

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1966

## ENROLLED

SENATE BILL NO. 66

(By Mr. Cassm. Mr. President  
and Mr. Jasper)

PASSED February 4, 1966

In Effect from Passage

FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE  
THIS DATE 2-14-66

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**ENROLLED**

**Senate Bill No. 66**

(By MR. CARSON, MR. PRESIDENT, and MR. JASPER)

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[Passed February 4, 1966; in effect from passage.]

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AN ACT to authorize the county court of the county of Greenbrier 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 the authority to lease the airport; for the county court of the county of Greenbrier 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 Greenbrier 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. Greenbrier County Airport Authority Authorized.**—The county court of the county of Greenbrier is hereby authorized to create and establish a public agency to be known as the “Greenbrier 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 Greenbrier county, West Virginia, to serve as a public airport for the

6 convenience and accommodation of the inhabitants of  
7 Greenbrier county and the public generally.

**Sec. 3. Members of the Authority.**—The management  
2 and control of the Greenbrier county airport authority,  
3 its property, operations, business and affairs, shall be  
4 lodged in a board of five persons who shall be known as  
5 “Members of the Authority”, each of whom shall be ap-  
6 pointed for a term of five years, except that as to the first  
7 four appointed to the first board appointed, the term of  
8 one member shall expire on the first day of July next  
9 ensuing and the term of the next member shall expire on  
10 the first day of July two years thereafter, the term of  
11 another member shall expire on the first day of July three  
12 years thereafter and the term of the remaining member  
13 shall expire on the first day of July four years thereafter:  
14 *Provided*, That the county commissioner appointed to  
15 serve as a member of the authority, as hereinafter pro-  
16 vided, shall not serve for a term as member of the au-  
17 thority which is longer than his term of office as a member  
18 of the county court of the county of Greenbrier.  
19 All members shall be appointed by the county court of

20 the county of Greenbrier: *Provided, however,* That one  
21 member of the authority shall be a member of the county  
22 court of the county of Greenbrier: *Provided further,* That  
23 of the remaining four members of the authority no more  
24 than two shall be members of the same political party,  
25 nor shall they hold any political office of any nature.

**Sec. 4. Removal of Members.**—The members of the  
2 authority shall serve at the will and pleasure of the  
3 county court of the county of Greenbrier: *Provided,* That  
4 if the county court of the county of Greenbrier desires to  
5 remove a member of the authority it shall notify said  
6 member in writing, stating the reasons for the county  
7 court of the county of Greenbrier desiring said removal.  
8 Within ten days of the receipt by the member of the au-  
9 thority of the written notice of removal, said member, if  
10 he so desires, may have a hearing before the county court  
11 of the county of Greenbrier, and any such hearing shall  
12 be held within ten days of the member's written request  
13 for said hearing.

**Sec. 5. Substitution of Members.**—If any member of  
2 the authority die, or resign, or be removed, or for any

3 other reason cease to be a member of the authority, the  
4 county court of the county of Greenbrier shall appoint  
5 another person to fill the unexpired portion of the term  
6 of such member.

**Sec. 6. Qualification of Members of the Authority.—**

2 All members of the board of the authority shall be citi-  
3 zens of West Virginia, over thirty years of age, and resi-  
4 dents of Greenbrier county.

**Sec. 7. Compensation of Members of the Authority.—**

2 No member of the board of the authority shall receive  
3 any compensation, whether in form of salary, per diem  
4 allowances or otherwise, for or in connection with his  
5 services as such member. Each member shall, however,  
6 be entitled to reimbursement by the authority for any  
7 necessary expenditures in connection with the perform-  
8 ance of his general duties as such member.

**Sec. 8. Authority to Be a Public Corporation.—The**

2 authority when created, and the members thereof, shall  
3 constitute and be a public corporation under the name  
4 of "Greenbrier County Airport Authority", and as such  
5 shall have perpetual succession, may contract and be con-

6 tracted with, sue and be sued, plead and be impleaded,  
7 and have and use a common seal.

**Sec. 9. Powers.**—The Greenbrier county airport au-  
2 thority is 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 elect its own officers, to appoint committees and  
7 to employ and fix the compensation for personnel neces-  
8 sary for its operation;

9 (3) To enter into contracts with any person, govern-  
10 mental department, firm or corporation, including both  
11 public and private corporations, and generally to do any  
12 and all things necessary or convenient for the purpose  
13 of acquiring, equipping, constructing, maintaining, im-  
14 proving, extending, financing and operating a public air-  
15 port in Greenbrier county, West Virginia;

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

18 (5) To apply for, receive and use grants-in-aid, dona-  
19 tions and contributions from any source or sources, in-

20 cluding but not limited to the federal government and  
21 any agency thereof, and the state of West Virginia, and  
22 to accept and use bequests, devises, gifts and donations  
23 from any person, firm or corporation;

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

26 (7) To purchase, own, hold, sell and dispose of per-  
27 sonal property and to sell, lease or otherwise dispose of  
28 any real estate which it may own;

29 (8) To borrow money and execute and deliver ne-  
30 gotiable notes, mortgage bonds, other bonds, debentures,  
31 and other evidences of indebtedness therefor, and give  
32 such security therefor as shall be requisite, including but  
33 not limited to the giving of a mortgage, deed of trust or se-  
34 curity agreement on or with respect to its airport proper-  
35 ties and facilities in connection with the issuance of mort-  
36 gage bonds;

37 (9) To raise funds by the issuance and sale of revenue  
38 bonds in the manner provided by the applicable provisions  
39 of article four-a, chapter eight of the code of West Vir-  
40 ginia, one thousand nine hundred thirty-one, as amended,



41 it being hereby expressly provided that the Greenbrier  
42 county airport authority is a "municipal authority" within  
43 the definition of that term as used in said article four-a,  
44 chapter eight of the code; and

45 (10) To expend its funds in the execution of the powers  
46 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 therefore which it may deem  
4 necessary or advisable in connection with carrying out its  
5 purposes as hereinbefore mentioned. No statutory limi-  
6 tations with respect to the nature or amount of indebted-  
7 ness which may be incurred by municipalities or other  
8 public bodies shall apply to indebtedness of the authority.  
9 No indebtedness of any nature of the authority shall con-  
10 stitute an indebtedness of the county court of the county  
11 of Greenbrier, nor of said county, or a charge against any  
12 property of said county. No obligation incurred by the  
13 authority shall give any right against any member of the  
14 county court of the county of Greenbrier or any member  
15 of the board of the authority. The rights of creditors of

16 the authority shall be solely against the authority as a  
17 corporate body and shall be satisfied only out of property  
18 held by it in its corporate capacity.

**Sec. 11. Agreements in Connection with Obtaining**

2 **Funds.**—The authority may, in connection with obtaining  
3 funds for its purposes, enter into any agreement with any  
4 person, firm or corporation, including but not limited to  
5 the federal government, or any agency or subdivision  
6 thereof, containing such provisions, covenants, terms and  
7 conditions as the authority may deem advisable.

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

2 Whenever it shall be deemed necessary by the authority  
3 in connection with the exercise of its powers herein con-  
4 ferred, to take or acquire any lands, structures or build-  
5 ings or other rights, either in fee or as easements, for the  
6 purposes herein set forth, the authority may purchase  
7 the same directly or through its agents from the owner  
8 or owners thereof, or failing to agree with the owner or  
9 owners thereof, the authority may exercise the power of  
10 eminent domain in the manner provided for condemna-  
11 tion proceedings in chapter fifty-four of the code of West

12 Virginia, one thousand nine hundred thirty-one, as here-  
13 tofore and hereafter amended, and such purposes are  
14 hereby declared to be public uses for which private  
15 property may be taken or damaged.

**Sec. 13. 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 the  
5 state or of any subdivisions thereof. The property of the  
6 authority shall be exempt from all local and municipal  
7 taxes. Bonds, notes, debentures and other evidence of  
8 indebtedness of the authority are declared to be issued  
9 for a public purpose and to be public instrumentalities,  
10 and, together with interest thereon, shall be exempt from  
11 taxes.

**Sec. 14. Authority May Lease Airport and Facilities to**

2 **the County Court of the County of Greenbrier or Other**  
3 **Lessee.**—The authority may lease its airport and all the  
4 appurtenances and facilities therewith to the county court  
5 of the county of Greenbrier or to any other available  
6 lessee at such rental and upon such terms and conditions

7 as to the authority shall seem proper. If the authority  
8 determines to lease the airport and its appurtenances and  
9 facilities, as a whole, it shall first offer the same to the  
10 county court of the county of Greenbrier upon an annual  
11 lease, and it shall not lease the airport and its appur-  
12 tenances and facilities as a whole to any other lessee until  
13 the county court of the county of Greenbrier has notified  
14 the authority that it does not desire to lease said proper-  
15 ties, which notice shall be given within thirty days after  
16 notice by the authority of a desire on its part to lease the  
17 airport as a whole. The county court of the county of  
18 Greenbrier is hereby authorized to enter into a lease with  
19 the authority for said airport and appurtenances and  
20 facilities at such rental and upon such terms and condi-  
21 tions as it shall deem proper, and the county court of the  
22 county of Greenbrier is hereby authorized to levy taxes  
23 as provided by law for the purpose of paying the rent for  
24 said airport, appurtenances and facilities. The authority,  
25 however, may lease one or more portions of said airport,  
26 not including runways and taxiways, without first offer-  
27 ing the same to the county court of the county of Green-

28 brier. Such lease shall be for some purpose associated  
29 with airport activities.

Sec. 15. **Disposition of Surplus of Authority.**—If the  
2 authority should realize a surplus, whether from operat-  
3 ing the airport or leasing it for operation, over and above  
4 the amount required for the maintenance, improvement  
5 and operation of the airport and for meeting all required  
6 payments on its obligations, it shall set aside such reserve  
7 for future operations, improvements and contingencies as  
8 it shall deem proper and shall then apply the residue of  
9 such surplus, if any, to the payment of any recognized  
10 and established obligations not then due; and after all  
11 such recognized and established obligations have been  
12 paid off and discharged in full, the authority shall, at the  
13 end of each fiscal year, set aside the reserve for future  
14 operations, improvements and contingencies, as aforesaid,  
15 and then pay the residue of such surplus, if any, to the  
16 county court of the county of Greenbrier, to be used by  
17 said county court for general county purposes.

Sec. 16. **Contributions to Authority by the County**  
2 **Court of the County of Greenbrier and Others; Funds**

3 **and Accounts of the Authority.**—Contributions may be  
4 made to the authority from time to time by the county  
5 court of the county of Greenbrier and by any persons,  
6 firms or corporations that shall desire so to do. All such  
7 funds and all other funds received by the authority shall  
8 be deposited in such bank or banks as the authority may  
9 direct and shall be withdrawn therefrom in such manner  
10 as the authority may direct. The authority shall keep  
11 strict account of all its receipts and expenditures and shall  
12 each quarter make a quarterly report to the county court  
13 of the county of Greenbrier containing an itemized ac-  
14 count of its receipts and disbursements during the pre-  
15 ceding quarter. Such report shall be made within sixty  
16 days after the termination of the quarter. Within sixty  
17 days after the end of each fiscal year, the authority shall  
18 make an annual report containing an itemized statement  
19 of its receipts and disbursements for the preceding year,  
20 and such annual report shall be published once a week for  
21 two successive weeks in two newspapers of opposite  
22 politics published in, and of general circulation in Green-  
23 brier county, West Virginia. The books, records and ac-

24 counts of the authority shall be subject to audit and ex-  
25 amination by the office of the state tax commissioner of  
26 West Virginia and by any other proper public official or  
27 body in the manner provided by law.

**Sec. 17. Employees to Be Covered by Workmen's Com-**  
2 **pensation.**—All employees of the authority eligible there-  
3 under shall be deemed to be within the workmen's com-  
4 pensation act of West Virginia, and premiums shall be  
5 paid by the authority to the workmen's compensation  
6 fund as required by law.

**Sec. 18. Dissolution of Authority.**—The authority may  
2 at any time pay off and discharge in full all of its indebt-  
3 edness, obligations and liabilities, reconvey the airport  
4 properties, appurtenances and facilities to the county  
5 court of the county of Greenbrier and be dissolved. Be-  
6 fore making such reconveyance of its properties, the au-  
7 thority shall first publish notice of its intention so to do  
8 and of its intention to be dissolved, once a week for four  
9 successive weeks in two newspapers of opposite politics  
10 published in, and of general circulation in Greenbrier  
11 county, West Virginia. Certificates from the publishers of

12 the papers showing such publication shall be filed with  
13 the county court of the county of Greenbrier on or before  
14 the deed reconveying said properties is delivered. Any  
15 funds remaining in the hands of the authority at the time  
16 of the reconveyance of said properties shall be by the au-  
17 thority paid over to the county court of the county of  
18 Greenbrier to be used by it for purposes in connection  
19 with said airport. Upon the payment of its indebtedness,  
20 obligations and liabilities, the publishing of the notices  
21 aforesaid, the reconveyance of its properties, and the pay-  
22 ing over to the county court of the county of Greenbrier  
23 of any funds remaining in its hands, the authority shall  
24 cause a certificate showing its dissolution to be executed  
25 under its name and seal and to be recorded in the office  
26 of the clerk of the county court of Greenbrier county,  
27 and thereupon its dissolution shall be complete.

**Sec. 19. Liberal Construction of Act.**—It is the purpose  
2 of this act to provide for the acquisition, construction,  
3 improvement, extension, maintenance and operation of a  
4 public airport in a prudent and economical manner and  
5 this act shall be liberally construed as giving to the au-



6   thority full and complete power reasonably required to  
7   give effect to the purposes hereof. The provisions of this  
8   act are in addition to and not in derogation of any power  
9   existing in the county court of the county of Greenbrier  
10   under any constitutional or statutory provisions which it  
11   may now have, or may hereafter acquire.

**Sec. 20. 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 this act shall never-  
5   theless remain valid.

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

*O. Roy Parker*  
Chairman Senate Committee

*James W. Loop*  
Chairman House Committee

Originated in the Senate.

Takes effect *from* Passage.

*J. Howard Meyer*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Howard E. Carson*  
President of the Senate

*H. Raban White*  
Speaker House of Delegates

The within *approved* this the *14th*  
day of *February*, 1966.

*Herbert C. Smith*  
Governor

OFFICE OF THE GOVERNOR  
FEB 14 12 01 PM '66

PRESENTED TO THE  
GOVERNOR

Date 2/11/66

Time 11:55 AM

FILED

FEB 14 11 07 PM '66

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

RDB