WEST VIRGINIA CODE: §17-16F-31

§17-16F-31. Establishment and operation of state airports.

(a) The commissioner is authorized on behalf of and in the name of the State, out of appropriations and other moneys made available for such purposes, to plan, establish, construct, maintain, and operate airports and air navigation facilities within the state. For these purposes the director may, by purchase, gift, devise, lease, condemnation, or otherwise, acquire such property, real or personal, as is necessary to permit safe and efficient operation of the airports and air navigation facilities. In like manner, the director may acquire existing airports and air navigation facilities: *Provided*, That he or she may not acquire or take over any airport or air navigation facility owned or controlled by a municipality of this or any other state without the consent of the municipality.

(b) The commissioner may by sale, lease, or otherwise, dispose of property, airport, air navigation facility, or portion thereof or interest therein. Any disposal by lease shall be made pursuant to the terms of §8-28-7 of this code. Any disposal by sale or otherwise shall be in accordance with the laws of this state governing the disposition of other property of the state, except that in the case of disposal to any municipality or state government or the United States for aeronautical purposes incident thereto the sale or other disposal may be effected in such manner and upon such terms as the director determines are in the best interest of the state.

(c) Nothing contained in this article shall be construed to limit any right, power, or authority of the State or a municipality to regulate airport hazards by zoning.

(d) The commissioner may exercise any powers granted by this section jointly with any municipalities or agencies of the state government, with other states or their municipalities, or with the United States.

(e) In the condemnation of property authorized by this section, the director shall proceed in the name of the State in the manner provided by §54-1-1 *et seq*. of this code.

(f) The acquisition of any lands or interests therein pursuant to this article, the planning, acquisition, establishment, construction, improvement, maintenance, and operation of airports and air navigation facilities, whether by the state separately or jointly with any municipalities, and the exercise of any other powers herein granted to the director are hereby declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity. All lands and other property and privileges acquired and used by or on behalf of the State in the manner and for the purposes enumerated in this article shall and are hereby declared to be acquired and used for public and governmental purposes and as a matter of public necessity.

WV Legislature