WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 1159

(By Mr. Potter)

PASSED March 11, 1972

In Effect from Passage

Filed by the Secretary of State
John D. Rockefeller, IV
This Date 3-29-72
AN ACT to amend and reenact section two, article eleven; and sections seven and eight, article twelve, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to county parks and recreation commissions; relating to the general powers and authority of county parks and recreation commissions; authorizing county parks and recreation commissions to borrow money and execute and deliver evidences of indebtedness and give security therefor and to issue and sell revenue bonds; incorporating the provisions of article sixteen, chapter eight of the code with respect to the powers and authority of county parks and recreation commissions; authorizing county parks and recreation commissions to establish, charge and collect reasonable fees and charges; providing that no indebtedness or obligation incurred by any county parks and recreation commission shall give any right against the county or any member of the county court or any member of any such commission; providing that no indebtedness of any nature of any such commission shall constitute an indebtedness of the county or of the county court or be a charge against any property of the county, the rights of creditors of any such commission to be solely against any such commission as a corporate body; authorizing any such county parks and recreation commission to enter into any agreement; exempting any such county parks and recreation commission from the
payment of any taxes or fees; exempting the property of any such county parks and recreation commission from all municipal and county taxes; providing that bonds, notes, debentures and other evidences of indebtedness of any such commission, together with the interest and income thereon shall be exempt from taxation; relating to development authorities generally; relating to and expanding the powers and authority of development authorities; incorporating the provisions of article sixteen, chapter eight of the code with respect to the powers and authority of development authorities; setting forth certain legislative findings with respect to the powers and authority of development authorities; and relating to the incurring of indebtedness by development authorities.

Be it enacted by the Legislature of West Virginia:

That section two, article eleven; and sections seven and eight, article twelve, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 11. COUNTY PARKS AND RECREATION COMMISSIONS.

§7-11-2. Commission a body corporate; perpetual existence; name; power and authority; authority of county court; indebtedness of commission; agreements; tax exemption.

1 Any parks and recreation commission created by a county court pursuant to the authority of this article shall be a public corporate body with perpetual existence and a corporate seal. It shall be known as the (name of county) county parks and recreation commission. Any board of park and recreation commissioners heretofore created under the former provisions of this article shall hereafter be known as the (name of county) county parks and recreation commission, and such commission shall succeed to all of the properties, interest and assets of any such board of park and recreation commissioners. The commission shall have the power and authority to receive and control any gift, federal grant, other grant, donation and bequest or devise; to exercise the right of eminent domain if an order of the county court authorizing exercise of the right as to any proposed acquisition is first made and en-
to hold title to any real or personal property; to receive all operating and capital funds appropriated by the county court to the commission; to receive all income and other funds, whether in cash or check, received by the county court and derived from properties and facilities devoted to park and recreational uses and under the control of said commission; to receive all receipts from income producing park and recreational properties and facilities under the control of the commission; to deposit, invest, manage and disburse, all such funds, income or receipts, including the interest or income earned thereon or therefrom; to borrow money and execute and deliver negotiable notes, mortgage bonds, other bonds, debentures and other evidences of indebtedness therefor, and give such security therefor as shall be requisite, including giving a mortgage or deed of trust on the properties or facilities under the control of the commission or assigning or pledging the gross or net revenues therefrom; to raise funds by the issuance and sale of revenue bonds in the manner provided by the applicable provisions of article sixteen, chapter eight of this code, it being hereby expressly provided that for the purpose of the issuance and sale of revenue bonds, the commission is a "governing body" as that term is used in said article sixteen; to establish, charge and collect reasonable fees and charges for services or for the use of any part of the properties or facilities under its control, or for both services and such use; to sue and be sued; to contract and be contracted with; to obtain one or more insurance policies affording coverage for loss of or damage to the properties and facilities under its control and affording public liability coverage for the legal liability of the commission, its officers, agents and employees; to adopt bylaws governing the operation of the commission and specifying the powers and duties of its officers; and to do any and all things which may be necessary or convenient to carry out and effectuate the purposes and provisions of this article.

Any such county court is hereby empowered and authorized to transfer to any such commission all such funds or income, as provided for in the preceding paragraph of
this section, and such county court may require a blanket
surety bond covering those individuals authorized to sign
checks on behalf of the commission in a penal sum not in
excess of twenty-five thousand dollars.

The commission may incur any proper indebtedness
and issue any obligations and give any security therefor
which it may deem necessary and advisable in connection
with carrying out any of its purposes. No indebtedness
or obligation incurred by the commission shall give any
right against the county or any member of the county
court or any member of the commission. No indebtedness
of any nature of the commission shall constitute an in-
debtedness of the county or the county court or be a
charge against any property of the county. The rights
of creditors of the commission shall be solely against the
commission as a corporate body and shall be satisfied
only out of property held by it in its corporate ca-
pacity.

Without in any way limiting the generality of any of
the other provisions of this article, the commission may, in
connection with obtaining moneys or property for its
purposes, enter into any agreement with any person, in-
cluding the federal government, or any department,
agency or subdivision thereof, containing such provi-
sions, covenants, terms and conditions as the commis-
sion may deem advisable.

The commission shall be exempt from the payment of
any taxes or fees to the state or any subdivision thereof
or any municipality or to any officer or employee of the
state or of any subdivision thereof or of any municipality.
The property of the commission shall be exempt from all
municipal and county taxes. Bonds, notes, debentures
and other evidences of indebtedness of the commission
are declared to be issued for a public purpose and to be
public instrumentalities, and, together with interest and
income thereon, shall be exempt from taxation.

§7-12-7. Powers generally.

The development authority is hereby given power and
authority as follows: (1) To make and adopt all nec-
essary bylaws, rules and regulations for its organization
and operations not inconsistent with law; (2) To elect its own officers, to appoint committees and to employ and fix compensation for personnel necessary for its operation; (3) To enter into contracts with any person, agency, governmental department, firm or corporation, including both public and private corporations, and generally to do any and all things necessary or convenient for the purpose of promoting, developing and advancing the business prosperity and economic welfare of the county in which it is intended to operate, its citizens and industrial complex, including, without limiting any of the foregoing, the construction of any building or structure for lease to the federal government or any of its agencies or departments, and in connection therewith to prepare and submit bids and negotiate with the federal government or such agencies or departments in accordance with plans and specifications and in the manner and on the terms and conditions and subject to any requirements, regulations, rules and laws of the United States of America for the construction of said buildings or structures and the leasing thereof to the federal government or such agencies or departments; (4) to amend or supplement any contracts or leases or to enter into new, additional or further contracts or leases upon such terms and conditions, for such consideration and for such term of duration, with or without option of renewal, as may be agreed upon by the authority and such person, agency, governmental department, firm or corporation; (5) unless otherwise provided for in, and subject to the provisions of, such contracts, or leases, to operate, repair, manage, and maintain such buildings and structures and provide adequate insurance of all types, and in connection with the primary use thereof and incidental thereto to provide such services, such as barber shops, newsstands, drugstores and restaurants, and to effectuate such incidental purposes, grant leases, permits, concessions or other authorizations to any person or persons, upon such terms and conditions, for such consideration and for such term of duration as may be agreed upon by the authority and such person, agency, governmental department, firm or corporation; (6) to delegate any authority given
to it by law to any of its officers, committees, agents or employees; (7) to apply for, receive and use grants-in-aid, donations and contributions from any source or sources, and to accept and use bequests, devises, gifts and donations from any person, firm or corporation; (8) to acquire lands and other real property by gift, purchase, or construction, or in any other lawful manner, and hold title thereto in its own name; (9) to purchase or otherwise acquire, own, hold, sell and dispose of personal property and real estate, and to own, hold, sell, lease or otherwise dispose of all or part of such personal property and any real property which it may own; (10) pursuant to a determination by the board that there exists a continuing need for programs to alleviate and prevent unemployment within the county in which the authority is intended to operate or aid in the rehabilitation of areas in said county which are underdeveloped, decaying or otherwise economically depressed, and that moneys or funds of the authority are necessary therefor, to borrow money and execute and deliver the authority's negotiable notes, mortgage bonds, other bonds, debentures, and other evidences of indebtedness therefor, on such terms as the authority shall determine, and give such security therefor as shall be requisite, including giving a mortgage or deed of trust on its real or personal property and facilities in connection with the issuance of mortgage bonds; (11) to raise funds by the issuance and sale of revenue bonds in the manner provided by the applicable provisions of article sixteen, chapter eight of this code, it being hereby expressly provided that a development authority created under this article is a “governing body” with the definition of that term as used in said article sixteen, chapter eight of this code; (12) to expend its funds in the execution of the powers and authority herein given, which expenditures, by the means authorized herein, are hereby determined and declared as a matter of legislative finding to be for a public purpose and use, in the public interest, and for the general welfare of the people of West Virginia, to alleviate and prevent economic deterioration and to relieve the existing critical condition of unemployment existing within the state.
§7-12-8. Incurring indebtedness; rights of creditors.

1 The authority may incur any proper indebtedness and
2 issue any obligations and give any security therefor which
3 it may deem necessary or advisable in connection with
4 carrying out its purposes as hereinbefore mentioned. No
5 statutory limitation with respect to the nature, or amount,
6 interest rate or duration of indebtedness which may be
7 incurred by municipalities or other public bodies shall
8 apply to indebtedness of the authority. No indebtedness
9 of any nature of the authority shall constitute an indebt-
10 edness of the county court of the county in which the
11 commission is intended to operate or any municipality
12 situated therein, or a charge against any property of said
13 county court, municipalities, or other appointing agen-
14 cies. The rights of creditors of the authority shall be
15 solely against the authority as a corporate body and shall
16 be satisfied only out of property held by it in its cor-
17 porate capacity.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 27th day of March, 1972.

Governor
PRESENTED TO THE
GOVERNOR

Date 3/20/72
Time 10:17 a.m.

Mar 29 9 23 Am '72

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA