WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

SENATE BILL NO. 4
drawn up

(By Mr. Ballard J. Reed)

PASSED March 9, 1957

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, designated articles two and two-a; to amend and reenact sections four and nineteen, article four of said chapter; and to amend article nineteen of said chapter by adding thereto a new section, designated section four, all relating to the organization, administration and supervision of a system of state roads and highways.

Be it enacted by the Legislature of West Virginia:

That articles two and two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as
amended, be repealed, and that two new articles, designated articles two and two-a, be enacted in lieu thereof; that sections four and nineteen, article four of said chapter, be amended and reenacted; and that article nineteen of said chapter be amended by adding thereto a new section, designated section four, all to read as follows:

**Article 2. State Road Commission.**

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

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

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

Sec. 5. *Appointments; Qualifications; Status of Present Members; Removal for Cause.*—On or before the first day of July next after the effective date of this article the gov-
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4  errone shall appoint the members of the commission. Not
5  more than four of the members shall be of the same po-
6  litical party. One member shall be appointed from each
7  of the six congressional districts and one member shall
8  be appointed from the state at large. Each member shall
9  be a citizen and resident of the state. Each member ap-
10  pointed from a congressional district shall be a citizen
11  and resident of such congressional district. Removal of
12  a member from the state or from the particular congres-
13  sional district from which he was appointed shall im-
14  mediately vacate his office. In making appointments to
15  the commission, the governor shall consider each ap-
16  pointee's age, ability, experience and general qualifica-
17  tions. Members of the commission shall be eligible for
18  reappointment to fill an unexpired term or a new term of
19  seven years.
20  Any members of the commission, who have been duly
21  appointed and qualified and approved by the senate and
22  are in office when this article becomes effective, shall con-
23  tinue in office until their respective terms expire or until
24  their death, resignation or removal from office. In mak-
ing his initial appointments to the commission pursuant

to the provisions hereof, the governor shall ascertain the

names, residence addresses and political party affiliation

of any such members of the commission then in office and

shall select his first appointees with reference thereto and

due consideration thereof so as to comply with the resi-
dence and political party affiliation qualifications as here-

in prescribed.

As terms expire or positions on the commission other-

wise become vacant the governor shall appoint persons to

fill all such vacancies on the commission as provided in

this article.

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 per-

son while in the employ of, or holding, or who has within

twelve months held any official relation to any person,
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
commission shall not be a member of any political com-
ittee 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 com-
ittee, his office as a member of the commission shall au-
tomatically 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 in regular meetings at least once
every three months, unless necessity of any such quarterly
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 three members of the commission, at such other times as circumstances and 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. Four 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 meeting held in July of each 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 chairman 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 transactions. Such record shall be open to public inspection and examination. It shall adopt and enter of record in its minutes 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 each 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 three hundred 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 be an advisory body to the state road commissioner and shall have the following powers and duties:

1. To consider and study the entire field of legislation and administration concerning roads and highways, and motor vehicle regulation.
(2) To advise the commissioner concerning the highway needs of particular localities or districts of the state.

(3) To recommend policies and practices to the commissioner relative to any duty imposed upon him by law.

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

(5) To advise or make recommendations to the governor and the legislature relative to the highway policy of the state.

Sec. 11. Intrastate Toll Bridges, Acquisition; Discharge of Obligations.—The commission 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 sale of West Virginia state road bonds, authorized by the legislature and the “Good Roads Amendment of 1920”, if not otherwise restricted by law, not to exceed one million five hundred thousand dollars, (a) for the purpose of discharging out-
standing bonds or obligations upon any of such intrastate
toll bridges which become the property of the commission
when such bonds or obligations are discharged and (b)
for the purpose of acquiring by eminent domain pro-
ceedings any or all of the existing privately-owned intra-
state toll bridges for including in such system of roads
and highways;

Article 2-a. State Road Commissioner.

Section 1. State Road Commissioner; Appointment and
Tenure.—The office of state road commissioner heretofore
created by law shall be continued. The governor, by and
with the advice and consent of the Senate, shall appoint
a state road commissioner for a term of four years.
Within thirty days after the effective date of this article,
the governor shall appoint a state road commissioner
whose term shall last until the first day of March, one
thousand nine hundred sixty-one. The incumbent com-
missoner shall continue to serve in that capacity until
a successor is appointed pursuant to the terms of this
article. Thereafter all appointments shall be for a term
of four years, except that an appointment to fill a vacancy shall be for the unexpired term. During his term no commissioner who has been duly appointed and qualified and confirmed by the Senate may be removed from office except for official misconduct, incompetence, neglect of duty, 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 person who is experienced in highway planning, finance, construction, maintenance, management and supervision qualifying him for the duties of his office; shall devote his full time and attention to his official duties and responsibilities; shall reside at and maintain his office headquarters at the state capitol; shall be the chief executive officer of the commission and, subject to other provisions of law, 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, with surety approved by the commission, in the penal sum of twenty-five thousand dollars, which executed oath and bond shall be filed with the secretary of state. Premiums on the commissioner's bond shall be paid from commission funds.

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

Sec. 4. 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 and highway program. He may establish such divisions, sections and other functional and organizational units within the commission as may be necessary and practical in the full and effective discharge of the
duties and responsibilities of his office. Except as otherwise provided by law, all commission personnel shall be classified pursuant to the job classification system and shall be paid pursuant to the salary scale established by the commissioner.

The commissioner shall select and employ a business manager assistant and a chief engineer assistant, who shall be a registered professional engineer, and shall establish such other offices, activities, divisions, sections and organizational units as may be necessary and practical. The business manager 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 and responsible for planning, equipment, 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 con-
trol 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. 5. 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 im-
mediately disqualify such person from holding the office
of commissioner or any other position or employment by
the commission and commissioner and such office or posi-
tion of employment, as the case may be, shall be imme-
diately vacated.

No person may be appointed as commissioner or em-
ployed in any other capacity or employment by the com-
misson or commissioner when he is a candidate for or
holds any public office or is a member of any political
party committee. In the event the commissioner or any
employee of the commission or commissioner becomes a
candidate for or holds any public office or becomes a
member of any political party committee, his office as
commissioner or position as employee, as the case may
be, shall be immediately vacated.

Sec. 6. Accounting and Auditing.—The commissioner, by
and through his business manager assistant, shall central-
ize, standardize and integrate the budget, accounting and
auditing services of the entire state road and highway
program. Whenever there is provided by law a uniform
system of accounting and auditing and policies and practices relating thereto for all state officials, departments and agencies, such uniform system shall be adopted 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 commission on or before the first day of December next succeeding the end of the fiscal year.

The commissioner shall report quarterly to the commission on finances, personnel and other aspects and phases of the road program and system.

Sec. 7. Legal Services.—The commission shall select and employ a competent legal staff adequate for legal services required by him and shall provide therefor such quarters, equipment, facilities, services and stenographic and other personnel as may be necessary. In addition, the
commissioner may call upon the attorney general and the prosecuting attorneys of the several counties, within their respective jurisdictions, for legal assistance and services as provided by law.

Sec. 8. Powers, Duties and Responsibilities of Commissioner. — In addition to all other duties, powers and responsibilities given and assigned to the commissioner in this chapter, the commissioner may:

(1) Exercise general supervision over the state road program and the construction, reconstruction, repair and maintenance of state roads and highways;

(2) Determine the various methods of road construction best adopted 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 and attend and participate in meetings 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 and
highway system;
(4) Enter private lands to make inspections and sur-
veys for road and highway purposes;
(5) Acquire, in the name of the commission, by lease,
grant, right of eminent domain or other lawful means, all
lands and interests and rights in lands necessary and re-
quired for roads, rights of way, cuts, fills, drains, storage
for equipment and materials, and road construction and
maintenance in general;
(6) Procure phostatic 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 loca-
tion and legal status of public road rights of way location
or established in what is now the state of West Virginia.
which photostatic copies, when certified by the commis-
sioner, may be admitted in evidence, in lieu of the origi-
nal, 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) Exercise jurisdiction, control, supervision and au-
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40 authority over local roads, outside the state road system, to
41 the extent determined by him to be expedient and prac-
42 ticable;

43 (12) Discontinue, vacate and close any road or high-
44 way, or any part thereof, the continuance and mainte-
45 nance of which are found unnecessary and improper,
46 upon petition and hearing, or upon investigation initiated
47 by the commissioner;

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

51 (14) Adjust damages occasioned by construction, re-
52 construction or repair of any state road or the establish-
53 ment of any temporary road;

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

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

59 (17) Test and standardize materials used in road con-
60 struction and maintenance, either by governmental test-
ing 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;

(25) 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;

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

(27) Contract for the construction, improvement and maintenance of the roads;
(28) 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;

(29) Prepare budget estimates and requests;

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

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

(32) 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 commission to be expedient and practical;

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

(34) Purchase materials, supplies and equipment required for the state road program and system;

(35) 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;

(36) 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; and,

(37) Establish road policies and administrative practices.

Sec. 9. 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 per-
formance of his duties, as the requirements of their
respective offices and positions will permit, without extra
charge or compensation for the service.

Sec. 10. \textit{Hearings, Investigations and Proceedings; Evidence and Subpoenas; Contempt}. — In any hearing,
investigation or proceeding conducted by or before the
commission or commissioner, the evidence of witnesses
and the production of documentary evidence may be re-
quired at any designated place of hearing and summons
may be issued therefor by the commissioner or any mem-
ber of the commission. In case of disobedience to a sum-
mons or other process so issued, the commissioner, a
member of the commission or any party to the proceed-
ings may invoke the aid of any circuit court in requiring
the evidence and testimony of witnesses and the produc-
tion of papers, books and documents. And upon proper
showing, such court shall issue an order requiring such
persons to appear before the commissioner or commis-
sion, as the case may be, and produce all books and papers
and 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 testi-
mony or evidence may tend to incriminate the person
giving the same shall not excuse such witness from testi-
ifying, but such witness shall not be prosecuted for any
offense concerning which he is compelled hereunder to
testify.

Sec. 11. Road 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 practicable, the
travel condition thereof. The commissioner may make
economical reproductions of such map from time to time
for official use and public information purposes.
Sec. 12. Set-back Lines, Islands, Curb Separations, Entrance Approaches, Walks and Parking.—In the interest of safety and the convenience, coordination and control of pedestrian and vehicular traffic, the commission may from time to time cause surveys and findings to be made as to the necessity and propriety of set-back lines, traffic islands, curb separations, entrance approaches, sidewalks and other traffic control factors. The commission may, pursuant to such surveys and findings, promulgate and enforce reasonable rules and regulations relating to and controlling the location, construction and maintenance of all such traffic control factors, but shall not in any case unduly interfere with any abutting property owner's entrance or access rights or approaches to any road or highway unless with the consent and voluntary action of such abutting property owner or through appropriate proceedings in court in the exercise of the right of eminent domain for determination of the lawful rights of the respective parties and the damages, if any, to be assessed. The limitations of this section on the commission’s authority to regulate
entrance and access to roads and highways shall not apply to freeways as defined in section thirty-nine of article four of this chapter.

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

Sec. 13. Purchase of Materials, Supplies and Equipment.—All materials, supplies and equipment required for the state road program and system shall be purchased and acquired by the commissioner through the department of purchases, except as otherwise provided by law. The director of purchases shall adopt rules and regulations governing and controlling acquisitions and purchases in accordance with accepted business practices so that no persons shall be precluded from participating and making sales thereof to the commission; shall establish and prescribe specifications, in all proper cases, for materials, supplies and equipment to be purchased; shall adopt and prescribe such purchase order, requisition or other forms as may be required; shall negotiate for and
make purchases and acquisitions in such quantities, at
such times and under contract, in the open market or
through other accepted business methods and practices,
as may be practicable in accordance with general law;
shall determine whether to advertise for bids, to purchase
by means of sealed bids and competitive bidding or to
effect advantageous purchases through other accepted
methods and practices; and shall post in a public place in
the offices of the commission and the department of
purchases, available to the public during all business
hours, notices of all acquisitions and purchases to be made,
at least two weeks prior to making such purchases.
All purchases and acquisitions shall be made in con-
sideration and within limits of available appropriations
and funds and in accordance with applicable provisions
of article five, chapter five of this code, relating to ex-
penditure schedules and quarterly allotments of funds.
The director of purchases shall make available the
facilities and services of his department to the commis-
sioner in the purchase and acquisition of materials, sup-
plies and equipment and shall cooperate with the com-
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36 missioner in all such purchases and acquisitions upon re-
quest of the commissioner. The actual expenses incurred
38 by the director of purchases in all such cases shall be
39 paid by the commissioner.

Sec. 14. Disposition of Equipment and Materials; Trans-
fers, Trades and Sales; Inventory Reports.—The commis-
3 sioner shall dispose of obsolete and unusable equipment,
4 surplus supplies and other unneeded materials, either by
5 transfer to other governmental agencies or institutions,
6 by exchange or trade, or by sale as junk or otherwise.
7 The commissioner shall adopt and promulgate rules and
8 regulations governing and controlling the disposition of
9 all such equipment, supplies and materials. He shall ad-
10 vertise, by newspaper publication or otherwise, the avail-
11 ability or sales of such disposable equipment, supplies and
12 materials and may sell same, in whole or in part, at public
13 auction, or may transfer, exchange or trade same (if by ex-
14 change or trade, then without advertising), in whole or
15 in part, as sound business practices may warrant under
16 existing circumstances and conditions. The commissioner
17 shall inventory all such disposable equipment, supplies
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 September 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 advantageous 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 commissioner, the purchase price paid therefor and the commissioner's order number authorizing 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. 15. Other Laws Not Controlling.—The provisions of chapter twenty-five-a of this code shall not control or govern the purchase, acquisition or disposition of any
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4 equipment, materials or supplies by the commissioner, ex-
5 cept as provided in sections thirteen and fourteen of this
6 article. The commissioner may, in his discretion, resort to
7 applicable provisions of said chapter twenty-five-a and
8 to rules, regulations and practices of the director of pur-
9 chases in purchasing, acquiring or disposing of equip-
10 ment, supplies and materials.

sec. 16. information on vendors to commissioner.—
2 every person, firm or corporation selling or offering to
3 sell to the commissioner, upon competitive bids or other-
4 wise, any materials, supplies or equipment shall submit
5 to the commissioner a verified statement disclosing the
6 following information:

7 (1) if the vendor be an individual, his name and resi-
8 dence address and, if he has associates or partners shar-
9 ing in his business, their names and residence addresses;
10 (2) if the vendor be a firm, the name and residence
11 address of each member, partner or associate of the firm;
12 and,
13 (3) if the vendor be a corporation, the name and bus-
14 iness address of the corporation; the names and residence
addresses of the president, vice-president, secretary,
treasurer and manager, if any, of the corporation; and
the names and residence addresses of each stockholder of
the corporation owning or holding 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 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 ma-
terials, supplies or equipment to the commissioner 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
commissioner as provided in this article.

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

Section 4. Interstate and International Highway Planning; 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 contemplated interstate or international system of roads and
highways, including superhighways, turnpikes, toll-roads
and other trunkline road developments and may plan and
attend conferences and meetings for discussion and promo-
motion 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 com-
missioner 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 sup-
plies, which are manufactured, processed or assembled by
the commissioner: Provided, however, That the commis-
sioner shall not be required to award any contract for
work, materials or supplies for an amount less than three
thousand dollars. In all such work, the commissioner
shall utilize state road forces or prison labor and state
road equipment and shall manufacture, process and as-
semble all such materials and supplies for such work
whenever and wherever the commissioner, in his dis-
cretion, finds such work and services advantageous, eco-
nomical and practicable in the state road program.

When the commissioner is about to construct, recon-
struct, 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 there-
for, and a notice that the commissioner is about to enter
upon and proceed with the work in question. If the
work is to be done, or the materials therefor are to be
furnished by contract, the commissioner shall thereupon
advertise once each week for at least two successive
weeks in two newspapers of opposite politics, if there be
such, but if not, then in one newspaper published in
each county or municipality in which the road lies, and
once in at least one daily newspaper published in the city
of Charleston, and in such other journals or magazines
as may to the commissioner seem advisable, for sealed
proposals for the construction or other improvement of
such road, and for the furnishing of materials therefor,
accurately describing the same, and stating the time and
place for opening such proposals and reserving the right
to reject any and all proposals: Provided, however, That
whenever the estimated amount of any contract for work
or for materials or supplies is less than three thousand
dollars, the commissioner shall not be required to ad-
vertise the letting of said contract in newspapers as
above required, but may award the contract to the lowest
responsible bidder, when two or more sealed proposals
or bids have been received by him without such ad-
vertisement, but such contract shall not be so awarded
unless the bid of the successful bidder is three thousand
do$\$2ors or less. The commissioner shall have the power
to prescribe proper prequalifications of contractors bid-
ing on state road construction work. To all sealed pro-
posals 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 therefor
shall, if let, be awarded by the commissioner to the low-
est responsible bidder for the type of construction se-
lected. In case all bids be rejected, the commissioner may
thereafter do the work with commission forces or with
prison labor, or may readvertise in the same manner as
before and let a contract for such work pursuant thereto.


Section 4. Solicitations, Assessments and Receipts for
Political Party Funds Unlawful; Penalties.—It shall be
unlawful for any commission member, the commissioner
or any employee thereof, 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, solicita-
tion, assessment or receipt of any money, donation, con-
tribution 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 re-
lated 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 compensa-
tion of personnel and employees of the commission. A vio-
lation of the provisions of this section shall be cause for
employment termination and dismissal of any commission
member, the commissioner or employee guilty thereof
and every such violation shall constitute a misdemeanor 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 approved this the 15th day of March, 1957.

Governor

Filed in the Office of the Secretary of State of West Virginia Mar 15, 1957.