WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED
Com. Sub. for
HOUSE BILL No. 6291

(By Mr. Nelson Goff and Mr. Dollitt)

PASSED March 8, 1967
In Effect from Passage

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

Com. Sub. for House Bill No. 691

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

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

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 located therein, of this state, however such municipali-
ties were created, and whether such municipalities are operating under a legislative charter, home rule charter, or general law only, are hereby authorized to create and establish one or more authorities for the purpose of acquiring, equipping, constructing, maintaining and operating a regional airport or airports, as the case may be: 

Provided, That no such county or municipality shall participate in such authority unless and until its governing body so provides. The term “authority” as used in this article means such a regional airport authority created pursuant to this article.

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

Each 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.

§8-11A-3. Purpose of authorities.

Each authority is hereby authorized and empowered to acquire, equip, construct, maintain and operate a regional airport or landing field and appurtenant facilities
so located to best serve the region in which they are located.

§8-11A-4. Members of authorities.

The management and control of each authority, its property, operations, business and affairs shall be lodged in a board of not less than five nor more than twenty-one persons who shall be known as members of the authority and who shall be appointed for terms of three years each by the public corporations contributing to the funds of the authority. However, the first board shall be comprised of one member appointed by each participating county court and one member from each participating municipality contributing to the funds of the authority, and such member shall serve one year. No more than three members shall serve from one county on the first board. Each county or municipality shall have one vote for each five thousand dollars it has contributed to the funds of said authority.

§8-11A-5. Substitution of members.

If any member of an authority die, or resign, or be removed, or for any other reason cease to be a member
§8-11A-6. Qualification of members of authorities.

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

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

No member of the board of an authority shall receive any compensation, whether in form of salary, per diem allowance 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.


Each authority is hereby given power and authority as follows:

1. To make and adopt all necessary bylaws, 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 to best serve the region in which it is located;

(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 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 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 each authority is a “municipal authority” within the definition of that term as used in the said article four-a, chapter eight of the code for the purpose of the issuance and sale of revenue bonds;

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

(11) To apply for, receive and use loans, grants, dona-
tions, technical assistance and contributions from any
regional or area commissions that may be established;
and
(12) To prescribe by bylaw the manner of financial
participation by members.


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

6 No obligation incurred by an authority shall give any
right against any member of the governing body of any
of said counties or municipalities, or any member of the
board of the authority. No indebtedness of any nature
of an authority shall constitute an indebtedness of any
county or municipality or the governing body of any
such county or municipality, or be a charge against any
property of any county or municipality. The rights of
creditors of an authority shall be solely against the author-
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§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,
as theretofore and hereafter amended, and such purposes
as hereby declared to be public uses for which private
property may be taken or damaged: Provided, That
under no circumstances shall an authority have the right
of immediate entry.

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

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

The property of each 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.


Each authority may lease its airport and all or any
part of the appurtenances and facilities therewith to any
available lessee at such rental and upon such terms and
conditions as to the authority shall deem proper. Such leases shall be for some purpose associated with airport activities.


If an 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 counties and municipalities 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 time by the counties and municipalities and persons, firms or corporations that shall desire to do so. All such funds and all other funds received by an 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. Each authority shall keep strict account of all of its receipts and expenditures and shall each quarter make a quarterly report to the counties and municipalities which have made contributions, and such report shall contain 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, each 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 as a Class II-0 legal advertisement in compliance with the provisions
of article three, chapter fifty-nine of this code, and the
publication area for such publication shall be the counties
and municipalities, as provided in section one. The books,
records and accounts of each 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.


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 munici-
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 contributing to its funds.

§8-11A-18. Employees to be covered by workmen's compensation.

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 acquisition, construction, maintenance and operation of regional 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-
utory or charter provisions which they or either of them may now have, or may hereafter acquire or adopt.


The several sections and provisions of this article are severable, and if any section or provision hereof shall be held unconstitutional, all the remaining sections and provisions of the article shall nevertheless remain valid.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Jepson
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.
Takes effect from passage.

J. Howard Negley
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

H. Robert White
Speaker House of Delegates

The within approved this the 16

day of March, 1967.

Pellite E. Smith
Governor
PRESENTED TO THE
GOVERNOR

Date 5/13/67
Time 4:32 p.m.