

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951



ENROLLED

HOUSE BILL No. 446

(By Mr. Knight)



PASSED March 10, 1951

In Effect from Passage



446

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House Bill No. 446

(By MR. KNIGHT)

[Passed March 10, 1951; in effect from passage.]

AN ACT to amend chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new article, designated article eleven, relating to creation of a board of park commissioners by county courts in counties having a population in excess of two hundred thousand persons, to establish, maintain, develop and operate a recreation park, providing its name, defining its powers, providing for the appointment and qualification of its members; the term of office of the members and their qualifications; and the powers and authority of such board of commissioners.

Be it enacted by the Legislature of West Virginia:

That chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new article, designated article eleven, to read as follows:

Section 1. County Courts Authorized to Create Board

2 of *Park Commissioners*.—The county court of any county
3 in the state of West Virginia having a population in ex-
4 cess of two hundred thousand persons is hereby author-
5 ized and empowered, by order entered of record, to create
6 a board of park commissioners for the purpose of estab-
7 lishing, improving, developing, operating and maintain-
8 ing a county public park system.

Sec. 2. *Board, a Body Corporate; Perpetual Existence;*
2 *Name; Powers*.—The board of park commissioners cre-
3 ated by the county court, enacted pursuant to the author-
4 ity of this article, shall be a public corporate board, with
5 perpetual existence and a corporate seal. It shall be known
6 as the board of park commissioners of such county. It
7 shall have the power to receive any gift, grant, donation
8 and bequest or devise; sue and be sued; contract and be
9 contracted with and to do any and all things which may
10 be necessary or convenient to carry out and effectuate the
11 purposes and provisions of this article.

Sec. 3. *Members; Qualifications; Appointment; Term;*
2 *Disqualifications*.—The board shall consist of five mem-
3 bers, a majority of whom shall constitute a quorum for

4 the transaction of business. Each member of said board
5 shall be a bona fide resident of the county and shall own
6 real estate within such county. The term of the board
7 membership shall be for six years and until their suc-
8 cessors have been appointed and qualified: *Provided, how-*
9 *ever,* That the county court in appointing the members of
10 the first board, shall appoint one member for a term of
11 one year, one member for a term of two years, one mem-
12 ber for a term of three years, one member for a term of
13 four years and one member for a term of five years. The
14 order of the county court shall fix the date on which the
15 term of such board members shall begin. Any member of
16 the board, who shall cease to be a bona fide resident of
17 the county or a free holder thereof, shall thereby be dis-
18 qualified as a member of said board and his office shall
19 become vacant. When a vacancy occurs on said board by
20 reason of death, resignation, change of residence from the
21 county or expiration of term, the county court shall ap-
22 point a successor or successors who shall fill out the un-
23 expired term of such member of the board whose term has
24 been vacated.

Sec. 4. *Oath of Members; Organization of Board; Secretary.*—After appointment, the members of the board shall qualify by taking and filing with the clerk of the county court the oath prescribed by law of public officials; one of the members of said board shall be elected as president, another as vice president, and a secretary shall be elected who need not be a member of the board. Said board of park commissioners shall maintain an office at any place they may designate in the county and have control of the management and operations of all properties which shall be operated in connection with the public park system of such county and shall have power to employ such persons as, in its opinion, may be necessary for the construction, operation, and maintenance of the property under its control, subject, however, to the appropriation of money for such purpose by the county court of such county and its written approval thereof.

Sec. 5. *General Powers of the Board.*—The board of park commissioners of any county shall have the necessary powers and authority to manage and control all public parks, and recreation facilities owned by the county

5 and used as a part of such public park system, including
6 the right to make rules and regulations concerning the
7 management and control of such parks and to enforce any
8 such rules and regulations so promulgated.

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

Robert C. Byrd
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the House of Delegates

Takes effect *from* passage.

Thomas H. Bayne
Clerk of the Senate

J.R. Gliff
Clerk of the House of Delegates

F. Langston Hunter
President of the Senate

W.E. Rouse
Speaker House of Delegates

The within *approved* this the *16th* day of *March*, 1951.

Clay L. Patton
Governor



of West Virginia **MAR 16 1951**
D. PITT O'BRIEN,
SECRETARY OF STATE