

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 5.1-31 and 5.1-36 of the Code of Virginia, relating to airport*  
3 *authorities.*

4 [H 2038]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 5.1-31 and 5.1-36 of the Code of Virginia are amended and reenacted as follows:**

8 § 5.1-31. Authority to acquire, construct, maintain and operate; permission of Department required.

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

23 *The governing body of a county, city, or town may create an airport authority that shall be*  
24 *empowered on behalf of such county, city, or town to have and exercise the powers and rights set out in*  
25 *this section.*

26 § 5.1-36. Agreement for joint exercise of powers; governing board, etc., to act on behalf of political  
27 subdivisions; powers of board, etc.

28 The agreement provided for in § 5.1-35 may provide for the creation of a governing board,  
29 commission, authority or body empowered to have and exercise, on behalf of the several political  
30 subdivisions which are parties to such agreement, the powers, rights and authority conferred on such  
31 political subdivisions by this article. Members of the governing bodies of the several political  
32 subdivisions may serve as a member of a board, commission, authority or body formed pursuant to  
33 § 5.1-35. Such agreement shall specify the name of the board, commission, authority or body and its  
34 composition and prescribe its powers and duties which may include powers to establish, construct,  
35 manage, and operate an airport, acquire, hold and dispose of property but on behalf of the several  
36 political subdivisions, including the exercise on their behalf of the power of eminent domain. If any  
37 such board, commission, authority or body is created, all proceedings in connection with the  
38 establishment, construction, management and operation of the airport, including application for and  
39 issuance of any license required therefor, shall be in its name. The intent of § 5.1-35 and this section is  
40 that any such board, commission, authority or body established by two or more political subdivisions or  
41 through action of the General Assembly may have the same powers granted to a city, town and county  
42 but in no case will such powers be greater than those granted to a city, town or county. *Any joint*  
43 *airport authority created pursuant to this chapter and in existence on July 1, 1994, shall be continued*  
44 *in lawful existence under the terms and provisions of this chapter even though all the political*  
45 *subdivisions except one withdraw from the joint airport authority.*

ENROLLED

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