WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1966

ENROLLED
SENATE BILL NO. 660

(By Mr. and Mr. Jasper)

PASSED February 4, 1966

In Effect Passage

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

Senate Bill No. 66
(By Mr. Carson, Mr. President, and Mr. Jasper)

(Passed February 4, 1966; in effect from passage.)

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
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 herein-after 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
Sec. 3. Members of the Authority.—The management and control of the Greenbrier 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, 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 Greenbrier.

All members shall be appointed by the county court of
the county of Greenbrier: Provided, however, That one member of the authority shall be a member of the county court of the county of Greenbrier: 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 Members.—The members of the authority shall serve at the will and pleasure of the county court of the county of Greenbrier: Provided, That if the county court of the county of Greenbrier 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 Greenbrier 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 Greenbrier, and any such hearing shall be held within ten days of the member's written request for said hearing.

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

Sec. 6. Qualification of Members of the Authority.—
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All members of the board of the authority shall be citi-
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zens of West Virginia, over thirty years of age, and resi-
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dents of Greenbrier county.

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

Sec. 8. Authority to Be a Public Corporation.—The
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authority when created, and the members thereof, shall
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constitute and be a public corporation under the name
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of “Greenbrier County Airport Authority”, and as such
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shall have perpetual succession, may contract and be con-
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-
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 per-
sonal property and to sell, lease or otherwise dispose of
any real estate which it may own;

(8) To borrow money and execute and deliver ne-
gotiable notes, mortgage bonds, other bonds, debentures,
and other evidences of indebtedness therefor, and give
such security therefor as shall be requisite, including but
not limited to the giving of a mortgage, deed of trust or se-
curity agreement on or with respect to its airport proper-
ties and facilities in connection with the issuance of mort-
gage 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 Vir-
ginia, one thousand nine hundred thirty-one, as amended,
it being hereby expressly provided that the Greenbrier county 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

(10) To expend its funds in the execution of the powers and authority herein given.

Sec. 10. Indebtedness of the Authority.—The authority may incur any proper indebtedness and issue any obligations and give any security therefore which it may deem necessary or advisable in connection with carrying out its purposes as hereinbefore mentioned. No statutory limitations with respect to the nature or amount of indebtedness which may be incurred by municipalities or other public bodies shall apply to indebtedness of the authority. No indebtedness of any nature of the authority shall constitute an indebtedness of the county court of the county of Greenbrier, nor of said county, or a charge against any property of said county. No obligation incurred by the authority shall give any right against any member of the county court of the county of Greenbrier or any member of the board of the authority. The rights of creditors of
the authority shall be solely against the authority as a
corporate body and shall be satisfied 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 but not limited to
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 con-
ferred, to take or acquire any lands, structures or build-
ings 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 condemna-
tion proceedings in chapter fifty-four of the code of West
Virginia, one thousand nine hundred thirty-one, as here-
tofore and hereafter amended, and such purposes are
hereby declared to be public uses for which private
property may be taken or damaged.

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. Authority May Lease Airport and Facilities to
the County Court of the County of Greenbrier or Other
Lessee.—The authority may lease its airport and all the
appurtenances and facilities therewith to the county court
of the county of Greenbrier 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 Greenbrier upon an annual
lease, and it shall not lease the airport and its appur-
tenances and facilities as a whole to any other lessee until
the county court of the county of Greenbrier has notified
the authority that it does not desire to lease said proper-
ties, 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
Greenbrier is hereby authorized to enter into a lease with
the authority for said airport and appurtenances and
facilities at such rental and upon such terms and condi-
tions as it shall deem proper, and the county court of the
county of Greenbrier 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 offer-
ing the same to the county court of the county of Green-
Such lease shall be for some purpose associated with airport activities.

**Sec. 15. 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 Greenbrier, to be used by said county court for general county purposes.

**Sec. 16. Contributions to Authority by the County Court of the County of Greenbrier 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 Greenbrier 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 Greenbrier 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 Greenbrier 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
the papers showing such publication shall be filed with
the county court of the county of Greenbrier 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 au-
thority paid over to the county court of the county of
Greenbrier to be used by it for purposes in connection
with said airport. Upon the payment of its indebtedness,
obligations and liabilities, the publishing of the notices
aforesaid, the reconveyance of its properties, and the pay-
ing over to the county court of the county of Greenbrier
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 Greenbrier county,
and thereupon its dissolution shall be complete.

Sec. 19. 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 au-
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6  thority 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 Greenbrier
under any constitutional or statutory provisions which it
may now have, or may hereafter acquire.

Sec. 20. 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 never-
theless remain valid.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O. Roy Barker
Chairman Senate Committee

James W. Roop
Chairman House Committee

Originated in the Senate.

Takes effect from Passage.

Herman Haynes
Clerk of the Senate

J.R. Blankenship
Clerk of the House of Delegates

Howard E. Carson
President of the Senate

W. Rabon White
Speaker House of Delegates

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

Herbert C. Smith
Governor
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