

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Introduced**

## **Senate Bill 643**

BY SENATORS SWOPE AND TRUMP

[Introduced February 15, 2022; referred  
to the Committee on Economic Development]

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 members appointed to a county airport 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 shall be ~~residents of the county and~~ be appointed for a term of five years,  
 10 except that as to the first four appointed to the first board appointed, the term of one member shall  
 11 expire on July 1, next ensuing and the term of the next member shall expire on July 1, two years  
 12 thereafter, the term of another member shall expire on July 1, three years thereafter and the term  
 13 of the remaining member shall expire on July 1, four years thereafter: *Provided further*, That the  
 14 county commissioner appointed to serve as a member of the authority shall not serve for a term  
 15 as member of the authority which is longer than the term of office as a member of the county  
 16 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 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 board: *Provided*, That nothing herein ~~shall~~ may be construed to prevent or make  
24 unlawful under this chapter or any other chapter of the Code of West Virginia the appointment to  
25 the board of any person whose only interest in any property under the control of the board is that  
26 the person in a noncommercial manner leases hangar space, purchases fuel or contracts for any  
27 other goods or service provided by ~~said~~ the airport authority subject to the control and  
28 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.

NOTE: The purpose of this bill is to remove the residency requirement of members appointed to a county airport 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.