WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED

HOUSE BILL No. 476

(By Mr. Abrams and )

Mrs. Withrow

PASSED Feb. 23 1963

In Effect From Passage

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of West Virginia MAR 4 1963
JOE F. BURDETT
SECRETARY OF STATE
ENROLLED

House Bill No. 476
(By Mr. Abrams and Mrs. Withrow)

[Passed February 23, 1963; in effect from passage.]

AN ACT to authorize the county court of the county of Raleigh to create an airport authority and providing for the membership and purposes of the authority; for the appointment and removal of members; for the acquisition by the authority of real estate and personal property; for the acquisition, construction, improvement, maintenance and operation of a public airport; for corporate existence of the authority; for the issuance of mortgage bonds, revenue bonds, other bonds, debentures, notes and securities, and the giving of security for the payment thereof; for the authority to exercise the power of eminent domain; for tax exemption for the property, funds and obligations of the authority; for acquisition by the authority from the county court of the county of Raleigh of the present county airport and
the improvement and operation thereof; for the authority
to lease the airport; for the county court of the county
of Raleigh to become the lessee of the airport and pay
the rental therefor; for contributions to the funds of the
authority by the county court of the county of Raleigh and
others; for the keeping of the funds and accounts of the
authority; for the disposition of any surplus funds; for the
covering of the employees of the authority by workmen's
compensation; and for dissolution of the authority.

Be it enacted by the Legislature of West Virginia:

Section 1. Raleigh County Airport Authority Author-
ized.—The county court of the county of Raleigh is hereby
authorized to create and establish a public agency to be
known as the “Raleigh County Airport Authority” for the
purposes and in the manner hereinafter set forth.

Sec. 2. Purposes.—The authority is hereby authorized
and empowered to acquire, equip, construct, improve,
maintain and operate a public airport with all usual and
convenient appurtenances and facilities in Raleigh county,
West Virginia, to serve as a public airport for the con-
venience and accommodation of the inhabitants of Raleigh
county and the public generally.
Sec. 3. Members of the Authority.—The management and control of the Raleigh county airport authority, its property, operations, business and affairs, shall be lodged in a board of five persons who shall be known as “Members of the Authority”, each of whom shall be appointed for a term of five years, except that as to the first four appointed to the first board appointed, the term of one member shall expire on the first day of July next ensuing and the term of the next member shall expire on the first day of July two years thereafter, the term of another member shall expire on the first day of July three years thereafter and the term of the remaining member shall expire on the first day of July four years thereafter: Provided, however, That the county commissioner appointed to serve as a member of the authority, as hereinafter provided, shall not serve for a term as member of the authority which is longer than his term of office as a member of the county court of the county of Raleigh. All members shall be appointed by the county court of the county of Raleigh: Provided, however, That one member of the authority shall be a member of the county
court of the county of Raleigh: Provided further, That of
the remaining four members of the authority no more than
two shall be members of the same political party, nor shall
they hold any political office of any nature.

Sec. 4. Removal of Member.—The members of the
authority shall serve at the will and pleasure of the
county court of the county of Raleigh: Provided, however,
That if the county court of the county of Raleigh desires
to remove a member of the authority it shall notify said
member in writing, stating the reasons for the county
court of the county of Raleigh desiring said removal.
Within ten days of the receipt by the member of the
authority of the written notice of removal, said member,
if he so desires, may have a hearing before the county
court of the county of Raleigh, and any such hearing
shall be held within ten days of the member's request for
said hearing.

Sec. 5. Substitution of Members.—If any member of
the authority die, or resign, or be removed, or for any
other reason cease to be a member of the authority, the
county court of the county of Raleigh shall appoint an-
other person to fill the unexpired portion of the term of such member.

Sec. 6. Qualification of Members of the Authority.—
All members of the board of the authority shall be citizens of West Virginia, over thirty years of age, and residents of Raleigh county.

Sec. 7. Compensation of Members of the Authority.—
No member of the board of the authority shall receive any compensation, whether in form of salary, per diem allowances or otherwise, for or in connection with his services as such member. Each member shall, however, be entitled to reimbursement by the authority for any necessary expenditures in connection with the performance of his general duties as such member.

Sec. 8. Authority to be a Public Corporation.—The authority when created, and the members thereof, shall constitute and be a public corporation under the name of "Raleigh County Airport Authority", and as such shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded, and have and use a common seal.
Sec. 9. Powers.—The Raleigh county 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 elect its own officers, to appoint committees and to employ and fix the compensation for personnel necessary for its operation;

(3) To enter into contracts with any person, governmental department, firm or corporation, including both public and private corporations, and generally to do any and all things necessary or convenient for the purpose of acquiring, equipping, constructing, maintaining, improving, extending, financing and operating a public airport in Raleigh county, West Virginia;

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

(5) To apply for, receive and use grants in aid, donations and contributions from any source or sources, including but not limited to the federal government and any agency thereof, and the state of West Virginia, and
to accept and use bequests, devises, gifts and donations from any person, firm or corporation;

(6) To acquire lands and hold title thereto in its own name;

(7) To purchase, own, hold, sell and dispose of personal property and to sell, lease or otherwise dispose of any real estate which it may own;

(8) To borrow money and execute and deliver negotiable notes, mortgage bonds, other bonds, debentures, and other evidences of indebtedness therefor, and give such security therefor as shall be requisite, including giving a mortgage or deed of trust on its airport properties and facilities in connection with the issuance of mortgage bonds;

(9) 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, one thousand nine hundred thirty-one, as amended, it being hereby expressly provided that the Raleigh county airport authority is a “municipal authority” within the definition of that term as used in said
43 article four-a, chapter eight of the code; and
44 (10) To expend its funds in the execution of the
45 powers and authority herein given.

Sec. 10. Indebtedness of the Authority.—The authority
2 may incur any proper indebtedness and issue any obliga-
3 tions and give any security therefor which it may deem
4 necessary or advisable in connection with carrying out
5 its purposes as hereinbefore mentioned. No statutory
6 limitation with respect to the nature or amount of in-
7 debtedness which may be incurred by municipalities or
8 other public bodies shall apply to indebtedness of the
9 authority. No indebtedness of any nature of the authority
10 shall constitute an indebtedness of the county court of
11 the county of Raleigh, nor of said county, or a charge
12 against any property of said county. No obligation in-
13 curred by the authority shall give any right against any
14 member of the county court of the county of Raleigh
15 or any member of the board of the authority. The rights
16 of creditors of the authority shall be solely against
17 the authority as a corporate body and shall be satisfied
18 only out of property held by it in its corporate capacity.
Sec. 11. Agreements in Connection With Obtaining Funds.—The authority may, in connection with obtaining funds for its purposes, enter into any agreement with any person, firm or corporation, including the federal government, or any agency or subdivision thereof, containing such provisions, covenants, terms and conditions as the authority may deem advisable.

Sec. 12. Authority to Have Right of Eminent Domain.

—Whenever it shall be deemed necessary by the authority in connection with the exercise of its powers herein conferred, to take or acquire any lands, structures or buildings or other rights, either in fee or as easements, for the purposes herein set forth, the authority may purchase the same directly or through its agents from the owner or owners thereof, 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 in chapter fifty-four of the code of West Virginia, one thousand nine hundred thirty-one, as heretofore and hereafter amended, and such purposes are hereby declared to be public uses for
Sec. 13. 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 of any subdivisions 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. 14. County Commissioners Authorized to Convey Present Airport Properties and Facilities to the Authority.—The county court of the county of Raleigh is hereby authorized to convey to the authority the present airport property owned by the county of Raleigh, situate in Raleigh county, together with all the appurtenances and facilities therewith, such conveyance to be without consideration or for such price and upon such terms and conditions as the county court of the county of Raleigh shall deem proper.
Sec. 15. Authority May Lease Airport and Facilities
to the County Court of the County of Raleigh or Other
Lessee.—The authority may lease its airport and all the
appurtenances and facilities therewith to the county
court of the county of Raleigh or to any other available
lessee at such rental and upon such terms and conditions
as to the authority shall seem proper. If the authority
determines to lease the airport and its appurtenances
and facilities, as a whole, it shall first offer the same to
the county court of the county of Raleigh upon an
annual lease, and it shall not lease the airport and its
appurtenances and facilities as a whole to any other
lessee until the county court of the county of Raleigh
has notified the authority that it does not desire to lease
said properties, which notice shall be given within thirty
days after notice by the authority of a desire on its
part to lease the airport as a whole. The county court
of the county of Raleigh is hereby authorized to enter
into a lease with the authority for said airport and appur-
tenances and facilities at such rental and upon such terms
and conditions as it shall deem proper, and the county
court of the county of Raleigh is hereby authorized to levy taxes as provided by law for the purpose of paying the rent for said airport, appurtenances and facilities. The authority, however, may lease one or more portions of said airport, not including runways and taxiways, without first offering the same to the county court of the county of Raleigh. Such lease shall be for some purpose associated with airport activities.

Sec. 16. Disposition of Surplus of Authority.—If the authority should realize a surplus, whether from operating the airport or leasing it for operation, over and above the amount required for the maintenance, improvement and operation of the airport and for meeting all required payments on its obligations, it shall set aside such reserve for future operations, improvements and contingencies as it shall deem proper and shall then apply the residue of such surplus, if any, to the payment of any recognized and established obligations not then due; and after all such recognized and established obligations have been paid off and discharged in full, the authority shall, at the end of each fiscal year, set aside the reserve for
future operations, improvements and contingencies, as aforesaid, and then pay the residue of such surplus, if any, to the county court of the county of Raleigh, to be used by said county court for general county purposes.

Sec. 17. Contributions to Authority by the County Court of the County of Raleigh and Others; Funds and Accounts of the Authority.—Contributions may be made to the authority from time to time by the county court of the county of Raleigh and by any persons, firms or corporations that shall desire so to do. All such funds and all other funds received by the authority shall be deposited in such bank or banks as 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 its receipts and expenditures and shall each quarter make a quarterly report to the county court of the county of Raleigh containing an itemized account of its receipts and disbursements during the preceding quarter. Such report shall be made within sixty days after the termination of the quarter. Within sixty days after the end of each fiscal year, the authority
shall make an annual report containing an itemized statement of its receipts and disbursements for the preceding year, and such annual report shall be published once a week for two successive weeks in two newspapers of opposite politics published in, and of general circulation in Raleigh county, West Virginia. The books, records and accounts of the authority shall be subject to audit and examination by the office of the state tax commissioner of West Virginia and by any other proper public official or body in the manner provided by law.

Sec. 18. Employees to Be Covered by Workmen's Compensation.—All employees of the authority eligible thereunder shall be deemed to be within the workmen's compensation act of West Virginia, and premiums shall be paid by the authority to the workmen's compensation fund as required by law.

Sec. 19. Dissolution of Authority.—The authority may at any time pay off and discharge in full all of its indebtedness, obligations and liabilities, reconvey the airport properties, appurtenances and facilities to the county court of the county of Raleigh and be dissolved. Before
making such reconveyance of its properties, the authority
shall first publish notice of its intention so to do and of
its intention to be dissolved, once a week for four suc-
cessive weeks in two newspapers of opposite politics
published in, and of general circulation in Raleigh county,
West Virginia. Certificates from the publishers of the
papers showing such publication shall be filed with the
county court of the county of Raleigh on or before the
deed reconveying said properties is delivered. Any funds
remaining in the hands of the authority at the time of the
reconveyance of said properties shall be by the authority
paid over to the county court of the county of Raleigh
to be used by it for purposes in connection with said
airport. Upon the payment of its indebtedness, obliga-
tions and liabilities, the publishing of the notices afore-
said, the reconveyance of its properties, and the paying
over to the county court of the county of Raleigh of any
funds remaining in its hands, the authority shall cause
a certificate showing its dissolution to be executed under
its name and seal and to be recorded in the office of the
clerk of the county court of Raleigh county, and there-
upon its dissolution shall be complete.
Sec. 20. Automatic Termination of the Right to Establish the Authority.—If on or before the first day of July, one thousand nine hundred sixty-three, the county court of the county of Raleigh shall not have appointed the members of the authority who are to constitute the board for management of its business and affairs, as provided in section three thereof, all right to create and establish said Raleigh county airport authority under this act shall automatically terminate.

Sec. 21. Liberal Construction of Act.—It is the purpose of this act to provide for the acquisition, construction, improvement, extension, maintenance and operation of a public 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 court of the county of Raleigh under any constitutional or statutory provisions which it may now have, or may hereafter acquire.

Sec. 22. 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 this act shall nevertheless remain valid.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect From passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within Approved this the 2nd
day of March, 1963.

Governor