

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5199**

By Delegates B. Smith, Parsons, Funkhouser, Ferrell,  
Sheedy, Jordan, G. Ward, G. Howell, Moore, Leavitt,  
and Foggin

[Introduced February 04, 2026; referred to the  
Committee on Government Organization]

1 A BILL to amend and reenact §7-11-1 and §7-11-3, of the Code of West Virginia, 1931, as  
2 amended, both relating to requiring county Parks, Entertainment, and Recreation  
3 Commissions, or PERCs, to be established.

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

**ARTICLE 11. COUNTY PARKS AND RECREATION COMMISSIONS.**

**§7-11-1. County courts authorized to create a county parks, entertainment, and recreation commission.**

1 The county court of any county is hereby authorized and empowered, by order entered of  
2 record, to create a county ~~parks and recreation commission~~ Parks, Entertainment, and Recreation  
3 Commission for the purpose of establishing, improving, developing, administering, operating and  
4 maintaining a county public parks and recreation system or public recreational facilities, unless  
5 demonstrated to be fiscally unable or a county has already established a parks and recreation  
6 board or commission that has been set up either by the county commission, through legislative  
7 action, or through a charitable non-profit organization.

**§7-11-3. Number of members; quorum; qualifications; appointment; term; disqualifications.**

1 The commission shall consist of eleven members, an odd number of members based on  
2 the population of each county and shall be determined by the county commission, a majority of  
3 whom shall constitute a quorum for the transaction of business. Each member of said commission  
4 shall be a bona fide resident of the county and shall own real estate within such county. The term of  
5 the commission members shall be for three years and until their successors have been appointed  
6 and have qualified: *Provided*, That the county court in appointing the members of the first  
7 commission shall appoint ~~three members for a term of one year; four members for a term of two~~  
8 ~~years and four members for a term of three years~~ a certain number of members for a term of one  
9 year, two years, and three years. The order of the county court shall fix the date on which the term  
10 of such commission members shall begin. The members of any board of park and recreation

11 commissioners heretofore created under the former provisions of this article shall continue in  
12 office as members of the parks and recreation commission of such county until their terms expire  
13 and their successors have been appointed and have qualified. Any member of the commission  
14 who shall cease to be a bona fide resident of the county or a freeholder thereof, shall thereby be  
15 disqualified as a member of said commission and his or her office shall become vacant. When a  
16 vacancy occurs on said commission by reason of death, resignation, change of residence from the  
17 county, ~~failure to remain a freeholder of the county,~~ or expiration of term, the county court shall  
18 appoint a successor or successors to fill out the unexpired term of the member of the commission  
19 whose term has been vacated.

NOTE: The purpose of this bill is to authorize county courts to establish county PERCs, or county Parks, Entertainment, and Recreation Commissions.

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