

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; providing definitions; specifying duties and  
4 powers of airport districts; specifying duties of  
5 municipalities and counties; authorizing assessments;  
6 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 10-5-404 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 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 municipality elects to participate in the district;

19

20

(ii) If an airport or airport board has been formed jointly by more than one (1) county or municipality, the resolution is adopted by all participating counties and municipalities;

23

1

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

6

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

16

17           (c) After adoption of the resolution under subsection  
18 (a) of this section, the airport district shall be a  
19 governmental subdivision of the state of Wyoming and a body  
20 corporate with all the powers of a public or  
21 quasi-municipal corporation specified in this article. The  
22 airport district shall operate and be empowered to sue and  
23 be sued under the name and style of ".... Airport District"

1 and shall be the successor to any similar organization or  
2 corporation. The corporation shall have perpetual  
3 existence. The participating counties and municipalities  
4 adopting the resolution under subsection (a) of this  
5 section shall file with the county clerk of each county in  
6 which the district is located and with the secretary of  
7 state a certificate showing the district's creation.

8  
9 (d) Lands may be added to or subtracted from an  
10 existing airport district by adoption of a resolution as  
11 provided in subsections (a) and (b) of this section.

12  
13 (e) Unless otherwise provided in this article,  
14 airport districts shall be governed by the Special District  
15 Elections Act of 1994.

16  
17 **10-5-402. Powers; management; removal; dissolution.**

18  
19 (a) Each airport district shall be governed by an  
20 airport district governing board consisting of not less  
21 than three (3) nor more than nine (9) appointed qualified  
22 electors of the district. The formation of the airport  
23 district governing board including the specific number of

1 members on the board shall be decided by mutual agreement  
2 among the governing bodies of the counties and  
3 municipalities located within the boundaries of the airport  
4 district. Board members shall serve a term of three (3)  
5 years, except for initial board members, and may be  
6 reappointed. Terms of initial board members shall be  
7 staggered with one (1) or more members serving for one (1)  
8 year, one (1) or more members serving for two (2) years and  
9 one (1) or more members serving for three (3) years.

10

11 (b) The airport district governing board shall  
12 organize each year by selecting members to fill the roles  
13 of president, vice president, secretary and treasurer. No  
14 individual member of the board shall be personally liable  
15 for any action or procedure of the board. Members of the  
16 board shall serve without compensation, but shall be  
17 entitled to payment for travel and other necessary expenses  
18 incurred while attending to business or meetings of the  
19 board in the same manner and amount prescribed for  
20 legislators under W.S. 28-5-101.

21

1           (c) The airport district governing board may exercise  
2 all powers granted to municipalities and counties under  
3 W.S. 10-5-101.

4

5           (d) The airport district governing board may appoint  
6 a full-time or part-time manager and other personnel as  
7 necessary to operate and maintain the airport and its  
8 allied facilities. Appointees shall be paid a reasonable  
9 compensation as the board deems proper.

10

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

18

19           (f) The governing bodies of the participating  
20 counties and municipalities may jointly remove any member  
21 of the airport district governing board for cause without  
22 public hearing unless the member requests that the action  
23 be taken during a public hearing. Vacancies on the

1 governing board shall be filled by the governing bodies of  
2 the participating counties and municipalities for the  
3 balance of the unexpired term created by the vacancy.

4

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

16

17 **10-5-403. Taxation; limitation.**

18

19 (a) An airport district governing board may submit to  
20 the qualified electors of the district the question of  
21 whether the district shall annually levy not to exceed  
22 three (3) mills on the dollar of assessed valuation of the  
23 district to operate the district. The question shall be

1 submitted by the county clerk of each county in which the  
2 district is located as ordered by the board of county  
3 commissioners in each county in which the district is  
4 located at an election called, conducted, canvassed and  
5 returned in the manner provided for bond elections by the  
6 Political Subdivision Bond Election Law.

7

8 (b) There shall be no limit on the assessment for  
9 payment of principal and interest on bonds approved by the  
10 airport district governing board and the electors of a  
11 district. Bond issued shall not exceed four percent (4%) of  
12 the assessed valuation of taxable property in the district,  
13 and bearing a certain rate of interest, payable and  
14 redeemable at a certain time, shall not exceed twenty-five  
15 (25) years. The assessment and tax levied under this  
16 section shall not be construed as being part of the general  
17 county mill levy.

18

19 (c) The board of county commissioners in each county  
20 in which the airport district is located at the time of  
21 making the levy for county purposes shall levy a tax upon  
22 the taxable property within an airport district to be used  
23 solely to operate the district, if approved by the electors

1 in accordance with subsection (a) of this section. These  
2 monies shall be placed in an account certified by the  
3 airport district governing board.

4

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

7

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

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 and airport  
4 districts 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 10-5-404.

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 10-5-404 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

