

MAR 21 1 21 PM '75

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975

—•—
ENROLLED

SENATE BILL NO. 489

(By Mr. Burke H. Harkert, Jr. President)

PASSED March 8, 1975

In Effect ninety days from Passage



E N R O L L E D
Senate Bill No. 489

(By MR. BROTHERTON, MR. PRESIDENT)

[Passed March 8, 1975; in effect ninety days from passage.]

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.

1 Any parks and recreation commission created by a
2 county court pursuant to the authority of this article shall
3 be a public corporate body with perpetual existence and
4 a corporate seal. It shall be known as the (name of
5 county) county parks and recreation commission. Any
6 board of park and recreation commissioners heretofore
7 created under the former provisions of this article shall
8 hereafter be known as the (name of county) county parks
9 and recreation commission, and such commission shall
10 succeed to all of the properties, interest and assets of
11 any such board of park and recreation commissioners.
12 The commission shall have the power and authority to
13 receive and control any gift, federal grant, other grant,
14 donation and bequest or devise; to exercise the right
15 of eminent domain if an order of the county court au-
16 thorizing exercise of the right as to any proposed ac-

17 quisition is first made and entered; to take and hold title
18 to any real or personal property, whether such prop-
19 erty be located wholly within or partly within and
20 partly without the county; to receive all operating and
21 capital funds appropriated by the county court to the
22 commission; to receive all income and other funds,
23 whether in cash or check, received by the county court
24 and derived from properties and facilities devoted to
25 park and recreational uses and under the control of said
26 commission; to receive all receipts from income pro-
27 ducing park and recreational properties and facilities
28 under the control of the commission; to deposit, in-
29 vest, manage and disburse, all such funds, income or
30 receipts, including the interest or income earned there-
31 on or therefrom; to borrow money and execute and de-
32 liver negotiable notes, mortgage bonds, other bonds,
33 debentures and other evidences of indebtedness there-
34 for, and give such security therefor as shall be requisite,
35 including giving a mortgage or deed of trust on the
36 properties or facilities under the control of the commis-
37 sion or assigning or pledging the gross or net revenues
38 therefrom; to raise funds by the issuance and sale of
39 revenue bonds in the manner provided by the applicable
40 provisions of article sixteen, chapter eight of this code,
41 it being hereby expressly provided that for the purpose
42 of the issuance and sale of revenue bonds, the commis-
43 sion is a "governing body" as that term is used in said
44 article sixteen; to establish, charge and collect reason-
45 able fees and charges for services or for the use of any
46 part of the properties or facilities under its control, or
47 for both services and such use; to sue and be sued;
48 to contract and be contracted with; to obtain one or more
49 insurance policies affording coverage for loss of or dam-
50 age to the properties and facilities under its control and
51 affording public liability coverage for the legal liability
52 of the commission, its officers, agents and employees; to
53 adopt bylaws governing the operation of the commission
54 and specifying the powers and duties of its officers; and
55 to do any and all things which may be necessary or
56 convenient to carry out and effectuate the purposes and
57 provisions of this article.

58 Any such county court is hereby empowered and au-
59 thorized to transfer to any such commission all such
60 funds or income, as provided for in the preceding para-
61 graph of this section, and such county court may re-
62 quire a blanket surety bond covering those individuals
63 authorized to sign checks on behalf of the commission
64 in a penal sum not in excess of twenty-five thou-
65 sand dollars.

66 The commission may incur any proper indebtedness
67 and issue any obligations and give any security there-
68 for which it may deem necessary and advisable in con-
69 nection with carrying out any of its purposes. No in-
70 debt edness or obligation incurred by the commission
71 shall give any right against the county or any member
72 of the county court or any member of the commission.
73 No indebtedness of any nature of the commission shall
74 constitute an indebtedness of the county or the county
75 court or be a charge against any property of the county.
76 The rights of creditors of the commission shall be solely
77 against the commission as a corporate body and shall
78 be satisfied only out of property held by it in its cor-
79 porate capacity.

80 Without in any way limiting the generality of any of
81 the other provisions of this article, the commission may,
82 in connection with obtaining moneys or property for
83 its purposes, enter into any agreement with any person,
84 including the federal government, or any department,
85 agency or subdivision thereof, containing such provisions,
86 covenants, terms and conditions as the commission may
87 deem advisable.

88 The commission shall be exempt from the payment
89 of any taxes or fees to the state or any subdivision
90 thereof or any municipality or to any officer or employee
91 of the state or of any subdivision thereof or of any mu-
92 nicipality. The property of the commission shall be
93 exempt from all municipal and county taxes. Bonds,
94 notes, debentures and other evidences of indebtedness
95 of the commission are declared to be issued for a public
96 purpose and to be public instrumentalities, and, together
97 with interest and income thereon, shall be exempt from
98 taxation.

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

James L. Davis
Chairman Senate Committee

Doreen R. Colburn
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

J. C. Ellington Jr.
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates
D. D. Bottoms
President of the Senate

Lewis H. M. Mamie
Speaker House of Delegates

The within appinned this the 30th
day of March, 1975.

A. A. Sharpe Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/14/75
Time 11:45 a.m.