

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

Senate Bill 643

BY SENATORS SWOPE AND TRUMP

[Originating in the Committee on Economic
Development; reported on February 18, 2022]

1 A BILL 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. ~~Members~~ At least a majority of members shall be residents of the county and be
10 appointed for a term of five years, except that as to the first four appointed to the first board
11 appointed, the term of one member shall expire on July 1, next ensuing and the term of the next
12 member shall expire on July 1, two years thereafter, the term of another member shall expire on
13 July 1, three years thereafter and the term of the remaining member shall expire on July 1, four
14 years thereafter: *Provided further*, That the county commissioner appointed to serve as a member
15 of 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 ~~said~~ the board shall receive no compensation for their services, but
18 they ~~shall be~~ are entitled to reimbursement for all reasonable and necessary expenses actually
19 incurred in the performance of their duties as members of ~~said~~ the board. They ~~shall~~ may not be

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

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

39 If any member of the authority ~~shall die, resign, or be removed~~ dies, resigns, or is removed,
40 or for any other reason ~~cease~~ ceases to be a member of the authority, the county commission
41 shall within 30 days appoint another person to fill the unexpired portion of the term of ~~such~~ that
42 member.