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SENATE BILL NO. 991

Senate Amendments in [] — January 30, 1997

A BILL to amend and reenact §§ 4 and 5 of Chapter 598 of the 1985 Acts of Assembly, as amended, that created a regional airport authority to acquire Washington National Air port and Washington Dulles International Airport from the federal government.

Patrons—Gartlan, Barry, Chichester, Houck, Howell, Saslaw, Ticer and Waddell; Delegates: Almand, Callahan, Connally, Scott and Watts

Referred to the Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 4 and 5 of Chapter 598 of the 1985 Acts of Assembly, as amended, are amended and reenacted as follows:

§ 4. Membership; terms; officers.—A. The Authority shall consist of eleven thirteen members: five appointed by the Governor of the Commonwealth of Virginia, three appointed by the Mayor of the District of Columbia, two appointed by the Governor of the State of Maryland, and one three appointed by the President of the United States. Members representing the Commonwealth of Virginia shall be subject to confirmation by the Virginia General Assembly. For the purposes of doing business, six seven members shall constitute a quorum. The failure of a single appointing official to appoint one or more members, as herein provided, shall not impair the Authority's creation when the other conditions thereof have been met.

B. Members shall (i) not hold elective or appointive public office, (ii) serve without compensation, and (iii) reside within the Washington Standard Metropolitan Statistical Area, except that the member members appointed by the President of the United States shall not be required to reside in that area registered voters of states other than Maryland, Virginia or the District of Columbia. The members of the Authority shall be entitled to reimbursement for their expenses incurred in attendance upon the meetings of the Authority or while otherwise engaged in the discharge of their duties.

C. Appointments to the Authority shall be for a period of six years. However, initial appointments shall be made as follows: each jurisdiction shall appoint one member for a full six-year term, a second member for a four-year term and in the case of the Commonwealth and the District of Columbia, a third member for a two-year term. The Governor of Virginia shall make the final two Virginia initial appointments for one two-year and one four-year term. The President shall make initial and subsequent appointments for six-year terms. The President shall make one of the initial appointments pursuant to the Metropolitan Airports Amendment Act of 1996 for a four-year term.

D. Seven Eight affirmative votes shall be required to approve bond issues and the annual budget of the Authority.

E. Each member may be removed or suspended from office only for cause, and in accordance with the laws of the jurisdiction from which he is appointed.

F. The Authority shall annually elect one of its members as chairman and another as vice-chairman and shall also elect annually a secretary and a treasurer, or a secretary-treasurer, who may or may not be members of the Authority, and prescribe their powers and duties. The Authority may also appoint from its staff an assistant secretary and an assistant treasurer, or an assistant secretary-treasurer, who shall, in addition to other duties, discharge such functions of the secretary and the treasurer.

G. The members of the Authority shall continue to serve until their successors shall be duly appointed. Any person appointed to fill a vacancy shall serve for the unexpired term. Any member of the Authority shall be eligible for reappointment for one term.

H. The members of the Authority, including any nonvoting members, shall not be personally liable for any act done or action taken in their capacities as members of the Authority or its board of review, nor shall they be personally liable for any bond, note or other evidence of indebtedness issued by the Authority.

§ 5. Powers and duties of the Authority.—A. For the purpose of acquiring, operating, maintaining, developing, promoting and protecting Washington National Airport and Washington Dulles International Airport together as primary airports for public purposes serving the metropolitan Washington area, the Authority shall have all necessary or convenient powers including, but not limited to, the power:

- 1. To adopt and amend bylaws for the regulation of its affairs and the conduct of its business;
2. To plan, establish, operate, develop, construct, enlarge, maintain, equip and protect the airports;
3. To adopt and amend regulations to carry out the powers granted by this section;
4. To adopt an official seal and alter the same at its pleasure;

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- 60 5. To appoint one or more advisory committees ~~and to establish a board of review~~;
- 61 6. To issue revenue bonds of the Authority for any of its purposes, payable solely from the fees and
- 62 revenues pledged for their payment, and to refund its bonds, all as provided in this act;
- 63 7. To borrow money on a short-term basis and issue from time to time its notes therefor payable on
- 64 such terms, conditions or provisions as it may deem advisable;
- 65 8. To fix, revise, charge, and collect rates, fees, rentals and other charges for the use of the airports;
- 66 9. To acquire, hold and dispose of real and personal property in the exercise of its powers and the
- 67 performance of its duties under this act;
- 68 10. To employ, in its discretion, consulting engineers, attorneys, accountants, construction and
- 69 financial experts, superintendents, managers, and such other employees and agents as may be necessary,
- 70 and to fix their compensation and benefits. Employees of the Authority shall not participate in any strike
- 71 or assert any right to strike against the Authority, and any employment agreement entered into by the
- 72 Authority shall contain an explicit prohibition against strikes by the employee or employees covered by
- 73 such agreement. The Authority shall comply with any Act of Congress concerning former employees of
- 74 the Federal Aviation Administration and Metropolitan Washington Airports;
- 75 11. To sue and be sued in its own name, plead and be impleaded;
- 76 12. To construct or permit the construction of commercial and other facilities consistent with the
- 77 purposes of this act upon the airport property on terms established by the Authority;
- 78 13. To make and enter into all contracts and agreements necessary or desirable to the performance of
- 79 its duties, the proper operation of the airports and the furnishing of services to the travelling public and
- 80 airport users, including contracts for normal governmental services on a reimbursable basis with local
- 81 political subdivisions where the Authority Facilities are situated and with the District of Columbia
- 82 government; and any such contracts shall be exclusive or limited when it is necessary to further the
- 83 public safety, improve the quality of service, avoid duplication of services, or conserve airport property
- 84 and the airport environment;
- 85 14. To apply for, receive and accept such payments, appropriations, grants, gifts, loans, advances,
- 86 and other funds, properties, and services as may be transferred or made available to it by the United
- 87 States government or any other public or private entity or individual;
- 88 15. To make payments to reimburse the local political subdivisions where the Authority Facilities are
- 89 situated for extraordinary law enforcement costs incurred by such localities; and
- 90 16. To do all acts and things necessary or convenient to carry out the powers expressly granted in
- 91 this act.
- 92 B. Pursuant to Section 6007 (b) of the Metropolitan Washington Airports Act of 1986, the Authority
- 93 is established solely to operate and improve both metropolitan Washington airports as primary airports
- 94 serving the metropolitan Washington area and shall be independent of the Commonwealth and its local
- 95 political subdivisions, the District of Columbia and the federal government in the performance and
- 96 exercise of the airport-related duties and powers enumerated in subdivisions 1 through 16 of subsection
- 97 A of this section. Any conflict between the exercise of these enumerated powers by the Authority and
- 98 the powers of any local political subdivision within which Authority Facilities are situated shall be
- 99 resolved in favor of the Authority.
- 100 **2. That [an emergency exists and this act is in force from its passage provisions of Chapter 598 of**
- 101 **the 1985 Acts of Assembly, as amended, or the federal Metropolitan Washington Airports Act of**
- 102 **1986, or the federal Metropolitan Washington Airports Amendments of 1996, or the application of**
- 103 **such Act of Assembly or of either such federal law to any person or circumstances which are held**
- 104 **invalid shall not affect the validity of other provisions or applications of Chapter 598 of the 1985**
- 105 **Acts of Assembly, as amended, which can be given effect without the invalid provisions or**
- 106 **applications] .**