WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975

ENROLLED

SENATE BILL NO. 489

(By Mr. Babington, Mr. President)

PASSED March 8, 1975
In Effect

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OFFICE OF SECRETARY OF STATE
STATE OF WEST VIRGINIA
AN ACT to amend and reenact section two, article eleven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to county parks and recreation commissions and authorizing county parks and recreation commissions to take and hold title to any real or personal property, whether such property be located wholly within or partly within and partly without the county.

Be it enacted by the Legislature of West Virginia:

That section two, article eleven, 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.

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 ac-
quisition is first made and entered; to take and hold title
to any real or personal property, whether such prop-
erty be located wholly within or partly within and
partly without the county; 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 pro-
ducing park and recreational properties and facilities
under the control of the commission; to deposit, in-
vest, manage and disburse, all such funds, income or
receipts, including the interest or income earned there-
on or therefrom; to borrow money and execute and de-
liver negotiable notes, mortgage bonds, other bonds,
debentures and other evidences of indebtedness there-
for, 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 commis-
sion 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 commis-
sion is a "governing body" as that term is used in said
article sixteen; to establish, charge and collect reason-
able 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 dam-
age 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 indebtedness 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 capacity.

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, including the federal government, or any department, agency or subdivision thereof, containing such provisions, covenants, terms and conditions as the commission 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ________________________ this the ________________________ day of ________________________, 1975.

Governor