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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1991

ENROLLED

Committee Substitute for

SENATE BILL NO. 559

(By Senator Heck)

PASSED March 8, 1991

In Effect July 1, 1991 ~~Passage~~

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 559

(BY SENATOR HECK)

[Passed March 8, 1991; to take effect July 1, 1991.]

AN ACT to amend and reenact sections seven and eight, chapter twenty-six, acts of the Legislature, regular session, one thousand nine hundred twenty-five (municipal charters), as amended by chapter one hundred twenty-two, acts of the Legislature, regular session, one thousand nine hundred thirty-three; by chapter one hundred thirty-two, acts of the Legislature, regular session, one thousand nine hundred seventy-two; by chapter one hundred forty-eight, acts of the Legislature, regular session, one thousand nine hundred seventy-four; and as last amended and reenacted by chapter one hundred ninety-four, acts of the Legislature, one thousand nine hundred eighty-three, all relating to the greater Huntington park and recreation district; financing and financial powers; law enforcement; and severing the relationship of the village of Barboursville from the district.

Be it enacted by the Legislature of West Virginia:

That sections seven and eight, chapter twenty-six, acts of the Legislature, regular session, one thousand nine hun-

dred twenty-five (municipal charters), as amended by chapter one hundred twenty-two, acts of the Legislature, regular session, one thousand nine hundred thirty-three, by chapter one hundred thirty-two, acts of the Legislature, regular session, one thousand nine hundred seventy-two, by chapter one hundred forty-eight, acts of the Legislature, regular session, one thousand nine hundred seventy-four, and as last amended and reenacted by chapter one hundred ninety-four, acts of the Legislature, regular session, one thousand nine hundred eighty-three, be amended and reenacted, all to read as follows:

GREATER HUNTINGTON PARK AND RECREATION DISTRICT.

§7. Financing and financial powers.

1 The park district shall have the following powers to:

2 (1) Make charges to the public for services offered or
3 goods sold by the park district.

4 (a) Charges for services may be in the forms of, but
5 not limited to: Admission and entrance fees; exclusive
6 use and rental fees; user fees; license and permit fees;
7 equipment rental; program maintenance fees; instruc-
8 tor fees; special accommodation fees; amusement fees;
9 restricted membership fees; and cemetery service fees.

10 (b) Charges for goods sold may be in the forms of,
11 but not limited to: Beverages and foods; novelties and
12 gifts; clothing; athletic equipment and supplies; ceme-
13 tery plots, crypts, monuments, memorials, markers,
14 vaults and any other forms of merchandise sold in
15 connection with the burial of the dead; and other
16 items that may pertain to the operation and mainte-
17 nance of the park district.

18 (2) Annually levy on each one hundred dollars of the
19 assessed valuation of the property taxable in said park
20 district, within the corporate boundaries of the city of
21 Huntington according to the last assessment thereof
22 for state and county purposes, as follows:

23 On Class I property, one and one-half cents; on Class
24 II property, three cents; on Class IV property, six

25 cents. The park district may levy a lesser amount, in
26 which case the above levies shall be reduced propor-
27 tionately. These levies shall be made at the time and
28 in the manner provided by article eight, chapter
29 eleven of the code of West Virginia, one thousand nine
30 hundred thirty-one, as amended; except that the levies
31 shall be included in the maximum rates for the city of
32 Huntington as established by law.

33 After the park district has made the levy, it shall
34 certify to the finance director of the city of Huntington
35 the amount of said levy, and the finance director shall
36 thereupon extend the levy upon the tax tickets, and all
37 levies made by the park district shall be collected by
38 the finance director who shall occupy a fiduciary
39 relationship with the park district, and then such levy
40 funds shall be paid to the park district upon written
41 order of the park district signed by the president of
42 the park district and countersigned by the secretary of
43 the park district.

44 Levies for support, maintenance and operation.

45 (3) In order to ensure adequate support for the
46 maintenance and operation of the park district the
47 following governing authorities shall, upon written
48 request by the park district levy annually as follows
49 within the respective taxing districts of the governing
50 authorities, on each one hundred dollars of assessed
51 valuation of the property taxable in the area served by
52 it according to the last assessment for state and county
53 purposes, amounts not exceeding the following
54 amounts for fiscal year beginning the first day of July,
55 one thousand nine hundred eighty-three:

56 (a) The county commission of Cabell County, for the
57 first year of the act and annually thereafter: Class I,
58 .433 cents; Class II, .866 cents; Class III and Class IV,
59 1.73 cents.

60 (b) The county commissioner of Wayne County, for
61 the first year of the act and annually thereafter: Class
62 I, .0066 cents; Class II, .0132 cents; Class III and Class
63 IV, .0266 cents.

64 (c) The board of education of the county of Cabell
65 shall provide funds available to the board through
66 special and excess levies for the first year of the act
67 and annually thereafter: Class I, .433 cents; Class II,
68 .866 cents; Class III and Class IV, 1.73 cents.

69 (d) The city of Huntington, for the first year of the
70 act and annually thereafter: Class I, one and three-
71 tenths cents; Class II, two and six-tenths cents; Class
72 III and IV, five and two-tenths cents.

73 (e) The town of Milton, for the first year of the act
74 and annually thereafter: Class I, one and three-tenths
75 cents; Class II, two and six-tenths cents; Class III and
76 IV, five and two-tenths cents.

77 In addition to the aforesaid amounts which, upon
78 written request by said board, the governing authori-
79 ties shall levy, each such governing authority may
80 support the park district with any other general or
81 special revenues or excess levies. All income realized
82 by the operation of the park district from any sources
83 other than the above levies shall be used by the board
84 of directors for support of the park district.

85 All money collected or appropriated by the foregoing
86 governing authorities for park district purposes shall
87 be deposited in a special account of the park district
88 and shall be disbursed by that board for the purpose
89 of operating such park district.

90 (4) Assess the cost of improvements to or construc-
91 tion of streets, sidewalks, sewers, curbs, alleys, public
92 ways or easements, or portions thereof, upon the
93 abutting property owners whose property lies within
94 the park district. Such assessments shall require
95 approval of a majority of the commissioners present
96 and voting, and shall be commenced and conducted in
97 such manner as is prescribed by article eighteen,
98 chapter eight of the code of West Virginia, one thou-
99 sand nine hundred thirty-one, as amended.

100 (5) The municipalities of Huntington, Milton and the
101 counties of Cabell and Wayne are hereby empowered,
102 and authorized to issue, in the manner prescribed by

103 law, revenue bonds or general obligation bonds, for
104 the purpose of raising funds to establish, construct,
105 improve, extend, develop, maintain or operate, a
106 system of public parks and recreational facilities for
107 the city or counties, or to refund any bonds of the city
108 or counties, the proceeds of which were expended in
109 the establishing, constructing, improving, extending,
110 developing, maintaining or operating of such public
111 park and recreation system or any part thereof. Any
112 bonds issued for any of the purposes stated in this
113 section shall contain in the title or subtitle thereto the
114 words "public park and recreation bonds", in order to
115 identify the same, and shall be of such form, denom-
116 ination and maturity and shall bear such rate of
117 interest as shall be fixed by ordinance of the governing
118 body of the city or counties. The governing body may
119 provide for the issuance of bonds for other lawful
120 purposes of the city or counties in the same ordinance
121 in which provision shall be made for the issuance of
122 bonds under the provisions of this section. The park
123 district shall pay all of the costs and expenses of any
124 election which shall be held to authorize the issuance
125 of public park and recreation bonds only. The costs
126 and expenses of holding an election to authorize the
127 issuance of public park and recreation bonds and
128 bonds for other city or county purposes shall be paid
129 by the park district and the city or counties respec-
130 tively, in the proportion that the public park and
131 recreation bonds bear to the total amount of bonds
132 authorized.

133 Whenever the governing body of the city or counties
134 and the requisite majority of the legal votes cast at the
135 election thereon shall authorize in the manner pres-
136 cribed by law, the issuance of bonds for the purpose of
137 establishing, constructing, improving, extending,
138 developing, maintaining or operating, or any combina-
139 tion of the foregoing, a system of public parks and
140 recreational facilities for the city or counties, or for
141 refunding any outstanding bonds, the proceeds of
142 which were applied to any of said purposes, said bonds
143 shall be issued and delivered to the park district to be
144 by it sold in the manner prescribed by law, and the

145 proceeds thereof shall be paid into the treasury of the
146 park district, and the same shall be applied and
147 utilized by the park district for the purposes pres-
148 cribed by the ordinance authorizing the issuance of
149 such bonds. In any ordinance for the issuance of bonds
150 for such purposes, it shall be a sufficient statement of
151 the purposes for creating the debt to specify that the
152 same is for the purpose of establishing, constructing,
153 improving, extending, developing, maintaining or
154 operating, or any combination of the foregoing, a
155 public park and recreation system for the city or
156 counties, without specifying the particular establish-
157 ment, construction, improvement, extension, develop-
158 ment, maintenance or operation contemplated; but an
159 ordinance for refunding bonds shall designate the
160 issue and the number of bonds which it is proposed to
161 refund.

162 (6) Sue and be sued; make contracts and guarantees;
163 incur liabilities; borrow or lend money for any time
164 period deemed advisable by the commission, sell,
165 mortgaged, lease, exchange, transfer or otherwise
166 dispose of its property; or pledge its property as
167 collateral or security for any time period deemed
168 advisable by the commission.

169 (7) Create trusts of such kind as will expedite the
170 efficient management of the property and other assets
171 owned or controlled by the park district. The trustee,
172 whether individual or corporate, in any such trust
173 shall have a fiduciary relationship with the park
174 district and may be removed by the park district for
175 good cause shown or for a breach of the fiduciary
176 relationship with the park district.

§8. Law enforcement.

1 (a) The park district is authorized and empowered to
2 employ as many park rangers as the park district shall
3 deem proper and necessary. Park rangers shall have
4 the power to make arrest for violations of ordinances
5 promulgated by the park district upon the property
6 under the jurisdiction of the park district. Park
7 rangers may not carry a gun without obtaining a

8 license therefor as required by law.

9 (b) Police officers employed by the city of Hunting-
10 ton, town of Milton, members of the West Virginia
11 division of public safety and sheriff's deputies in
12 Cabell and Wayne counties are hereby authorized and
13 empowered to make arrests for violations of ordinan-
14 ces promulgated by the park district upon property
15 within the park district which is under the jurisdiction
16 of the park district; and all of the foregoing officers of
17 the law, except members of the Huntington police
18 department, are hereby authorized and empowered to
19 make arrests for violations of ordinances promulgated
20 by the park district upon property under the jurisdic-
21 tion of the park district which is outside of the park
22 district.

23 (c) For violations of park district ordinances, juris-
24 diction of all warrants relating thereto to be issued is
25 hereby granted to such courts as have criminal
26 jurisdiction of misdemeanors committed upon prop-
27 erty which is owned or controlled by the park district.

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

Tomer Leck
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1991.

Parvul E. Melnick
Clerk of the Senate

Donald L. Vapp
Clerk of the House of Delegates

Kirk Sundt
President of the Senate

[Signature]
Speaker House of Delegates

The within 10 approved this the 29th
day of March, 1991.

Yaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/91

Time 4:35pm