WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1937

ENROLLED

SENATE BILL No. 138

(By Mr. Hodges)

PASSED March 5th, 1937

In Effect 90 days from Passage
ENROLLED
Senate Bill No. 138

(By Mr. Hoopes) (Mr. President) (by request)

[Passed March 5, 1937; in effect 90 days from passage.]

AN ACT to amend and reenact section eight, article two-a; section four, article four; and section nineteen, article four, all of chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to roads and highways.

Be it enacted by the Legislature of West Virginia:

That section eight, article two-a; section four, article four; and section nineteen, article four, all of chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, are hereby amended and reenacted to read as follows:

Filed in the office of the Secretary of State of West Virginia  MAR 10 1937

Wm. S. O'Brien,
Secretary of State
ARTICLE II-A.

Section 8. The commissioner shall employ such assistants and employees as may be necessary for the efficient operation of his department, who shall possess all of the qualifications which may from time to time be prescribed for such positions by the road commissioner. The duties and salaries of such assistants and employees shall be fixed by the road commissioner, who shall have authority to remove the same at his will and pleasure.

The commissioner shall require every employee who collects fees or handles funds or who has custody of equipment and supplies belonging to the state to take the constitutional oath and give an official bond properly conditioned and signed by sufficient sureties in a sum to be fixed by the commissioner, which bond shall be approved by him and filed in the office of the secretary of state.

The commissioner shall fix their compensation, but the total compensation paid to assistants and employees shall not exceed in any one year the appropriation made by the legislature for that purpose.
ARTICLE IV.

Section 4. The authority and control over the state roads vested in the state road commissioner shall include the power to:

1. Locate and relocate any primary or secondary road; and upon the petition of any interested party or upon his own initiative create, extend or establish any new road that shall be necessary;

2. Upon petition and hearing, or after due investigation, upon his own initiative, discontinue any road no longer necessary;

3. Construct, reconstruct, repair and maintain the state roads;

4. Allocate the cost of retaining walls for the protection of a state road or its right-of-way to the cost of construction, reconstruction, improvement or maintenance;

5. Close any state road while under construction or repair and provide for a temporary road during the course of construction or repair;

6. Adjust damages occasioned by the construction, re-
(7) Fix standard widths for rights-of-way, bridges and approaches; fix the grades on all state roads; and provide for the acquisition of land necessary for cuts and fills;

(8) Make emergency purchases of materials, supplies, repair parts for road equipment and emergency equipment rentals, such emergency purchase or rental in no event to exceed two hundred dollars in value; to purchase or lease all necessary ground and buildings for the storage of road equipment or road building materials, including necessary rights-of-way for the construction of public roads; to purchase and negotiate for the use of waste sites, gravel or sand banks, cinders, red dog or other road building materials;

(9) Purchase, produce and sell road materials as provided by section twenty-five of this article;

(10) Test and standardize materials used in the construction and maintenance of state roads;

(11) Establish a uniform system of road signs and markers;
(12) Classify and designate by number the routes within the primary and secondary road system;

(13) Institute complaints before the public service commission concerning interstate freight rates, car service, and movement of road materials and machinery;

(14) Make such administrative rules and regulations as are necessary to give effect to the powers granted by this chapter.

Sec. 19. All work of construction and reconstruction of state roads and bridges, and the furnishing of all materials and supplies therefor, and for the repair thereof, unless manufactured or assembled by the commissioner, shall be done and furnished pursuant to contract except that the commissioner shall not be required to award any contract for work or for materials or supplies for an amount less than three thousand dollars. When the commissioner is about to construct, reconstruct, or improve any road or highway, he shall file with the clerk of the county court, or of the municipality, as the case may be, in which such road lies, a certified copy of the plans and specifications therefor, and a notice that the commissioner is about to enter
upon and proceed with the work in question. If the work is to be done, or the materials therefor are to be furnished by contract, the commissioner shall thereupon advertise once each week for at least two successive weeks in two newspapers of opposite politics, if there be such, but if not, then in one newspaper published in each county or municipality in which the road lies, and once in at least one daily newspaper published in the city of Charleston, and in such other journals or magazines as may to the commissioner seem advisable, for sealed proposals for the construction or other improvement of such road, and for the furnishing of materials therefor, accurately describing the same, and stating the time and place for opening such proposals and reserving the right to reject any and all proposals. The commissioner shall have the power to prescribe proper pre-qualifications of contractors bidding on state road construction work. To all sealed proposals there shall be attached the certified check of the bidder or bidder's bond acceptable to the commissioner, in such amount as the commissioner shall specify in the advertisement, but not to exceed five per cent of the aggregate amount of the bid; but such amount
shall never be less than five hundred dollars. Such pro-
posals shall be publicly opened and read at the time and
place specified in the advertisement, and the contract for
such work, or for the supplies or materials required there-
for shall, if let, be awarded by the commissioner to the
lowest responsible bidder for the type of construction
selected. In case the commissioner shall reject all bids, he
may thereafter do the work with his own forces or with
prison labor, or may readvertise in the same manner as
before and let a contract for such work pursuant thereto.
But nothing in this section shall be so construed as to pre-
vent the commissioner from building, constructing, recon-
structing or repairing a road to any extent with prison labor
without first advertising and rejecting bids therefor.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the

Takes effect

passage.

Clerk of the Senate

Clerk of the House of Delegate

President of the Senate

Speaker House of Delegates

The within..................this the

day of.................., 1937.

Governor

Filed in the office of the Secretary of State
of West Virginia.  MAR 10 1937
Wm. S. O'Brien,
Secretary of State