

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

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ENROLLED


*Com. Sub. for*  
HOUSE BILL No. *691*

(By Mr. *Nelson (of Abells)*  
*and Mr. Bobbitt*)

—●—

PASSED *March 8* 1967

In Effect *from* Passage

  
FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE  
THIS DATE *3-16-67*

*1691*  
*#*

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**Com. Sub. for House Bill No. 691**

(By MR. NELSON (of Cabell) and MR. BOBBITT)

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[Passed March 8, 1967; in effect from passage.]

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AN ACT to amend chapter eight of the code of West Virginia,  
one thousand nine hundred thirty-one, as amended, by  
adding thereto a new article, designated article eleven-a,  
relating to regional airports.

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

That chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article eleven-a, to read as follows:

**ARTICLE 11A. REGIONAL AIRPORTS.**

**§8-11A-1. Regional airport authorities authorized.**

- 1 Any two or more contiguous counties or municipalities
- 2 located therein, of this state, however such municipali-

3 ties were created, and whether such municipalities are  
4 operating under a legislative charter, home rule charter,  
5 or general law only, are hereby authorized to create and  
6 establish one or more authorities for the purpose of  
7 acquiring, equipping, constructing, maintaining and oper-  
8 ating a regional airport or airports, as the case may be:  
9 *Provided*, That no such county or municipality shall  
10 participate in such authority unless and until its govern-  
11 ing body so provides. The term "authority" as used in  
12 this article means such a regional airport authority  
13 created pursuant to this article.

**§8-11A-2. Authorities to be public corporations.**

1 Each authority when created, and the members thereof,  
2 shall constitute a public corporation and as such, shall  
3 have perpetual succession, may contract and be contracted  
4 with, sue and be sued, and have and use a common seal.

**§8-11A-3. Purpose of authorities.**

1 Each authority is hereby authorized and empowered  
2 to acquire, equip, construct, maintain and operate a re-  
3 gional airport or landing field and appurtenant facilities

4 so located to best serve the region in which they are  
5 located.

**§8-11A-4. Members of authorities.**

1 The management and control of each authority, its  
2 property, operations, business and affairs shall be lodged  
3 in a board of not less than five nor more than twenty-  
4 one persons who shall be known as members of the  
5 authority and who shall be appointed for terms of three  
6 years each by the public corporations contributing to  
7 the funds of the authority. However, the first board shall  
8 be comprised of one member appointed by each par-  
9 ticipating county court and one member from each par-  
10 ticipating municipality contributing to the funds of the  
11 authority, and such member shall serve one year. No  
12 more than three members shall serve from one county  
13 on the first board. Each county or municipality shall  
14 have one vote for each five thousand dollars it has con-  
15 tributed to the funds of said authority.

**§8-11A-5. Substitution of members.**

1 If any member of an authority die, or resign, or be  
2 removed, or for any other reason cease to be a member

3 of the authority, the county court or the municipality  
4 which such member represented shall appoint another  
5 person to fill the unexpired portion of the term of such  
6 member.

**§8-11A-6. Qualification of members of authorities.**

1 All members of the board of each authority shall be  
2 bona fide residents of the county or municipality which  
3 said members represent.

**§8-11A-7. Compensation of members of authorities.**

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

**§8-11A-8. Powers.**

1 Each authority is hereby given power and authority  
2 as follows:  
3 (1) To make and adopt all necessary bylaws, rules  
4 and regulations for its organization and operations not  
5 inconsistent with law;

6 (2) To elect its own officers, to appoint committees  
7 and to employ and fix the compensation for personnel  
8 necessary 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  
15 airport to best serve the region in which it is located;

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, do-  
19 nations and contributions from any source or sources,  
20 including 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 nego-  
30 tiable notes, mortgage bonds, other bonds, debentures  
31 and other evidences of indebtedness therefor, and give  
32 such security therefor as shall be requisite, including  
33 giving a mortgage or deed of trust on its airport prop-  
34 erties and facilities in connection with the issuance of  
35 mortgage bonds;

36 (9) To raise funds by the issuance and sale of revenue  
37 bonds in the manner provided by the applicable provi-  
38 sions of article four-a, chapter eight of the code of West  
39 Virginia, one thousand nine hundred thirty-one, as  
40 amended, it being hereby expressly provided that each  
41 authority is a "municipal authority" within the definition  
42 of that term as used in the said article four-a, chapter  
43 eight of the code for the purpose of the issuance and sale  
44 of revenue bonds;

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

47 (11) To apply for, receive and use loans, grants, dona-

48 tions, technical assistance and contributions from any  
49 regional or area commissions that may be established;  
50 and

51 (12) To prescribe by bylaw the manner of financial  
52 participation by members.

**§8-11A-9. Indebtedness of authorities.**

1 Each authority may incur any proper indebtedness  
2 and issue any obligations and give any security therefor  
3 which it may deem necessary and advisable in connec-  
4 tion with carrying out its purposes as hereinbefore men-  
5 tioned.

6 No obligation incurred by an authority shall give any  
7 right against any member of the governing body of any  
8 of said counties or municipalities, or any member of the  
9 board of the authority. No indebtedness of any nature  
10 of an authority shall constitute an indebtedness of any  
11 county or municipality or the governing body of any  
12 such county or municipality, or be a charge against any  
13 property of any county or municipality. The rights of  
14 creditors of an authority shall be solely against the author-



15 ity as a corporate body and shall be satisfied only out  
16 of property held by it in its corporate capacity.

**§8-11A-10. Agreements in connection with obtaining funds.**

1 Each authority may, in connection with obtaining  
2 funds for its purposes, enter into any agreement with  
3 any person, firm or corporation, including the federal  
4 government, or any agency or subdivision thereof, con-  
5 taining such provisions, covenants, terms and conditions  
6 as the authority may deem advisable.

**§8-11A-11. Authorities to have right of eminent domain.**

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

12 as theretofore and hereafter amended, and such purposes  
13 as hereby declared to be public uses for which private  
14 property may be taken or damaged: *Provided*, That  
15 under no circumstances shall an authority have the right  
16 of immediate entry.

**§8-11A-12. Property, bonds and obligations of authorities exempt from taxation.**

1 Each authority shall be exempt from the payment of  
2 any taxes or fees to the state or any subdivisions thereof  
3 or to any office or employee of the state or of any sub-  
4 division thereof.

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

**§8-11A-13. Authorities to lease facilities.**

1 Each authority may lease its airport and all or any  
2 part of the appurtenances and facilities therewith to any  
3 available lessee at such rental and upon such terms and

4 conditions as to the authority shall deem proper. Such  
5 leases shall be for some purpose associated with airport  
6 activities.

**§8-11A-14. Disposition of surplus of authorities.**

1 If an authority should realize a surplus, whether from  
2 operating the airport or leasing it for operation, over  
3 and above the amount required for the maintenance, im-  
4 provement and operation of the airport and for meeting  
5 all required payments on its obligations, it shall set aside  
6 such reserve for future operations, improvements and  
7 contingencies as it shall deem proper and shall then ap-  
8 ply the residue of such surplus, if any, to the payment  
9 of any recognized and established obligations not then  
10 due, and after all such recognized and established ob-  
11 ligations have been paid off and discharged in full, the  
12 authority shall, at the end of each fiscal year, set aside  
13 the reserve for future operations, improvements and  
14 contingencies, as aforesaid, and then pay the residue of  
15 such surplus, if any, to the counties and municipalities  
16 in direct proportion to their financial contribution.

**§8-11A-15. Contributions to authorities; funds and accounts of authorities.**

1 Contributions may be made to authorities from time to  
2 time by the counties and municipalities and persons,  
3 firms or corporations that shall desire to do so. All such  
4 funds and all other funds received by an authority shall  
5 be deposited in such bank or banks as the authority may  
6 direct and shall be withdrawn therefrom in such manner  
7 as the authority may direct. Each authority shall keep  
8 strict account of all of its receipts and expenditures and  
9 shall each quarter make a quarterly report to the coun-  
10 ties and municipalities which have made contributions,  
11 and such report shall contain an itemized account of its  
12 receipts and disbursements during the preceding quarter.  
13 Such report shall be made within sixty days after the  
14 termination of the quarter. Within sixty days after the  
15 end of each fiscal year, each authority shall make an  
16 annual report containing an itemized statement of its  
17 receipts and disbursements for the preceding year, and  
18 such annual report shall be published as a Class II-0  
19 legal advertisement in compliance with the provisions

20 of article three, chapter fifty-nine of this code, and the  
21 publication area for such publication shall be the counties  
22 and municipalities, as provided in section one. The books,  
23 records and accounts of each authority shall be subject  
24 to audit and examination by the office of the state tax  
25 commissioner of West Virginia and by any other proper  
26 public official or body in the manner provided by law.

**§8-11A-16. Participation.**

1 The counties and municipalities or any one or more  
2 of them, jointly or severally, are hereby authorized  
3 and empowered to appoint members of the said au-  
4 thorities and to contribute to the cost of acquiring, con-  
5 structing, equipping, maintaining and operating the said  
6 regional airports and appurtenant facilities.

7 Any of the counties or municipal corporations as pro-  
8 vided in section one are hereby authorized and empowered  
9 to transfer and convey to the authorities property of  
10 any kind heretofore acquired by the counties or municipi-  
11 pal corporations for airport purposes.

**§8-11A-17. Sale of property.**

1 In the event a majority of the counties and municipal-

ities contributing to the funds of an authority shall so  
determine the authority shall make sale of all or any part  
of its properties and assets and distribute the proceeds  
thereof among those counties and municipalities contrib-  
uting to its funds.

**§8-11A-18. Employees to be covered by workmen's compensa-  
tion.**

All employees of each authority eligible thereto 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.

**§8-11A-19. Liberal construction of article.**

It is the purpose of this article to provide for the ac-  
quisition, construction, maintenance and operation of reg-  
ional airports in a prudent and economical manner and  
this article shall be liberally construed as giving to the  
authorities full and complete power reasonably required  
to give effect to the purposes hereof. The provisions of  
this article are in addition to and not in derogation of  
any power existing in the county courts and municipal  
corporations herein named under any constitutional, stat-

10 utory or charter provisions which they or either of them  
11 may now have, or may hereafter acquire or adopt.

**§8-11A-20. Provisions severable.**

1 The several sections and provisions of this article are  
2 severable, and if any section or provision hereof shall be  
3 held unconstitutional, all the remaining sections and pro-  
4 visions of the article shall nevertheless remain valid.

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

William Jompas  
Chairman Senate Committee

Clayton C Davidson  
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Meyer  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard E. Carson  
President of the Senate

H. Lapan White  
Speaker House of Delegates

The within approved this the 16

day of March, 1967.

Hullett C. Smith  
Governor





PRESENTED TO THE  
GOVERNOR

Date 3/13/67

Time 4:32 p.m.