WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2001

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ENROLLED

House Bill No. 3252

(By Delegates Warner, Cann, Michael and Stalnaker)

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Passed April 12, 2001

In Effect July 1, 2001
AN ACT to repeal section four, chapter thirty-one, acts of the Legislature, regular session, one thousand nine hundred sixty, as last amended and reenacted by chapter two hundred thirteen, acts of the Legislature, regular session, one thousand nine hundred sixty-seven; and to amend and reenact section three, chapter thirty-one, acts of the Legislature, regular session, one thousand nine hundred sixty, as last amended and reenacted by chapter two hundred thirteen, acts of the Legislature, regular session, one thousand nine hundred sixty-seven, all relating to reconstituting the membership of the Benedum Airport Authority.

Be it enacted by the Legislature of West Virginia:

That section four, chapter thirty-one, acts of the Legislature, regular session, one thousand nine hundred sixty, as last amended and reenacted by chapter two hundred thirteen, acts of the Legislature, regular session, one thousand nine hundred sixty-seven, be repealed; and that section three, chapter thirty-one, acts of the Legislature, regular session, one thousand nine hundred sixty, as last amended and reenacted by chapter two hundred thirteen, acts of the Legislature,
regular session, one thousand nine hundred sixty-seven, be amended
and reenacted, all to read as follows:

BENEDUM AIRPORT AUTHORITY.

§3. Members of authority.

(a) The management and control of the “Benedum Airport
Authority,” its property, operations, business and affairs, shall
be lodged in a board of ten persons who shall be known as the
members of the authority and who shall be appointed for a term
of three years each, five members by the county court of
Harrison county, and five members by the county court of
Marion county, except that, as to the first board appointed, the
term of one member appointed by each county court shall
expire on the first day of March next ensuing, the term of
another member appointed by each county court shall expire on
the first day of the following March, and the term of the third
original member appointed by each county court shall expire on
the first day of the next following March. All members of the
board except the members of the first board shall be appointed
for full three-year terms. As a member’s term expires, the
county court which appointed such member shall appoint a
member for a full term of three years. A member may be
reappointed for such additional term or terms as the county
court appointing him may deem proper. If a member resigns, is
removed or for any reason his membership terminates during
his term of office, a successor member to fill out the remainder
of his term shall be appointed by the county court which
appointed him. Members in office at the expiration of their
respective terms shall continue to serve until their successors
have been appointed and have qualified. The county court of the
county appointing a member may at any time for good cause,
and upon a least five days’ notice in writing to such member,
remove such member of the board of the authority by an order
duly entered of record in the record book of such court and may
appoint a successor member for any member so removed. If any member objects to being so removed, he may, in writing, demand a hearing, and the county court proposing to remove him shall promptly thereafter, in its own county, hold a public hearing thereon. After such public hearing, the county court holding the hearing shall determine whether the member shall be removed or shall be permitted to continue in office.

(b) On the thirtieth day of June, two thousand one, the terms of each member of the board as constituted under the provisions of subsection (a) of this section shall terminate. Thereafter, the board of the authority shall be constituted pursuant to the provisions of subsection (c) of this section and the provisions of subsection (a) of this section shall be of no effect and superseded in their entirety by the provisions of this subsection and subsection (c) of this section.

(c)(1) Beginning the first day of July, two thousand one, and thereafter, and notwithstanding any provision of subsection (a) of this section to the contrary, the management and control of the “Benedum Airport Authority,” its property, operations, business and affairs, shall be lodged in a board of eleven persons who shall be known as the members of the authority. The board shall consist of seven appointed members and four ex officio members, all of whom shall be voting members.

(2) The appointed members of the authority shall be appointed and serve for terms as follows:

(A) One member of the county commission of Marion County, appointed by the county commission of Marion County for a term of one year;

(B) One member who shall be a resident of Marion county appointed by the county commission of Marion County for a term of one year;
(C) One member of the county commission of Harrison County, appointed by the county commission of Harrison County for a term of one year;

(D) One member who shall be a resident of Harrison County, appointed by the county commission of Harrison County for a term of one year;

(E) One member who shall be a member of and appointed by the West Virginia Council for Community and Economic Development for a term of one year; and

(F) Two members whose principal place of employment is in a principal business location situate in Marion or Harrison counties of a business within the airline industry appointed by the board of the Mid-Atlantic Aerospace Complex, each for a term of one year.

(3) The terms of the appointed members of the authority shall commence on the first day of July and expire on the thirtieth day of June of the following calendar year. All members of the authority shall be appointed for a full one year term. As a member's term expires, the entity that appointed the member shall appoint a member for a full term of one year. A member may be reappointed for such additional term or terms as the appointing entity may deem proper. In the event of a vacancy, or if a member resigns, is removed or for any reason his membership terminates during his term of office, a successor member to fill out the remainder of his or her term shall be appointed by the entity that appointed the member. Members in office at the expiration of their respective terms shall continue to serve until their successors have been appointed and have qualified.

(4) Each appointed member serves at the will and pleasure of the entity that appointed the member and may be removed at any time, upon notice in writing, by the appointing entity.
(5) The ex officio members of the authority shall be as follows:

(A) The secretary of the department of transportation or his or her designee;

(B) The city manager of the municipality of Bridgeport;

(C) The president of Fairmont State College; and

(D) The executive director of the Mid-Atlantic Aerospace Complex.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect July 1, 2001.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 2nd day of May, 2001.

Governor
PRESENTED TO THE
GOVERNOR
Date 4/03/01
Time 6:50 pm