

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

## ENROLLED

*Comm. Sub. for*

SENATE BILL NO. 99

(By Mr. *Cason*, Mr. President and  
Mr. *Wardland* original sponsors)

PASSED March 8, 1965

In Effect Ninety days from Passage



FILED IN THE OFFICE OF  
JOE F. BURDETT  
SECRETARY OF STATE  
THIS DATE 3-15-65

66-99  
#

**ENROLLED**

JUDICIARY

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 99**

(By MR. CARSON [MR. PRESIDENT] and MR. MORELAND original  
sponsors)

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[Passed March 8, 1965; in effect ninety days from passage.]

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AN ACT to amend article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section fourteen-a, relating to the purchasing division of the department of finance and administration; requiring pre-qualification disclosure by vendors, and providing penalties.

*Be it enacted by the Legislature of West Virginia:*

**That** article three, chapter five-a of the code of **West Vir-**

ginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fourteen-a, to read as follows:

**Section 14-a. Pre-qualification Disclosure by Vendors**

2 **Required; Penalties.**—The director shall reject any bid  
3 received from any vendor unless the vendor has filed  
4 with the director an affidavit of the vendor or the affidavit  
5 of a member of the vendor's firm, or, if the vendor be a  
6 corporation, the affidavit of an officer, director, or man-  
7 aging agent, of such corporation, disclosing the following  
8 information: (1) If the vendor be an individual, his name  
9 and residence address, and, if he has associates or partners  
10 sharing in his business, their names and residence ad-  
11 dresses; (2) if the vendor be a firm, the name and resi-  
12 dence address of each member, partner or associate of the  
13 firm; (3) if the vendor be a corporation created under  
14 the laws of this state, the name and business address of  
15 the corporation; the names and residence addresses of the  
16 president, vice president, secretary, treasurer, and general  
17 manager, if any, of the corporation; and the names and  
18 residence addresses of each stockholder of the corporation

19 owning or holding more than ten per cent of the capital  
20 stock thereof; (4) if the vendor be a foreign corporation,  
21 the name and business address of the corporation; the  
22 names and residence addresses of the president, vice  
23 president, secretary, treasurer, and general manager, if  
24 any, of the corporation; the names and residence addresses  
25 of each stockholder of the corporation owning or holding  
26 more than ten per cent of the capital stock thereof; and  
27 a certificate from the secretary of state verifying that said  
28 foreign corporation has qualified to do business in this  
29 state, prior to the submission of any bid. Whenever a  
30 change occurs in the information heretofore submitted as  
31 required, such change shall be reported immediately in  
32 the same manner as required in the original disclosure  
33 affidavit.

34 The affidavit and information so received by the direc-  
35 tor shall be kept in a register of vendors which shall be  
36 a public record and open to public inspection during  
37 regular business hours in the director's office and made  
38 readily available to the public at such time.

39 The director may waive the above requirements in the

40 case of corporations listed on any nationally-recognized  
41 stock exchange.

42 Any person who makes such affidavit falsely or who  
43 shall knowingly file or cause to be filed with the director,  
44 an affidavit containing a false statement of a material fact  
45 or omitting any material fact, shall be guilty of a mis-  
46 demeanor, and, upon conviction thereof, shall be fined  
47 not more than one thousand dollars and in the discretion  
48 of the court, confined in jail not more than one year.  
49 In any such case, the person convicted shall be adjudged  
50 forever incapable of holding any office of honor, trust or  
51 profit in this state, or of serving as a juror.

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

*Roy Parker*  
Chairman Senate Committee

*James W. Loop*  
Chairman House Committee

Originated in the Senate.

Takes effect *ninety days from* Passage.

*J. Howard Keyser*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Howard E. Carson*  
President of the Senate

*H. Raham White*  
Speaker House of Delegates

The within *approved* this the *13*  
day of *March*, 1965.

*Hubert C. Smith*  
Governor

Presented to Governor's Office

Mar. 12, 1965

11:05 a.m.