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**HOUSE BILL NO. 453**

Offered January 10, 2018

Prefiled January 7, 2018

*A BILL to amend and reenact §§ 5.1-31 and 5.1-36 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 5.1-2.2:4, relating to airport boards and authorities; member qualifications; funding transparency.*

Patron—Yancey

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 5.1-31 and 5.1-36 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 5.1-2.2:4 as follows:**

**§ 5.1-2.2:4. Transparency and accountability for use of Department and Board funds.**

*A. Any airport board, commission, authority, or body established pursuant to § 5.1-31 or 5.1-36 that has received funding from the Department or Board shall keep records of receipts and disbursements thereof, which records shall be open for audit and evaluation by the appropriate state authorities.*

*B. By November 1 of each year, any airport board, commission, authority, or body established pursuant to § 5.1-31 or 5.1-36 that has received or disbursed funds from the Department or Board within the prior fiscal year shall submit to the Department a report detailing the purpose for which such funds were received or disbursed. The report shall also list any localities from which such entity receives funds. The Department shall make such report available to the public upon request and shall post such report on the website for the Department. Sensitive financial, personal, or security information contained in the report may be redacted at the discretion of the Department prior to public release. The Department shall send such report, without redactions, to the governing body of any locality from which such airport board, commission, authority, or body receives funds and the Secretary of Transportation with a description of what financial, personal, or security information shall be redacted prior to public release.*

**§ 5.1-31. Authority to acquire, construct, maintain and operate; permission of Department required.**

All cities, incorporated towns and counties of the Commonwealth may acquire, by purchase, lease, gift, condemnation or otherwise, within or ~~without~~ outside the limits of any such city, town or county, whatever land may be reasonably necessary for the purpose of establishing, constructing, owning, controlling, leasing, equipping, improving, maintaining and operating airports for the use of airplanes; may acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate the use of such airports or landing fields, structures, air navigation facilities and other property incident thereto; may make, prior to such acquisition, investigation, surveys and plans and enter upon any lands or waters for such purposes; may construct, install, maintain and operate facilities for the servicing of aircraft, and for the accommodation and comfort of air travelers; may purchase and sell equipment and supplies as an incident to the operation of its airport properties; provided, that in the case of any county, the exercise of such authority beyond its territorial boundaries shall be only with the consent of the governing body of the political subdivision in which the power is sought to be exercised; provided, however, that no such city, town or county shall establish or operate any airport without first obtaining the permission of the Board, as now or hereafter provided by law.

The governing body of a county, city, or town may create an airport authority that shall be empowered on behalf of such county, city, or town to have and exercise the powers and rights set out in this section. Any person appointed to such airport authority shall (i) have a degree from an accredited university or at least five years of related experience in aerospace engineering, air transportation, business administration and management, aviation management, construction management, or facilities management or similar related degree; (ii) have at least five years of relevant experience as a pilot; (iii) be an attorney in good standing with the Virginia Bar Association; or (iv) have a master of business administration degree.

**§ 5.1-36. Agreement for joint exercise of powers; governing board, etc., to act on behalf of political subdivisions; powers of board, etc.**

The agreement provided for in § 5.1-35 may provide for the creation of a governing board, commission, authority or body empowered to have and exercise, on behalf of the several political subdivisions which are parties to such agreement, the powers, rights and authority conferred on such political subdivisions by this article. Members of the governing bodies of the several political

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subdivisions may serve as a member of a board, commission, authority or body formed pursuant to § 5.1-35, *provided that they meet the qualifications required for a member of such a board, commission, authority, or body. Any person appointed to such airport authority shall (i) have a degree from an accredited university or at least five years of related experience in aerospace engineering, air transportation, business administration and management, aviation management, construction management, or facilities management or similar related degree; (ii) have at least five years of relevant experience as a pilot; (iii) be an attorney in good standing with the Virginia Bar Association; or (iv) have a master of business administration degree.* Such agreement shall specify the name of the board, commission, authority or body and its composition and prescribe its powers and duties which may include powers to establish, construct, manage, and operate an airport, acquire, hold and dispose of property but on behalf of the several political subdivisions, including the exercise on their behalf of the power of eminent domain. If any such board, commission, authority or body is created, all proceedings in connection with the establishment, construction, management and operation of the airport, including application for and issuance of any license required therefor, shall be in its name. The intent of § 5.1-35 and this section is that any such board, commission, authority or body established by two or more political subdivisions or through action of the General Assembly may have the same powers granted to a city, town and county but in no case will such powers be greater than those granted to a city, town or county. Any joint airport authority created pursuant to this chapter and in existence on July 1, 1994, shall be continued in lawful existence under the terms and provisions of this chapter even though all the political subdivisions except one withdraw from the joint airport authority.

**2. That the provisions of this act regarding qualifications of airport board, commission, authority, or body appointees shall not be construed to affect any appointee of any existing airport board, commission, authority, or body until the expiration of the term of such appointee. The term of any existing appointee of an airport board, commission, authority, or body who is serving for an indefinite term shall expire five years after the effective date of this act.**