

HOUSE No. 1162

House Bill No. 1004 as amended on recommendation of the committee on Ways and Means.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Seven.

An Act consolidating the Division of Highways and the Division of Waterways and Public Lands in the Department of Public Works.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Sections one and three of chapter sixteen
2 of the General Laws are hereby repealed.

1 SECTION 2. Section two of said chapter sixteen is
2 hereby amended by striking out, in the first line, the
3 words "The department" and inserting in place thereof
4 the words:—There shall be a department of public
5 works which",—and by striking out, in the second
6 line, the word "four" and inserting in place thereof
7 the word:—two,—so as to read as follows:—*Sec-*
8 *tion 2.* There shall be a department of public works
9 which shall be under the supervision and control of a
10 commissioner of public works and two associate com-
11 missioners. Upon the expiration of the term of office
12 of a commissioner or an associate commissioner, his
13 successor shall be appointed for three years by the

14 governor, with the advice and consent of the council.
15 The commissioner shall receive such salary, not exceed-
16 ing seventy-five hundred dollars, and the associate
17 commissioners such salaries, not exceeding six thousand
18 dollars, as the governor and council may determine.
19 The commissioner and associate commissioners shall be
20 allowed their actual traveling and other necessary
21 expenses.

1 SECTION 3. Said chapter sixteen is hereby further
2 amended by striking out section four and inserting in
3 place thereof the following:—

4 *Section 4.* The commissioner shall be the executive
5 and administrative head of the department. He shall
6 approve all contracts made by the department, and may
7 require any of the expenditures of the department to
8 be submitted to him for approval. Except as otherwise
9 expressly provided, the concurrence of the commissioner
10 and at least one associate commissioner shall be necessary
11 in every official act of the department. The commissioner
12 may appoint and remove such officials and employees as
13 the work of the department may require, and fix their
14 compensation. He may from time to time assign to
15 such officials and employees such duties as the work of
16 the department may require, except where especially
17 assigned by law.

1 SECTION 4. Said chapter sixteen, as amended in sec-
2 tion six by section two of chapter five hundred and
3 thirty-four of the acts of nineteen hundred and twenty-
4 two, is hereby further amended by striking out said
5 section six and inserting in place thereof the following:—

6 *Section 6.* Except as otherwise provided by sections

7 thirty-one and fifty-eight of chapter ninety and section
8 sixty of chapter one hundred and forty, all rules and
9 regulations within the jurisdiction of the department
10 shall be drafted by the commissioner and associate
11 commissioners and shall take effect when approved by
12 them, and at such time as they shall designate. Said
13 commissioner and associate commissioners shall also have
14 power to make all needful rules and regulations for
15 carrying out the provisions of law relating to the de-
16 partment.

1 SECTION 5. As soon as may be after the effective
2 date of this act, the commissioner of public works shall
3 proceed to consolidate the division of highways and the
4 division of waterways and public lands under the pro-
5 visions of section four of chapter sixteen of the General
6 Laws, as amended by this act; provided, that nothing
7 in this act shall affect the tenure of office or the rights,
8 powers, duties and obligations of the registrar of motor
9 vehicles or any employees serving under him. After
10 said effective date, all the rights, powers, duties and
11 obligations theretofore conferred or imposed upon the
12 division of highways and the division of waterways and
13 public lands of the department of public works, or
14 either of them, shall be exercised and performed by
15 said department; and, when used in any statute, ordi-
16 nance, by-law, rule or regulation, the phrase "division
17 of highways" or "division of waterways and public
18 lands" or any words connoting the same shall mean the
19 department of public works, unless a contrary intention
20 clearly appears.

1 SECTION 6. All books, papers, maps, charts, plans,
2 records and all other equipment in the possession of, or

3 used solely in connection with, the division of highways
4 and the division of waterways and public lands, or either
5 of them, shall, on the effective date of this act, be de-
6 delivered into the custody of the department of public
7 works. All petitions, hearings and other proceedings
8 pending before either of said divisions or any officer
9 thereof, and all prosecutions, legal or other proceedings
10 and investigations begun by either of said divisions and
11 not completed at the time of the taking effect of this
12 act, shall continue unabated and remain in full force
13 and effect, notwithstanding the passage of this act,
14 and may be completed before, by or in the name of the
15 department of public works. All orders, rules and regu-
16 lations made by either of said divisions or any officer
17 thereof which are in effect immediately prior to the time
18 this act takes effect shall remain in full force and effect
19 until revoked or modified in accordance with law by
20 said department. All contracts and obligations of either
21 of said divisions, in force on said effective date, shall, not-
22 withstanding the provisions of this act, remain in full
23 force and effect and, after said effective date, be per-
24 formed by said department.

1 SECTION 7. After the effective date of this act, the
2 department of public works shall continue as thereto-
3 fore constituted, except as otherwise provided in this
4 act. The present commissioner of said department, and
5 the two associate commissioners last appointed prior
6 to the passage of this act, shall continue to hold office
7 in accordance with the terms of their appointment
8 subject to all provisions of general law, but the tenure
9 of office of any associate commissioner holding over after

10 the expiration of his term shall cease and determine on
11 said effective date, and no successor shall be appointed
12 to fill a vacancy in the office of any associate commis-
13 sioner, except the two last appointed as aforesaid.

HOUSE OF REPRESENTATIVES, March 16, 1927.

Passed to be engrossed.

Sent up for concurrence.

JAMES W. KIMBALL, *Clerk*.

