

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 539

BY SENATORS MAYNARD AND CLINE

[Introduced January 20, 2020; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §8-29A-3 of the Code of West Virginia, 1931, as amended, relating
 2 to providing that county airport authorities may not prohibit the carry or possession of
 3 firearms by those lawful to carry or possess firearms in all public, nonsecure areas of an
 4 airport.

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~~ may 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~~ may:

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 may not 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
 13 compensation 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~~ determined necessary by the authority, to take or acquire
32 such property either in fee or as easements, to purchase same directly or through its agents from
33 the owner or owners thereof, or to exercise the power of eminent domain in the manner provided
34 for condemnation proceedings in chapter 54 of this code inasmuch as ~~such~~ these purposes are
35 hereby declared to be public uses for which private property may be taken: *Provided*, That ~~such~~
36 the right of eminent domain ~~shall~~ may 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~~ is 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 §8-16-1 *et seq.* of this code, 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 sixteen~~ §8-16-1 *et seq.* of this code;

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
 56 to any available lessee, subject to all constitutional and statutory limitations with respect thereto,
 57 at such rental and upon such terms and conditions as the authority shall deem proper: *Provided*,
 58 That ~~such~~ the lease shall be for some purpose associated with airport activities and subordinate
 59 to 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 in the state 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.