

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941



# ENROLLED

HOUSE BILL No. 403

(By Mr. Jackson)



PASSED march 6, 1941

In Effect from Passage

403

**ENROLLED**  
**House Bill No. 403**  
**(BY MR. JACKSON)**

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[Passed March 6, 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 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

7 for any such purposes may be acquired by lease, gift,  
8 purchase or otherwise, and if the lands necessary for  
9 such purposes cannot be acquired by purchase at prices  
10 deemed reasonable by the court, the power of eminent  
11 domain is hereby conferred upon such court for any of  
12 the aforesaid purposes, and it shall have the right to in-  
13 stitute 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 public  
16 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 Logan, 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 Logan county may issue and sell its bonds for  
3 an aggregate principal amount not in excess of two hun-  
4 dred 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 Logan  
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 Logan county may, in its annual levy estimate for current  
3 expenses, provide for and thereafter collect and expend  
4 funds for any of the purposes aforesaid.

Sec. 5. Whenever any of the parks, parkways, bridges,

2 playgrounds, athletic fields, stadiums, swimming pools or  
3 recreational centers shall be located within the corporate  
4 limits of any municipality, such municipality shall have  
5 authority to expend funds in the way of contributions  
6 toward the acquisition, construction and maintenance of  
7 any of such projects, and to make provisions for such ex-  
8 penditures 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 Logan may contribute to-  
7 ward the expense of constructing and maintaining such  
8 public project as may be used for any public school ath-  
9 letics, physical development of public school children, or  
10 for other public school purposes, or may pay rentals for  
11 the use of any such facilities for any of the purposes  
12 aforesaid.

Sec. 7. There shall be a board of park commissioners  
2 consisting of six members, known as "Logan County

3 Park Board," which shall be a body corporate. The mem-  
4 bers of such board shall be appointed by the county  
5 court of Logan county in the manner hereinafter pro-  
6 vided. Such park board shall be organized and shall have  
7 and exercise the powers and duties hereinafter provided.

8 (a) There shall be one member of the park board ap-  
9 pointed from each magisterial district within the county.  
10 The other members may be residents of any magisterial  
11 district within the county. All members of the park board  
12 shall be residents and qualified voters of Logan county.

13 (b) Two of such members shall be appointed for a  
14 term of two years; two for a term of four years; and two  
15 for a term of six years. Whenever a vacancy shall occur  
16 by death, resignation, removal or expiration of term of  
17 office, a successor member shall be appointed by the  
18 county court in the same manner as original appoint-  
19 ments were made. All members appointed to fill the  
20 vacancies occasioned by the expiration of the terms of  
21 office of their predecessors shall be appointed for a term  
22 of six years.

23 (c) Members of "Logan County Park Board" shall be

24 appointed after nomination by a nominating committee,  
25 which nominating committee shall consist of seven mem-  
26 bers to be constituted as follows:

27 One member of the nominating committee shall be the  
28 judge of the circuit court of Logan county.

29 One member of the nominating committee shall be the  
30 superintendent of schools of Logan county.

31 One member of the nominating committee shall be a  
32 person selected by any organization representing the  
33 majority of companies engaged in the business of mining  
34 coal in Logan county.

35 One member of the nominating committee shall be  
36 selected by the labor organization having the largest  
37 membership of employees in the coal mining industry in  
38 Logan county.

39 One member of the nominating committee shall be  
40 selected by the labor organization having the largest  
41 membership of employees in the railroad industry in  
42 Logan county.

43 One member of the nominating committee shall be ap-

44 pointed by the bank or banks doing business in Logan  
45 county.

46 One member of the nominating committee shall be ap-  
47 pointed by the chamber of commerce of Logan county.

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

53 Nominations for vacancies in membership of "Logan  
54 County Park Board" shall be made in the same manner.

55 No person shall be appointed to fill any vacancy until after  
56 he shall have been nominated by the nominating com-  
57 mittee as hereinbefore provided.

58 (d) Before entering upon their duties as members of  
59 "Logan County Park Board," each member shall be re-  
60 quired to qualify by taking and subscribing to an oath to  
61 faithfully perform his duties as a member of such board.  
62 Such oath shall be administered by the clerk of the  
63 county court of Logan county.

64 (e) The first meeting of "Logan County Park Board"



65 shall be held at the time and place to be designated by  
66 the county court. Thereafter regular meetings shall be  
67 held at least every two months, as fixed by the park board.  
68 Special meetings may be held at any time as prescribed  
69 by the park board, or when called by the president, or  
70 any three members thereof.

71 (f) The park board shall elect from its members a  
72 president and a secretary. The president shall preside  
73 as chairman of the meetings and shall not vote upon any  
74 matter except in case of tie. A majority of the members  
75 shall constitute a quorum for the transaction of business.

76 The secretary shall keep records of all meetings of  
77 members of the park board. Minutes of such meetings  
78 shall be filed in the office of the clerk of the county court.

79 The secretary shall keep, or cause to be kept, a record  
80 of all expenditures made by the park board, and of all  
81 collections received by the park board. Such record shall  
82 be submitted to the county court of Logan county at  
83 least once every three months, or more often as may be  
84 required by the court.

Sec. 8. "Logan County Park Board" shall have super-

visory authority over all parks, parkways, bridges, playgrounds, athletic fields, stadiums, swimming pools and recreational centers created or established under authority 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, parkways, 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 creation 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

9 the county court of Logan county an estimate of the  
10 amount that will be required for the acquisition of lands,  
11 cost of improvements, and other expenditures to be made  
12 out of any funds realized from the creation of bonded  
13 indebtedness, or from increased levies. The park board  
14 shall include within any estimate made by it all neces-  
15 sary engineering, planning and other expenses.

Sec. 10. All funds realized by the county court of  
2 Logan 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 "Logan  
5 County Park Board."

Sec. 11. "Logan County Park Board" shall each year,  
2 prior to the levy term of the county court of Logan  
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 of  
7 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 engineer-  
11 ing, planning and investigation for any such purposes,  
12 such funds as to it may deem desirable and as may be  
13 available and not required for other purposes for which  
14 the same may have been levied or collected.

Sec. 12. The county court of Logan county may, from  
2 time to time, authorize "Logan 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  
7 court. Neither the court nor the county shall, in any  
8 event, be liable for any expenditures made or indebted-  
9 ness incurred by the park board in excess of the amounts  
10 from time to time 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, "Logan  
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 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.

E. H. Mickow

Chairman Senate Committee

Leon Rice

Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

A. Hale Watkins

Clerk of the Senate

J. R. Aliff

Clerk of the House of Delegates

Byron B. Randolph

President of the Senate

Malcolm R. Donald

Speaker House of Delegates

The within approved this the 14<sup>th</sup>  
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