

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 3443**

By Delegates Rohrbach and Hornbuckle

[Introduced March 17, 2025; referred to the  
Committee on Finance]

1 A BILL to amend and reenact section seven, chapter 26 of the Acts of the Legislature, regular  
2 session, 1925 (municipal charters), as last amended and reenacted by chapter 187, Acts  
3 of the Legislature, regular session, 2011, relating to the Greater Huntington Park and  
4 Recreation District; providing that the Cabell County Board of Education may provide  
5 certain funds that are available to the board through special and excess levies to the park  
6 district.

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

## **GREATER HUNTINGTON PARK AND RECREATION DISTRICT.**

### **§7. Charges, revenues, fees, levies, assessments and bonds for the support, maintenance and operation of parks.**

1 (a) The Park Board may:

2 (1) Charge the public for services offered or goods sold by the Park Board, as follows:

3 (A) Charges for services may be in the form of, but not limited to, admission and entrance  
4 fees, exclusive use and rental fees, user fees, license and permit fees, equipment rental, program  
5 maintenance fees, instructor fees, special accommodation fees, amusement fees, restricted  
6 membership fees, and cemetery service fees;

7 (B) Charges for goods sold may be in the forms of, but not limited to, beverages and foods,  
8 novelties and gifts, clothing, athletic equipment and supplies, cemetery plots, crypts, monuments,  
9 memorials, markers, vaults and any other forms of merchandise sold in connection with the burial  
10 of the dead, and other items that may pertain to the operation and maintenance of the Park  
11 District.

12 (2) Impose upon the users of the park system reasonable service fees in addition to the  
13 service fees authorized by paragraph (A), subdivision (1) of this subsection. As used in this  
14 section, "users" means any persons to whom the park system is made available.

15 (A) The board of directors of the Park District may adopt one or more resolutions

16 establishing the amount and manner of collection of the fees and providing for reasonable  
17 penalties for failure to pay service fees. No resolution imposing a service fee is effective until it is  
18 ratified by a majority of the legal votes cast by the qualified voters of the district at a primary or  
19 general election.

20 (B) In addition to meeting the ballot and election requirements set forth in subdivision (3) of  
21 this subsection, the ballot question must set forth the service fee, the manner in which it will be  
22 imposed and the general use to which the proceeds of the service fee shall be put. From time to  
23 time, the board may submit additional resolutions imposing additional service fees to the district's  
24 electors for approval pursuant to this section.

25 (3) Issue revenue bonds or refunding revenue bonds for the district, in the manner  
26 prescribed by W. Va. Code §8-16-7, §8-16-10, §8-16-12, and §8-16-16. No revenue bonds, except  
27 for refunding revenue bonds, may be issued under this section until all questions connected with  
28 the bonds are first submitted to a vote of the qualified electors of the district for which the bonds are  
29 to be issued, and receive a majority of all the votes cast for and against the issuance. The ballot  
30 question must set forth:

31 (A) The necessity for issuing the bonds;

32 (B) Purpose or purposes for which the proceeds of bonds are to be expended;

33 (C) Total indebtedness, bonded or otherwise;

34 (D) Amount of the proposed bond issue;

35 (E) Maximum term of bonds and series;

36 (F) Maximum rate of interest;

37 (G) Date of election; and

38 (H) That the Park District is authorized to collect fees to provide funds for the payment of  
39 the interest upon the bonds and the principal at maturity, and the approximate amount of fees  
40 necessary for this purpose.

41 (4) Notice of any election shall be given by publication, within 14 consecutive days next

preceding the date of the election, of the resolution imposing the service fee as a Class II legal advertisement in compliance with the provisions of W. Va. Code §59-3-1 *et seq.* and the publication area for publication shall be the district. All of the provisions of the general election laws of this state concerning primary or general elections, when not in conflict with the provisions of this section, shall apply to elections hereunder, insofar as practicable.

(5) Annually levy on each \$100 of the assessed valuation of the property taxable in the Park District, within the corporate boundaries of the City of Huntington according to the last assessment for state and county purposes, as follows:

(A) On Class I property, 1.5 cents; on Class II property, 3 cents; on Class IV property, 6 cents. The Park Board may levy a lesser amount, in which case the above levies shall be reduced proportionately. The levies shall be made at the time and in the manner provided by article eight, chapter eleven of this code, except that the levies shall be included in the maximum rates for the City of Huntington as established by law.

(B) After the Park Board has made the levy, it shall certify to the Finance Director of the City of Huntington the amount of the levy, and the Finance Director shall extend the levy upon the tax tickets. All levies made by the Park Board shall be collected by the Finance Director who shall occupy a fiduciary relationship with the Park Board. Levy funds shall be paid to the Park Board upon written order of the Park Board, signed by the President of the Park Board and countersigned by the Secretary of the Park Board.

(6) Assess the cost of improvements to or construction of streets, sidewalks, sewers, curbs, alleys, public ways or easements, or portions thereof, upon the abutting property owners whose property lies within the Park District. The assessments require approval of a majority of the commissioners present and voting, and shall be commenced and conducted in the manner prescribed by W. Va. Code §8-18-1 *et seq.*

(7) Sue and be sued; make contracts and guarantees; incur liabilities; borrow or lend money for any time period considered advisable by the commission; sell, mortgage, lease,

exchange, transfer or otherwise dispose of its property; or pledge its property as collateral or security for any time period considered advisable by the commission.

(8) Create trusts as will expedite the efficient management of the property and other assets owned or controlled by the Park Board. The trustee, whether individual or corporate, has a fiduciary relationship with the Park Board and may be removed by the Park Board for good cause shown or for a breach of the fiduciary relationship with the Park Board.

(b) In order to ensure adequate support for the maintenance and operation of the Park District, the following governing authorities shall, upon written request by the Park Board, levy annually as follows within the respective taxing districts of the governing authorities, on each \$100 of assessed valuation of the property taxable in the area served by it according to the last assessment for state and county purposes, amounts not exceeding the following amounts for fiscal year beginning July 1, 1983:

(1) The county commission of Cabell County, for the first year of the act and annually thereafter: Class I, 0.433 cents; Class II, 0.866 cents; Class III and Class IV, 1.73 cents.

(2) The county commission of Wayne County, for the first year of the act and annually thereafter; Class I, 0.0066 cents; Class II, 0.0132 cents; Class III and Class IV, 0.0266 cents.

(3) The board of education of the county of Cabell ~~shall~~ may provide funds available to the board through special and excess levies for the first year of the act and annually thereafter: Class I, 0.433 cents; Class II, 0.866 cents; Class III and Class IV, 1.73 cents.

(4) The City of Huntington, for the first year of the act and annually thereafter: Class I, 1.3 cents; Class II, 2.6 cents; Class III and Class IV, 5.2 cents.

(5) The town of Milton, for the first year of the act and annually thereafter: Class I, 1.3 cents; Class II, 2.6 cents; Class III and Class IV, 5.2 cents.

(c) In addition to the amounts set forth in subsection (b) of this section, which, upon written request by the board, the governing authorities shall levy, each governing authority may support the Park District with any other general or special revenues or excess levies.

94 (1) All income realized by the operation of the Park Board from any sources other than the  
95 levies shall be used by the board of directors for support of the Park District.

96 (2) All money collected or appropriated by the foregoing governing authorities for Park  
97 District purposes shall be deposited in a special account of the Park Board and shall be disbursed  
98 by that board for the purpose of operating Park Board.

99 (d) The municipalities of Huntington and Milton and the counties of Cabell and Wayne may  
100 issue, in the manner prescribed by law, revenue bonds or general obligation bonds, for the  
101 purpose of raising funds to establish, construct, improve, extend, develop, maintain or operate, a  
102 system of public parks and recreational facilities for the city or counties, or to refund any bonds of  
103 the city or counties, the proceeds of which were expended in the establishing, constructing,  
104 improving, extending, developing, maintaining or operating of any part of all of the public park and  
105 recreation system.

106 (1) Any bonds issued pursuant to this subsection shall contain in the title or subtitle the  
107 words "public park and recreation bonds", in order to identify the same, and shall be of the form,  
108 denomination and maturity and shall bear the rate of interest as fixed by ordinance of the  
109 governing body of the city or counties.

110 (2) The governing body may provide for the issuance of bonds for other lawful purposes of  
111 the city or counties in the same ordinance in which provision shall be made for the issuance of  
112 bonds under the provisions of this section.

113 (3) The Park Board shall pay all of the costs and expenses of any election which shall be  
114 held to authorize the issuance of public park and recreation bonds only.

115 (4) The costs and expenses of holding an election to authorize the issuance of public park  
116 and recreation bonds and bonds for other city or county purposes shall be paid by the Park Board  
117 and the city or counties respectively, in the proportion that the public park and recreation bonds  
118 bear to the total amount of bonds authorized.

119 (5) The bonds issued pursuant to this subsection shall be delivered to the Park Board to be

120 sold in the manner prescribed by law, and the proceeds shall be paid into the treasury of the Park  
121 Board, and shall be applied and utilized by the Park Board for the purposes prescribed by the  
122 ordinance authorizing the issuance of such bonds.

123 (6) In any ordinance for the issuance of bonds pursuant to this subsection, it shall be a  
124 sufficient statement of the purposes for creating the debt to specify that the same is for the purpose  
125 of establishing, constructing, improving, extending, developing, maintaining or operating, or any  
126 combination of the foregoing, a public park and recreation system for the city or counties, without  
127 specifying the particular establishment, construction, improvement, extension, development,  
128 maintenance, or operation contemplated; but an ordinance for refunding bonds shall designate the  
129 issue and the number of bonds which it is proposed to refund.

NOTE: The purpose of this bill is to provide for the funding of the Greater Huntington Park and Recreation District by permitting the Cabell County Board of Education to provide funds available to the board through special and excess levies to the park district.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.