and Bond.*—

2 The commissioner shall be a person who is experienced
3 in highway planning, finance, construction, maintenance,
4 management and supervision qualifying him for the
5 duties of his office; shall devote his full time and at-
6 tention to his official duties and responsibilities; shall
7 reside at and maintain his office headquarters at the
8 state capitol; shall be the chief executive officer of
9 the commission and, subject to other provisions of law,
10 shall have direct and full control, management and
11 supervision of the entire state road program and system;

12 and shall, prior to assumption of the duties of his office,
13 take and subscribe to the oath prescribed by the consti-
14 tution and execute a bond, with surety approved by the
15 commission, in the penal sum of twenty-five thousand
16 dollars, which executed oath and bond shall be filed with
17 the secretary of state. Premiums on the commissioner's
18 bond shall be paid from commission funds.

Sec. 3. *Salary and Expenses.*—The commissioner shall
2 receive an annual salary of fourteen thousand dollars.
3 He shall be allowed and paid necessary traveling ex-
4 penses incident to performance of his duties. Statements
5 covering such expenses shall be itemized and verified by
6 the commissioner.

Sec. 4. *Selection and Organization of Personnel; Duties;*
2 *Bonds.*—The commissioner shall be in charge of and re-
3 sponsible for the selection, employment and effective
4 organization of all commission personnel for the entire
5 state road and highway program. He may establish such
6 divisions, sections and other functional and organiza-
7 tional units within the commission as may be necessary
8 and practical in the full and effective discharge of the

9 duties and responsibilities of his office. Except as other-
10 wise provided by law, all commission personnel shall
11 be classified pursuant to the job classification system
12 and shall be paid pursuant to the salary scale established
13 by the commissioner.

14 The commissioner shall select and employ a busi-
15 ness manager assistant and a chief engineer assistant,
16 who shall be a registered professional engineer, and shall
17 establish such other offices, activities, divisions, sec-
18 tions and organizational units as may be necessary
19 and practical. The business manager assistant shall be
20 in charge of and responsible for matters of finance,
21 personnel, public relations and such other functions as
22 may be assigned to him from time to time by the com-
23 missioner. The chief engineer assistant shall be in charge
24 and responsible for planning, equipment, materials,
25 construction, maintenance and such other functions
26 as may from time to time be assigned to him by the
27 commissioner.

28 The commissioner shall require every employee who
29 collects fees or handles funds or who has custody or con-

30 trol of equipment or supplies belonging to the state to give
31 bond, with such sureties and in such penal sum as may be
32 approved by the commissioner, for the faithful discharge
33 of each such employee's duties and his accounting for all
34 such fees, funds, equipment and supplies coming into his
35 hands or under his custody or control. All such bonds,
36 when approved by the commissioner, shall be filed in the
37 office of the secretary of state. Premiums on all such bonds
38 shall be paid from commission funds.

Sec. 5. *Personnel Disqualifications; Vacation of Posi-*
2 *tion.*—No person, while in the employ of or holding any
3 official relation to any person, firm or corporation selling
4 or furnishing materials entering into the construction,
5 reconstruction, repair or maintenance of any state roads
6 or highways, or any part thereof, or who is pecuniarily
7 interested therein as a stockholder or otherwise, shall be
8 appointed commissioner or be otherwise employed in any
9 capacity or employment by the commission or commis-
10 sioner. Any such interest in or connection with any such
11 person, firm or corporation, acquired by the commissioner
12 or any such employee of the commission or commissioner

13 subsequent to his appointment or employment, shall im-
14 mediately disqualify such person from holding the office
15 of commissioner or any other position or employment by
16 the commission and commissioner and such office or posi-
17 tion of employment, as the case may be, shall be imme-
18 diately vacated.

19 No person may be appointed as commissioner or em-
20 ployed in any other capacity or employment by the com-
21 mission or commissioner when he is a candidate for or
22 holds any public office or is a member of any political
23 party committee. In the event the commissioner or any
24 employee of the commission or commissioner becomes a
25 candidate for or holds any public office or becomes a
26 member of any political party committee, his office as
27 commissioner or position as employee, as the case may
28 be, shall be immediately vacated.

Sec. 6. *Accounting and Auditing.*—The commissioner, by
2 and through his business manager assistant, shall central-
3 ize, standardize and integrate the budget, accounting and
4 auditing services of the entire state road and highway
5 program. Whenever there is provided by law a uniform

6 system of accounting and auditing and policies and prac-
7 tices relating thereto for all state officials, departments
8 and agencies, such uniform system shall be adopted by
9 the commissioner. Until such system, policies and prac-
10 tices are formulated and prescribed, the commissioner
11 shall establish his own system, policies and practices for
12 all accounting and reporting services.

13 All commission accounting and auditing services shall
14 be on the fiscal year basis. The commissioner shall pre-
15 pare an annual financial report covering all receipts and
16 disbursements for each fiscal year and shall deliver such
17 report to the commission on or before the first day of
18 December next succeeding the end of the fiscal year.

19 The commissioner shall report quarterly to the com-
20 mission on finances, personnel and other aspects and
21 phases of the road program and system.

Sec. 7. *Legal Services.*—The commission shall select
2 and employ a competent legal staff adequate for legal
3 services required by him and shall provide therefor such
4 quarters, equipment, facilities, services and stenographic
5 and other personnel as may be necessary. In addition, the

6 commissioner may call upon the attorney general and the
7 prosecuting attorneys of the several counties, within their
8 respective jurisdictions, for legal assistance and services
9 as provided by law.

Sec. 8. *Powers, Duties and Responsibilities of Com-*
2 *missioner.* — In addition to all other duties, powers
3 and responsibilities given and assigned to the com-
4 missioner in this chapter, the commissioner may:

5 (1) Exercise general supervision over the state
6 road program and the construction, reconstruction,
7 repair and maintenance of state roads and high-
8 ways;

9 (2) Determine the various methods of road con-
10 struction best adopted to the various sections and areas
11 of the state and establish standards for the con-
12 struction and maintenance of roads and highways there-
13 in;

14 (3) Conduct investigations and experiments, hold hear-
15 ings and public meetings and attend and participate in
16 meetings and conferences within and without the state
17 for purposes of acquiring information, making findings

18 and determining courses of action and procedure relative
19 to advancement and improvement of the state road and
20 highway system;

21 (4) Enter private lands to make inspections and sur-
22 veys for road and highway purposes;

23 (5) Acquire, in the name of the commission, by lease,
24 grant, right of eminent domain or other lawful means, all
25 lands and interests and rights in lands necessary and re-
26 quired for roads, rights of way, cuts, fills, drains, storage
27 for equipment and materials, and road construction and
28 maintenance in general;

29 (6) Procure photostatic copies of any or all public
30 records on file at the state capitol of Virginia which may
31 be deemed necessary or proper in ascertaining the loca-
32 tion and legal status of public road rights of way location
33 or established in what is now the state of West Virginia,
34 which photostatic copies, when certified by the commis-
35 sioner, may be admitted in evidence, in lieu of the origi-
36 nal, in any of the courts of this state;

37 (7) Plan for and hold annually a school of good roads,
38 of not less than three or more than six days' duration, for

39 instruction of his employees, which school shall be held
40 in conjunction with West Virginia university and may
41 be held at the university or at any other suitable place
42 in the state;

43 (8) Negotiate and enter into reciprocal contracts and
44 agreements with proper authorities of other states and
45 of the United States relating to and regulating the use of
46 roads and highways with reference to weights and types
47 of vehicles, registration of vehicles and licensing of opera-
48 tors, military and emergency movements of personnel
49 and supplies and all other matters of interstate or na-
50 tional interest;

51 (9) Locate and relocate primary and secondary roads
52 and to classify and reclassify and designate by number
53 the routes within the primary and secondary road sys-
54 tem;

55 (10) Create, extend or establish, upon petition of any
56 interested party or parties or on the commissioner's own
57 initiative, any new road or highway as may be found
58 necessary and proper;

59 (11) Exercise jurisdiction, control, supervision and au-

60 thority over local roads, outside the state road system, to
61 the extent determined by him to be expedient and prac-
62 ticable;

63 (12) Discontinue, vacate and close any road or high-
64 way, or any part thereof, the continuance and mainte-
65 nance of which are found unnecessary and improper,
66 upon petition and hearing, or upon investigation initiated
67 by the commissioner;

68 (13) Close any state road while under construction or
69 repair and provide a temporary road during the time of
70 such construction or repair;

71 (14) Adjust damages occasioned by construction, re-
72 construction or repair of any state road or the establish-
73 ment of any temporary road;

74 (15) Establish and maintain a uniform system of road
75 signs and markers;

76 (16) Fix standard widths for road rights of way,
77 bridges and approaches thereto and to fix and determine
78 grades and elevations therefor;

79 (17) Test and standardize materials used in road con-
80 struction and maintenance, either by governmental test-

81 ing and standardization activities or through contract by
82 private agencies;

83 (18) Allocate the cost of retaining walls and drainage
84 projects, for the protection of a state road or its right of
85 way, to the cost of construction, reconstruction, improve-
86 ment or maintenance;

87 (19) Acquire, establish, construct, maintain and oper-
88 ate, in the name of the commission, roadside recreational
89 areas along and adjacent to state roads and highways;

90 (20) Exercise general supervision over the construc-
91 tion and maintenance of airports and landing fields under
92 the jurisdiction of the West Virginia board of aeronautics,
93 of which the commissioner is a member, and to make a
94 study and general plan of a statewide system of airports
95 and landing fields;

96 (21) Provide traffic engineering services to municipali-
97 ties of the state upon request of the governing body of
98 any such municipality and upon such terms as may be
99 agreeably arranged;

100 (22) Institute complaints before the public service
101 commission or any other appropriate governmental

102 agency relating to freight rates, car service and move-
103 ment of road materials and equipment;

104 (23) Invoke any appropriate legal or equitable reme-
105 dies to enforce his orders, to compel compliance with re-
106 quirements of law and to protect and preserve the state
107 road and highway system or any part thereof;

108 (24) Make and promulgate rules and regulations for
109 the government and conduct of personnel, for the orderly
110 and efficient administration and supervision of the state
111 road program and for the effective and expeditious per-
112 formance and discharge of the duties and responsibilities
113 placed upon him by law;

114 (25) Delegate powers and duties to his appointees and
115 employees who shall act by and under his direction
116 and be responsible to him for their acts;

117 (26) Designate and define such construction and main-
118 tenance districts within the state road system as may be
119 found expedient and practicable;

120 (27) Contract for the construction, improvement and
121 maintenance of the roads;

122 (28) Have authority to comply with provisions of pres-
123 ent and future federal aid statutes and regulations, in-
124 cluding execution of contracts or agreements with and
125 cooperation in programs of the United States Govern-
126 ment and any proper department, bureau or agency
127 thereof relating to plans, surveys, construction, recon-
128 struction, improvement and maintenance of state roads
129 and highways;

130 (29) Prepare budget estimates and requests;

131 (30) Establish a system of accounting covering and
132 including all fiscal and financial matters of the commis-
133 sion;

134 (31) Have authority to establish an advance right of
135 way acquisition revolving fund, a materials revolving
136 fund and an equipment revolving fund;

137 (32) Enter into contracts and agreements with and to
138 cooperate in programs of counties, municipalities and
139 other governmental agencies and subdivisions of the state
140 relating to plans, surveys, construction, reconstruction,
141 improvement, maintenance and supervision of highways,
142 roads, streets and other travel ways when and to the

143 extent determined by the commission to be expedient

144 and practical;

145 (33) Report, as provided by law, to the governor and

146 the legislature;

147 (34) Purchase materials, supplies and equipment re-

148 quired for the state road program and system;

149 (35) Dispose of all obsolete and unusable and sur-

150 plus supplies and materials, which cannot be used ad-

151 vantageously and beneficially by the commission in the

152 state road program, by transfer thereof to other govern-

153 mental agencies and institutions or by exchange, trade

154 or sale thereof;

155 (36) Investigate road conditions, official conduct of

156 commission personnel and fiscal and financial affairs of

157 the commission and hold hearings and make findings

158 thereon or on any other matters within the jurisdiction

159 of the commission; and,

160 (37) Establish road policies and administrative prac-

161 tices.

Sec. 9. Persons Required to Assist Commissioner.—At

2 the request of the commissioner, the dean of the college

3 of engineering of West Virginia university, the director
4 of the experiment station of the university and the heads
5 of the several departments of science shall render to the
6 commissioner all necessary aid and assistance in the per-
7 formance of his duties, as the requirements of their
8 respective offices and positions will permit, without extra
9 charge or compensation for the service.

Sec. 10. *Hearings, Investigations and Proceedings;*
2 *Evidence and Subpoenas; Contempt.*— In any hearing,
3 investigation or proceeding conducted by or before the
4 commission or commissioner, the evidence of witnesses
5 and the production of documentary evidence may be re-
6 quired at any designated place of hearing and summons
7 may be issued therefor by the commissioner or any mem-
8 ber of the commission. In case of disobedience to a sum-
9 mons or other process so issued, the commissioner, a
10 member of the commission or any party to the proceed-
11 ings may invoke the aid of any circuit court in requiring
12 the evidence and testimony of witnesses and the produc-
13 tion of papers, books and documents. And upon proper
14 showing, such court shall issue an order requiring such

15 persons to appear before the commissioner or commis-
16 sion, as the case may be, and produce all books and papers
17 and give evidence touching the matter in question. Any
18 person failing to obey such order may be punished by
19 such court as for contempt. A claim that any such testi-
20 mony or evidence may tend to incriminate the person
21 giving the same shall not excuse such witness from testi-
22 fying, but such witness shall not be prosecuted for any
23 offense concerning which he is compelled hereunder to
24 testify.

Sec. 11. *Road Maps; Reproduction and Distribution.*—

2 The commissioner shall prepare and currently maintain
3 a master road and highway map which will show (a) all
4 of the state roads and highways which have been located,
5 created and classified as provided by law, (b) the mileage
6 of each classification of roads and highways, and (c) the
7 status of improvement and, in so far as practicable, the
8 travel condition thereof. The commissioner may make
9 economical reproductions of such map from time to time
10 for official use and public information purposes.

Sec. 12. *Set-back Lines, Islands, Curb Separations, Entrance Approaches, Walks and Parking.*—In the interest of safety and the convenience, coordination and control of pedestrian and vehicular traffic, the commission may from time to time cause surveys and findings to be made as to the necessity and propriety of set-back lines, traffic islands, curb separations, entrance approaches, sidewalks and other traffic control factors. The commission may, pursuant to such surveys and findings, promulgate and enforce reasonable rules and regulations relating to and controlling the location, construction and maintenance of all such traffic control factors, but shall not in any case unduly interfere with any abutting property owner's entrance or access rights or approaches to any road or highway unless with the consent and voluntary action of such abutting property owner or through appropriate proceedings in court in the exercise of the right of eminent domain for determination of the lawful rights of the respective parties and the damages, if any, to be assessed. The limitations of this section on the commission's authority to regulate

22 entrance and access to roads and highways shall not
23 apply to freeways as defined in section thirty-nine of
24 article four of this chapter.

25 The commission may regulate and, when the safety
26 and convenience of the traveling public so require, may
27 prohibit parking of vehicles on and along roads and high-
28 ways and the rights of way thereof.

Sec. 13. *Purchase of Materials, Supplies and Equip-*
2 *ment.*—All materials, supplies and equipment required
3 for the state road program and system shall be purchased
4 and acquired by the commissioner through the depart-
5 ment of purchases, except as otherwise provided by law.
6 The director of purchases shall adopt rules and regula-
7 tions governing and controlling acquisitions and pur-
8 chases in accordance with accepted business practices so
9 that no persons shall be precluded from participating
10 and making sales thereof to the commission; shall estab-
11 lish and prescribe specifications, in all proper cases, for
12 materials, supplies and equipment to be purchased; shall
13 adopt and prescribe such purchase order, requisition or
14 other forms as may be required; shall negotiate for and

15 make purchases and acquisitions in such quantities, at
16 such times and under contract, in the open market or
17 through other accepted business methods and practices,
18 as may be practicable in accordance with general law;
19 shall determine whether to advertise for bids, to purchase
20 by means of sealed bids and competitive bidding or to
21 effect advantageous purchases through other accepted
22 methods and practices; and shall post in a public place in
23 the offices of the commission and the department of
24 purchases, available to the public during all business
25 hours, notices of all acquisitions and purchases to be made,
26 at least two weeks prior to making such purchases.

27 All purchases and acquisitions shall be made in con-
28 sideration and within limits of available appropriations
29 and funds and in accordance with applicable provisions
30 of article five, chapter five of this code, relating to ex-
31 penditure schedules and quarterly allotments of funds.

32 The director of purchases shall make available the
33 facilities and services of his department to the commis-
34 sioner in the purchase and acquisition of materials, sup-
35 plies and equipment and shall cooperate with the com-

36 missioner in all such purchases and acquisitions upon re-
37 quest of the commissioner. The actual expenses incurred
38 by the director of purchases in all such cases shall be
39 paid by the commissioner.

Sec. 14. *Disposition of Equipment and Materials; Trans-*
2 *fers, Trades and Sales; Inventory Reports.*—The commis-
3 sioner shall dispose of obsolete and unusable equipment,
4 surplus supplies and other unneeded materials, either by
5 transfer to other governmental agencies or institutions,
6 by exchange or trade, or by sale as junk or otherwise.
7 The commissioner shall adopt and promulgate rules and
8 regulations governing and controlling the disposition of
9 all such equipment, supplies and materials. He shall ad-
10 vertise, by newspaper publication or otherwise, the avail-
11 ability or sales of such disposable equipment, supplies and
12 materials and may sell same, in whole or in part, at public
13 auction, or may transfer, exchange or trade same (if by ex-
14 change or trade, then without advertising), in whole or
15 in part, as sound business practices may warrant under
16 existing circumstances and conditions. The commissioner
17 shall inventory all such disposable equipment, supplies

18 and materials from time to time as quantity and stocks
19 may warrant but shall make a complete semi-annual
20 inventory thereof as of the thirty-first day of March and
21 the thirtieth day of September of each year. He may
22 report such inventories to the director of purchases whose
23 services and facilities shall be available to the commis-
24 sioner in making advantageous disposition of any part
25 or all of such disposable equipment, supplies and ma-
26 terials. Such inventories shall briefly describe the dis-
27 posable items, the date of purchase thereof, the vendor
28 to the commissioner, the purchase price paid therefor and
29 the commissioner's order number authorizing disposi-
30 tion thereof and shall indicate briefly the reason said
31 items are no longer needed or can no longer be used
32 by the commission. All such inventories shall be kept as
33 public records open to public inspection at the office of
34 the commissioner for a period of five years and may
35 thereafter be destroyed.

Sec. 15. *Other Laws Not Controlling.*—The provisions
2 of chapter twenty-five-a of this code shall not control or
3 govern the purchase, acquisition or disposition of any

4 equipment, materials or supplies by the commissioner, ex-
5 cept as provided in sections thirteen and fourteen of this
6 article. The commissioner may, in his discretion, resort to
7 applicable provisions of said chapter twenty-five-a and
8 to rules, regulations and practices of the director of pur-
9 chases in purchasing, acquiring or disposing of equip-
10 ment, supplies and materials.

Sec. 16. *Information on Vendors to Commissioner.*—

2 Every person, firm or corporation selling or offering to
3 sell to the commissioner, upon competitive bids or other-
4 wise, any materials, supplies or equipment shall submit
5 to the commissioner a verified statement disclosing the
6 following information:

7 (1) If the vendor be an individual, his name and resi-
8 dence address and, if he has associates or partners shar-
9 ing in his business, their names and residence addresses;

10 (2) If the vendor be a firm, the name and residence
11 address of each member, partner or associate of the firm;
12 and,

13 (3) If the vendor be a corporation, the name and bus-
14 iness address of the corporation; the names and residence

15 addresses of the president, vice-president, secretary,
16 treasurer and manager, if any, of the corporation; and
17 the names and residence addresses of each stockholder of
18 the corporation owning or holding twenty-five percent
19 or more of the capital stock thereof.

20 The information so received by the commissioner shall be
21 kept in a register of vendors which shall be public record
22 and open to public inspection during regular business
23 hours at the commissioner's office. Such register shall be
24 alphabetically indexed by names of individuals, firms and
25 corporations. It shall be currently revised by including
26 therein information as to new vendors promptly upon the
27 receipt of such information by the commissioner and by
28 removing therefrom, at least semi-annually as of the first
29 day of January and July of each year, information as to
30 vendors registered but not selling or offering to sell ma-
31 terials, supplies or equipment to the commissioner within
32 the twelve months next preceding such removal revision
33 date.

34 Any person, firm or corporation failing or refusing to
35 submit such verified statement as herein required shall

36 be ineligible to sell or offer to sell commodities to the
37 commissioner as provided in this article.

Article 4. State Road System; Primary and Secondary Roads.

Section 4. *Interstate and International Highway Plann-*
2 *ing; Integration of Local Roads.*— Within limits of funds
3 and personnel available therefor, the commissioner shall
4 study, consider and plan the state's part in any contem-
5 plated interstate or international system of roads and
6 highways, including superhighways, turnpikes, toll-roads
7 and other trunkline road developments and may plan and
8 attend conferences and meetings for discussion and pro-
9 motion of plans and programs relating thereto. In all
10 such study, consideration and plans, the commissioner
11 shall integrate the development of a state system of
12 feeder and local roads planned and designated to serve
13 most advantageously the economy and convenience of
14 the people of the state.

Sec. 19. *Contracts for Work and Materials; Advertising*
2 *and Bids; Services by State Road Forces and Prison Labor.*
3 —All work of construction and reconstruction of state
4 roads and bridges, and the furnishing of all materials and

5 supplies therefor, and for the repair thereof shall be done
6 and furnished pursuant to contract except that the com-
7 missioner shall not be required to award any contract for
8 work, which can be done advantageously, economically
9 and practicably by commission forces or prison labor and
10 by use of state road equipment, or for materials and sup-
11 plies, which are manufactured, processed or assembled by
12 the commissioner: *Provided, however,* That the commise-
13 sioner shall not be required to award any contract for
14 work, materials or supplies for an amount less than three
15 thousand dollars. In all such work, the commissioner
16 shall utilize state road forces or prison labor and state
17 road equipment and shall manufacture, process and as-
18 semble all such materials and supplies for such work
19 whenever and wherever the commissioner, in his dis-
20 cretion, finds such work and services advantageous, eco-
21 nomical and practicable in the state road program.

22 When the commissioner is about to construct, recon-
23 struct, or improve any road or highway, he shall cause
24 to be filed with the clerk of the county court, or of the
25 municipality, as the case may be, in which such road

26 lies, a certified copy of the plans and specifications there-
27 for, and a notice that the commissioner is about to enter
28 upon and proceed with the work in question. If the
29 work is to be done, or the materials therefor are to be
30 furnished by contract, the commissioner shall thereupon
31 advertise once each week for at least two successive
32 weeks in two newspapers of opposite politics, if there be
33 such, but if not, then in one newspaper published in
34 each county or municipality in which the road lies, and
35 once in at least one daily newspaper published in the city
36 of Charleston, and in such other journals or magazines
37 as may to the commissioner seem advisable, for sealed
38 proposals for the construction or other improvement of
39 such road, and for the furnishing of materials therefor,
40 accurately describing the same, and stating the time and
41 place for opening such proposals and reserving the right
42 to reject any and all proposals: *Provided, however,* That
43 whenever the estimated amount of any contract for work
44 or for materials or supplies is less than three thousand
45 dollars, the commissioner shall not be required to ad-
46 vertise the letting of said contract in newspapers as

47 above required, but may award the contract to the lowest
48 responsible bidder, when two or more sealed proposals
49 or bids have been received by him without such ad-
50 vertisement, but such contract shall not be so awarded
51 unless the bid of the successful bidder is three thousand
52 dollars or less. The commissioner shall have the power
53 to prescribe proper prequalifications of contractors bid-
54 ding on state road construction work. To all sealed pro-
55 posals there shall be attached the certified check of the
56 bidder or bidder's bond acceptable to the commissioner,
57 in such amount as the commissioner shall specify in the
58 advertisement, but not to exceed five percent of the
59 aggregate amount of the bid; but such amount shall
60 never be less than five hundred dollars. Such proposals
61 shall be publicly opened and read at the time and place
62 specified in the advertisement, and the contract for such
63 work, or for the supplies or materials required therefor
64 shall, if let, be awarded by the commissioner to the low-
65 est responsible bidder for the type of construction se-
66 lected. In case all bids be rejected, the commissioner may
67 thereafter do the work with commission forces or with

68 prison labor, or may readvertise in the same manner as
69 before and let a contract for such work pursuant thereto.

Article 19. General Criminal Provisions.

Section 4. *Solicitations, Assessments and Receipts for
2 Political Party Funds Unlawful; Penalties.*—It shall be
3 unlawful for any commission member, the commissioner
4 or any employee thereof, acting individually or by or
5 through any organization, committee, corporation or
6 other program or agency, to plan, promote, encourage or
7 participate in any manner in the contribution, solici-
8 tion, assessment or receipt of any money, donation, con-
9 tribution or gift of any kind or character for political
10 party campaign or fund purposes or uses, when such
11 money, donation, contribution or gift arises from, is re-
12 lated to, is measured by or is in any manner identified
13 with a percentage, aliquot or fractional part or all of the
14 daily, monthly or other salary, wages, pay or compensa-
15 tion of personnel and employees of the commission. A vio-
16 lation of the provisions of this section shall be cause for
17 employment termination and dismissal of any commission
18 member, the commissioner or employee guilty thereof

19 and every such violation shall constitute a misdemeanor
20 offense, upon conviction of which the guilty person shall
21 be fined not exceeding one hundred dollars or imprisoned
22 not exceeding thirty days, or be both fined and impris-
23 oned within said limits.

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

E. H. McCourt
Chairman Senate Committee

W. H. Hutcheson
Chairman House Committee

Originated in the Senate.

Takes effect from passage.

Thomas Hayes
Clerk of the Senate

C. A. Blenkinship
Clerk of the House of Delegates

Ralph J. Brown
President of the Senate

W. E. Fleming
Speaker House of Delegates

The within approved this the 15th
day of March, 1957

Jefferson D. Henderson
Governor



Filed In the Office of the Secretary of State
of West Virginia. MAR 15 1957
D. PITT O'BRIEN