

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 643

BY SENATORS SWOPE AND TRUMP

[Passed March 10, 2022; in effect from passage]

1 AN ACT to amend and reenact §8-29A-2 of the Code of West Virginia, 1931, as amended, relating
2 to removing the residency requirement of some members appointed to a county airport
3 authority.

Be it enacted by the Legislature of West Virginia:

ARTICLE 29A. COUNTY AIRPORT AUTHORITIES.

§8-29A-2. Appointment of members; powers and duties; compensation; terms; removal or replacement.

1 (a) The management and control of the county airport authority, its property, operations,
2 business, and affairs, shall be lodged in a board of five persons who shall be known as Members
3 of the Authority. The board shall constitute and be a public corporation under the name of “County
4 Airport Authority” and as such shall have perpetual succession, may contract, and be contracted
5 with, sue and be sued, plead and be impleaded, and have and use a common seal.

6 (b) All members shall be appointed by the county commission: *Provided*, That one
7 member of the authority shall be a member of the county commission: *Provided, however*, That
8 of the remaining four members of the authority no more than two shall be members of the same
9 political party. At least a majority of members shall be residents of the county and be appointed
10 for a term of five years, except that as to the first four appointed to the first board appointed, the
11 term of one member shall expire on July 1, next ensuing and the term of the next member shall
12 expire on July 1, two years thereafter, the term of another member shall expire on July 1, three
13 years thereafter and the term of the remaining member shall expire on July 1, four years
14 thereafter: *Provided further*, That the county commissioner appointed to serve as a member of
15 the authority shall not serve for a term as member of the authority which is longer than the term
16 of office as a member of the county commission.

17 (c) The members of the board shall receive no compensation for their services, but they
18 are entitled to reimbursement for all reasonable and necessary expenses actually incurred in the
19 performance of their duties as members of the board. They may not be personally interested,

20 directly or indirectly, in any contract entered into by the board, or hold any remunerative position
21 in connection with the establishment, construction, improvement, extension, development,
22 maintenance or operation of any of the property under their control as members of the board:
23 *Provided*, That nothing herein may be construed to prevent or make unlawful under this chapter
24 or any other chapter of this code, the appointment to the board of any person whose only interest
25 in any property under the control of the board is that the person in a noncommercial manner
26 leases hangar space, purchases fuel, or contracts for any other goods or service provided by the
27 airport authority subject to the control and management of the board.

28 (d) The county commission may remove any member of the authority for consistent
29 violations of any provisions of this article, for reasonable cause which shall include, but not be
30 limited to, a continued failure to attend meetings of the authority, failure to diligently pursue the
31 objectives for which the authority was created or failure to perform any other duty prescribed by
32 law, or for any misconduct in office: *Provided*, That if the county commission desires to remove a
33 member of the authority it shall notify said member in writing, stating the reasons for the county
34 commission desiring said removal. Within 10 days of the receipt of the written notice of removal
35 by the member of the authority, the member may request a hearing before the county commission,
36 and any such hearing shall be held within 10 days of the member's request for said hearing.

37 If any member of the authority dies, resigns, or is removed, or for any other reason ceases
38 to be a member of the authority, the county commission shall within 30 days appoint another
39 person to fill the unexpired portion of the term of that member.

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

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2022.

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Governor