

ORIGINAL SENATE  
FILE NO. 0016

ENROLLED ACT NO. 57, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

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

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

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

(b) The Wyoming aeronautics commission may enter into agreements to provide financial assistance to persons doing business or who will do business in the state, to economic development organizations within the state, to joint powers boards or to other entities formed to provide for enhanced

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air service to communities in Wyoming that have or are seeking commercial air service, for the enhancement of air services in the state conditioned upon contractual assurances that specified benefits will accrue to the state through increased air traffic and enplanements. For purposes of this article, "enhanced air service" shall include, but not be limited to, assisting airports in the state with commercial air service to have the appropriate level of state or federal security configuration to accommodate proposed air service and aircraft capacity. When entering into an agreement the commission shall give consideration to each of the following potential benefits accruing to the state: ~~shall include, but not be limited to,~~ increasing the minimum number of enplanements at airports facing a possible loss of federal airport improvement program funding, increasing passenger enplanements at commercial airports in Wyoming, increasing the number of Wyoming passengers originating flights in Wyoming commercial airports rather than airports in other states, increasing frequency or sustaining flight operations from commercial airports in Wyoming to regional airport hubs, increasing the consistency of service, and lowering airfares ~~for air passengers and increasing the number of routes flown within the state in Wyoming communities as a result of an air service enhancement grant.~~ The commission shall consult with counties, cities, towns, joint powers boards, airport boards or other entities pursuing air service enhancement before entering into agreements to provide air service enhancement and shall require local funds for the provision of air service enhancement grants. The amount of local funds required for the provision of enhancing air services shall be determined by the commission, taking into account the types of service for which grants are approved, the diverse characteristics of the communities to which air service is contracted for and other considerations examined by the commission.

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**10-3-602. Wyoming air services enhancement account.**

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

(c) The commission shall report to the joint minerals, business and economic development interim committee, the joint appropriations interim committee and the air transportation liaison committee annually no later than September 30, ~~2005,~~ with respect to the status of the program under W.S. 10-3-601 ~~., including~~ The report shall include any actions taken and funds expended in consideration of, and pursuant to, any contract entered into under W.S. 10-3-601 ~~., If any funds are expended under a contract prior to June 30, 2006, the commission shall also report no later than that date and annually thereafter with respect to~~ and the performance of any recipient of funds under the contract including measurements of contractual assurances of benefits accruing to the state.

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

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

(a) The ~~commission~~ state loan and investment board may make loans to counties, cities and towns and joint powers boards within the state for construction, development and improvement of airport facilities generating user fees. The loans shall be from the permanent

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mineral trust fund and shall not exceed the aggregate of ten million dollars (\$10,000,000.00) ~~., including all loans made under this subsection prior to July 1, 2005 and still outstanding on that date~~ The board shall request review by and recommendation of the aeronautics commission on all applications for loans under this section and shall make a recommended loan unless, based upon the credit worthiness of the project, the board determines the loan would not be a prudent investment of permanent mineral trust funds.

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

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

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

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

### **Section 3.**

(a) All funds for the airport construction and improvement loan program shall be transferred from control of the aeronautics commission to the state loan and investment board to be administered as provided by this act. No positions or personnel shall be transferred to the state loan and investment board pursuant to this act. Contracts, agreements or other obligations of the aeronautics commission relating to the airport construction and improvement loan program shall be assumed by the state loan and investment board and the validity of the same shall not be affected by this act.

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

**Section 4.**

(a) There is appropriated ten thousand dollars (\$10,000.00) from the general fund to the office of state lands and investments. This appropriation shall be for the period beginning with the effective date of this act and 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.

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

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

(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