

SENATE FILE NO. SF0004

Airport districts.

Sponsored by: Joint Transportation, Highways & Military
Affairs Interim Committee

A BILL

for

1 AN ACT relating to aeronautics; authorizing counties and
2 municipalities to establish airport districts; specifying
3 requirements; specifying duties and powers of airport
4 districts; specifying duties of municipalities and
5 counties; authorizing assessments; authorizing borrowing
6 money; authorizing distribution from fuel taxes to airport
7 districts; requiring cooperation from the aeronautics
8 commission; making conforming amendments; and providing for
9 an effective date.

10

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

12

13 **Section 1.** W.S. 10-5-401 through 10-5-405 are created
14 to read:

15

1

ARTICLE 4

2

AIRPORT DISTRICTS

3

4

10-5-401. Airport districts; creation.

5

6

(a) Each board of county commissioners that has established an airport or airport board either singly or jointly under W.S. 10-5-101 through 10-5-202 may establish by resolution an airport district provided that:

10

11

(i) The airport district is to be composed of lands within counties and municipalities that plan to participate in the district, which are not within an existing airport district, which are not within the boundaries of a county or municipality exercising its powers authorized under W.S. 10-5-101 to own and operate an airport and which are not within the boundaries of a county or municipality that has appointed an airport board under W.S. 10-5-202, unless the governing board of that county or municipality elects to participate in the district;

21

22

(ii) If an airport or airport board has been formed jointly by more than one (1) county or municipality,

23

1 the resolution is adopted by all participating counties and
2 municipalities;

3

4 (iii) The resolution provides a plan to transfer
5 to the district all responsibility for operation of the
6 airport or airports, and to the extent necessary, ownership
7 and debt related to airport facilities;

8

9 (b) Not less than sixty (60) days before any
10 resolution under subsection (a) of this section is adopted,
11 the board of county commissioners of each county in which
12 the district is located shall submit the proposed
13 boundaries of the airport district to the county assessor
14 and the department of revenue for review for any conflict,
15 overlap, gap or other boundary issue. The assessor and the
16 department may make written comments thereon to the county
17 commissioners.

18

19 (c) After adoption of the resolution under subsection
20 (a) of this section, the airport district shall be a
21 governmental subdivision of the state of Wyoming and a body
22 corporate with all the powers of a public or
23 quasi-municipal corporation specified in this article. The

1 airport district shall operate and be empowered to sue and
2 be sued under the name and style of "... Airport District"
3 and shall be the successor to any similar organization or
4 corporation. The corporation shall have perpetual existence
5 except as provided in W.S. 10-5-402(g). The participating
6 counties and municipalities adopting the resolution under
7 subsection (a) of this section shall file with the county
8 clerk of each county in which the district is located and
9 with the secretary of state a certificate showing the
10 district's creation.

11

12 (d) Lands may be added to or subtracted from an
13 existing airport district by adoption of a resolution as
14 provided in subsections (a) and (b) of this section.

15

16 (e) Unless otherwise provided in this article,
17 airport districts shall be governed by the Special District
18 Elections Act of 1994.

19

20 **10-5-402. Powers; management; removal; dissolution.**

21

22 (a) Each airport district shall be governed by an
23 airport district governing board consisting of not less

1 than three (3) nor more than nine (9) appointed qualified
2 electors of the district. The formation of the airport
3 district governing board including the specific number of
4 members on the board shall be decided by mutual agreement
5 among the governing bodies of the counties and
6 municipalities located within the boundaries of the airport
7 district. Board members shall serve a term of three (3)
8 years, except for initial board members, and may be
9 reappointed. Terms of initial board members shall be
10 staggered with one (1) or more members serving for one (1)
11 year, one (1) or more members serving for two (2) years and
12 one (1) or more members serving for three (3) years.

13

14 (b) The airport district governing board shall
15 organize each year by selecting members to fill the roles
16 of president, vice president, secretary and treasurer. The
17 roles of secretary and treasurer may be held concurrently
18 by the same member of the board. No individual member of
19 the board shall be personally liable for any action or
20 procedure of the board. Members of the board shall serve
21 without compensation, but shall be entitled to payment for
22 travel and other necessary expenses incurred while
23 attending to business or meetings of the board in the same

1 manner and amount prescribed for legislators under W.S.
2 28-5-101 and to regional transportation authorities under
3 W.S. 18-14-102.

4

5 (c) The airport district governing board may exercise
6 all powers granted to municipalities and counties under
7 W.S. 10-5-101 and to regional transportation authorities
8 under W.S. 18-14-102.

9

10 (d) The airport district governing board may appoint
11 a full-time or part-time manager and other personnel as
12 necessary to operate and maintain the airport and its
13 allied facilities. Appointees shall be paid a reasonable
14 compensation as the board deems proper.

15

16 (e) The airport district governing board is
17 authorized to enact any ordinances necessary to establish
18 and operate an airport district and shall file any enacted
19 ordinance with the county clerk for each county in which
20 the district is located. The airport district governing
21 board shall administer the finances of its district
22 according to the Uniform Municipal Fiscal Procedures Act.

23

1 (f) The governing bodies of the participating
2 counties and municipalities may jointly remove any member
3 of the airport district governing board for cause without
4 public hearing unless the member requests that the action
5 be taken during a public hearing. Vacancies on the
6 governing board shall be filled by the governing bodies of
7 the participating counties and municipalities for the
8 balance of the unexpired term created by the vacancy.

9

10 (g) An airport district may be dissolved by
11 resolution of the county commissioners in a regular and
12 public meeting. If the airport district governing board was
13 formed by appointees from more than one (1) governing body
14 of the participating counties and municipalities, the
15 resolution shall be adopted by all participating counties
16 and municipalities. The resolution shall provide for a plan
17 to transfer or otherwise dispose of all responsibility for
18 operation of the airport, and to the extent necessary,
19 ownership and debt related to airport facilities, to an
20 accepting public entity.

21

22 (h) The airport district governing board shall make
23 available to the public meeting agendas, minutes and

1 financial information by publication on the special
2 district website in each county in which the airport
3 district is located. All meetings of an airport district
4 governing board shall be held in accordance with public
5 meeting requirements provided by W.S. 16-4-401 through
6 16-4-408, and all records of an airport district are
7 subject to the Wyoming Public Records Act provided by W.S.
8 16-4-201 through 16-4-205.

9

10 **10-5-403. Taxation; limitation.**

11

12 (a) After the governing body of each county and
13 municipality participating in the airport district
14 authorizes a request from an airport district to propose a
15 levy, an airport district governing board may submit to the
16 qualified electors of the district the question of whether
17 the district shall annually levy not to exceed three (3)
18 mills on the dollar of assessed valuation of the district
19 to operate the district. The question shall be submitted by
20 the county clerk of each county in which the district is
21 located as ordered by the board of county commissioners in
22 each county in which the district is located at an election
23 called, conducted, canvassed and returned in the manner

1 provided for bond elections by the Political Subdivision
2 Bond Election Law.

3

4 (b) If the proposition in subsection (a) of this
5 section is approved by the electors, the annual mill levy
6 shall expire ten (10) years from the date of initial
7 imposition and the same proposition or a proposition to
8 impose a mill levy in a different amount, not to exceed
9 three (3) mills, may be submitted at the general election
10 held ten (10) years from the date the proposition is
11 approved and every ten (10) years thereafter until the
12 proposition is defeated. If a proposition to impose or
13 continue the levy is defeated, it shall not again be
14 submitted to the electors until an election occurring not
15 less than twenty-three (23) months after the election at
16 which the proposition was defeated.

17

18 (c) There shall be no limit on the assessment for
19 payment of principal and interest on bonds approved by the
20 airport district governing board, the governing bodies of
21 the participating counties and municipalities and the
22 electors of a district as provided in subsection (a) of
23 this section. The aggregate amount of bonds or other

1 evidences of indebtedness shall not exceed four percent
2 (4%) of the assessed value of the taxable property within
3 the district, and bearing a certain rate of interest,
4 payable and redeemable at a certain time, shall not exceed
5 twenty-five (25) years. The assessment and tax levied under
6 this section shall not be construed as being part of the
7 general county mill levy. In determining the aggregate
8 amount of indebtedness, there shall not be included with
9 the computation bonds or other evidences of indebtedness
10 payable solely from net revenues of an income producing
11 facility or project.

12

13 (d) An airport district governing body for which a
14 tax approved according to subsection (a) of this section
15 will be levied shall not later than the second Wednesday in
16 June of each fiscal year in which the tax will be levied
17 present the district's budget and ten (10) year forecasts
18 for approval to the governing bodies of the participating
19 counties and municipalities during a public hearing at a
20 regularly scheduled meeting of each participating governing
21 body or at a joint meeting scheduled for that purpose. The
22 budget presentation required in this subsection shall
23 include forecasted operating revenues and expenditures,

1 forecasted capital expenditures, forecasted grant revenues
2 and forecasted reserves.

3

4 (e) After presentation of the airport district budget
5 as provided in subsection (c) of this section, the board of
6 county commissioners in each county in which the airport
7 district is located at the time of making the levy for
8 county purposes shall levy a tax upon the taxable property
9 within an airport district to be used solely to operate the
10 district, if approved by the electors in accordance with
11 subsection (a) of this section. These monies shall be
12 placed in an account certified by the airport district
13 governing board.

14

15 **10-5-404. Issuance of bonds, notes, warrants and**
16 **other revenue securities.**

17

18 Upon majority vote of the members of an airport district
19 governing board, the board may issue revenue bonds, notes,
20 warrants and other revenue securities for the purposes of
21 this article in the same manner provided by W.S. 35-2-424
22 through 35-2-436 for trustees of hospital districts.

23

1 **10-5-405. Borrowing money without election in**
2 **anticipation of collection of taxes; issuance of short-term**
3 **notes.**

4
5 Upon majority vote of the members of an airport district
6 governing board, the board may borrow money without an
7 election in anticipation of the collection of taxes or
8 other revenues and may issue short-term notes to evidence
9 the amount borrowed. Short-term notes issued under this
10 section shall be payable from the fund for which the money
11 is borrowed and shall mature before the close of the fiscal
12 year in which the money is borrowed.

13
14 **Section 2.** W.S. 10-3-201(a)(iii), (b) and (c)(intro),
15 10-3-401(a) and (b), 10-5-101(a)(viii) and (b), 10-5-301,
16 16-12-202(a) by creating a new paragraph (xxiv) and by
17 renumbering (xxiv) as (xxv), 22-29-103(a) by creating a new
18 paragraph (xiv) and by renumbering (xiv) as (xv),
19 39-17-111(c)(i), 39-17-211(d)(iii) and 39-17-311(a)(iii)
20 and (b)(iv)(C) are amended to read:

21

22 **10-3-201. Powers and duties generally.**

23

1 (a) The commission shall cooperate with:

2

3 (iii) The cities, ~~and~~—counties, airport
4 districts and joint powers boards in Wyoming;

5

6 (b) In lieu of the requirements of this subsection,
7 any airport sponsor may directly apply for, receive or
8 disburse federal airport funds, and may also direct all
9 construction and maintenance of the airport. The
10 aeronautics commission may designate the airports to be
11 built and maintained with the assistance of state or
12 federal funds and is the sole authority to determine the
13 disbursement of funds for the state's airports. The
14 aeronautics commission through the department shall be the
15 authority in the state to apply for, or directly accept,
16 receive, receipt for or disburse any funds granted by the
17 United States government for airport construction or
18 maintenance. A county, city, town, airport district or
19 joint powers board may enter into an agreement with the
20 division describing the terms and conditions of the agency
21 in accordance with federal laws, rules and regulations and
22 applicable laws of this state. The division may enforce the
23 proper maintenance of these airports by the counties,

1 cities, ~~and towns~~, airport districts or joint powers boards
2 as agreed in the contracts existing between the sponsors of
3 the airports and the federal government. All construction
4 and maintenance of these airports shall be under the
5 direction of the department.

6

7 (c) The department may offer engineering or other
8 technical advice to any municipality, county, airport
9 district, joint powers board or other qualified party in
10 connection with the construction, maintenance or operation
11 of airports. The commission shall encourage:

12

13 **10-3-401. Grants-in-aid for airport construction and**
14 **improvement and air service promotion; authority to make;**
15 **limitation.**

16

17 (a) The commission may make grants-in-aid from state
18 funds for construction and development of airports to
19 counties, cities, towns, airport districts and joint powers
20 boards within the state. No grant-in-aid for planning,
21 construction or improvement of any airport shall be made
22 unless the airport is owned, leased or held under a state
23 or federal special use permit or agreement, exclusively or

1 jointly, by the county, city, town, airport district or
2 joint powers board to which the grant is made. Grants may
3 be spent for runways, terminals, hangars and other
4 improvements and for planning any improvements to the
5 airport. The commission may designate state funds for
6 purposes of creating, amending and updating any system plan
7 of an airport for the state.

8
9 (b) The commission may grant not more than five
10 percent (5.0%) of the amount available for grants-in-aid
11 under subsection (a) of this section to counties, cities,
12 ~~and~~ towns, airport districts and joint powers boards to
13 promote air service in Wyoming. In accordance with
14 W.S. 10-3-402, any amount granted under this subsection
15 shall be equally matched by the recipient county, city, ~~or~~
16 town, airport district or joint powers board. No amount
17 granted under this subsection shall be used for airline
18 subsidies.

19

20 **10-5-101. Powers of municipalities and counties**
21 **generally; rules and regulations.**

22

1 (a) Municipal corporations and counties within the
2 state are authorized at the discretion of their governing
3 boards, acting either singly or jointly to:

4
5 (viii) Do all things necessary in the discretion
6 of the city, town or county governing authority for the
7 purpose of making effective the powers conferred by W.S.
8 10-5-101 through 10-5-204 or to establish an airport
9 district under W.S. 10-5-401 through 10-5-405.

10
11 (b) Any city, town or county governing authority in
12 the state, either singly or jointly, may prescribe and
13 enforce rules, ~~and regulations~~ or may establish an airport
14 district under W.S. 10-5-401 through 10-5-405 to prescribe
15 and enforce rules, not in conflict with W.S. 10-5-101
16 through 10-5-204 by ordinance or resolution, governing
17 these airports. The municipal court of the city or town has
18 jurisdiction to punish any violator of the ordinances of
19 the city, ~~or town,~~ county or airport district governing an
20 airport whether the airport is within or without the city
21 limits.

22
23 **10-5-301. Power of counties, cities and towns.**

1

2 (a) The governing body of each incorporated Wyoming
3 municipality and county may regulate and restrict by
4 ordinance the number of stories and size of buildings and
5 the height of other structures constructed upon land within
6 one-half (1/2) mile of the boundaries of airports owned or
7 controlled by the town, city, ~~or~~ county or airport
8 district. They may provide zoning for airspace beyond
9 one-half (1/2) mile of the boundaries and within the
10 county, to assure aircraft reasonable safety for visual and
11 instrument approach and departure. The right to zone shall
12 be confined to the geographical limits of the current
13 applicable approach zone established by the federal
14 aviation administration for the particular airport and in
15 no case shall the right to zone extend beyond six (6)
16 nautical miles along the approach path from the end of the
17 instrument runway.

18

19 (b) The powers herein granted to towns and cities
20 shall apply to all municipal airports and airport districts
21 whether situated within or without the incorporated limits
22 of a city or town.

23

1 **16-12-202. Applicability to special districts and**
2 **other specified entities; general provisions.**

3
4 (a) This chapter applies to the following entities
5 unless otherwise specified:

6
7 (xxiv) Airport districts;

8
9 ~~(xxiv)~~(xxv) Other districts as specified by law.

10
11 **22-29-103. Applicability to special districts;**
12 **general provisions.**

13
14 (a) This act applies to the following districts as
15 specified in subsection (b) of this section:

16
17 (xiv) Airport districts;

18
19 ~~(xiv)~~(xv) Other districts as specified by law.

20
21 **39-17-111. Distribution.**

22

1 (c) The department shall credit to appropriate
2 accounts based upon deductions from the taxes collected
3 under this article in the following order:

4

5 (i) Deduct the pro rata share of the cost of
6 collecting the taxes received from gasoline used for
7 aircraft at any municipal or county airport and distribute
8 the remainder to the airport district, city, town or county
9 where the airport is located. These funds shall be used for
10 the maintenance of the airport;

11

12 **39-17-211. Distribution.**

13

14 (d) The department shall:

15

16 (iii) Deduct the pro rata share of the cost of
17 collecting the taxes received from jet fuel used for
18 aircraft at any municipal or county airport and distribute
19 the remainder to the airport district, city, town or county
20 where the airport is located. These funds shall be used for
21 the maintenance of the airport.

22

23 **39-17-311. Distribution.**

1

2 (a) Except as otherwise provided in subsection (b) of
3 this section, all alternative fuel license taxes and fees
4 shall be distributed as follows:

5

6 (iii) The department shall certify to the state
7 treasurer amounts to be credited to appropriate accounts
8 based upon deductions from the taxes collected under this
9 article provided that the department shall deduct the pro
10 rata share of the cost of collecting the taxes received
11 from alternative fuel used for aircraft at any municipal or
12 county airport and distribute the remainder to the airport
13 district, city, town or county where the airport is
14 located. These funds shall be used for the maintenance of
15 the airport.

16

17 (b) All alternative fuel license taxes and fees
18 related to liquefied natural gas, biodiesel or renewable
19 diesel shall be distributed as follows:

20

21 (iv) The state treasurer shall:

22

1 (C) Deduct the pro rata share of the cost
2 of collecting the taxes received from alternative fuel used
3 for aircraft at any municipal or county airport and
4 distribute the remainder to the airport district, city,
5 town or county where the airport is located. These funds
6 shall be used for the maintenance of the airport.

7

8 **Section 3.** This act is effective July 1, 2021.

9

10

(END)