

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 579

BY SENATORS PLYMALE AND PREZIOSO

[Introduced February 11, 2016;

Referred to the Committee on Finance.]

1 A BILL to repeal §11-24-43a of the Code of West Virginia, 1931, as amended; to repeal §17-16B-
2 1, §17-16B-2, §17-16B-3, §17-16B-6, §17-16B-7a, §17-16B-7b, §17-16B-9, §17-16B-10,
3 §17-16B-11, §17-16B-12, §17-16B-13, §17-16B-14, §17-16B-15, §17-16B-16, §17-16B-
4 17, §17-16B-18, §17-16B-19, §17-16B-20, §17-16B-21 and §17-16B-22 of said code; and
5 to amend and reenact §17-16B-5, §17-16B-7 and §17-16B-8 of said code, all relating to
6 eliminating the West Virginia Public Port Authority.

Be it enacted by the Legislature of West Virginia:

1 That §11-24-43a of the Code of West Virginia, 1931, as amended, be repealed; that §17-
2 16B-1, §17-16B-2, §17-16B-3, §17-16B-6, §17-16B-7a, §17-16B-7b, §17-16B-9, §17-16B-10,
3 §17-16B-11, §17-16B-12, §17-16B-13, §17-16B-14, §17-16B-15, §17-16B-16, §17-16B-17, §17-
4 16B-18, §17-16B-19, §17-16B-20, §17-16B-21 and §17-16B-22 of said code be repealed; and
5 that §17-16B-5, §17-16B-7 and §17-16B-8 of said code be amended and reenacted, all to read
6 as follows:

ARTICLE 16B. PUBLIC PORT AUTHORITY.

§17-16B-5. Definitions.

1 As used in this article, the following words and terms shall have the following meanings,
2 unless the context shall indicate another or different meaning or intent:

3 (a) The word “authority” means the ~~West Virginia~~ local public port ~~authority~~ authorities as
4 ~~created and continued by section one of this article.~~

5 (b) The words “operation fund” mean the special West Virginia Public Port Authority
6 Operation Fund as created by section seven of this article.

7 (c) The words “port” or “public port” mean ports, airports, wayports, terminals, buildings,
8 roadways, rights-of-way, rails, rail lines, facilities for rail, water, highway or air transportation, and
9 such structures, equipment, facilities or improvements as are necessary or incident thereto.

10 (d) The word “wayport” means an airport used primarily as a location at which passengers
11 and cargo may be transferred between connecting flights of air carriers engaged in air commerce;

12 but also allows passengers to initiate and terminate flights, and shipments of cargo to originate
13 and terminate at said airport or similar type facility.

14 (e) The words "public port development" or "public port project" mean any activities which
15 are undertaken with respect to public ports.

§17-16B-7. Special ~~West Virginia~~ Public Port Authority Operations Fund.

1 There is hereby established a special ~~West Virginia~~ Public Port Authority Operations Fund
2 which shall operate as a special revolving fund. All proceeds and revenues of the authority shall
3 be credited to the fund by the State Treasurer on a monthly basis. At the end of each fiscal year,
4 any unexpended funds in this account shall be reappropriated and available for expenditure for
5 the subsequent fiscal year. On the effective date of the amendment to this section, the West
6 Virginia Wayport Authority Operations Fund heretofore created shall be transferred and combined
7 with the ~~West Virginia~~ Public Port Authority Operations Fund.

**§17-16B-8. Designation of local port authority districts, powers and duties; plan for
development.**

1 (a) ~~Upon application by a local governmental entity, groups of local governmental entities,~~
2 ~~or joint venture of local government entity or entities and private industry, the board may grant~~
3 ~~authority for the creation of a local inland port authority district~~ In so authorizing such entities,
4 political subdivisions of this state are authorized to join with other political subdivisions of this and
5 sister states to form a local port authority. In deciding on a local port district designation,
6 consideration shall be given to the following:

7 (1) Areas which have entered into a joint venture with private industry;

8 (2) Areas for which the political subdivision(s) seeking designation has made or will make
9 the greatest effort, both financially and otherwise, to encourage the establishment of facilities to
10 enhance the efficiency and cost of the movement of goods and services to and from markets in
11 West Virginia, or will make the greatest effort to encourage the construction and completion of
12 infrastructure projects, including all types of transportation systems.

13 (b) A local port authority district provided for in this article has the authority to establish a
14 local board of directors. ~~and has powers only as provided for by the state board of directors. In no~~
15 ~~event shall the powers of a local port authority district supersede the powers of the state authority~~

16 Any board of directors of a port authority district shall prepare or cause to be prepared a
17 plan for the future development, construction and improvement of its services and facilities.

NOTE: The purpose of this bill is to eliminate the West Virginia Public Port Authority.

Strike-throughs indicate language that would be stricken from a heading or the present law,
and underscoring indicates new language that would be added.