

SENATE FILE NO. SF0016

Aeronautics programs.

Sponsored by: Management Audit Committee

A BILL

for

1 AN ACT relating to aeronautics programs; modifying
2 provisions of the air services enhancement program;
3 transferring administration and final approval for loans
4 under the airport construction and improvement loan program
5 from the aeronautics commission to the state loan and
6 investment board; repealing obsolete provisions; making
7 conforming amendments; providing an appropriation; and
8 providing for an effective date.

9

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

11

12 **Section 1.** W.S. 10-3-101(h), 10-3-601(b) and
13 10-3-602(b) and (c) are amended to read:

14

15 **10-3-101. Creation; composition; appointment; term;**
16 **removal; qualifications; vacancies; compensation; office;**
17 **acceptance of grants.**

1

2 (h) The commission shall meet as necessary to
3 properly exercise its functions, but shall meet not less
4 than quarterly to consider the distribution of grants ~~and~~
5 ~~loans~~ under W.S. 10-3-401 and ~~10-3-403~~ provide information
6 and recommendations based upon existing airport planning
7 priorities to the state loan and investment board for
8 actions on loan applications under W.S. 9-12-703.

9

10 10-3-601. Wyoming air services enhancement;
11 legislative findings; Wyoming aeronautics commission
12 authority to contract for services; requirements.

13

14 (b) The Wyoming aeronautics commission may enter into
15 agreements to provide financial assistance to persons doing
16 business or who will do business in the state, to economic
17 development organizations within the state, to joint powers
18 boards or to other entities formed to provide for enhanced
19 air service to communities in Wyoming that have or are
20 seeking commercial air service, for the enhancement of air
21 services in the state conditioned upon contractual
22 assurances that specified benefits will accrue to the state
23 through increased air traffic and enplanements. For
24 purposes of this article, "enhanced air service" shall

1 include, but not be limited to, assisting airports in the
2 state with commercial air service to have the appropriate
3 level of state or federal security configuration to
4 accommodate proposed air service and aircraft capacity.
5 When entering into an agreement the commission shall give
6 consideration to each of the following potential benefits
7 accruing to the state: ~~shall include, but not be limited~~
8 ~~to,~~ increasing the minimum number of enplanements at
9 airports facing a possible loss of federal airport
10 improvement program funding, increasing passenger
11 enplanements at commercial airports in Wyoming, increasing
12 the number of Wyoming resident passengers originating
13 flights in Wyoming commercial airports rather than airports
14 in other states, increasing frequency or sustaining flight
15 operations from commercial airports in Wyoming to regional
16 airport hubs, increasing the consistency of service, and
17 lowering airfares ~~for air passengers and increasing the~~
18 ~~number of routes flown within the state in Wyoming~~
19 communities as a result of an air service enhancement
20 grant. The commission shall consult with counties, cities,
21 towns, joint powers boards, airport boards or other
22 entities pursuing air service enhancement before entering
23 into agreements to provide air service enhancement and
24 shall require local funds for the provision of air service

1 enhancement grants. The amount of local funds required for
2 the provision of enhancing air services shall be determined
3 by the commission, taking into account the types of service
4 for which grants are approved, the diverse characteristics
5 of the communities to which air service is contracted for
6 and other considerations examined by the commission.

7
8 **10-3-602. Wyoming air services enhancement account.**
9

10 (b) Any funds appropriated by the legislature to the
11 account established under subsection (a) of this section
12 shall not lapse as provided by W.S. 9-4-207(a) ~~., but shall~~
13 ~~revert to the air services enhancement account within the~~
14 ~~highway fund on September 30, 2007.~~

15
16 (c) The commission shall report to the joint
17 minerals, business and economic development interim
18 committee, the joint appropriations interim committee and
19 the air transportation liaison committee annually no later
20 than September 30, ~~2005,~~ with respect to the status of the
21 program under W.S. 10-3-601. ~~., including~~ The report shall
22 include any actions taken and funds expended in
23 consideration of, and pursuant to, any contract entered
24 into under W.S. 10-3-601. ~~., If any funds are expended under~~

1 ~~a contract prior to June 30, 2006, the commission shall~~
2 ~~also report no later than that date and annually thereafter~~
3 ~~with respect to~~ and the performance of any recipient of
4 funds under the contract including measurements of
5 contractual assurances of benefits accruing to the state.

6
7 **Section 2.** W.S. 10-3-403 is amended and renumbered as
8 W.S. 9-12-703 to read:

9
10 ~~10-3-403~~ 9-12-703. Loans for airport construction and
11 improvement and air service promotion; authority to make;
12 security; rulemaking authority; limitation.

13
14 (a) The ~~commission~~ state loan and investment board
15 may make loans to counties, cities and towns and joint
16 powers boards within the state for construction,
17 development and improvement of airport facilities
18 generating user fees. The loans shall be from the permanent
19 mineral trust fund and shall not exceed the aggregate of
20 ten million dollars (\$10,000,000.00) ~~., including all loans~~
21 ~~made under this subsection prior to July 1, 2005 and still~~
22 ~~outstanding on that date~~ The board shall request review by
23 and recommendation of the aeronautics commission on all
24 applications for loans under this section and shall make a

1 recommended loan unless, based upon the credit worthiness
2 of the project, the board determines the loan would not be
3 a prudent investment of permanent mineral trust funds.

4
5 (b) The term of repayment for a loan under this
6 section shall not exceed twenty (20) years.

7
8 (c) The ~~commission~~board may take a lien against the
9 facilities generating user fees as security for repayment
10 of loans under this section.

11
12 (d) The interest rate for loans under this section
13 shall be five percent (5%) per annum.

14
15 (e) The ~~commission~~board shall adopt rules and
16 regulations to administer loans under this section,
17 including eligibility criteria.

18
19 **Section 3.**

20
21 (a) All funds for the airport construction and
22 improvement loan program shall be transferred from control
23 of the aeronautics commission to the state loan and
24 investment board to be administered as provided by this act.

1 No positions or personnel shall be transferred to the state
2 loan and investment board pursuant to this act. Contracts,
3 agreements or other obligations of the aeronautics
4 commission relating to the airport construction and
5 improvement loan program shall be assumed by the state loan
6 and investment board and the validity of the same shall not
7 be affected by this act.

8
9 (b) The aggregate amount of ten million dollars
10 (\$10,000,000.00) in loans from the permanent mineral trust
11 fund made pursuant to W.S. 9-12-703(a) shall include loans
12 made by the state loan and investment board under W.S.
13 9-12-703 and loans made by the aeronautics commission under
14 W.S. 10-3-403(a), prior to its amendment and renumbering by
15 this act, which are still outstanding on the effective date
16 of this act.

17
18 **Section 4.**

19
20 (a) There is appropriated ten thousand dollars
21 (\$10,000.00) from the general fund to the office of state
22 lands and investments. This appropriation shall be for the
23 period beginning with the effective date of this act and
24 ending June 30, 2014.

(b) This appropriation shall only be expended for the purpose of carrying out duties under W.S. 9-12-703. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2014.

8

9 (c) This appropriation shall be included in the office
10 of state lands and investments 2015-2016 standard biennial
11 budget request.

12

13 **Section 5.** This act is effective July 1, 2013.

14

15 (END)