WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1945

ENROLLED

HOUSE BILL No. 66

(By Mr. Knight)

PASSED March 8, 1945
In Effect From Passage
AN ACT to amend and reenact article two, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, relating to the establishment and conduct of public recreation and playgrounds.

Be it enacted by the Legislature of West Virginia:

That article two, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 1. Definitions.—(a) The term “governing body” as used in this article shall be construed to mean any city council, city commission, county court, or body acting in lieu thereof, or county board of education in the state of West Virginia; (b) the term “governmental division” when hereinafter used in this article shall be construed to mean any city, town, county, or school district in the
state of West Virginia; (c) the term "board" when herein-
after used in this article shall be construed to mean any
board, commission, committee, or council appointed or
designated to carry out the provisions of this article.

Sec. 2. Authority to Establish and Conduct Public Rec-
reation and Playgrounds; Levy.—The governing body of
any governmental subdivision may provide, establish,
maintain, and conduct, a system of public recreation, in-
cluding recreation centers, parks, swimming pools, play-
grounds, and any and all other recreation facilities and
activities; may set apart for such use any land or build-
ings and other recreational facilities by gift, purchase,
 lease, condemnation, bond issue, or otherwise, and may
improve, maintain, and equip, and conduct the same;
may employ a director of recreation and assistants and
other personnel as they deem proper; may set up in their
respective budgets funds to be spent for such purposes.
Any such governing body or governmental division may
levy annually for such purposes, in the manner provided
by law for other levies: Provided, however, That in case
sufficient funds cannot be raised by ordinary levies, addi-
Sec. 3. Joint Establishment and Administration by Two
or More Governmental Divisions.—Any two or more gov-
erning bodies may jointly establish and conduct such a
system of recreation, including recreation centers, parks,
swimming pools, playgrounds, and any and all other rec-
reation facilities and activities; and may exercise all the
powers given by this article. The respective governing
bodies operating such a program or programs jointly may
provide by agreement among themselves for all matters
connected with such programs and determine what items
of cost and expense shall be paid by each.

Sec. 4. How Conducted, Delegation of Administration;
Recreation Board or Commission.—The governing body or
bodies establishing such a system may conduct the same
through a department or bureau of recreation, or may
delegate the administration thereof to a recreation board
created by it or in conjunction and cooperation with an-
other governing body or bodies as hereinbefore provided,
or to a school board or to any other appropriate existing
board. If the governing body or bodies shall decide to
delegate the administration to a recreation board, the
board shall consist of not fewer than five nor more than
nine persons which may include representation from the
school board, and shall be appointed by the governing
authority or an equal number appointed by each govern-
ing body where a system is established jointly by more
than one governing body as hereinbefore provided, which
members shall serve for a term of not less than three
years nor more than five years, or until their successors
are appointed, except that the members of such board
first appointed shall be appointed for such terms that the
terms of not more than two-fifths of the members shall
expire annually thereafter. Vacancies in such board
occurring otherwise than by expiration of term shall be
filled for the unexpired term in the same manner as origi-
nal appointments. Members of such board shall serve
without pay. Said board shall organize, adopt, and pro-
mulgate rules and regulations for the conduct, administra-
tion and management of said program: Provided, however,
That in the case of a joint recreation program sponsored
by two or more governing bodies, said rules and regulations shall be made subject to the approval of the respective governing bodies.

Sec. 5. Article Not to Affect Powers Granted by Special Acts.—The provisions of this article shall not in any wise repeal, affect or limit the powers and provisions heretofore or hereafter granted to any city, town, district, county, school district or independent school district, under the provisions of any charter or by any special act or acts of the Legislature, to establish, maintain and conduct parks and public recreation and playgrounds.

All laws or parts of laws inconsistent herewith are hereby repealed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles C. Morris
Chairman Senate Committee

J. Howard Myers
Chairman House Committee

Originated in the Senate

Takes effect upon passage.

J. Howard Myers
Clerk of the Senate

J. Ashley
Clerk of the House of Delegates

Donald W. Vickers
President of the Senate

John E. Armas
Speaker House of Delegates

The within bill approved this the 12th day of March, 1945.

Governor.