

ENROLLED ACT NO. 45, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

AN ACT relating to the aeronautics commission; removing limitations on loans and grants; increasing the size of the commission as specified; requiring the commission to meet as specified; specifying that joint powers boards may participate in the grant-in-aid program; establishing and modifying duties of the commission as specified; requiring a report; amending the authority of the department of transportation to provide air transportation to state agencies as specified; providing term limit for commissioners; authorizing position and appropriation; repealing a duty of the commission; and providing for an effective date.

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

Section 1. W.S. 10-3-101(a) and by creating a new subsection (h), 10-3-201(b), (c)(intro), (ii) and by creating new subsections (d) through (h), 10-3-202, 10-3-401(a) and by creating a new subsection (d), 10-3-402 and 10-3-403(a) are amended to read:

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

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

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

10-3-201. Powers and duties generally.

(b) In lieu of the requirements of this subsection, any airport sponsor may directly apply for, receive or disburse federal airport funds, and may also direct all construction and maintenance of the airport. The aeronautics commission may designate the airports to be built and maintained with the assistance of state or federal funds and is the sole authority to determine the disbursement of funds for the state's airports. The aeronautics commission through the department shall be the authority in the state to apply for, or directly accept, receive, receipt for or disburse any funds granted by the United States government for airport construction or maintenance. A county, city, town or ~~other political subdivision~~ joint powers board may enter into an agreement with the division describing the terms and conditions of the agency in accordance with federal laws, rules and regulations and applicable laws of this state. The division may enforce the proper maintenance of these airports by the counties, cities and towns or joint powers boards as agreed in the contracts existing between the sponsors of the airports and the federal government. All construction and maintenance of these airports shall be under the direction of the department.

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

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

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

(d) The commission shall establish policies as may be appropriate for the division to implement the decisions of the commission and the aeronautical purposes of this title and for the exercise of duties of the division. The commission shall provide assistance and advice to the director of the department regarding the division's budget. The commission shall nominate candidates for the position of administrator of the division and upon request shall advise the department in regards to appointments within the division.

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

(f) There is created a new position in the office of the governor that shall coordinate with the commission to market and advocate airline service in Wyoming pursuant to subsection (e) of this section. The person appointed by the governor may be an at-will employee or an at-will contract employee and may be removed by the governor as provided in W.S. 9-1-202.

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

(h) No later than September 1, 2006, the commission shall submit a report to the joint minerals, business and economic development interim committee detailing the duties performed by the division and commission, including recommendations regarding the structure and functions of the division and commission, and whether the division should continue its duties within the department or operate as a separate operating agency. In addition, the commission shall report on the efficacy of the position in the governor's office to market and advocate airline service in Wyoming.

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

The ~~department may~~ division may provide air transportation to departments and agencies of state government directly, but may contract for the services under fractional ownership agreements or otherwise under conditions which are considered by the department or agency head to be urgent and to justify ~~such the~~ air transportation and when justified within the limits of W.S. 9-4-204(p) and 9-4-205(e).

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

(a) The commission may make grants-in-aid from state funds for construction and development of airports to counties, cities, ~~and towns~~ and joint powers boards within the state. No grant-in-aid for planning, construction or

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improvement of any airport shall be made unless the airport is owned, leased or held under a state or federal special use permit or agreement, exclusively or jointly, by the county, city, ~~or town~~ or joint powers board to which the grant is made. ~~Each grant shall be limited to five hundred thousand dollars (\$500,000.00).~~ Grants may be spent for runways, terminals, hangars and other improvements and for planning any ~~such~~ improvements to the airport. The commission may designate state funds for purposes of creating, amending and updating any system plan of an airport for the state.

(d) In administering the grant program, and in consultation with the Federal Aviation Administration and local airport sponsors, the commission shall establish, amend and have available, at least one hundred twenty (120) days before each biennial legislative budget session, a five (5) year capital improvement plan for airports in the state and a system for prioritizing projects to be funded by state and federal grants.

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

~~No~~ Expenditure of state funds shall be made under W.S. 10-3-401 unless the county, city or town expends at least fifty percent (50%) of the local state share of any project for which the grant-in-aid is made. However, the commission may grant in excess of fifty percent (50%) of the local state share of a project if the commission determines that the applicant is utilizing all other local revenue sources reasonably and legally available to finance a project the discretion of 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 fund and shall not exceed the aggregate of ~~two million dollars (\$2,000,000.00)~~ four million dollars (\$4,000,000.00), 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. There is appropriated seventy-six thousand dollars (\$76,000.00), or as much thereof as is necessary, from the general fund to the governor's office for the fiscal year beginning July 1, 2003, for one (1) full-time equivalent position for the fiscal year beginning July 1, 2003, to implement the purposes of this act, provided this position shall coordinate with the commission.

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Section 4. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____
DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk