

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4038**

BY DELEGATES GRAVES, D. JEFFRIES, HANNA, PHILLIPS, C.

MARTIN, WAXMAN, HOUSEHOLDER AND CADLE

[Introduced January 08, 2020; Referred to the  
Committee on Political Subdivisions then the  
Judiciary]

1 A BILL to amend and reenact §8-29A-3 of the Code of West Virginia, 1931, as amended, all  
 2 relating to prohibiting county airport authorities from making or adopting rules prohibiting  
 3 possession of firearms in public, nonsecure areas.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 29A. COUNTY AIRPORT AUTHORITIES.**

**§8-29A-3. Powers generally.**

1 (a) The authority is hereby authorized and empowered to acquire, equip, construct,  
 2 improve, maintain and operate a public airport within the county, with all usual and convenient  
 3 appurtenances and facilities pertaining thereto, including, but not limited to, an industrial park and  
 4 a waterworks or sewerage system or a combined waterworks and sewerage system, and said  
 5 airport shall be for the convenience and accommodation of the inhabitants of the county and the  
 6 public generally.

7 (b) A county airport authority is hereby given power and authority as follows:

8 (1) To make and adopt all necessary bylaws, rules and regulations for its organization and  
 9 operations not inconsistent with state and federal law: *Provided, That the authority cannot make*  
 10 and adopt rules and regulations prohibiting the carry or possession of firearms by those lawful to  
 11 carry or possess firearms in all public, nonsecure areas;

12 (2) To elect its own officers, to appoint committees and to employ and fix the compensation  
 13 for personnel including attorneys necessary for its operation;

14 (3) To delegate any authority given to it by law to any of its officers, committees, agents  
 15 or employees;

16 (4) To enter into contracts with any person, governmental department, firm or corporation,  
 17 and generally to do any and all things necessary or convenient for the purpose of acquiring,  
 18 equipping, constructing, maintaining, improving, extending, financing and operating a public  
 19 airport, including the development of an industrial park in the same general area;

20 (5) To apply for, receive and use grants-in-aid, donations and contributions from any

21 source or sources, including, but not limited to, the federal government and any agency thereof,  
22 and the State of West Virginia, and to accept and use bequests, devises, gifts and donations from  
23 any person, firm or corporation;

24 (6) To enter into any agreement with any person, including the federal or state  
25 government, or any agency or subdivision thereof, in connection with obtaining funds for its  
26 purposes, which agreement may contain such provisions, covenants, terms and conditions as the  
27 authority may deem advisable;

28 (7) To accept contributions from time to time by the county commission and by any  
29 persons that shall desire so to do;

30 (8) To acquire lands, structures or buildings and hold title thereto in its own name,  
31 including, whenever it shall be deemed necessary by the authority, to take or acquire such  
32 property either in fee or as easements, to purchase same directly or through its agents from the  
33 owner or owners thereof, or to exercise the power of eminent domain in the manner provided for  
34 condemnation proceedings in chapter 54 of this code inasmuch as such purposes are hereby  
35 declared to be public uses for which private property may be taken: *Provided*, That such right of  
36 eminent domain shall not apply to the development of an industrial park;

37 (9) To sell, lease or otherwise dispose of any real estate which it may own;

38 (10) To purchase, own, hold, sell and dispose of personal property;

39 (11) To borrow money and execute and deliver negotiable notes, mortgage bonds,  
40 revenue bonds, other bonds, debentures and other evidences of indebtedness therefor, and give  
41 such security therefor as shall be requisite, including giving a mortgage or deed of trust on its  
42 airport properties and facilities or assigning or pledging the gross or net revenues therefrom;

43 (12) To raise funds by the issuance and sale of revenue bonds or refunding bonds in the  
44 manner provided by the applicable provisions of article 16 of this chapter, it being hereby  
45 expressly provided that, for that purpose, a county airport authority shall be treated as a  
46 municipality or board as those terms are used in said article 16;

47           (13) To acquire, construct, establish, equip, maintain and operate, within a reasonable  
48 distance of the airport, a waterworks, a sewerage system or a combined waterworks and  
49 sewerage system for its own use and for the use of any person, and to finance the same by the  
50 issuance of revenue bonds as provided in this article: *Provided*, That no existing waterworks or  
51 sewerage system, or any part thereof, may be acquired without the prior consent and approval of  
52 the Public Service Commission;

53           (14) To establish, charge and collect reasonable fees and charges for services or for the  
54 use of any part of its property or facilities, or for both services and such use;

55           (15) To lease its airport and all or any part of the appurtenances and facilities therewith to  
56 any available lessee, subject to all constitutional and statutory limitations with respect thereto, at  
57 such rental and upon such terms and conditions as the authority shall deem proper: *Provided*,  
58 That such lease shall be for some purpose associated with airport activities and subordinate to  
59 any mortgage or deed of trust executed by the authority; and

60           (16) To expend its funds in the execution of the powers and authority herein given.

NOTE: The purpose of this bill is to clarify that no county airport authority has the power to regulate the possession or carrying of a firearm by those lawful to do so in the unrestricted areas of the properties they manage.

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