WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1935

ENROLLED

SENATE BILL No. 118

(By Mr. [Signature])

PASSED March 9, 1935

In Effect 90 days from Passage
ENROLLED

Senate Bill No. 118

(By Mr. Paul) (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;
(7) Conduct investigations and experiments, hold public meetings and attend meetings and conventions inside or outside of the state as may, in his judgment, tend to promote better highway construction;

(8) Cooperate with state and national organizations in experiments and work for the advancement of highway construction;

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

(10) Acquire land necessary for roads and road maintenance;

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

(12) Administer the motor vehicle law of this state as provided in section twelve, 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, first extraordinary session, one thousand nine hundred thirty-three;

(13) Keep a complete and accurate record of all proceedings, record and file all bonds and contracts taken or entered into, and assume responsibility for the custody and preservation of all papers and documents pertaining to his office.

Rules and regulations shall be recorded in a book especially kept for that purpose, and may be, in his discretion, published for general circulation. All other records and entries necessary to show the official conduct of the department shall be preserved and shall be public records and open for inspection during business hours;

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

(15) Conduct hearings as provided by this chapter;
(16) Report to the governor each year all information relative to the operation of the department and the construction and maintenance of the state roads, and make such other reports and recommendations as may be required by the governor or which, in his judgment, would be beneficial to the general public;

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

(18) As a member of the West Virginia board of aeronautics, exercise general supervision of construction and maintenance of such airports and landing fields as are under the jurisdiction of said board, and make a study and general plan of a statewide system of airports and landing fields.

All acts or parts of acts inconsistent herewith are hereby repealed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Clinton E. Howard  
Chairman Senate Committee

Arms M. Vickers  
Chairman House Committee

Originated in the Senate

Takes effect 90 days from passage.

Charles Mhip  
Clerk of the Senate

Wm. J. Steele  
Clerk of the House of Delegates

Chris. T. Hoke  
President of the Senate

Speaker House of Delegates

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

H.S. Bowen  
Governor

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