

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Commercial air service improvement plan and council.

Sponsored by: Joint Minerals, Business & Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to aeronautics; establishing the Wyoming
2 commercial air service improvement act; providing
3 legislative findings; creating the Wyoming commercial air
4 service improvement council; prescribing duties;
5 authorizing contracting; creating an account; providing an
6 appropriation; and providing for an effective date.

7

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

9

10 **Section 1.**

11

12 (a) The legislature finds that:

1

2 (i) Commercial air service directly affects the
3 state's ability to promote and achieve the goals of
4 economic initiatives of the legislative and executive
5 branches;

6

7 (ii) There is an imminent need to develop and
8 pursue a long-term plan through a coordinated approach to
9 enable:

10

11 (A) Increased economic competitiveness,
12 expansion and diversification;

13

14 (B) Wyoming and its citizens to secure
15 reliable commercial air service in this state; and

16

17 (C) The legislative and executive branches
18 to promote and achieve the goals of their economic
19 initiatives.

20

21 (iii) The creation of a council dedicated to
22 coordinating efforts between the state, local communities
23 and industry to improve commercial air service in Wyoming

1 is necessary to fulfill the purposes of the Wyoming
2 Commercial Air Service Improvement Act created by section 2
3 of this act.

4 *****
5 STAFF COMMENT
6

7 It appears that non-codified legislative findings are provided before
8 sections modifying statute. See, e.g., ENDOW's enabling legislation,
9 2017 Wyoming Session Laws, ch. 140.

10 *****
11

12 Section 2. W.S. 10-7-101 through 10-7-104 are created
13 to read:

14

15

CHAPTER 7

16

COMMERCIAL AIR SERVICE IMPROVEMENT

17

18 10-7-101. Short title.

19

20 This chapter may be cited as the "Wyoming Commercial Air
21 Service Improvement Act."

22

23 10-7-102. Definitions.

24

25 (a) As used in this chapter:

26

1 (i) "Commercial air service improvement plan"
2 means a coordinated and comprehensive plan intended to
3 improve commercial air service in this state, as developed
4 by the council pursuant to this chapter;

5

6 (ii) "Council" means the Wyoming commercial air
7 service improvement council created by this chapter.

8

9 **10-7-103. Wyoming commercial air service improvement**
10 **council; creation; membership; terms; quorum; meetings;**
11 **compensation; staffing; duties; authority.**

12

13 (a) There is created a Wyoming commercial air service
14 improvement council consisting of eleven (11) voting
15 members and four (4) nonvoting members.

16

17 (b) There shall be two (2) legislative voting members
18 on the council as follows:

19

20 (i) One (1) member of the senate appointed by the
21 president of the senate;

22

1 (iv) One (1) member from the Wyoming county
2 commissioners association;

3

4 (v) One (1) commercial air service member of the
5 Wyoming airport operators association;

6

7 (vi) Two (2) members from the public at-large.

8

9 (d) A voting member appointed by the governor shall
10 not serve more than two (2) terms. If a vacancy occurs
11 during the term of a voting member appointed by the
12 governor, the governor shall fill the vacancy as provided
13 in W.S. 28-12-101. The governor may, in accordance with
14 W.S. 9-1-202, remove any voting member he appoints.

15

16 (e) The voting members of the council shall elect a
17 chairman from among their members.

18

19 (f) The council shall consist of the following four
20 (4) nonvoting members or their designees:

21

22 (i) The governor;

23

1 (ii) The director of the department;

2 *****

3 STAFF COMMENT

4

5 "Department" means WYDOT. See 10-1-101(a)(v).

6 *****

7

8 (iii) The executive director of the office of
9 tourism;

10

11 (iv) The chief executive officer of the Wyoming
12 business council.

13

14 (g) Legislative members of the council shall receive
15 compensation, per diem and travel expenses incurred in the
16 performance of their duties on the council, as provided in
17 W.S. 28-5-101.

18

19 (h) Nonlegislative members of the council shall
20 receive no compensation, but when engaged in the
21 performance of their duties, they may receive per diem and
22 travel expenses in the same manner and amount as state
23 employees if the governor determines sufficient funds are
24 available.

25

1 specify a time period for creating marketing and operating
2 commercial air services within the plan's four (4) year
3 period and a schedule for full implementation of steps
4 necessary to establish and maintain sustainable commercial
5 air service in this state. The council shall submit each
6 action plan to the governor for his approval. After
7 approval by the governor, the council shall, in
8 coordination with the commission, the department and other
9 state agencies, boards, commissions and councils, implement
10 the action plan and provide regular progress reports in
11 meeting targets and shall identify adjustments to be made
12 to the governor and the legislature through the joint
13 minerals, business and economic development interim
14 committee;

15

16 (ii) Not later than August 1, 2018, the council
17 shall prepare and submit to the governor for his approval a
18 report that includes a ten (10) year commercial air service
19 improvement plan and recommended benchmarks. In developing
20 the plan, the council shall ensure it includes:

21

22 (A) The activities of state agencies,
23 boards, commissions and councils and local communities to

1 achieve sustainability in commercial air service for the
2 benefit of citizens, tourists, local communities and the
3 state; and

4

5 (B) Initiatives and specific actions:

6

7 (I) To develop efficient and effective
8 implementation of a long-term, viable strategy for
9 sustainable commercial air service in this state, which
10 shall include decreasing costs, increasing passengers and
11 providing industry standard reliability to existing
12 commercial air service communities and the state. To the
13 extent feasible, this strategy shall include a one (1)
14 carrier system offering a goal of at least three (3) daily
15 flights to a major hub from every participating commercial
16 air service community in the state, depending on the level
17 of financial support attainable by each participating
18 community, as determined by the council; and

19 *****
20 STAFF COMMENT

21
22 Subdivision (I) refers to "existing commercial air service
23 communities." To provide clarity as to what constitutes existing
24 communities, it may be helpful to add "as of [date]" after
25 "communities."

26 *****

27

1

2 (h) The council may, after competitive bidding, enter
3 into contracts for the rendering of professional, financial
4 and technical assistance directly related to the approved
5 ten (10) year commercial air service improvement plan. The
6 attorney general shall review and approve any contract
7 under this subsection before it is executed. Beginning
8 September 30, 2018, and by September 30 annually
9 thereafter, the council shall provide a report on any
10 contracts entered into under this subsection to the joint
11 minerals, business and economic development interim
12 committee, the joint appropriations committee, the air
13 transportation liaison committee and the governor. The
14 report shall include any actions taken and funds expended
15 in consideration of, and pursuant to, any contract entered
16 into under this subsection, and the performance of any
17 recipient of funds under the contract, including
18 measurements of contractual assurances of benefits accruing
19 to the state.

20 *****

21 STAFF COMMENT

22
23 If the intent of this subsection is to allow the council to enter into
24 capacity purchase agreements, firmer statutory authority than
25 authorizing "contracts for professional, financial and technical
26 assistance" is likely needed.
27

1 Based on existing statutes regarding competitive bidding, it does not
2 seem that a specific statutory citation to competitive bidding
3 requirements is necessary, thus why one is not provided above. General
4 competitive bidding requirements for procurement contracts (supplies
5 and services) are provided in W.S. 9-2-1016.
6

7 The above reporting requirements are based on W.S. 10-3-602(c), which
8 relates to the Wyoming air services enhancement program.

9 *****
10

11 **10-7-104. Wyoming commercial air service improvement**
12 **account.**

13
14 There is created the Wyoming commercial air service
15 improvement account. Subject to the requirements of this
16 section, funds in the account are continuously appropriated
17 for contracts and other expenses as authorized in this
18 chapter. No expenditures shall be made from the account in
19 any fiscal year in excess of X percent (X%) of the
20 account's balance as of July 1 of that fiscal year.
21 Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a),
22 any funds within the account and any interest earned
23 thereon shall not lapse or revert until directed by the
24 legislature.

25
26 **Section 3.** W.S. 10-1-101(a)(xi) is amended to read:

27
28 **10-1-101. Definitions.**

1

2 (a) As used in this act:

3

4 (xi) "This act" means W.S. 10-1-101 through ~~10-~~
5 ~~6-104~~ 10-7-104.

6

7 **Section 4.**

8

9 (a) There is appropriated twenty-nine million five
10 hundred thousand dollars (\$29,500,000.00)/thirty-seven
11 million two hundred thousand dollars (\$37,200,000.00) from
12 the legislative stabilization reserve account to the
13 Wyoming commercial air service improvement account created
14 by section 2 of this act. Any unexpended, unobligated funds
15 remaining from this appropriation shall not revert to the
16 legislative stabilization reserve account and shall be
17 continuously appropriated to the Wyoming commercial air
18 service improvement account.

19

20 (b) Of the funds appropriated by this section:

21

22 (i) Up to two hundred thousand dollars
23 (\$200,000.00) shall be used by the department of

1 transportation to assist the state and local communities
2 with marketing efforts related to improving commercial air
3 service in this state;

4

5 (ii) Up to the remaining amount shall be used by
6 the Wyoming commercial air service improvement council to
7 implement this act.

8

9 **Section 5.** This act is effective immediately upon
10 completion of all acts necessary for a bill to become law
11 as provided by Article 4, Section 8 of the Wyoming
12 Constitution.

13

14

(END)