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
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 of Cabell and Wayne counties, the county court of Wayne county, the city of Kenova, in Wayne county, and the town of Ceredo, in Wayne county, or any one or more of them, jointly and severally, are hereby authorized to create and establish a public agency to be known as the
Sec. 2. Authority a Corporation.—The authority when created, and the members thereof, shall constitute a public corporation and as such shall have perpetual succession, may contract and be contracted with, sue and be sued, and have and use a common seal.

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

Sec. 4. Members of Authority.—The management and control of the Tri-state Airport Authority, its property, operations, business and affairs shall be lodged in a board of nine or more persons who shall be known as members of the authority and who shall be appointed for terms of three years each by the public and private corporations.
contributing to the funds of the authority, in such pro-
portion and manner as may from time to time be pro-
vided in the by-laws adopted by the authority; provided
that the first board shall be appointed as follows:

1. The county court of Cabell county shall appoint
two members for terms of two and three years, respec-
tively;

2. The city of Huntington shall appoint two members
for terms of two and three years, respectively;

3. The county court of Wayne county shall appoint
two members for terms of one and two years, respec-
tively;

4. The city of Kenova shall appoint one member for
the term of three years;

5. The town of Ceredo shall appoint one member for
the term of one year;

6. Huntington industrial corporation, a non-profit
civic corporation, which has contributed funds to the
project, shall appoint one member for the term of one
year.
Sec. 5. Powers.—The Tri-State Airport Authority is hereby given power and authority as follows:

(1) To make and adopt all necessary by-laws, rules and regulations for its organization and operations not inconsistent with law;

(2) To increase the number of members of the authority;

(3) To elect its own officers, to appoint committees and to employ and fix the compensation for personnel necessary for its operation;

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

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

(6) To apply for, receive and use grants in aid, donations and contributions from any sources;

(7) To take or acquire lands by purchase, holding title thereto in its own name; or failing to agree with the owner or owners thereof the authority may exercise the power
of eminent domain in the manner provided for condemnation proceedings by chapter fifty-four of the code of West Virginia.

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

(9) To borrow money;

(10) To raise funds by the issuance and sale of revenue bonds in the manner provided by the applicable provisions of article four-a, chapter eight of the code of West Virginia, it being hereby expressly provided that the Tri-State Airport Authority is a “Municipal Authority” within the definition of that term as used in said article four-a, chapter eight of the code; and

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

Sec. 6. Participation.—The county court of Cabell county, the city of Huntington of Cabell and Wayne counties, the county court of Wayne county, the city of Kenova, the town of Ceredo, or any one or more of them, jointly
and severally, are hereby authorized and empowered to
appoint members of the said authority and to contribute
to the cost of acquiring, constructing, equipping, main-
taining and operating the said airport and appurtenant
facilities.

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

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

The authority shall keep strict account of all of its,
receipts and expenditures and shall make quarterly re-
ports to the public and private bodies contributing to its
funds containing an itemized account of its operations in
the preceding quarter. The accounts of the authority
shall be regularly examined by the state tax commissioner in the manner required by article nine, chapter six of the code of West Virginia.

Sec. 8. Property, Bonds and Obligations of Authority Exempt from Taxation.—The authority shall be exempt from the payment of any taxes or fees to the state or any subdivisions thereof or to any officer or employee of the state or other subdivision thereof. The property of the authority shall be exempt from all local and municipal taxes. Bonds, notes, debentures and other evidence of indebtedness of the authority are declared to be issued for a public purpose and to be public instrumentalities, and, together with interest thereon, shall be exempt from taxes.

Sec. 9. Sale or Lease of Property.—In the event all of the public corporations contributing to the funds of the authority shall so determine the authority shall make sale of all of its properties and assets and distribute the proceeds thereof among those contributing to its funds; or in the event such of the supporting corporations contributing a majority of the funds of said authority shall so
Sec. 10. Employees to be Covered by Workmen's Compensation.—All employees of the authority eligible there- to shall be deemed to be within the Workmen's Compensation Act of West Virginia and premiums on their compensation shall be paid by the authority as required by law.

Sec. 11. Liberal Construction of Act.—It is the purpose of this act to provide for the acquisition, construction, maintenance and operation of an airport in a prudent and economical manner and this act shall be liberally construed as giving to the authority full and complete power reasonably required to give effect to the purposes hereof. The provisions of this act are in addition to and not in derogation of any power existing in the county courts and municipal corporations herein named under any constitutional, statutory or charter provisions which they or either of them may now have, or may hereafter acquire or adopt.
Sec. 12. Provisions Severable.—The several sections and provisions of this act are severable, and if any section or provision hereof shall be held unconstitutional, all the remaining sections and provisions of the act shall nevertheless remain valid.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect [From] passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

[Signature]
Governor

[Signature]
Secretary of State