

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1935



ENROLLED

SENATE BILL No. 118

(By Mr. Paule)



PASSED March 9 1935

In Effect 90 days from Passage

118

ENROLLED

Senate Bill No. 118

(BY MR. PAULL) (by request)

[Passed March 9, 1935; in effect ninety days from passage.]

AN ACT to amend and reenact section nine, article two-(a), chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter forty, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, relating to roads and highways.

Be it enacted by the Legislature of West Virginia:

That section nine, article two-(a), chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter forty of the acts of the Legislature of West

Virginia, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 9. The commissioner, in addition to the other powers granted by this chapter, shall have the sole authority to:

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

(2) Make rules and regulations for the government of his department;

(3) Sign and execute, in the name of the "The State Road Commission" any contract or agreement with the federal government or its departments, subdivisions of the state, corporations, associations, copartnerships and individuals;

(4) Supervise the fiscal affairs and responsibilities of the department;

(5) Make a general road or highway plan of the state and compile and publish information relative to the mileage, character and condition of the roads;

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

20 (7) Conduct investigations and experiments, hold public
21 meetings and attend meetings and conventions inside or out-
22 side of the state as may, in his judgment, tend to promote better
23 highway construction;

24 (8) Cooperate with state and national organizations in
25 experiments and work for the advancement of highway con-
26 struction;

27 (9) Enter private lands to make surveys or inspections for
28 road purposes;

29 (10) Acquire land necessary for roads and road main-
30 tenance;

31 (11) Procure photostatic copies of any or all public records
32 on file at the state capitol of Virginia which the commissioner
33 may deem necessary or proper in ascertaining the location of
34 rights-of-way of public roads located or established in what
35 is now the state of West Virginia. A copy of any such photo-
36 static copies so made, when certified by the commissioner, may
37 be admitted as evidence in lieu of the original in any of the
38 courts of this state;

39 (12) Administer the motor vehicle law of this state as pro-
40 vided in section twelve, article two-(a), chapter seventeen of

41 the code of West Virginia, one thousand nine hundred thirty-
42 one, as amended by chapter forty, acts of the Legislature,
43 first extraordinary session, one thousand nine hundred thirty-
44 three;

45 (13) Keep a complete and accurate record of all proceed-
46 ings, record and file all bonds and contracts taken or entered
47 into, and assume responsibility for the custody and preserva-
48 tion of all papers and documents pertaining to his office.
49 Rules and regulations shall be recorded in a book especially
50 kept for that purpose, and may be, in his discretion, published
51 for general circulation. All other records and entries necessary
52 to show the official conduct of the department shall be preserved
53 and shall be public records and open for inspection during
54 business hours;

55 (14) Purchase as provided by law all equipment necessary
56 for the conduct of his department, and dispose of any equip-
57 ment either by public or private sale when such equipment
58 can no longer be used to advantage. The proceeds of such
59 sale shall be paid to the state treasurer and credited to the
60 state road fund;

61 (15) Conduct hearings as provided by this chapter;

62 (16) Report to the governor each year all information
63 relative to the operation of the department and the construction
64 and maintenance of the state roads, and make such other re-
65 ports and recommendations as may be required by the governor
66 or which, in his judgment, would be beneficial to the general
67 public;

68 (17) Exercise any other power that may be necessary or
69 proper for the orderly conduct of his business and the effective
70 discharge of his duties, and invoke any legal or equitable
71 remedies for the enforcement of his orders or the provisions
72 of this department; and

73 (18) As a member of the West Virginia board of aeronautics,
74 exercise general supervision of construction and maintenance
75 of such airports and landing fields as are under the jurisdiction
76 of said board, and make a study and general plan of a state-
77 wide system of airports and landing fields.

78 All acts or parts of acts inconsistent herewith are hereby
79 repealed.

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

Clinton L. Howard

Chairman Senate Committee

Arnold M. Vickers

Chairman House Committee

Originated in the *Senate*

Takes effect *90 days from* passage.

Chas. M. ...

Clerk of the Senate

W. S. Hall

Clerk of the House of Delegates

Chas. F. Hoyle

President of the Senate

John S. Peltier

Speaker House of Delegates

The within *is approved* this the *15th*
day of *March*, 1935.

H. S. ...

Governor

Filed in the office of the Secretary of State
of West Virginia. **MAR 15 1935**
Wm. S. O'BRIEN,
Secretary of State