WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955

ENROLLED

SENATE BILL NO. 141

(By Mr. )

PASSED 1955

In Effect Passage

Filed in the Office of the Secretary of State of West Virginia MAR 18 1955
D. PITT O'BRIEN SECRETARY OF STATE
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 two and two-a; to amend and reenact sections four and nineteen, article four of said chapter; and to enact a new section four of article nineteen of said chapter, 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two and two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed and two new articles two and two-a be
enacted in lieu thereof; and that sections four and nineteen of article four of said chapter be amended and reenacted; and that a new section four of article nineteen of said chapter be enacted, all to read as follows:

Article 2. State Road Commission.

Section 1. State Road Commission a Body Corporate.—

"The State Road Commission of West Virginia" shall be a corporation, and as such may sue and be sued, contract and be contracted with, and it shall have a common seal.

Sec. 2. Members; Confirmation.—The commission shall be composed of ten members, who shall be appointed by the governor by and with the advice and consent of the Senate. Nominations for all appointments hereunder shall be submitted by the governor to the Senate at the first meeting thereof next after such appointments are made.

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

Sec. 4. Terms of Office; Vacancies.—The terms of each member of the commission shall be concurrent with the
term of the governor by which the members are appointed. Any vacancy on the commission shall be filled by appointment by the governor for the remainder of the governor's term of office.

Sec. 5. Appointments; Qualifications; Removal for Cause.

The governor shall appoint the members of the commission. Not more than six of the members shall be of the same political party. One member shall be appointed from each of the ten road districts as constituted on the effective date of this act. Each member shall be a citizen and resident of the state. Each member appointed shall be a citizen and resident of such road district. Removal of a member from the particular road district from which he was appointed shall immediately vacate his office. In making appointments to the commission, the governor shall consider each appointee's age, ability, experience and general qualifications. Members of the commission shall be eligible for reappointment.

The governor shall appoint the first members of the commission within thirty days after this act takes effect.

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

Sec. 6. Disqualifications; Vacation of Office.—No person
while in the employ of, or holding, or who has within
twelve months held any official relation to any person,
firm or corporation selling or furnishing any materials
entering into the construction, reconstruction, repair or
maintenance of any road or highway of this state, or any
part thereof, or who is pecuniarily interested therein, as
a stockholder or otherwise, shall be a member of the state
road commission. No member of the commission shall be
a candidate for or hold any public office other than that
of member of the commission. A member of the commis-
sion shall not be a member of any political committee
while a member of the commission. In case any member
of the commission becomes a candidate for or is appointed
to any other public office or any political committee, his
office as a member of the commission shall automatically
and immediately be vacated.
Sec. 7. Oath.—Prior to the assumption of the duties of
his office as a member of the commission, each member
shall take and subscribe to the oath of office prescribed
by the constitution, the certificate of which oath shall be
filed with the secretary of state.

Sec. 8. Commission Meetings and Organizations.—The
commission shall convene once each month, unless neces-
sity of any such monthly meeting is negatived by order
entered in the minute record of the commission. Special
meetings shall be held, on call of the chairman or any
five members of the commission, at such other times as
circumstances or business may warrant. All meetings of
the commission shall be held at its offices at the state
capital unless by a majority vote the commission selects
another meeting place. Six members of the commission
shall constitute a quorum for transaction of business and
a majority vote shall be necessary for any action taken
by the commission. At the first meeting held in each calen-
dar year the commission shall organize by electing one of
its members as chairman and another member as vice-
chairman for such year and may also select a secretary
who need not be a member of the commission. The vice-
chairman shall have and may exercise all of the powers
of the chairman in the chairman's absence or inability to
serve. In the event of the absence or inability of the chair-
man and vice-chairman to serve as such at any meeting,
a quorum of the members of the commission present shall
select a chairman pro tempore. The commission shall
keep a minute record of its proceedings and transaction.
Such record shall be open to public inspection and ex-
amination. It shall adopt and enter of record in its min-
utes such other rules for the conduct of its meetings and
the transaction of its business as may be found expedient.

Sec. 9. Compensation and Expenses.—The members of
the commission shall receive an honorarium of twenty-
five dollars for each day actually devoted to commission
business and shall be reimbursed for their actual expenses
incurred in the discharge of their official duties. The total
honorarium paid to each member during any one fiscal
year shall not exceed one thousand dollars. Statements
covering expenses shall be itemized and verified by the
member by whom submitted for payment.
Sec. 10. *Powers and Duties.*—The state road commission shall have the following powers and duties:

1. To supervise the commissioner in carrying out the duties imposed upon him by this chapter;

2. To consider and study the entire field of legislation and administration concerning roads and highways, and to prescribe policies and practices to the commissioner relative to any duty imposed upon him by law;

3. To advise and make recommendations as to the governor and legislature relative to the highway policy of the state;

4. To supervise the conduct and the work of the department, and for this purpose shall have access at any time to all books, papers, documents and records of the department;

5. To remove the commissioner from office at any time: Provided, however, That in the event the commissioner is removed from office by the commission, the commission shall assign in writing their reasons therefor. The power of removal herein granted to the commissioner may be exercised in the same manner upon any commissioner subsequently appointed by the governor.
Sec. 11. Road Commissioner to Furnish Supplies.—The state road commissioner shall furnish the commission with all articles and supplies and secretarial services required for the use of and necessary to enable the commission to perform the duties imposed upon it by law.

Sec. 12. Report to Governor.—Upon the request of the commission, the commissioner shall incorporate the proceedings of the commission in his biennial report to the governor.

Article 2-a. State Road Commissioner.

"Section 1. State Road Commissioner; Appointment and Tenure.—The governor shall appoint within one month of assuming office with the advice and consent of the Senate, a state road commissioner for a term of four years. During his term no commissioner who has been duly appointed, qualified and confirmed by the Senate may be removed from office by the governor except for official misconduct, incompetence, neglect of duty or gross immorality, permanent and total disability, habitual drunkenness or drug addiction, and then only in the manner prescribed by law for the removal by the governor of
state elective officials. But during his term, however, the commissioner or any subsequent commissioner appointed by the governor may be removed from office by the state road commission in the manner prescribed in section ten of article two of this chapter.

The provisions of this section shall not, however, affect the tenure or term of office of the state road commissioner in office when this section becomes effective provided he has been duly appointed and qualified and his appointment has been confirmed by the Senate. The commissioner in office when this section becomes effective may not be removed from office by the governor except for official misconduct, incompetence, neglect of duty or gross immorality, permanent and total disability, habitual drunkenness or drug addiction, and then only in the manner prescribed by law for the removal by the governor of state elective officials.

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

The commissioner shall be a registered professional engineer who is experienced in highway planning, finance, construction, maintenance, management and supervision
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qualifying him for the duties of his office; shall devote
his full time and attention to his official duties and re-
sponsibilities; shall reside at and maintain his office head-
quarters at the state capital; shall be the chief executive
officer of the commission and shall have direct and full
control, management and supervision of the entire state
road program and system; and shall, prior to assumption
of the duties of his office, take and subscribe to the oath
prescribed by the constitution and execute a bond, pay-
able to the state of West Virginia, conditioned according
to law, and approved by the governor, in the penal sum
of twenty-five thousand dollars, which executed oath and
bond shall be filed with the secretary of state. Prem-
iums on the commissioner's bond shall be paid from com-
mission funds.

Sec. 3. Filling Vacancies.—Any vacancy in the office
of the road commissioner that occurs while the legislature
is not in session shall be filled by appointment by the
governor, which appointment shall expire at the end of
thirty days after the date on which the legislature next
convenes. Prior to the expiration of the thirty days the
governor shall transmit to the senate for its approval an
appointment for the unexpired portion of the regular
term. A vacancy occurring during a session of the legis-
lature shall be filled as a regular appointment before the
end of the session and for the unexpired portion of the
regular term.

Sec. 4. Salary and Expenses.—The commissioner shall
receive an annual salary determined by the governor at
the time of the appointment of the commissioner, which
salary shall not exceed the amount appropriated therefor
by the legislature, and which shall not be reduced during
the commissioner's term of office. He shall be allowed and
paid necessary travelling expenses incident to the per-
formance of his duties. Statements covering such ex-
penses shall be itemized and verified by the commissioner.

Sec. 5. Selection and Organization of Personnel; Duties;
Bonds.—The commissioner shall be in charge of and
responsible for the selection, employment and effective
organization of all commission personnel for the entire
state road program. He shall establish such other offices,
activities, divisions, sections and functional and organiza-
tional units as may be necessary and practical in the full
and effective discharge of the duties and responsibilities
of his office. Independent of and apart from the employ-
ment classification and compensation schedules estab-
lished by the director of the budget, all commission per-
sonnel shall be classified pursuant to the job classification
system established by the commissioner and shall be paid
pursuant to the salary scale established by the commis-
sioner.

The commissioner shall select and employ a business
manager assistant and a chief engineer assistant, who shall
be a registered professional engineer. The business man-
ger assistant shall be in charge of and responsible for
matters of finance, personnel, public relations and such
other functions as may be assigned to him from time to
time by the commissioner. The chief engineer assistant
shall be in charge of and responsible for planning, equip-
ment, materials, construction, maintenance and such other
functions as may from time to time be assigned to him by
the commissioner.

The commissioner shall require every employee who
collects fees or handles funds or who has custody or control of equipment or supplies belonging to the state to give bond, with such sureties and in such penal sum as may be approved by the commissioner, for the faithful discharge of each such employee's duties and his accounting for all such fees, funds, equipment and supplies coming into his hands or under his custody or control. All such bonds, when approved by the commissioner, shall be filed in the office of the secretary of state. Premiums on all such bonds shall be paid from commission funds.

Sec. 6. Personnel Disqualifications; Vacation of Position.

—No person, while in the employ of or holding any official relation to any person, firm or corporation selling or furnishing materials entering into the construction, reconstruction, repair or maintenance of any state roads or highways, or any part thereof, or who is pecuniarily interested therein as a stockholder or otherwise, shall be appointed commissioner or be otherwise employed in any capacity or employment by the commission or commissioner. Any such interest in or connection with any such person, firm or corporation, acquired by the commissioner
or any such employee of the commission or commissioner subsequent to his appointment or employment, shall immediately disqualify such person from holding the office of commissioner or any other position or employment by the commission and commissioner and such office or position of employment, as the case may be, shall be immediately vacated.

No person may be appointed as commissioner or employed in any other capacity or employment by the commission or commissioner when he is a candidate for or holds any public office or is a member of any political party committee. Such prohibition against employment shall also extend to the wife, husband, child, brother or sister, of any member of the legislature or of a member or officer of any county or state political committee.

Any person who violates any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be confined in the county jail for not more than six months or fined not less than fifty dollars nor more than five hundred dollars, or both, in the discretion of the court. In the event the commissioner or any
other employee of the commission or commissioner becomes a candidate for or holds any public office or becomes a member or officer of any political party committee, his office as commissioner or position as employee, as the case may be, shall be immediately vacated. The provisions of this section shall not apply to any person employed by the road commissioner on the effective date of this act.

Sec. 7. Accounting and Auditing.—The commissioner and his business manager assistant, shall centralize, standardize and integrate the budget, accounting and auditing services of the entire state road and highway program. When the chief inspector and supervisor of public offices, with the approval of the board of public works, formulates and prescribes a uniform system of accounting and policies and practices relating thereto, such uniform system, policies and practices shall be adopted and used by the commissioner. Until such system, policies and practices are formulated and prescribed, the commissioner shall establish his own system, policies and practices for all accounting and reporting services.
All commission accounting and auditing services shall be on the fiscal year basis. The commissioner shall prepare an annual financial report covering all receipts and disbursements for each fiscal year and shall deliver such report to the governor on or before the first day of December next succeeding the end of the fiscal year.

The commissioner shall report to the governor on finances, personnel and other aspects and phases of the road program and system at such times and in such manner and detail as the governor may require.

The state auditor is hereby authorized and directed to employ an independent and reputable firm of certified public accountants for the purpose of making a quadrennial audit of the finances of the state road commission, which audit shall be made and published during the fourth year of the term of each governor, and which audit shall be a public document. The expenses of said audit and publication shall be paid out of the state road fund.

Sec. 7-a. Submission of Annual Budget and Revenue Estimates.—For the fiscal year beginning on July 1,
1956, and for each fiscal year thereafter, the state road commissioner shall prepare a complete budget outlining finances and program of performances, to be submitted to the board of public works annually, which budget, outlining finances and program of performance shall be submitted to the legislature by the board of public works, in accordance with the provisions of section fifty-one of article six of the Constitution. Such budget shall indicate in summary form all proposed expenditures for construction and maintenance for each classification of the state road system, all administrative costs, all debt service requirements, all planned expenditures for equipment, all physical plant replacement and acquisition expenditures, and all other proposed expenditures of the state road commission. The commissioner shall have authority to budget a reserve fund not greater than five percent of his proposed expenditures for emergency purposes, which sum may be allotted by the commissioner to any of the funds heretofore mentioned. The commissioner is authorized to transfer the amount set forth in the budget for maintenance and construction between
said funds at his discretion during any fiscal year, not to exceed twenty-five per cent of either of said funds. At the same time, the state road commissioner shall submit to the board of public works revenue estimates anticipated to be paid into the state road fund during such period.

Sec. 8. Legal Services.—The commissioner shall select and employ a competent legal staff adequate for legal services required by the commissioner and shall provide therefor such quarters, equipment, facilities, services, and stenographic and other personnel as may be necessary. In addition, it shall be the duty of the attorney general of this state and of his assistants, and of the prosecuting attorneys of the several counties, to render to the commission, without additional compensation, such legal services as he shall require of them in the discharge of his duties.

Sec. 9. Powers, Duties and Responsibilities of Commissioner.—In addition to all other powers, duties and responsibilities given to and vested in the commissioner, the commissioner shall, subject to the supervision of the state road commission:
(1) Prepare and maintain current and long-range plans for a road system of the entire state and compile and publish information relating to the mileage, costs, use, character and condition of the roads;

(2) Designate and define such construction and maintenance districts within the state road system as may be found expedient and practicable;

(3) Contract for the construction, improvement and maintenance of the roads; and sign and execute in the name of "The State Road Commission" any contract or agreement with the federal government or its agencies, subdivisions of the state, other states and their agencies, corporations, associations, partnerships and individuals.

(4) Have authority to comply with provisions of present and future federal aid statutes and regulations, including execution of contracts or agreements with and cooperation in programs of the United States Government and any proper department, bureau or agency thereof relating to plans, surveys, construction, reconstruction, improvement and maintenance of state roads and highways; as well as agreements and contracts with
adjoining states for the construction, improvement or maintenance of interstate bridges and highways;

(5) Prepare budget estimates and requests;

(6) Establish a system of accounting covering and including all fiscal and financial matters of the commission;

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

(8) Enter into contracts and agreements with and to cooperate in programs of counties, municipalities and other governmental agencies and subdivisions of the state relating to plans, surveys, construction, reconstruction, improvement, maintenance and supervision of highways, roads, streets and other travel ways when and to the extent determined by the commissioner to be expedient and practical;

(9) Make such reports as are provided by law;

(10) Shall have authority to establish a personnel recruitment program and a merit system for permanent engineering personnel; and shall have authority to estab-
lish a personnel recruitment program, a job classification
system and a salary scale for new and all permanent
commission personnel to the extent determined by the
commissioner to be expedient and practical;

(11) Purchase materials, supplies and equipment re-
quired for the state road program and system; pursuant
to chapter twenty-five-a of this code; in purchasing ma-
terials, supplies, equipment and other commodities, re-
quired for the state road system, the commissioner shall
furnish to the director of purchases specifications which
shall be standard, where practical. Said specifications
shall be in writing and shall not be restrictive to such an
extent as to prevent or preclude competitive bidding.

On articles having a list price, no bid may be accepted in
excess of said list price and on articles not having a list
price, the price of same shall be a price not exceeding a
comparable price paid by the purchasers of similar ar-
ticles on the open market in this or adjoining states. Not-
withstanding the provisions of chapter twenty-five-a of
this code, no purchase made pursuant hereto for the com-
mission shall be final or binding on the department of
purchases unless or until the commissioner has approved the same after final bidding. In approving or disapproving such purchase the commissioner shall be guided by the policy that he pay no more for the materials, supplies, equipment or commodities than is paid for the same by industry or other purchasers who purchase in the same quantity;

(12) Dispose of all obsolete and unusable and surplus supplies and materials, which cannot be used advantageously and beneficially by the commission in the state road program, by transfer thereof to other governmental agencies and institutions or by exchange, trade or sale thereof;

(13) Investigate road conditions, official conduct of commission personnel and fiscal and financial affairs of the commission and hold hearings and make findings thereon or on any other matters within the jurisdiction of the commission;

(14) Establish road policies and administrative practices;
(15) Adopt and promulgate rules and regulations for the government and conduct of commission personnel in the administration and supervision of the state road system;

(16) Prepare plans for future highway projects for the state road system and upon filing said plans with the county clerks of the county or counties in which such future projects are situate, he shall have the authority to immediately acquire the right of way necessary for such future projects either by lease, grant, condemnation or other lawful means.

Sec. 10. Additional Powers, Duties and Responsibilities of Commissioner.—In addition to all other duties, powers and responsibilities given and assigned to the commissioner, the commissioner shall, subject to the supervision of the state road commission, have authority to:

(1) Exercise executive control over the state road program and construct, reconstruct, repair and maintain state roads and highways;

(2) Determine the various methods of road construction best adapted to the various sections and areas of the
state and establish standards for the construction and maintenance of roads and highways therein;

(3) Conduct investigations and experiments, hold hearings and public meetings, join highway organizations and attend and participate in meetings, conventions and conferences within and without the state for purposes of acquiring information, making findings and determining courses of action and procedure relative to advancement and improvement of the state road system and highway construction;

(4) Enter private lands to make inspections and surveys for road and highway purposes;

(5) Acquire, in the name of the commission, by purchase, lease, grant, right of eminent domain or other lawful means, all lands and any interests and rights in lands and buildings necessary and required for roads, rights of way, cuts, fills, drains, storage for equipment and materials, waste sites, gravel, sand banks, cinders, red dog or other road building materials, commission officers and headquarters, and road construction and maintenance in general;
(6) Procure photostatic copies of any or all public records on file at the state capitol of Virginia which may be deemed necessary or proper in ascertaining the location and legal status of public road rights of way located or established in what is now the state of West Virginia, which photostatic copies, when certified by the commissioner, may be admitted in evidence, in lieu of the original, in any of the courts of this state;

(7) Plan for and hold annually a school of good roads, of not less than three or more than six days’ duration, for instruction of his employees, which school shall be held in conjunction with West Virginia University and may be held at the university or at any other suitable place in the state;

(8) Negotiate and enter into reciprocal contracts and agreements with proper authorities of other states and of the United States relating to and regulating the use of roads and highways with reference to weights and types of vehicles, registration of vehicles and licensing of operators, military and emergency movements of personnel and supplies and all other matters of interstate or national interest;
(9) Locate and relocate primary and secondary roads and to classify and reclassify and designate by number the routes within the primary and secondary road system;

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

(11) Take over, use and occupy any right of way or lands for state road purposes when such right of way or lands have been dedicated for public use for road purposes;

(12) Discontinue, vacate and close any road or highway, or any part thereof, the continuance and maintenance of which are found unnecessary, upon petition and hearing, or upon investigation initiated by the commissioner;

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

(14) Adjust damages occasioned by construction, re-
construction or repair of any state road or the establishment of any temporary road;

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

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

(17) Test and standardize materials used in road construction and maintenance, either by governmental testing and standardization activities or through contract by private agencies;

(18) Allocate the cost of retaining walls and drainage projects, for the protection of a state road or its right of way, to the cost of construction, reconstruction, improvement or maintenance;

(19) Acquire, establish, construct, maintain and operate, in the name of the commission, roadside recreational areas along and adjacent to state roads and highways;

(20) Exercise general supervision over the construction and maintenance of airports and landing fields under the jurisdiction of the West Virginia board of
aeronautics, of which the commissioner is a member, and to make a study and general plan of a statewide system of airports and landing fields;

(21) Provide traffic engineering services to municipalities of the state upon request of the governing body of any such municipality and upon such terms as may be agreeably arranged;

(22) Institute complaints before the public service commission or any other appropriate governmental agency relating to freight rates, car service and movement of road materials and equipment;

(23) Invoke any appropriate legal or equitable remedies to enforce his orders, to compel compliance with requirements of law and to protect and preserve the state road and highway system or any part thereof;

(24) Make and promulgate rules and regulations for the government and conduct of personnel, for the orderly and efficient administration and supervision of the state road program and for the effective and expeditious performance and discharge of the duties and responsibilities placed upon him by law;
Delegate powers and duties to his appointees and employees who shall act by and under his direction and be responsible to him for their acts; and,

(26) Sell or exchange, by and with the consent of the governor, any real property owned by the state road commission.

Sec. 11. Persons Required to Assist Commissioner.—At the request of the commissioner, the dean of the college of engineering of West Virginia University, the director of the experiment station of the University and the heads of the several departments of science shall render to the commissioner all necessary aid and assistance in the performance of his duties, as the requirements of their respective offices and positions will permit, without extra charge or compensation for the service.

Sec. 12. Intrastate Toll Bridges, Acquisition; Discharge of Obligations.—The commissioner is authorized to include any or all existing intrastate toll bridges within the system of state roads and highways and is further authorized to expend out of the proceeds of any sales of West Virginia state road bonds, authorized by the legis-
7 lature and the “Good Roads Amendment of 1920”, not to 
8 exceed one million five hundred thousand dollars, (a) for 
9 the purpose of discharging outstanding bonds or obliga-
10 tions upon any of such intrastate toll bridges which be-
11 come the property of the commission when such bonds 
12 or obligations are discharged and (b) for the purpose of 
13 acquiring by eminent domain proceedings any or all of 
14 the existing privately-owned intrastate toll bridges for 
15 including in such system of roads and highways.

Sec. 13. Disposition of Equipment and Materials; Trans-
1 fers, Trades and Sales; Inventory Reports.—The commis-
2 sioner shall with the consent of the director of pur-
3 chases, dispose of obsolete and unusable equipment, sur-
4 plus 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 may ad-
10 vertise, by newspaper publication or otherwise, the avail-
11 ability or sales of such disposable equipment, supplies
and materials and may sell same, in whole or in part, at
public auction or by private sale or may transfer, ex-
change or trade same, in whole or in part, as sound busi-
ness practices may warrant under existing circumstances
and conditions. The commissioner shall inventory all such
disposable equipment, supplies and materials from time
to time as quantity and stocks may warrant but shall
make a complete semi-annual inventory thereof as of the
thirty-first day of March and the thirtieth day of Sep-
tember of each year. He may report such inventories to
the director of purchases whose services and facilities
shall be available to the commissioner in making advan-
tageous disposition of any part or all of such disposable
equipment, supplies and materials. Such inventories shall
briefly describe the disposable items, the date of purchase
thereof, the vendor to the commission, the purchase price
paid therefor and the commission’s order number author-
izing disposition thereof and shall indicate briefly the
reason said items are no longer needed or can no longer
be used by the commission. All such inventories shall be
kept as public records open to public inspection at the
office of the commissioner for a period of five years and
may thereafter be destroyed.

Sec. 14. Information on Vendors to Commission.—

Every person, or corporation selling or offering to sell
to the commission, upon competitive bids or otherwise,
any materials, supplies or equipment shall submit to the
commissioner a verified statement disclosing the follow-
ing information:

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

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

(3) If the vendor be a corporation, the name and
business address of the corporation; the names and resi-
dence addresses of the president, vice-president, secre-
tary, treasurer and manager, if any, of the corporation;
and the names and residence addresses of each stock-
holder of the corporation owning, holding or controlling
twenty-five percent or more of the capital stock thereof.
The information so received by the commissioner shall be kept in a register of vendors which shall be a public record and open to public inspection during regular business hours at the commissioner's office. Such register shall be alphabetically indexed by names of individuals, firms, and corporations. It shall be currently revised by including therein information as to new vendors promptly upon the receipt of such information by the commissioner and by removing therefrom, at least semi-annually as of the first day of January and July of each year, information as to vendors registered but not selling or offering to sell materials, supplies or equipment to the commission within the twelve months next preceding such removal revision date.

Any person, firm or corporation failing or refusing to submit such verified statement as herein required shall be ineligible to sell or offer to sell commodities to the commission as provided in this article.

Sec. 15. 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 entrance and access to roads and highways shall not apply to freeways as defined in article four of this chapter.

The commission may regulate and, when the safety and
convenience of the travelling public so require, may pro-
hibit parking of vehicles on and along roads and highways
and the rights of way thereof.

Sec. 16. Hearings, Investigations, and Proceedings;
Evidence and Subpoenas; Contempt.—In any hearing,
investigation or proceeding conducted by or before the
commissioner, the evidence of witnesses and the produc-
tion of documentary evidence may be required at any
designated place of hearing and summons may be issued
therefore by the commissioner. In case of disobedience to
a summons or other process so issued, the commissioner,
or any party to the proceedings may invoke the aid of
any circuit court in requiring the evidence and testimony
of witnesses and the production of papers, books and doc-
uments. And upon proper showing, such court shall issue
an order requiring such persons to appear before the
commissioner or commission, as the case may be, and
produce all books and papers, give evidence touching the
matter in question. Any person failing to obey such order
may be punished by such court as for contempt. A claim
that any such testimony or evidence may tend to incrimi-
nate the person giving the same shall not excuse such
witness from testifying, but such witness shall not be
prosecuted for any offense concerning which he is com-
pelled hereunder to testify.

Sec. 17. Roads Maps; Reproduction and Distribution.—
The commissioner shall prepare and currently maintain
a master road and highway map which will show (a)
all of the state roads and highways which have been
located, created and classified as provided by law, (b)
the mileage of each classification of roads and highways,
and (c) the status of improvement and, in so far as prac-
ticable, the travel condition thereof. The commissioner
may make economical reproductions of such map from
time to time for official use and public information pur-
poses.

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

Section 4. Interstate and International Highway Plan-
ing; Integration of Local Roads.—Within limits of funds
and personnel available therefor, the commissioner shall
study, consider and plan the state's part in any contem-
plated interstate or international system of roads and
highways, including superhighways, turnpikes, toll-roads and other truckline road developments and may plan and attend conferences and meetings for discussion and promotion of plans and programs relating thereto. In all such study, consideration and plans, the commissioner shall integrate the development of a state system of feeder and local roads planned and designated to serve most advantageously the economy and convenience of the people of the state.

Sec. 19. Contracts for Work and Materials; Advertising and Bids; Services by State Road Forces and Prison Labor.

—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 shall be done and furnished pursuant to contract except that the commissioner shall not be required to award any contract for work, which can be done advantageously, economically and practicably by commission forces or prison labor and by use of state road equipment, or for materials and supplies, which are manufactured, processed or assembled by the commission. In all such work, the com-
missioner shall utilize state road forces or prison labor and state road equipment and shall manufacture, process and assemble all such materials and supplies for such work whenever and wherever the commissioner, in his discretion, finds such work and services advantageous, economical and practicable in the state road program.

When the commissioner is about to construct, reconstruct, or improve any road or highway, he shall cause to be filed 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 commission 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 prequalifications 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 percent of the aggregate amount of the bid; but such amount shall never be less than five hundred dollars. Such proposals 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 therefore shall, if let, be awarded by the commissioner to the lowest responsible bidder for the type of construction selected. In case all bids be rejected, the commissioner may thereafter do the work with commission forces or

Section 4. Solicitations, Assessments and Receipts for Political Party Funds Unlawful; Penalties.—It shall be unlawful for any commission member or employee, acting individually or by or through any organization, committee, corporation or other program or agency, to plan, promote, encourage or participate in any manner in the contribution, solicitation, assessment or receipt of any money, donation, contribution or gift of any kind or character for political party campaign or fund purposes or uses, when such money, donation, contribution or gift arises from, is related to, is measured by or is in any manner identified with a percentage, aliquot or fractional part or all of the daily, monthly or other salary, wages, pay or compensation of personnel and employees of the commission. A violation of the provisions of this section shall be cause for employment termination and dismissal of any commission member or employee guilty
thereof and every such violation shall constitute a mis-
demeanor offense, upon conviction of which the guilty
person shall be fined not exceeding one hundred dollars
or imprisoned not exceeding thirty days, or be both fined
and imprisoned within said limits.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within 

the 16th day of March, 1955.

Governor.

Filed in the Office of the Secretary of State of West Virginia MAR 10, 1955

Secretary of State