

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



## ENROLLED

*Com. Substitute For*

HOUSE BILL No. 48

*Com. on the Judiciary*

(By Mr. \_\_\_\_\_)



PASSED March 5 1949

In Effect From Passage



## ENROLLED

COMMITTEE SUBSTITUTE FOR

### House Bill No. 48

(Originating in the Committee on the Judiciary.)

[Passed March 5, 1949; in effect from passage.]

AN ACT creating the Tri-State Airport Authority, providing for membership therein, for the acquisition by it of real estate and personal property and the construction, maintenance and operation of an airport, granting it the power of eminent domain and tax exemption for its property, funds and obligations, and providing for contributions to its funds and the issuance of revenue bonds.

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

Section 1. *Tri-State Airport Authority Authorized.*—

2 The county court of Cabell county, the city of Huntington  
3 of Cabell and Wayne counties, the county court of Wayne  
4 county, the city of Kenova, in Wayne county, and the  
5 town of Ceredo, in Wayne county, or any one or more  
6 of them, jointly and severally, are hereby authorized to  
7 create and establish a public agency to be known as the

8 "Tri-state Airport Authority" in the manner and for the  
9 purposes hereinafter set forth.

Sec. 2. *Authority a Corporation.*—The authority when  
2 created, and the members thereof, shall constitute a pub-  
3 lic corporation and as such shall have perpetual succes-  
4 sion, may contract and be contracted with, sue and be  
5 sued, and have and use a common seal.

Sec. 3. *Purposes.*—The authority is hereby authorized  
2 and empowered to acquire, equip, construct, maintain,  
3 and operate an airport or landing field and appurtenant  
4 facilities in Wayne county on Twelve Pole creek, west of  
5 the corporate limits of the city of Huntington and south  
6 of the corporate limits of the city of Kenova and the  
7 town of Ceredo, to serve the tri-state area in which it is  
8 located.

Sec. 4. *Members of Authority.*—The management and  
2 control of the Tri-state Airport Authority, its property,  
3 operations, business and affairs shall be lodged in a board  
4 of nine or more persons who shall be known as members  
5 of the authority and who shall be appointed for terms  
6 of three years each by the public and private corporations

7 contributing to the funds of the authority, in such pro-  
8 portion and manner as may from time to time be pro-  
9 vided in the by-laws adopted by the authority; provided  
10 that the first board shall be appointed as follows:

11 (1) The county court of Cabell county shall appoint  
12 two members for terms of two and three years, respec-  
13 tively;

14 (2) The city of Huntington shall appoint two members  
15 for terms of two and three years, respectively;

16 (3) The county court of Wayne county shall appoint  
17 two members for terms of one and two years, respec-  
18 tively;

19 (4) The city of Kenova shall appoint one member for  
20 the term of three years;

21 (5) The town of Ceredo shall appoint one member for  
22 the term of one year;

23 (6) Huntington industrial corporation, a non-profit  
24 civic corporation, which has contributed funds to the  
25 project, shall appoint one member for the term of one  
26 year.

Sec. 5. *Powers.*—The Tri-State Airport Authority is

2 hereby given power and authority as follows:

3 (1) To make and adopt all necessary by-laws, rules and  
4 regulations for its organization and operations not incon-  
5 sistent with law;

6 (2) To increase the number of members of the au-  
7 thority;

8 (3) To elect its own officers, to appoint committees and  
9 to employ and fix the compensation for personnel neces-  
10 sary for its operation;

11 (4) To enter into contracts with any person, firm or  
12 corporation, and generally to do anything necessary for  
13 the purpose of acquiring, equipping, constructing, main-  
14 taining and operating an airport as aforesaid;

15 (5) To delegate any authority given to it by law to any  
16 of its officers, committees, agents or employees;

17 (6) To apply for, receive and use grants in aid, dona-  
18 tions and contributions from any sources;

19 (7) To take or acquire lands by purchase, holding title  
20 thereto in its own name; or failing to agree with the owner  
21 or owners thereof the authority may exercise the power

22 of eminent domain in the manner provided for condemna-  
 23 tion proceedings by chapter fifty-four of the code of West  
 24 Virginia.

25 (8) To purchase, own, hold, sell and dispose of personal  
 26 property and to sell and dispose of any real estate which  
 27 it may have acquired and may determine not to be needed  
 28 for its purposes;

29 (9) To borrow money;

30 (10) To raise funds by the issuance and sale of revenue  
 31 bonds in the manner provided by the applicable provisions  
 32 of article four-a, chapter eight of the code of West Vir-  
 33 ginia, it being hereby expressly provided that the Tri-  
 34 State Airport Authority is a "Municipal Authority" within  
 35 the definition of that term as used in said article four-a,  
 36 chapter eight of the code; and

37 (11) To extend its funds in the execution of the powers  
 38 and authority hereby given.

39 Sec. 6. *Participation.*—The county court of Cabell  
 40 county, the city of Huntington of Cabell and Wayne coun-  
 41 ties, the county court of Wayne county, the city of Kenova,  
 42 the town of Ceredo, or any one or more of them, jointly

43 and severally, are hereby authorized and empowered to  
44 appoint members of the said authority and to contribute  
45 to the cost of acquiring, constructing, equipping, main-  
46 taining and operating the said airport and appurtenant  
47 facilities.

48 Any of the foregoing county courts or municipal cor-  
49 porations is hereby authorized and empowered to transfer  
50 and convey to the said authority property of any kind  
51 heretofore acquired by said county court or municipal  
52 corporation for airport purposes.

Sec. 7. *Funds and Accounts.*—Contributions may be  
2 made to the authority from time to time by the various  
3 bodies contributing to its funds and shall be deposited in  
4 such bank or banks as a majority of the members of the  
5 authority may direct and shall be withdrawn therefrom  
6 in such manner as the authority may direct.

7 The authority shall keep strict account of all of its  
8 receipts and expenditures and shall make quarterly re-  
9 ports to the public and private bodies contributing to its  
10 funds containing an itemized account of its operations in  
11 the preceding quarter. The accounts of the authority

12 shall be regularly examined by the state tax commissioner  
13 in the manner required by article nine, chapter six of the  
14 code of West Virginia.

Sec. 8. *Property, Bonds and Obligations of Authority*

2 *Exempt from Taxation.*—The authority shall be exempt  
3 from the payment of any taxes or fees to the state or any  
4 subdivisions thereof or to any officer or employee of  
5 the state or other subdivision thereof. The property of  
6 the authority shall be exempt from all local and mu-  
7 nicipal taxes. Bonds, notes, debentures and other evi-  
8 dence of indebtedness of the authority are declared to be  
9 issued for a public purpose and to be public instrumen-  
10 talities, and, together with interest thereon, shall be ex-  
11 empt from taxes.

Sec. 9. *Sale or Lease of Property.*—In the event all of  
2 the public corporations contributing to the funds of the  
3 authority shall so determine the authority shall make  
4 sale of all of its properties and assets and distribute the  
5 proceeds thereof among those contributing to its funds;  
6 or in the event such of the supporting corporations con-  
7 tributing a majority of the funds of said authority shall so

8 determine the authority may lease all of its property and  
9 equipment upon such terms and conditions as the au-  
10 thority may fix and determine.

Sec. 10. *Employees to be Covered by Workmen's Com-*  
2 *pensation.*—All employees of the authority eligible there-  
3 to shall be deemed to be within the Workmen's Compen-  
4 sation Act of West Virginia and premiums on their com-  
5 pensation shall be paid by the authority as required by  
6 law.

Sec. 11. *Liberal Construction of Act.*—It is the purpose  
2 of this act to provide for the acquisition, construction,  
3 maintenance and operation of an airport in a prudent and  
4 economical manner and this act shall be liberally con-  
5 strued as giving to the authority full and complete power  
6 reasonably required to give effect to the purposes hereof.  
7 The provisions of this act are in addition to and not in  
8 derogation of any power existing in the county courts and  
9 municipal corporations herein named under any consti-  
10 tutional, statutory or charter provisions which they or  
11 either of them may now have, or may hereafter acquire  
12 or adopt.

Sec. 12. *Provisions Severable.*—The several sections  
2 and provisions of this act are severable, and if any section  
3 or provision hereof shall be held unconstitutional, all the  
4 remaining sections and provisions of the act shall never-  
5 theless remain valid.

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

Forest L. Meyer  
Chairman Senate Committee

W. B. Matthews  
Chairman House Committee

Originated in the House of Delegates

Takes effect From passage.

Howard Meyer  
Clerk of the Senate

L. A. Hupp  
Clerk of the House of Delegates

Franklin D. Hunter  
President of the Senate

W. S. Harney  
Speaker House of Delegates

The within Approved this the 11th  
day of March, 1949.

Okay L. Patton  
Governor



Filed in the Office of the Secretary of State  
of West Virginia  
D. PITT O'BRIEN,  
SECRETARY OF STATE