

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955

ENROLLED

SENATE BILL NO. 141

(By Mr. James F. Carrigan)

PASSED March 12 1955

In Effect June Passage

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D. PITT O'BRIEN
SECRETARY OF STATE

ENROLLED

Senate Bill No. 141

(By MESSRS. AMOS and CARRIGAN)

[Passed March 12, 1955; in effect from passage.]

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two and two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed and two new articles two and two-a be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.*—

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

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

Sec. 3. *Officers 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 terms of each
2 member of the commission shall be concurrent with the

3 term of the governor by which the members are ap-
4 pointed. Any vacancy on the commission shall be filled
5 by appointment by the governor for the remainder of the
6 governor's term of office.

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

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

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

17 No member of the commission may be removed from

18 office by the governor except for official misconduct, in-
19 competence, neglect of duty or gross immorality and then
20 only in the manner prescribed by law for the removal by
21 the governor of state elective officers.

Sec. 6. *Disqualifications; Vacation of Office.*—No person
2 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 be
10 a candidate for or hold any public office other than that
11 of member of the commission. A member of the commis-
12 sion shall not be a member of any political committee
13 while a member of the commission. In case any member
14 of the commission becomes a candidate for or is appointed
15 to any other public office or any political committee, his
16 office as a member of the commission shall automatically
17 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
4 by the constitution, the certificate of which oath shall be
5 filed with the secretary of state.

Sec. 8. *Commission Meetings and Organizations.*—The
2 commission shall convene once each month, unless neces-
3 sity of any such monthly meeting is negatived by order
4 entered in the minute record of the commission. Special
5 meetings shall be held, on call of the chairman or any
6 five members of the commission, at such other times as
7 circumstances or business may warrant. All meetings of
8 the commission shall be held at its offices at the state
9 capital unless by a majority vote the commission selects
10 another meeting place. Six members of the commission
11 shall constitute a quorum for transaction of business and
12 a majority vote shall be necessary for any action taken
13 by the commission. At the first meeting held in each calen-
14 dar year the commission shall organize by electing one of
15 its members as chairman and another member as vice-
16 chairman for such year and may also select a secretary

17 who need not be a member of the commission. The vice-
18 chairman shall have and may exercise all of the powers
19 of the chairman in the chairman's absence or inability to
20 serve. In the event of the absence or inability of the chair-
21 man and vice-chairman to serve as such at any meeting,
22 a quorum of the members of the commission present shall
23 select a chairman pro tempore. The commission shall
24 keep a minute record of its proceedings and transaction.
25 Such record shall be open to public inspection and ex-
26 amination. It shall adopt and enter of record in its min-
27 utes such other rules for the conduct of its meetings and
28 the transaction of its business as may be found expedient.

Sec. 9. *Compensation and Expenses.*—The members of
2 the commission shall receive an honorarium of twenty-
3 five dollars for each day actually devoted to commission
4 business and shall be reimbursed for their actual expenses
5 incurred in the discharge of their official duties. The total
6 honorarium paid to each member during any one fiscal
7 year shall not exceed one thousand dollars. Statements
8 covering expenses shall be itemized and verified by the
9 member by whom submitted for payment.

Sec. 10. *Powers and Duties.*—The state road commission

2 shall have the following powers and duties:

3 (1) To supervise the commissioner in carrying out the
4 duties imposed upon him by this chapter;

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

9 (3) To advise and make recommendations as to the
10 governor and legislature relative to the highway policy
11 of the state;

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

16 (5) To remove the commissioner from office at any
17 time: *Provided, however,* That in the event the commis-
18 sioner is removed from office by the commission, the com-
19 mission shall assign in writing their reasons therefor. The
20 power of removal herein granted to the commissioner
21 may be exercised in the same manner upon any commis-
22 sioner subsequently appointed by the governor,

Sec. 11. *Road Commissioner to Furnish Supplies.*—The
2 state road commissioner shall furnish the commission with
3 all articles and supplies and secretarial services required
4 for the use of and necessary to enable the commission to
5 perform the duties imposed upon it by law.

Sec. 12. *Report to Governor.*—Upon the request of the
2 commission, the commissioner shall incorporate the pro-
3 ceedings of the commission in his biennial report to the
4 governor.

Article 2-a. State Road Commissioner.

“Section 1. *State Road Commissioner; Appointment*
2 *and Tenure.*—The governor shall appoint within one
3 month of assuming office with the advice and consent of
4 the Senate, a state road commissioner for a term of four
5 years. During his term no commissioner who has been
6 duly appointed, qualified and confirmed by the Senate
7 may be removed from office by the governor except for
8 official misconduct, incompetence, neglect of duty or gross
9 immorality, permanent and total disability, habitual
10 drunkenness or drug addiction, and then only in the man-
11 ner prescribed by law for the removal by the governor of

12 state elective officials. But during his term, however, the
13 commissioner or any subsequent commissioner appointed
14 by the governor may be removed from office by the state
15 road commission in the manner prescribed in section ten
16 of article two of this chapter.

17 The provisions of this section shall not, however, affect
18 the tenure or term of office of the state road commis-
19 sioner in office when this section becomes effective pro-
20 vided he has been duly appointed and qualified and his
21 appointment has been confirmed by the Senate. The
22 commissioner in office when this section becomes effec-
23 tive may not be removed from office by the governor ex-
24 cept for official misconduct, incompetence, neglect of
25 duty or gross immorality, permanent and total disability,
26 habitual drunkenness or drug addiction, and then only in
27 the manner prescribed by law for the removal by the
28 governor of state elective officials.

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

2 The commissioner shall be a registered professional engi-
3 neer who is experienced in highway planning, finance,
4 construction, maintenance, management and supervision

5 qualifying him for the duties of his office; shall devote
6 his full time and attention to his official duties and re-
7 sponsibilities; shall reside at and maintain his office head-
8 quarters at the state capital; shall be the chief executive
9 officer of the commission and shall have direct and full
10 control, management and supervision of the entire state
11 road program and system; and shall, prior to assumption
12 of the duties of his office, take and subscribe to the oath
13 prescribed by the constitution and execute a bond, pay-
14 able to the state of West Virginia, conditioned according
15 to law, and approved by the governor, in the penal sum
16 of twenty-five thousand dollars, which executed oath and
17 bond shall be filed with the secretary of state. Prem-
18 iums on the commissioner's bond shall be paid from com-
19 mission funds.

Sec. 3. *Filling Vacancies.*—Any vacancy in the office
2 of the road commissioner that occurs while the legislature
3 is not in session shall be filled by appointment by the
4 governor, which appointment shall expire at the end of
5 thirty days after the date on which the legislature next
6 convenes. Prior to the expiration of the thirty days the

7 governor shall transmit to the senate for its approval an
8 appointment for the unexpired portion of the regular
9 term. A vacancy occurring during a session of the legis-
10 lature shall be filled as a regular appointment before the
11 end of the session and for the unexpired portion of the
12 regular term.

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

Sec. 5. *Selection and Organization of Personnel; Duties;*
2 *Bonds.*—The commissioner shall be in charge of and
3 responsible for the selection, employment and effective
4 organization of all commission personnel for the entire
5 state road program. He shall establish such other offices,
6 activities, divisions, sections and functional and organiza-

7 tional units as may be necessary and practical in the full
8 and effective discharge of the duties and responsibilities
9 of his office. Independent of and apart from the employ-
10 ment classification and compensation schedules estab-
11 lished by the director of the budget, all commission per-
12 sonnel shall be classified pursuant to the job classification
13 system established by the commissioner and shall be paid
14 pursuant to the salary scale established by the commis-
15 sioner.

16 The commissioner shall select and employ a business
17 manager assistant and a chief engineer assistant, who shall
18 be a registered professional engineer. The business man-
19 ager assistant shall be in charge of and responsible for
20 matters of finance, personnel, public relations and such
21 other functions as may be assigned to him from time to
22 time by the commissioner. The chief engineer assistant
23 shall be in charge of and responsible for planning, equip-
24 ment, materials, construction, maintenance and such other
25 functions as may from time to time be assigned to him by
26 the commissioner.

27 The commissioner shall require every employee who

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

Sec. 6. Personnel Disqualifications; Vacation of Position.

2 —No person, while in the employ of or holding any official
3 relation to any person, firm or corporation selling or
4 furnishing materials entering into the construction, recon-
5 struction, repair or maintenance of any state roads or
6 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
17 position of employment, as the case may be, shall be
18 immediately 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 party
23 committee. Such prohibition against employment shall
24 also extend to the wife, husband, child, brother or sister,
25 of any member of the legislature or of a member or of-
26 ficer of any county or state political committee.

27 Any person who violates any of the provisions of this
28 section, shall be guilty of a misdemeanor, and upon con-
29 viction thereof shall be confined in the county jail for not
30 more than six months or fined not less than fifty dollars
31 nor more than five hundred dollars, or both, in the discre-
32 tion of the court. In the event the commissioner or any

33 other employee of the commission or commissioner be-
34 comes a candidate for or holds any public office or be-
35 comes a member or officer of any political party commit-
36 tee, his office as commissioner or position as employee,
37 as the case may be, shall be immediately vacated. The
38 provisions of this section shall not apply to any person
39 employed by the road commissioner on the effective date
40 of this act.

Sec. 7. *Accounting and Auditing.*—The commissioner
2 and his business manager assistant, shall centralize, stand-
3 ardize and integrate the budget, accounting and auditing
4 services of the entire state road and highway program.
5 When the chief inspector and supervisor of public offices,
6 with the approval of the board of public works, formulates
7 and prescribes a uniform system of accounting and policies
8 and practices relating thereto, such uniform system,
9 policies and practices shall be adopted and used by the
10 commissioner. Until such system, policies and practices
11 are formulated and prescribed, the commissioner shall
12 establish his own system, policies and practices for all
13 accounting and reporting services.

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

20 The commissioner shall report to the governor on
21 finances, personnel and other aspects and phases of the
22 road program and system at such times and in such man-
23 ner and detail as the governor may require.

24 The state auditor is hereby authorized and directed to
25 employ an independent and reputable firm of certified
26 public accountants for the purpose of making a quadren-
27 nial audit of the finances of the state road commission,
28 which audit shall be made and published during the
29 fourth year of the term of each governor, and which
30 audit shall be a public document. The expenses of said
31 audit and publication shall be paid out of the state road
32 fund.

Sec. 7-a. Submission of Annual Budget and Revenue

2 *Estimates.*—For the fiscal year beginning on July 1,

3 1956, and for each fiscal year thereafter, the state road
4 commissioner shall prepare a complete budget outlining
5 finances and program of performances, to be submitted to
6 the board of public works annually, which budget, out-
7 lining finances and program of performance shall be sub-
8 mitted to the legislature by the board of public works, in
9 accordance with the provisions of section fifty-one of
10 article six of the Constitution. Such budget shall indi-
11 cate in summary form all proposed expenditures for con-
12 struction and maintenance for each classification of the
13 state road system, all administrative costs, all debt serv-
14 ice requirements, all planned expenditures for equip-
15 ment, all physical plant replacement and acquisition
16 expenditures, and all other proposed expenditures of the
17 state road commission. The commissioner shall have au-
18 thority to budget a reserve fund not greater than five per
19 cent of his proposed expenditures for emergency pur-
20 poses, which sum may be allotted by the commissioner
21 to any of the funds heretofore mentioned. The commis-
22 sioner is authorized to transfer the amount set forth in
23 the budget for maintenance and construction between

24 said funds at his discretion during any fiscal year, not to
25 exceed twenty-five per cent of either of said funds. At
26 the same time, the state road commissioner shall submit
27 to the board of public works revenue estimates antici-
28 pated to be paid into the state road fund during such
29 period.

Sec. 8. *Legal Services.*—The commissioner shall select
2 and employ a competent legal staff adequate for legal
3 services required by the commissioner and shall provide
4 therefor such quarters, equipment, facilities, services,
5 and stenographic and other personnel as may be neces-
6 sary. In addition, it shall be the duty of the attorney
7 general of this state and of his assistants, and of the
8 prosecuting attorneys of the several counties, to render
9 to the commission, without additional compensation,
10 such legal services as he shall require of them in the dis-
11 charge of his duties.

Sec. 9. *Powers, Duties and Responsibilities of Com-*
2 *missioner.*—In addition to all other powers, duties and
3 responsibilities given to and vested in the commissioner,
4 the commissioner shall, subject to the supervision of the
5 state road commission:

6 (1) Prepare and maintain current and long-range plans
7 for a road system of the entire state and compile and
8 publish information relating to the mileage, costs, use,
9 character and condition of the roads;

10 (2) Designate and define such construction and main-
11 tenance districts within the state road system as may be
12 found expedient and practicable;

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

19 (4) Have authority to comply with provisions of pres-
20 ent and future federal aid statutes and regulations, in-
21 cluding execution of contracts or agreements with and
22 cooperation in programs of the United States Govern-
23 ment and any proper department, bureau or agency
24 thereof relating to plans, surveys, construction, recon-
25 struction, improvement and maintenance of state roads
26 and highways; as well as agreements and contracts with

27 adjoining states for the construction, improvement or
28 maintenance of interstate bridges and highways;

29 (5) Prepare budget estimates and requests;

30 (6) Establish a system of accounting covering and
31 including all fiscal and financial matters of the commis-
32 sion;

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

36 (8) Enter into contracts and agreements with and to
37 cooperate in programs of counties, municipalities and
38 other governmental agencies and subdivisions of the
39 state relating to plans, surveys, construction, reconstruc-
40 tion, improvement, maintenance and supervision of high-
41 ways, roads, streets and other travel ways when and to
42 the extent determined by the commissioner to be ex-
43 pedient and practical;

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

45 (10) Shall have authority to establish a personnel re-
46 cruitment program and a merit system for permanent
47 engineering personnel; and shall have authority to estab-

48 lish a personnel recruitment program, a job classification
49 system and a salary scale for new and all permanent
50 commission personnel to the extent determined by the
51 commissioner to be expedient and practical;

52 (11) Purchase materials, supplies and equipment re-
53 quired for the state road program and system; pursuant
54 to chapter twenty-five-a of this code; in purchasing ma-
55 terials, supplies, equipment and other commodities, re-
56 quired for the state road system, the commissioner shall
57 furnish to the director of purchases specifications which
58 shall be standard, where practical. Said specifications
59 shall be in writing and shall not be restrictive to such an
60 extent as to prevent or preclude competitive bidding.
61 On articles having a list price, no bid may be accepted in
62 excess of said list price and on articles not having a list
63 price, the price of same shall be a price not exceeding a
64 comparable price paid by the purchasers of similar ar-
65 ticles on the open market in this or adjoining states. Not-
66 withstanding the provisions of chapter twenty-five-a of
67 this code, no purchase made pursuant hereto for the com-
68 mission shall be final or binding on the department of

69 purchases unless or until the commissioner has approved
70 the same after final bidding. In approving or disapprov-
71 ing such purchase the commissioner shall be guided by
72 the policy that he pay no more for the materials, supplies,
73 equipment or commodities than is paid for the same by
74 industry or other purchasers who purchase in the same
75 quantity;

76 (12) Dispose of all obsolete and unusable and surplus
77 supplies and materials, which cannot be used advantage-
78 ously and beneficially by the commission in the state
79 road program, by transfer thereof to other governmental
80 agencies and institutions or by exchange, trade or sale
81 thereof;

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

87 (14) Establish road policies and administrative prac-
88 tices;

89 (15) Adopt and promulgate rules and regulations for
90 the government and conduct of commission personnel in
91 the administration and supervision of the state road
92 system;

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

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

6 (1) Exercise executive control over the state road pro-
7 gram and construct, reconstruct, repair and maintain
8 state roads and highways;

9 (2) Determine the various methods of road construc-
10 tion best adapted to the various sections and areas of the

11 state and establish standards for the construction and
12 maintenance of roads and highways therein;

13 (3) Conduct investigations and experiments, hold hear-
14 ings and public meetings, join highway organizations and
15 attend and participate in meetings, conventions and con-
16 ferences within and without the state for purposes of
17 acquiring information, making findings and determin-
18 ing courses of action and procedure relative to advance-
19 ment and improvement of the state road system and high-
20 way construction;

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 pur-
24 chase, lease, grant, right of eminent domain or other
25 lawful means, all lands and any interests and rights in
26 lands and buildings necessary and required for roads,
27 rights of way, cuts, fills, drains, storage for equipment
28 and materials, waste sites, gravel, sand banks, cinders,
29 red dog or other road building materials, commission
30 officers and headquarters, and road construction and
31 maintenance in general;

32 (6) Procure photostatic copies of any or all public rec-
33 ords on file at the state capitol of Virginia which may be
34 deemed necessary or proper in ascertaining the location
35 and legal status of public road rights of way located or
36 established in what is now the state of West Virginia,
37 which photostatic copies, when certified by the commis-
38 sioner, may be admitted in evidence, in lieu of the orig-
39 inal, in any of the courts of this state;

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

46 (8) Negotiate and enter into reciprocal contracts and
47 agreements with proper authorities of other states and
48 of the United States relating to and regulating the use
49 of roads and highways with reference to weights and
50 types of vehicles, registration of vehicles and licensing
51 of operators, military and emergency movements of per-
52 sonnel and supplies and all other matters of interstate or
53 national interest;

54 (9) Locate and relocate primary and secondary roads
55 and to classify and reclassify and designate by number the
56 routes within the primary and secondary road system;

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

61 (11) Take over, use and occupy any right of way or
62 lands for state road purposes when such right of way or
63 lands have been dedicated for public use for road pur-
64 poses;

65 (12) Discontinue, vacate and close any road or high-
66 way, or any part thereof, the continuance and main-
67 tenance of which are found unnecessary, upon petition
68 and hearing, or upon investigation initiated by the com-
69 missioner;

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

73 (14) Adjust damages occasioned by construction, re-

74 construction or repair of any state road or the establish-
75 ment of any temporary road;

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

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

81 (17) Test and standardize materials used in road con-
82 struction and maintenance, either by governmental test-
83 ing and standardization activities or through contract by
84 private agencies;

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

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

92 (20) Exercise general supervision over the construc-
93 tion and maintenance of airports and landing fields
94 under the jurisdiction of the West Virginia board of

95 aeronautics, of which the commissioner is a member,
96 and to make a study and general plan of a statewide
97 system of airports and landing fields;

98 (21) Provide traffic engineering services to munici-
99 palities of the state upon request of the governing body
100 of any such municipality and upon such terms as may
101 be agreeably arranged;

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

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

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

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

119 (26) Sell or exchange, by and with the consent of the
120 governor, any real property owned by the state road com-
121 mission.

Sec. 11. *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 re-
8 spective offices and positions will permit, without extra
9 charge or compensation for the service.

Sec. 12. *Intrastate Toll Bridges, Acquisition; Discharge*
2 *of Obligations.*—The commissioner is authorized to in-
3 clude any or all existing intrastate toll bridges within the
4 system of state roads and highways and is further au-
5 thorized to expend out of the proceeds of any sales of
6 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-*
2 *fers, Trades and Sales; Inventory Reports.*—The commis-
3 sioner shall with the consent of the director of pur-
4 chases, dispose of obsolete and unusable equipment, sur-
5 plus supplies and other unneeded materials, either by
6 transfer to other governmental agencies or institutions,
7 by exchange or trade, or by sale as junk or otherwise.
8 The commissioner shall adopt and promulgate rules and
9 regulations governing and controlling the disposition of
10 all such equipment, supplies and materials. He may ad-
11 vertise, by newspaper publication or otherwise, the avail-
12 ability or sales of such disposable equipment, supplies

13 and materials and may sell same, in whole or in part, at
14 public auction or by private sale or may transfer, ex-
15 change or trade same, in whole or in part, as sound busi-
16 ness practices may warrant under existing circumstances
17 and conditions. The commissioner shall inventory all such
18 disposable equipment, supplies and materials from time
19 to time as quantity and stocks may warrant but shall
20 make a complete semi-annual inventory thereof as of the
21 thirty-first day of March and the thirtieth day of Sep-
22 tember of each year. He may report such inventories to
23 the director of purchases whose services and facilities
24 shall be available to the commissioner in making advan-
25 tageous disposition of any part or all of such disposable
26 equipment, supplies and materials. Such inventories shall
27 briefly describe the disposable items, the date of purchase
28 thereof, the vendor to the commission, the purchase price
29 paid therefor and the commission's order number author-
30 izing disposition thereof and shall indicate briefly the
31 reason said items are no longer needed or can no longer
32 be used by the commission. All such inventories shall be
33 kept as public records open to public inspection at the

34 office of the commissioner for a period of five years and
35 may thereafter be destroyed.

Sec. 14. *Information on Vendors to Commission.*—

2 Every person, or corporation selling or offering to sell
3 to the commission, upon competitive bids or otherwise,
4 any materials, supplies or equipment shall submit to the
5 commissioner a verified statement disclosing the follow-
6 ing 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
14 business address of the corporation; the names and resi-
15 dence addresses of the president, vice-president, secre-
16 tary, treasurer and manager, if any, of the corporation;
17 and the names and residence addresses of each stock-
18 holder of the corporation owning, holding or controlling
19 twenty-five percent or more of the capital stock thereof.

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

Sec. 15. *Set-back Lines, Islands, Curb Separations, En-
2 trance Approaches, Walks and Parking.*—In the interest
3 of safety and the convenience, coordination and control

4 of pedestrian and vehicular traffic, the commission may
5 from time to time cause surveys and findings to be made
6 as to the necessity and propriety of set-back lines, traffic
7 islands, curb separations, entrance approaches, sidewalks
8 and other traffic control factors. The commission may,
9 pursuant to such surveys and findings, promulgate and
10 enforce reasonable rules and regulations relating to and
11 controlling the location, construction and maintenance of
12 all such traffic control factors, but shall not in any case
13 unduly interfere with any abutting property owner's en-
14 trance or access rights or approaches to any road or high-
15 way unless with the consent and voluntary action of such
16 abutting property owner or through appropriate proceed-
17 ings in court in the exercise of the right of eminent do-
18 main for determination of the lawful rights of the re-
19 spective parties and the damages, if any, to be assessed.
20 The limitations of this section on the commission's au-
21 thority to regulate entrance and access to roads and high-
22 ways shall not apply to freeways as defined in article four
23 of this chapter.

24 The commission may regulate and, when the safety and

25 convenience of the travelling public so require, may pro-
26 hibit parking of vehicles on and along roads and highways
27 and the rights of way thereof.

Sec. 16. *Hearings, Investigations, and Proceedings;*
2 *Evidence and Subpoenas; Contempt.*—In any hearing,
3 investigation or proceeding conducted by or before the
4 commissioner, the evidence of witnesses and the produc-
5 tion of documentary evidence may be required at any
6 designated place of hearing and summons may be issued
7 therefore by the commissioner. In case of disobedience to
8 a summons or other process so issued, the commissioner,
9 or any party to the proceedings may invoke the aid of
10 any circuit court in requiring the evidence and testimony
11 of witnesses and the production of papers, books and doc-
12 uments. And upon proper showing, such court shall issue
13 an order requiring such persons to appear before the
14 commissioner or commission, as the case may be, and
15 produce all books and papers, give evidence touching the
16 matter in question. Any person failing to obey such order
17 may be punished by such court as for contempt. A claim
18 that any such testimony or evidence may tend to incrimi-

19 nate the person giving the same shall not excuse such
20 witness from testifying, but such witness shall not be
21 prosecuted for any offense concerning which he is com-
22 pelled hereunder to testify.

Sec. 17. *Roads Maps; Reproduction and Distribution.*—

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

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

Section 4. *Interstate and International Highway Plan-*

2 *ning; 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 truckline 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 such
10 study, consideration and plans, the commissioner shall
11 integrate the development of a state system of feeder and
12 local roads planned and designated to serve most advan-
13 tageously the economy and convenience of the people of
14 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
8 for work, which can be done advantageously, econom-
9 ically and practicably by commission forces or prison
10 labor and by use of state road equipment, or for materials
11 and supplies, which are manufactured, processed or as-
12 sembled by the commission. In all such work, the com-

13 missioner shall utilize state road forces or prison labor
14 and state road equipment and shall manufacture, process
15 and assemble all such materials and supplies for such
16 work whenever and wherever the commissioner, in his
17 discretion, finds such work and services advantageous,
18 economical and practicable in the state road program.

19 When the commissioner is about to construct, recon-
20 struct, or improve any road or highway, he shall cause to
21 be filed with the clerk of the county court, or of the
22 municipality, as the case may be, in which such road
23 lies, a certified copy of the plans and specifications there-
24 for, and a notice that the commission is about to enter
25 upon and proceed with the work in question. If the work
26 is to be done, or the materials therefor are to be furnished
27 by contract, the commissioner shall thereupon advertise
28 once each week for at least two successive weeks in
29 two newspapers of opposite politics, if there be such,
30 but if not, then in one newspaper published in each county
31 or municipality in which the road lies, and once in at
32 least one daily newspaper published in the city of
33 Charleston, and in such other journals or magazines as

34 may to the commissioner seem advisable, for sealed pro-
35 posals for the construction or other improvement of such
36 road, and for the furnishing of materials therefor, ac-
37 curately describing the same, and stating the time and
38 place for opening such proposals and reserving the right
39 to reject any and all proposals. The commissioner shall
40 have the power to prescribe proper prequalifications of
41 contractors bidding on state road construction work. To
42 all sealed proposals there shall be attached the certified
43 check of the bidder or bidder's bond acceptable to the
44 commissioner, in such amount as the commissioner shall
45 specify in the advertisement, but not to exceed five per-
46 cent of the aggregate amount of the bid; but such amount
47 shall never be less than five hundred dollars. Such pro-
48 posals shall be publicly opened and read at the time and
49 place specified in the advertisement, and the contract for
50 such work, or for the supplies or materials required there-
51 for shall, if let, be awarded by the commissioner to the
52 lowest responsible bidder for the type of construction
53 selected. In case all bids be rejected, the commissioner
54 may thereafter do the work with commission forces or

55 with prison labor, or may readvertise in the same manner
56 as before and let a contract for such work pursuant
57 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 or employee, act-
4 ing individually or by or through any organization, com-
5 mittee, corporation or other program or agency, to plan,
6 promote, encourage or participate in any manner in the
7 contribution, solicitation, assessment or receipt of any
8 money, donation, contribution or gift of any kind or
9 character for political party campaign or fund purposes or
10 uses, when such money, donation, contribution or gift
11 arises from, is related to, is measured by or is in any
12 manner identified with a percentage, aliquot or frac-
13 tional part or all of the daily, monthly or other salary,
14 wages, pay or compensation of personnel and employees
15 of the commission. A violation of the provisions of this
16 section shall be cause for employment termination and
17 dismissal of any commission member or employee guilty

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

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

Paul Carey

Chairman Senate Committee

W. T. Brantley, Jr.

Chairman House Committee

Originated in the Senate.

Takes effect *from* passage.

Howard Duper

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

Ralph Bean

President of the Senate

W. E. Flannery

Speaker House of Delegates

The within *Vetoed* this the *16th*

day of *March*, 1955.

William C. Marland

Governor.



Filed in the Office of the Secretary of State
of West Virginia *MAR 13 1955*
D. FITZ O'BRIEN
SECRETARY OF STATE