

FILED

2005 MAY -3 P 4: 06

CITIZEN WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005

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**S E C O N D**  
**E N R O L L M E N T**

## House Bill No. 2782

(By Delegates Beach, Perry, Marshall and Houston)

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Passed April 16, 2005

In Effect Ninety Days from Passage

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

## S E C O N D E N R O L L M E N T

### H. B. 2782

(BY DELEGATES BEACH, PERRY, MARSHALL AND HOUSTON)

[Amended and again passed April 16,2005, as a result of the objections of the Governor;  
in effect ninety days from passage.]

AN ACT to amend and reenact §8-21-3 of the Code of West Virginia, 1931, as amended, relating to municipal board of park and recreation commissioners generally; increasing the number of members the governing body may appoint to a board of park and recreation commissioners to not more than seven; and providing for the appointment of not more than three members from the governing body if the board of park and recreation commissioners consists of six or seven members.

*Be it enacted by the Legislature of West Virginia:*

That §8-21-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

#### **ARTICLE 21. BOARD OF PARK AND RECREATION COMMISSIONERS.**

**§8-21-3. Members; quorum; qualifications; election or appointment; terms; disqualification.**

1       The board shall consist of not less than three nor more than  
2 seven members as may be provided by charter provision or  
3 ordinance, a majority of whom shall constitute a quorum for the  
4 transaction of business, except as hereinafter in this article  
5 provided. Each member of the board must be a resident and  
6 freeholder of the city. It may be provided either by charter  
7 provision or by ordinance for the appointment of the members  
8 thereof by the governing body, but unless and until such  
9 provision is made, the members of the board shall be elected by  
10 the qualified voters of the city at appropriate regular municipal  
11 elections. Membership on the governing body may not disqual-  
12 ify any member for election to the board. If provision is made  
13 for the appointment of members as aforesaid and the board  
14 consists of three or four members, one member of the govern-  
15 ing body, if otherwise qualified, may be appointed by the  
16 governing body; if the board consists of five members not more  
17 than two members of the governing body so qualified may be  
18 so appointed and if the board consists of six or seven members  
19 not more than three members of the governing body so quali-  
20 fied may be so appointed. The term of the board membership of  
21 any member of the governing body so appointed shall continue  
22 during his or her term as a member of the governing body and  
23 until his or her successor is appointed or elected and qualified.  
24 The terms of other appointed or of elected members shall be for  
25 six years, and until their successors have been duly appointed  
26 or elected and qualified: *Provided*, That notwithstanding the  
27 fact that there be no charter provision or ordinance for appoint-  
28 ment of the members of the board, the governing body of the  
29 city shall appoint the members of the first board, such appoint-  
30 ees to serve, one for a term of six years, one for a term of four  
31 years, and one for a term of two years. The date upon which the  
32 terms of the board members shall begin shall be specified by  
33 ordinance. When any member of the board, during his or her  
34 term of office, shall cease to be a resident and freeholder of the  
35 city, he or she shall thereby be disqualified as a member of the  
36 board and his or her office shall thereupon become vacant.

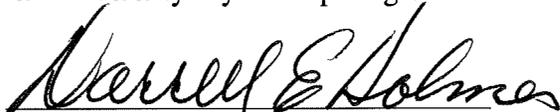
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

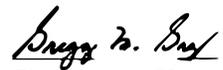
  
Chairman Senate Committee

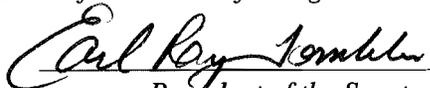
  
Chairman House Committee

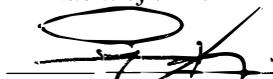
Originating in the House.

In effect ninety days from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 3rd day of May 2005.

  
Governor

PRESENTED TO THE  
GOVERNOR

MAY 2 2005

Time 9:55 am