

ENROLLED ACT NO. 40, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

AN ACT relating to aeronautics; establishing the Wyoming Commercial Air Service Improvement Act; providing legislative findings; creating the Wyoming commercial air service improvement council; prescribing duties; providing for a commercial air service improvement plan; providing a sunset date; transferring rights, duties, obligations and liabilities of the council as specified; authorizing the aeronautics commission to enter into contracts related to commercial air service improvement; requiring reports; creating an account; providing appropriations; and providing for an effective date.

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

Section 1.

(a) The legislature finds that:

(i) The reliability and quality of commercial air service directly affects Wyoming's ability to promote and achieve the goals of the legislative and executive branches' economic initiatives;

(ii) There is an imminent need to develop and pursue a long-term plan for commercial air service in Wyoming through a coordinated approach to enable:

(A) Increased economic competitiveness, expansion and diversification in Wyoming;

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

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

(iii) Coordinated efforts between the state, local communities and industry to improve commercial air service in Wyoming are necessary to fulfill the purposes of the Wyoming Commercial Air Service Improvement Act created by section 2 of this act.

Section 2. W.S. 10-7-101 through 10-7-105 are created to read:

CHAPTER 7
COMMERCIAL AIR SERVICE IMPROVEMENT

10-7-101. Short title.

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

10-7-102. Definitions.

(a) As used in this chapter:

(i) "Commercial air service improvement plan" means a coordinated and comprehensive ten (10) year plan intended to improve commercial air service in this state, as developed by the council pursuant to this chapter;

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

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10-7-103. Wyoming commercial air service improvement council; creation; transfer of rights, duties, obligations and liabilities.

(a) There is created the Wyoming commercial air service improvement council consisting of eleven (11) voting members and four (4) nonvoting members. For administrative purposes, the council shall be within the department.

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

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

(ii) One (1) member of the house of representatives appointed by the speaker of the house of representatives.

(c) With the advice and consent of the commission and subject to the requirements of this section, the governor shall appoint the remaining nine (9) voting members to the council. Appointments to the council shall include, to the extent practicable, at least one (1) resident of each county served by an airport with commercial air service and shall include:

(i) Two (2) members of the commission;

(ii) Two (2) business members of the economically needed diversity options for Wyoming (ENDOW) executive council or other business representatives participating in ENDOW executive council initiatives;

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(iii) One (1) member of the Wyoming association of municipalities;

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

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

(vi) Two (2) members from the public at-large, including one (1) who shall represent a critical need community and one (1) who shall represent a growth community as designated by the commission.

(d) The following four (4) nonvoting members or their designees shall also serve on the council:

(i) The governor;

(ii) The director of the department;

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

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

(e) The governor may, in accordance with W.S. 9-1-202, remove any voting member he appoints.

(f) If a vacancy occurs with respect to a voting member, the vacancy shall be filled by the governor, with a person holding the same or similar qualifications as the person who vacated the position. The new member shall serve

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the remainder of the term for which the vacating member was appointed.

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

(h) Members of the council shall not receive compensation, but when engaged in the performance of their duties they may receive reimbursement for travel expenses in the same manner and amount as state employees.

(j) The council shall meet as often as necessary to conduct business or at the request of the chairman or the governor. A majority of voting members shall constitute a quorum for the transaction of business and for the exercise of any power or function of the council.

(k) The department shall provide administrative services and staffing for the council.

(m) Funding for expenses of the council shall come from the budget of the department.

(n) Not later than August 1, 2018, the council shall prepare and, with the approval of the commission, submit a commercial air service improvement plan to the governor for his approval and to the joint minerals, business and economic development interim committee and the joint appropriations committee. The commercial air service improvement plan shall include the following:

(i) A summary of the activities of the commission, other state agencies, boards, commissions and councils and local communities related to achieving

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

(ii) Recommendations for initiatives and specific actions:

(A) To develop efficient and effective implementation of a long-term, viable strategy for sustainable commercial air service in this state, which may include decreasing costs, increasing passengers and providing industry standard reliability to commercial air service communities. To the extent feasible, the recommended strategy shall include a one (1) carrier system offering up to three (3) daily flights to a major hub from each participating commercial air service community in the state; and

(B) That are coordinated with the commission and local communities to ensure state and community commercial air service projects are developed in furtherance of the purposes of this chapter and individual community needs.

(iii) Performance benchmarks, policy recommendations, budget requests, a time period for formulating marketing, and a schedule for full implementation of steps necessary to establish and maintain sustainable, reliable and quality commercial air service in this state.

(o) In developing the commercial air service improvement plan, the council shall:

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(i) Not take any action intended to interfere with existing commercial air services operating out of commercial air service communities in this state;

(ii) Determine the level of financial support required of participating commercial air service communities.

(p) Not later than November 15, 2018, the council shall prepare and submit a status report on the implementation of the commercial air service improvement plan to the commission, the governor and the joint minerals, business and economic development interim committee.

(q) Effective March 15, 2019, the council shall cease to exist and all its rights, duties, obligations and liabilities under this section shall be transferred to the commission. The commission may make reasonable adjustments to the level of financial support determined by the council under paragraph (o)(ii) of this section.

10-7-104. Contracts to improve commercial air service.

The commission may, after competitive bidding, enter into contracts to procure commercial air service, to obtain professional, financial or technical assistance directly related to the commercial air service improvement plan or for any other purposes necessary to implement the commercial air service improvement plan. The attorney general shall review and approve any contract under this subsection before it is executed. Beginning September 30, 2019, and by September 30 annually thereafter, the commission shall provide a report on any contracts entered

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into under this subsection to the governor, the joint minerals, business and economic development interim committee, the joint appropriations committee and the air transportation liaison committee. The report shall describe any actions taken and funds expended in consideration of, and pursuant to, any contract entered into under this subsection, and shall analyze the performance of any recipient of funds under any contract.

10-7-105. Wyoming commercial air service improvement account.

There is created the Wyoming commercial air service improvement account. Funds in the account are continuously appropriated to the account and shall be expended only on contracts and other expenses necessary to implement the commercial air services improvement plan pursuant to W.S. 10-7-104 and then only after further legislative authorization. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any funds within the account and any interest earned thereon shall not lapse or revert until directed by the legislature.

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

10-1-101. Definitions.

(a) As used in this act:

(xi) "This act" means W.S. 10-1-101 through ~~10-6-104~~ 10-7-105.

Section 4.

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(a) There is appropriated fifteen million dollars (\$15,000,000.00) from the legislative stabilization reserve account to the Wyoming commercial air service improvement account, as created by this act.

(b) In addition to the appropriation contained in subsection (a) of this section, there is appropriated one million dollars (\$1,000,000.00) from the legislative stabilization reserve account to the aeronautics commission for continuation of the air service enhancement program. These funds shall only be expended in the period beginning July 1, 2019 and ending June 30, 2020. 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 to legislative stabilization reserve account on June 30, 2020.

(c) Upon the effective date of this section:

(i) The appropriation contained in 2018 House Bill 0001, section 321(a)(ii) to the economic diversification account created by W.S. 9-12-1404(a) shall be reduced fifteen million dollars (\$15,000,000.00);

(ii) 2018 House Bill 0001, section 321(a)(ii)(C) shall not be effective.

ORIGINAL SENATE
FILE NO. SF0040

ENGROSSED

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Section 5. 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