

HB 4039

FILED  
2010 MAR 31 PM 4:53  
CLERK OF SENATE  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2010



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 4039**

(By Delegates Varner and Ferro)



Passed March 12, 2010

In Effect From Passage

# ENROLLED

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COMMITTEE SUBSTITUTE

OFFICE OF THE CLERK  
SECRETARY OF STATE

FOR

## H. B. 4039

(BY DELEGATES VARNER AND FERRO)

[Passed March 12, 2010; in effect from passage.]

AN ACT to amend and reenact sections 1, 2, 3, 4, and 5, chapter 171, Acts of the Legislature, regular session, 1965, all relating to the Marshall County Park and Recreation Board; and permitting the Marshall County Commission to increase the board's membership.

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

That sections 1, 2, 3, 4 and 5 chapter 171, Acts of the Legislature, regular session, 1965, be amended and reenacted to read as follows:

**Section 1. Marshall County Commission Authorized to Create a Park and Recreation Board.**

- 1 The Marshall County Commission is authorized to create
- 2 by order a park and recreation board, to be known as the
- 3 "Marshall County Park and Recreation Board".

**Sec. 2. Board a Body Corporate; Perpetual Existence; Right to Receive and Expend Moneys.**

1 The board is a public corporate board, with perpetual  
2 existence and a corporate seal. The board may receive  
3 moneys from the county commission and may expend the  
4 same for the purposes enumerated in section five. The board  
5 may receive and expend any gift, grant, donation, bequest or  
6 devise from sources other than the public funds of Marshall  
7 County.

**§3. Members; Appointment; Term; Residency; Vacancy.**

1 The board shall consist of at least five, but no more than  
2 nine members who shall be appointed by the Marshall  
3 County Commission. The term of office of each board  
4 member is for four years and may continue to serve until  
5 their successors have been appointed and qualified. The  
6 Marshall County Commission shall by order fix the date on  
7 which the term of office of board membership shall  
8 commence. No one may be appointed a member of the board  
9 who is not a bona fide resident of Marshall County. Any  
10 board member who ceases to be a bona fide resident of  
11 Marshall County is disqualified and his or her office becomes  
12 vacant. When a vacancy occurs on the board by reason of the  
13 change of residence, resignation, or death of a member, the  
14 Marshall County Commission shall appoint a successor to  
15 complete the unexpired term of that member.

**Sec. 4. Oath of Members; Election of Officers; Quorum; Place of Business.**

1 After appointment, the members of the board shall  
2 qualify by taking and filing with the clerk of the Marshall  
3 County Commission the oath prescribed by law for public  
4 officials. One of the members of the board shall be elected

5 as president, another as vice president, and another as  
6 secretary. A majority of the board members shall constitute  
7 a quorum for the transaction of business. The board shall  
8 maintain an office at any place in the county which it may  
9 designate.

**Sec. 5. Contracts; Legal Actions; General Powers; Rules and  
Regulations.**

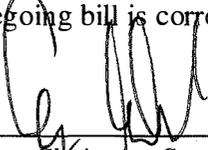
1 The board may:

2 (1) Enter into contracts;

3 (2) Bring any and all necessary legal actions; and,

4 (3) Exercise all the necessary powers and authority to  
5 manage and control park and recreation areas in Marshall  
6 County, including the right to make rules concerning the  
7 management and control of parks and recreation areas and to  
8 enforce those rules.

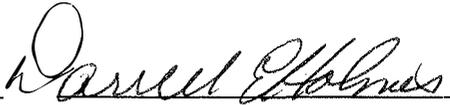
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

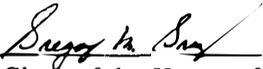
  
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Chairman Senate Committee

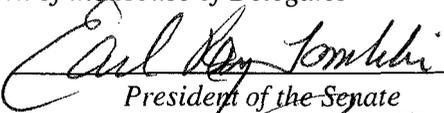
  
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Chairman House Committee

Originating in the House.

In effect from passage.

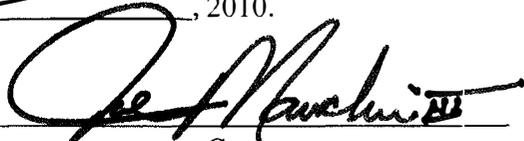
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 31<sup>st</sup>  
day of March, 2010.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 30 2010

Time 10:30am