

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941



# ENROLLED

HOUSE BILL No. 375

(By Mr. Hall & Mr. Huffman)



PASSED March 17 1941

In Effect from Passage

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**ENROLLED**

**House Bill No. 375**

(BY MR. HALL and MR. HUFFMAN)

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[Passed March 7, 1941; in effect from passage.]

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AN ACT authorizing the creation and maintenance of public parks, playgrounds, athletic fields and recreational centers in Raleigh county, and providing for the acquisition of lands for such purposes by gift, purchases, condemnation or otherwise, and authorizing the creating of indebtedness and extra levies for any of such purposes, and creating a park board for the management and supervision of public parks, playgrounds, athletic fields and recreational centers.

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

Section 1. The county court of Raleigh county shall

2 have and is hereby given power to acquire lands or lease-

3 hold estates or other interests therein for and to create,

4 establish and maintain parks, parkways, bridges, play-

5 grounds, athletic fields, stadiums, swimming pools and

6 recreational centers, and to expend moneys for such pur-

7 poses. Lands for any such purposes may be acquired by

8 lease, gift, purchase or otherwise, and if the lands neces-  
9 sary for such purposes cannot be acquired by purchase  
10 at prices deemed reasonable by the court, the power of  
11 eminent domain is hereby conferred upon such court for  
12 any of the aforesaid purposes, and it shall have the right  
13 to institute condemnation proceedings against the owners  
14 thereof in the same manner as said court may now or  
15 hereafter acquire lands by condemnation for other pub-  
16 lic purposes.

17 Any parks, parkways, bridges, playgrounds, athletic  
18 fields, stadiums, swimming pools and recreational centers  
19 may be located in whole or in part within the limits of  
20 any municipality now or hereafter existing in the county  
21 of Raleigh, and lands wholly or in part located within  
22 municipalities may be acquired by the court for any of  
23 the purposes aforesaid.

Sec. 2. For any of the purposes aforesaid the county  
2 court of Raleigh county may issue and sell its bonds for  
3 an aggregate principal amount not in excess of one hund-  
4 red thousand dollars, but subject to limitations upon  
5 bonded indebtedness prescribed by article one, chapter

6 thirteen, of the code of West Virginia, one thousand nine  
7 hundred thirty-one, or any amendments thereto. The  
8 issuance and sale of bonds for any of the purposes afore-  
9 said shall be governed by the provisions of chapter  
10 thirteen of the code of West Virginia, one thousand nine  
11 hundred thirty-one, and any amendments thereto.

Sec. 3. In lieu of the issuance and sale of bonds for the  
2 purposes aforesaid, or at any time that there shall exist  
3 no bonded indebtedness created by the county court for  
4 any of the purposes aforesaid, the county court of Raleigh  
5 county may provide funds for any of the purposes afore-  
6 said by increased levies when authorized in the manner  
7 prescribed by article eight, chapter eleven of the code of  
8 West Virginia, one thousand nine hundred thirty-one, or  
9 any amendments thereto.

Sec. 4. For the purposes aforesaid the county court of  
2 Raleigh county may, in its annual levy estimate for cur-  
3 rent expenses, provided for and thereafter collect and  
4 expend funds for any of the purposes aforesaid.

Sec. 5. Whenever any of the parks, parkways, bridges,  
2 playgrounds, athletic fields, stadiums, swimming pools

3 or recreational centers shall be located within the cor-  
4 porate limits of any municipality, such municipality shall  
5 have authority to expend funds in the way of contribu-  
6 tions toward the acquisition, construction and mainten-  
7 ance of any of such projects, and to make provisions for  
8 such expenditures in its annual levy estimates.

Sec. 6. Whenever any of the parks, parkways, bridges,  
2 playgrounds, athletic fields, stadiums, swimming pools or  
3 recreational centers shall be used for public school ath-  
4 letic events, for physical education of public school stu-  
5 dents, or otherwise for public school purposes, the board  
6 of education of the county of Raleigh may contribute  
7 toward the expense of constructing and maintaining such  
8 portions of such public project as may be used for any  
9 public school athletics, physical development of public  
10 school children, or for other public school purposes, or  
11 may pay rentals for the use of any such facilities for any  
12 of the purposes aforesaid.

Sec. 7. There shall be a board of park commissioners  
2 consisting of eight members, known as "Raleigh County  
3 Park Board", which shall be a body corporate. The mem-

4   bers of such board shall be appointed by the county court  
5   of Raleigh county in the manner hereinafter provided.  
6   Such park board shall be organized and shall have and  
7   exercise the powers and duties hereinafter provided.

8   (a) All members of the park board shall be residents  
9   and qualified voters of Raleigh county.

10   (b) Two of such members shall be appointed for a  
11   term of one year; two for a term of two years; and two  
12   for a term of three years, and two for a term of four  
13   years. Whenever a vacancy shall occur by death, resig-  
14   nation, removal or expiration of term of office, a succes-  
15   sor member shall be appointed by the county court in  
16   the same manner as original appointments were made.  
17   All members appointed to fill the vacancies occasioned  
18   by the expiration of the terms of office of their predeces-  
19   sors shall be appointed for a term of four years.

20   (c) Before entering upon their duties as members of  
21   "Raleigh County Park Board", each member shall be re-  
22   quired to qualify by taking and subscribing to an oath to  
23   faithfully perform his duties as a member of such board.

24 Such oath shall be administered by the clerk of the  
25 county court of Raleigh county.

26 (d) The first meeting of "Raleigh County Park Board"  
27 shall be held at the time and place to be designated by  
28 the county court. Thereafter regular meetings shall be  
29 held at least every three months, as fixed by the park  
30 board. Special meetings may be held at any time as pre-  
31 scribed by the park board, or when called by the presi-  
32 dent, or any three members thereof.

33 (e) The park board shall elect from its members a  
34 president and a secretary. The president shall preside as  
35 chairman of the meetings and shall not vote upon any  
36 matter except in case of tie. A majority of the members  
37 shall constitute a quorum for the transaction of busi-  
38 ness.

39 The secretary shall keep records of all meetings of  
40 members of the park board. Minutes of such meetings  
41 shall be filed in the office of the clerk of the county  
42 court.

43 The secretary shall keep, or cause to be kept, a record  
44 of all expenditures made by the park board, and of all

45 collections received by the park board. Such record shall  
46 be submitted to the county court of Raleigh county at  
47 least once every three months, or more often as may be  
48 required by the court.

Sec. 8. "Raleigh County Park Board" shall have super-  
2 visory authority over all parks, parkways, bridges, play-  
3 grounds, athletic fields, stadiums, swimming pools and  
4 recreational centers created or established under author-  
5 ity of this act. The county court shall appoint only such  
6 engineers, supervisors and other employees as may be  
7 recommended to it by the park board.

8 No expenditures shall be made for the acquisition of  
9 any land, for the construction of any improvements, or  
10 for the maintenance and operation of any parks, park-  
11 ways, bridges, playgrounds, athletic fields, stadiums,  
12 swimming pools and recreational centers created or estab-  
13 lished under authority of this act, except upon the  
14 recommendation and approval of the park board.

Sec. 9. No election shall be called or held for the crea-  
2 tion of bonded indebtedness, or for increased levies, for  
3 the purposes set forth in section one of this act until and



4 unless such election shall have been requested by  
5 "Raleigh County Park Board". Before any election shall  
6 be held for the creation of bonded indebtedness or in-  
7 creased levies for any of the purposes enumerated in sec-  
8 tion one of this act, "Raleigh County Park Board" shall  
9 submit to the county court of Raleigh county an estimate  
10 of the amount that will be required for the acquisition  
11 of lands, cost of improvements, and other expenditures to  
12 be made out of any funds realized from the creation of  
13 bonded indebtedness, or from increased levies. The park  
14 board shall include within any estimate made by it all  
15 necessary engineering, planning and other expenses.

Sec. 10. All funds realized by the county court of  
2 Raleigh county from the sale of bonds, or from increased  
3 levies, for the purposes enumerated in section one of this  
4 act, shall be expended only as approved by "Raleigh  
5 County Park Board".

Sec. 11. "Raleigh County Park Board" shall each year,  
2 prior to the levy term of the county court of Raleigh  
3 county, submit to the court a detailed estimate of the  
4 amounts required to be expended for any of the purposes

5 enumerated in section one of this act. In making its levy  
6 estimate the court may provide for all, or such portion  
7 of the funds so estimated by the park board as necessary  
8 for the purposes included in its estimate. The court may,  
9 from time to time, allocate and spend for the purposes  
10 enumerated in section one of this act, and for engineering,  
11 planning and investigation for any such purposes, such  
12 funds as to it may <sup>§</sup>seem desirable and as may be avail-  
13 able and not required for other purposes for which the  
14 same may have been levied or collected.

Sec. 12. The county court of Raleigh county may, from  
2 time to time, authorize "Raleigh County Park Board" to  
3 expend moneys for engineering, planning and otherwise  
4 as to the court may seem advisable, but before any ex-  
5 penditures are authorized to be made by the park board,  
6 the limit of such expenditures shall be fixed by the court.  
7 Neither the court nor the county shall, in any event, be  
8 liable for any expenditures made or indebtedness incurred  
9 by the park board in excess of the amounts from time  
10 theretofore authorized by the court.

Sec. 13. In the management and operation of any of

2 the projects enumerated in section one of this act, "Raleigh  
3 County Park Board" may, with the approval of the  
4 county court, establish and collect fair and reasonable  
5 charges for automobile parking, use of athletic fields or  
6 other facilities for private use or where admission is  
7 charged, and for such other services and facilities as it  
8 may be determined by the park board that charges shall  
9 be made. All moneys collected for any such purposes shall  
10 be the property of the county court of Raleigh county  
11 and shall be used only for the purposes enumerated in  
12 section 1 of this act, or for paying indebtedness that may  
13 have been incurred for such purposes. All money  
14 collected by the park board shall be collected, received  
15 and held by the secretary, or some other person desig-  
16 nated by the park board. Every person entitled to collect,  
17 receive or hold any moneys under this act shall give bond  
18 for the faithful accounting for all such moneys in an  
19 amount fixed by the county court of Raleigh county.

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

C. H. McKeon  
Chairman Senate Committee

Leon Rice  
Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

W. H. Watkins  
Clerk of the Senate

J. A. Lipp  
Clerk of the House of Delegates

Byron B. Randall  
President of the Senate

Malcolm R. Arnold  
Speaker House of Delegates

The within Approved this the 14th  
day of March, 1941.

Matthew M. Neely  
Governor.

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Filed in the office of the Secretary of State  
of West Virginia. **MAR 17 1941**

Wm. S. O'BRIEN,  
Secretary of State