

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 610

BY SENATOR CLEMENTS

[Introduced February 10, 2022; referred
to the Committee on Transportation and
Infrastructure; and then to the Committee on the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §17-2-1; relating to setting forth the duties, powers, and responsibilities of the
3 Secretary of the Department of Transportation.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. DEPARTMENT OF TRANSPORTATION.

§17-2-1. Powers and duties of the Secretary.

1 (a) The secretary, as the chief executive officer, controls and supervises the Department
2 of Transportation and is responsible for the work of each department employee.

3 (b) The secretary has the power and authority specified in this article, in §5F-2-1 et seq.
4 of this code, and as otherwise specified in this code.

5 (c) The secretary has the power and the authority to delegate, assign, transfer, or combine
6 functions, responsibilities, or duties among employees in the department in order to operate the
7 department effectively, efficiently, and economically.

8 (d) The secretary has the authority to develop goals, objectives, policies, and plans that
9 are necessary or desirable for the effective, efficient, and economical operation of the department.

10 (e) The secretary has the authority to, and may, designate supervisory officers or other
11 employees of the department as his or her designee on any board, authority, or commission
12 established under this code or to sit in his or her place in any hearings, appeals, meetings or other
13 activities with such designee shall have the same powers, duties, authority, and responsibility as
14 the secretary.

15 (f) The secretary has the responsibility for the conduct of the intergovernmental relations
16 of the department to assure:

17 (1) That the department carries out its functions in a manner which supplements and
18 complements the Federal Highway Administration, the Federal Aviation Administration, and the
19 Federal Railroad Administration policies, programs, and funding requirements; and

20 (2) That the appropriate officers and employees of the department consult with

21 governmental agencies responsible for policy relating to the various functions of the department
22 to assure that the state is aware of and in compliance with policy, programs, laws, and regulations
23 affecting the department.

24 (g) The Secretary may sign in the name of the state by the Department of Transportation
25 any contract or agreement with the federal government or its departments or agencies,
26 subdivisions or the state, corporations, associations, partnerships, or individuals: *Provided*, That
27 the powers granted to the secretary to enter into agreements or contracts and to make
28 expenditures and obligations of public funds under this subsection may not exceed or be
29 interpreted as authority to exceed the powers granted by the Legislature to the various
30 commissioners, directors, or board members of the various agencies, commissions, boards or
31 authorities that comprise and are incorporated into the secretary's department pursuant to the
32 provisions of chapter 5F of this code.

33 (h) The secretary is authorized and empowered to arrange for any of the Department of
34 Transportation's constituent agencies to utilize the services of any other constituent agency, on
35 an as-needed or ongoing basis, for the effective, efficient, economic, and cost-effective
36 administration of the Department of Transportation. An interagency agreement may be executed
37 among the department's agencies, if, in the Secretary's discretion, the same is desired or
38 necessary. No exercise of the power and authority granted in this section may be deemed a
39 violation of §17-3-1 *et seq.* of this code.

40 (i) The secretary may employ professional staff, including, but not limited to, certified public
41 accountants, engineers, attorneys, deputies, assistants, hearing officers, and other employees as
42 necessary for the efficient operation of the department and may prescribe their powers and duties
43 and fix their compensation in accordance with the department's merit-based system and within
44 the amounts appropriated.

NOTE: The purpose of this bill is to specify the duties, authority, and responsibility of the

Secretary of the Department of Transportation in much the same way the other department secretaries have been specified.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.