WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941

ENROLLED

HOUSE BILL No. 403

(By Mr. _________________________)

PASSED ___________________________ 1941

In Effect ________________ Passage
ENROLLED

House Bill No. 403
(By Mr. Jackson)

[Passed March 6, 1941; in effect from passage.]

AN ACT authorizing the creation and maintenance of public parks, playgrounds, athletic fields and recreational centers in Logan county, and providing for the acquisition of lands for such purposes by gift, purchase, condemnation or otherwise, and authorizing the creation 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 Logan county shall have and is hereby given power to acquire lands or leasehold estates or other interests therein for and to create, establish and maintain parks, parkways, bridges, playgrounds, athletic fields, stadiums, swimming pools and recreational centers, and to expend moneys for such purposes. Lands
for any such purposes may be acquired by lease, gift, purchase or otherwise, and if the lands necessary for such purposes cannot be acquired by purchase at prices deemed reasonable by the court, the power of eminent domain is hereby conferred upon such court for any of the aforesaid purposes, and it shall have the right to institute condemnation proceedings against the owners thereof in the same manner as said court may now or hereafter acquire lands by condemnation for other public purposes.

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

Sec. 2. For any of the purposes aforesaid the county court of Logan county may issue and sell its bonds for an aggregate principal amount not in excess of two hundred thousand dollars, but subject to limitations upon
bonded indebtedness prescribed by article one, chapter thirteen of the code of West Virginia, one thousand nine hundred thirty-one, or any amendments thereto. The issuance and sale of bonds for any of the purposes aforesaid shall be governed by the provisions of chapter thirteen of the code of West Virginia, one thousand nine hundred thirty-one, and any amendments thereto.

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

Sec. 4. For the purposes aforesaid the county court of Logan county may, in its annual levy estimate for current expenses, provide for and thereafter collect and expend funds for any of the purposes aforesaid.

Sec. 5. Whenever any of the parks, parkways, bridges,
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playgrounds, athletic fields, stadiums, swimming pools or
recreational centers shall be located within the corporate
limits of any municipality, such municipality shall have
authority to expend funds in the way of contributions
toward the acquisition, construction and maintenance of
any of such projects, and to make provisions for such ex-
penditures in its annual levy estimates.

Sec. 6. Whenever any of the parks, parkways, bridges,
playgrounds, athletic fields, stadiums, swimming pools or
recreational centers shall be used for public school ath-
etic events, for physical education of public school stu-
dents, or otherwise for public school purposes, the board
of education of the county of Logan may contribute to-
ward the expense of constructing and maintaining such
public project as may be used for any public school ath-
etics, physical development of public school children, or
for other public school purposes, or may pay rentals for
the use of any such facilities for any of the purposes
aforesaid.

Sec. 7. There shall be a board of park commissioners
consisting of six members, known as "Logan County
Park Board,” which shall be a body corporate. The members of such board shall be appointed by the county court of Logan county in the manner hereinafter provided. Such park board shall be organized and shall have and exercise the powers and duties hereinafter provided.

(a) There shall be one member of the park board appointed from each magisterial district within the county. The other members may be residents of any magisterial district within the county. All members of the park board shall be residents and qualified voters of Logan county.

(b) Two of such members shall be appointed for a term of two years; two for a term of four years; and two for a term of six years. Whenever a vacancy shall occur by death, resignation, removal or expiration of term of office, a successor member shall be appointed by the county court in the same manner as original appointments were made. All members appointed to fill the vacancies occasioned by the expiration of the terms of office of their predecessors shall be appointed for a term of six years.

(c) Members of “Logan County Park Board” shall be
appointed after nomination by a nominating committee,
which nominating committee shall consist of seven mem-
ers to be constituted as follows:

One member of the nominating committee shall be the
judge of the circuit court of Logan county.
One member of the nominating committee shall be the
superintendent of schools of Logan county.
One member of the nominating committee shall be a
person selected by any organization representing the
majority of companies engaged in the business of mining
coal in Logan county.
One member of the nominating committee shall be
selected by the labor organization having the largest
membership of employees in the coal mining industry in
Logan county.
One member of the nominating committee shall be
selected by the labor organization having the largest
membership of employees in the railroad industry in
Logan county.
One member of the nominating committee shall be ap-
pointed by the bank or banks doing business in Logan county.

One member of the nominating committee shall be appointed by the chamber of commerce of Logan county.

If any officer or organization authorized to appoint a member of the nominating committee shall cease to exist, or fail to exercise its privilege of appointment, such nominating committee may still function as long as at least five members thereof are appointed and participate.

Nominations for vacancies in membership of "Logan County Park Board" shall be made in the same manner. No person shall be appointed to fill any vacancy until after he shall have been nominated by the nominating committee as hereinbefore provided.

(d) Before entering upon their duties as members of "Logan County Park Board," each member shall be required to qualify by taking and subscribing to an oath to faithfully perform his duties as a member of such board.

Such oath shall be administered by the clerk of the county court of Logan county.

(e) The first meeting of "Logan County Park Board"
shall be held at the time and place to be designated by
the county court. Thereafter regular meetings shall be
held at least every two months, as fixed by the park board.
Special meetings may be held at any time as prescribed
by the park board, or when called by the president, or
any three members thereof.

(f) The park board shall elect from its members a
president and a secretary. The president shall preside
as chairman of the meetings and shall not vote upon any
matter except in case of tie. A majority of the members
shall constitute a quorum for the transaction of business.
The secretary shall keep records of all meetings of
members of the park board. Minutes of such meetings
shall be filed in the office of the clerk of the county court.
The secretary shall keep, or cause to be kept, a record
of all expenditures made by the park board, and of all
collections received by the park board. Such record shall
be submitted to the county court of Logan county at
least once every three months, or more often as may be
required by the court.

Sec. 8. “Logan County Park Board” shall have super-
visory authority over all parks, parkways, bridges, play-
grounds, athletic fields, stadiums, swimming pools and
recreational centers created or established under au-
 thority of this act. The county court shall appoint only
such engineers, supervisors and other employees as may
be recommended to it by the park board.

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

Sec. 9. No election shall be called or held for the crea-
tion of bonded indebtedness, or for increased levies, for
the purposes set forth in section one of this act until and
unless such election shall have been requested by "Logan
County Park Board." Before any election shall be held
for the creation of bonded indebtedness or increased
levies for any of the purposes enumerated in section one
of this act, "Logan County Park Board" shall submit to
the county court of Logan county an estimate of the amount that will be required for the acquisition of lands, cost of improvements, and other expenditures to be made out of any funds realized from the creation of bonded indebtedness, or from increased levies. The park board shall include within any estimate made by it all necessary engineering, planning and other expenses.

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

Sec. 11. "Logan County Park Board" shall each year, prior to the levy term of the county court of Logan county, submit to the court a detailed estimate of the amounts required to be expended for any of the purposes enumerated in section one of this act. In making its levy estimate the court may provide for all, or such portion of the funds so estimated by the park board as necessary for the purposes included in its estimate. The court may, from time to time, allocate and spend for the purposes
enumberated in section one of this act, and for engineering, planning and investigation for any such purposes, such funds as to it may deem desirable and as may be available and not required for other purposes for which the same may have been levied or collected.

Sec. 12. The county court of Logan county may, from time to time, authorize "Logan County Park Board" to expend moneys for engineering, planning and otherwise as to the court may seem advisable, but before any expenditures are authorized to be made by the park board, the limit of such expenditures shall be fixed by the court. Neither the court nor the county shall, in any event, be liable for any expenditures made or indebtedness incurred by the park board in excess of the amounts from time to time theretofore authorized by the court.

Sec. 13. In the management and operation of any of the projects enumerated in section one of this act, "Logan County Park Board" may, with the approval of the county court, establish and collect fair and reasonable charges for automobile parking, use of athletic fields or other facilities for private use or where admission is
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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 of such purposes
10 shall be the property of the county court of Logan
11 county and shall be used only for the purposes enumer-
12 ated in section 1 of this act, or for paying indebtedness
13 that may have been incurred for such purposes. All
14 moneys collected by the park board shall be collected,
15 received and held by the secretary, or some other person
16 designated by the park board. Every person entitled to
17 collect, receive or hold any moneys under this act shall
18 give bond for the faithful accounting for all such moneys
19 in an amount fixed by the county court of Logan county.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

C. H. Mikkelsen
Chairman Senate Committee

Leon Rice
Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

A. W. Watkins
Clerk of the Senate

G. Raliff
Clerk of the House of Delegates

Byron B. Randolph
President of the Senate

Malcolm P. Arnold
Speaker House of Delegates

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

Matthew J. Neely
Governor.

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

Wm. S. O'Brien,
Secretary of State