

SENATE FILE NO. \_\_\_\_\_

Aeronautics commission-amendments.

Sponsored by: Management Audit Committee

A BILL

for

1 AN ACT relating to the aeronautics commission; removing  
2 limitations on loans and grants; increasing the size of the  
3 commission as specified; requiring the commission to meet  
4 as specified; specifying that joint powers boards may  
5 participate in the grant-in-aid program; establishing  
6 expanded duties of the commission as specified; requiring a  
7 report; amending the authority of the department of  
8 transportation to provide air transportation to state  
9 agencies as specified; creating a revolving loan program as  
10 specified; repealing a duty of the commission; and  
11 providing for an effective date.

12

13 *Be It Enacted by the Legislature of the State of Wyoming:*

14

15 **Section 1.** W.S. 10-3-101(a) and by creating a new  
16 subsection (h), 10-3-201(b), (c)(intro), (ii) and by  
17 creating new subsections (d) through (g), 10-3-202,

1 10-3-401(a) and by creating a new subsection (d), 10-3-402  
2 and 10-3-403(a) are amended to read:

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4 **10-3-101. Creation; composition; appointment; term;**  
5 **removal; qualifications; vacancies; compensation; office;**  
6 **acceptance of grants.**

7

8 (a) The commission is created to consist of ~~seven (7)~~  
9 eight (8) commissioners. Seven (7) commissioners shall be  
10 appointed by the governor, by and with the consent of the  
11 senate, each to serve for a term of six (6) years. Two (2)  
12 commissioners shall be appointed at-large for a term of six  
13 (6) years. The director of the department shall serve as an  
14 ex officio and eighth member of the commission but shall  
15 not vote on matters before the commission. The governor may  
16 remove any appointed commissioner as provided in W.S.  
17 9-1-202.

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19 (h) The commission shall meet as necessary to  
20 properly exercise its functions, but shall meet not less  
21 than semiannually to consider the distribution of grants  
22 and loans under W.S. 10-3-401 and 10-3-403.

23

24 **10-3-201. Powers and duties generally.**

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2 (b) The aeronautics commission may designate the  
3 airports to be built and maintained with the assistance of  
4 state or federal funds and is the sole authority to  
5 determine the disbursement of funds for the state's  
6 airports. The aeronautics commission through the department  
7 shall be the authority in the state to apply for, or  
8 directly accept, receive, receipt for or disburse any funds  
9 granted by the United States government for airport  
10 construction or maintenance. A county, city, town or ~~other~~  
11 ~~political subdivision~~ joint powers board may enter into an  
12 agreement with the division describing the terms and  
13 conditions of the agency in accordance with federal laws,  
14 rules and regulations and applicable laws of this state.  
15 The division may enforce the proper maintenance of these  
16 airports by the counties, cities and towns or joint powers  
17 boards as agreed in the contracts existing between the  
18 sponsors of the airports and the federal government. All  
19 construction and maintenance of these airports shall be  
20 under the direction of the ~~department~~ division.

21

22 (c) The ~~department~~ division may offer engineering or  
23 other technical advice to any municipality, county, joint  
24 powers board or other qualified party in connection with

1 the construction, maintenance or operation of airports. The  
2 commission shall encourage:

3  
4 (ii) Interest in private flying and privately-  
5 owned planes; and

6  
7 (d) The commission shall establish policies as may be  
8 appropriate for the division to implement the decisions of  
9 the commission and the aeronautical purposes of this title  
10 and for the exercise of duties of the division.

11  
12 (e) The commission shall assist communities in  
13 coordinating efforts, facilitating, recruiting and  
14 attracting and promoting the development, improvement and  
15 retention of commercial air service in the state. The  
16 assistance may include studying airline and aircraft  
17 profitability, route analysis, air fare monitoring and  
18 recommendations for legislative changes to enhance air  
19 services in the state.

20  
21 (f) The commission may promulgate reasonable rules,  
22 regulations and procedures and establish standards as  
23 necessary to carry out the functions of the division.

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1       (g) No later than September 1, 2006, the commission  
2 shall submit a report to the joint transportation and  
3 highways interim committee detailing the duties performed  
4 by the division and commission, including recommendations  
5 regarding the structure and functions of the division and  
6 commission, and whether the division and commission should  
7 continue their duties within the department or operate as a  
8 separate operating agency and commission, respectively.

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10       **10-3-202. Authority to provide air transportation to**  
11 **departments and agencies of state.**

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13       The ~~department may~~ division shall not provide air  
14 transportation to departments and agencies of state  
15 government directly, but may contract for such services  
16 under fractional ownership agreements or otherwise under  
17 conditions which are considered by the department or agency  
18 head to be urgent and to justify such air transportation  
19 and when justified within the limits of W.S. 9-4-204(p) and  
20 9-4-205 (e) .

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22       **10-3-401. Grants-in-aid for airport construction and**  
23 **improvement and air service promotion; authority to make;**  
24 **limitation.**

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2 (a) The commission may make grants-in-aid from state  
3 funds for construction and development of airports to  
4 counties, cities, ~~and towns~~ and joint powers boards within  
5 the state. No grant-in-aid for planning, construction or  
6 improvement of any airport shall be made unless the airport  
7 is owned, leased or held under a state or federal special  
8 use permit or agreement, exclusively or jointly, by the  
9 county, city, ~~or town~~ or joint powers board to which the  
10 grant is made. ~~Each grant shall be limited to five hundred~~  
11 ~~thousand dollars (\$500,000.00).~~ Grants may be spent for  
12 runways, terminals, hangars and other improvements and for  
13 planning any such improvements to the airport. The  
14 commission may designate state funds for purposes of  
15 creating, amending and updating any system plan of an  
16 airport for the state.

17

18 (d) In administering the grant program, and in  
19 consultation with the Federal Aviation Administration and  
20 local airport sponsors, the commission shall establish,  
21 amend and have available, at least one hundred twenty (120)  
22 days before each biennial legislative budget session, a  
23 five (5) year capital improvement plan for airports in the

1 state and a system for prioritizing projects to be funded  
2 by state and federal grants.

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4 **10-3-402. Grants-in-aid for airport construction and**  
5 **improvement; expenditures by county, city or town.**

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7 (a) No expenditure of state funds shall be made under  
8 W.S. 10-3-401 unless the county, city, ~~or town~~ or joint  
9 powers board expends at least ~~fifty percent (50%) of the~~  
10 ~~local-state~~ share of any project for which the grant-in-aid  
11 is made in accordance with the formula established in  
12 subsection (b) of this section. However, the commission may  
13 grant in excess of ~~fifty percent (50%) of the local-state~~  
14 such share of a project if the commission determines that  
15 the applicant is utilizing all other local revenue sources  
16 reasonably and legally available to finance a project.

17  
18 (b) Expenditures of state funds made under W.S.  
19 10-3-401 shall be made on a matching fund basis. If federal  
20 funds are involved, the matching formula shall be ninety  
21 percent (90%) federal funds, eight percent (8%) state funds  
22 and two percent (2%) local funds. If federal funds are not  
23 involved, the matching ratio between state and local funds  
24 shall be determined by the commission.

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**10-3-403. Loans for airport construction and improvement and air service promotion; authority to make; security; rulemaking authority; limitation.**

(a) The commission may make loans to counties, cities and towns and joint powers boards within the state for construction, development and improvement of airport facilities generating user fees. The loans shall be from ~~the permanent mineral trust~~ a revolving loan fund which is hereby established and shall not exceed the aggregate of ~~two million dollars (\$2,000,000.00)~~ four million dollars (\$4,000,000.00), not including all loans made under this subsection prior to July 1, ~~1999~~ 2003 and still outstanding on that date. ~~No single loan shall exceed five hundred thousand dollars (\$500,000.00).~~

**Section 2.** W.S. 10-3-201(c)(iv) is repealed.

**Section 3.** This act is effective July 1, 2003.

(END)