

**FILED**

2001 MAY -2 P 11: 53

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# **WEST VIRGINIA LEGISLATURE**

FIRST REGULAR SESSION, 2001



# **ENROLLED**

## **House Bill No. 3252**

(By Delegates Warner, Cann, Michael and Stalnaker)



Passed April 12, 2001

In Effect July 1, 2001

FILED

2001 MAY -2 P 11: 53

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

**H. B. 3252**

(BY DELEGATES WARNER, CANN, MICHAEL AND STALNAKER)

[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by chapter two hundred thirteen, acts of the Legislature, regular session, one thousand nine hundred sixty-seven, be repealed; and that section three, chapter thirty-one, acts of the Legislature, regular session, one thousand nine hundred sixty, as last amended and reenacted by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,

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Enr. H. B. 3252]

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regular session, one thousand nine hundred sixty-seven, be amended and reenacted, all to read as follows:

**BENEDUM AIRPORT AUTHORITY.**

**§3. Members of authority.**

1 (a) The management and control of the "Benedum Airport  
2 Authority," its property, operations, business and affairs, shall  
3 be lodged in a board of ten persons who shall be known as the  
4 members of the authority and who shall be appointed for a term  
5 of three years each, five members by the county court of  
6 Harrison county, and five members by the county court of  
7 Marion county, except that, as to the first board appointed, the  
8 term of one member appointed by each county court shall  
9 expire on the first day of March next ensuing, the term of  
10 another member appointed by each county court shall expire on  
11 the first day of the following March, and the term of the third  
12 original member appointed by each county court shall expire on  
13 the first day of the next following March. All members of the  
14 board except the members of the first board shall be appointed  
15 for full three-year terms. As a member's term expires, the  
16 county court which appointed such member shall appoint a  
17 member for a full term of three years. A member may be  
18 reappointed for such additional term or terms as the county  
19 court appointing him may deem proper. If a member resigns, is  
20 removed or for any reason his membership terminates during  
21 his term of office, a successor member to fill out the remainder  
22 of his term shall be appointed by the county court which  
23 appointed him. Members in office at the expiration of their  
24 respective terms shall continue to serve until their successors  
25 have been appointed and have qualified. The county court of the  
26 county appointing a member may at any time for good cause,  
27 and upon a least five days' notice in writing to such member,  
28 remove such member of the board of the authority by an order  
29 duly entered of record in the record book of such court and may

30 appoint a successor member for any member so removed. If any  
 31 member objects to being so removed, he may, in writing,  
 32 demand a hearing, and the county court proposing to remove  
 33 him shall promptly thereafter, in its own county, hold a public  
 34 hearing thereon. After such public hearing, the county court  
 35 holding the hearing shall determine whether the member shall  
 36 be removed or shall be permitted to continue in office.

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

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

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

55 (A) One member of the county commission of Marion  
 56 County, appointed by the county commission of Marion County  
 57 for a term of <sup>one</sup> year;

58 (B) One member who shall be a resident of Marion county  
 59 appointed by the county commission of Marion County for a  
 60 term of one year;

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61 (C) One member of the county commission of Harrison  
62 County, appointed by the county commission of Harrison  
63 County for a term of one year;

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

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

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

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

90 (4) Each appointed member serves at the will and pleasure  
91 of the entity that appointed the member and may be removed at  
92 any time, upon notice in writing, by the appointing entity.

93 (5) The ex officio members of the authority shall be as  
94 follows:

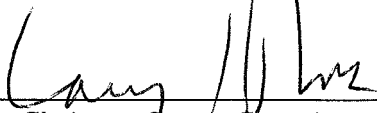
95 (A) The secretary of the department of transportation or his  
96 or her designee;

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

98 (C) The president of Fairmont state college; and

99 (D) The executive director of the Mid-Atlantic Aerospace  
100 Complex.

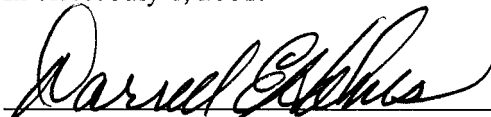
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

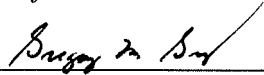
  
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Chairman Senate Committee

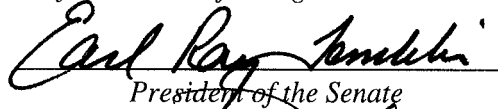
  
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Chairman House Committee

Originating in the House.

In effect July 1, 2001.

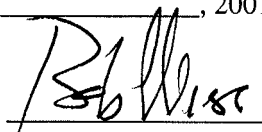
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
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Speaker of the House of Delegates

The within approved this the 2<sup>nd</sup>  
day of May, 2001.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/23/01

Time 6:50 pm