

SENATE FILE NO. SF0040

Commercial air service improvement.

Sponsored by: Senator(s) Von Flatern, Bebout, Coe and
Kinskey and Representative(s) Blake, Brown,
Freeman, Henderson and Walters

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; providing
5 for a commercial air service improvement plan; providing a
6 sunset date; transferring rights, duties, obligations and
7 liabilities of the council as specified; authorizing the
8 aeronautics commission to enter into contracts related to
9 commercial air service improvement; requiring reports;
10 creating an account; and providing for an effective date.

11

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

13

14 **Section 1.**

15

1 (a) The legislature finds that:

2

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

7

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

11

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

14

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

17

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

21

22 (iii) Coordinated efforts between the state,
23 local communities and industry to improve commercial air

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

4

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

7

8

CHAPTER 7

9

COMMERCIAL AIR SERVICE IMPROVEMENT

10

11 **10-7-101. Short title.**

12

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

15

16 **10-7-102. Definitions.**

17

18 (a) As used in this chapter:

19

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

1

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

4

5 **10-7-103. Wyoming commercial air service improvement**
6 **council; creation; transfer of rights, duties, obligations**
7 **and liabilities.**

8

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

14

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

17

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

20

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

1

2 (c) With the advice and consent of the commission and
3 subject to the requirements of this section, the governor
4 shall appoint the remaining nine (9) voting members to the
5 council as follows:

6

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

8

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

13

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

16

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

19

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

22

1 (vi) Two (2) members from the public at-large,
2 one (1) member representing the critical need community and
3 one (1) member from the growth community.

4

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

7

8 (i) The governor;

9

10 (ii) The director of the department;

11

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

14

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

17

18 (e) The governor may, in accordance with W.S.
19 9-1-202, remove any voting member he appoints.

20

21 (f) If a vacancy occurs with respect to a voting
22 member, the vacancy shall be filled by the governor, with a
23 person holding the same or similar qualifications as the

1 person who vacated the position. The new member shall serve
2 the remainder of the term for which the vacating member was
3 appointed.

4

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

7

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

12

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

18

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

21

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

1

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

8

9 (i) A summary of the activities of the
10 commission, other state agencies, boards, commissions and
11 councils and local communities related to achieving
12 sustainability in commercial air service for the benefit of
13 citizens, tourists, local communities and the state;

14

15 (ii) Recommendations for initiatives and
16 specific actions:

17

18 (A) To develop efficient and effective
19 implementation of a long-term, viable strategy for
20 sustainable commercial air service in this state, which may
21 include decreasing costs, increasing passengers and
22 providing industry standard reliability to commercial air
23 service communities. To the extent feasible, the

1 recommended strategy shall include a one (1) carrier system
2 offering up to three (3) daily flights to a major hub from
3 each participating commercial air service community in the
4 state; and

5

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

11

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

18

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

21

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

4

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

8

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

15

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

22

1 **10-7-104. Contracts to improve commercial air**
2 **service.**

3

4 The commission may, after competitive bidding, enter into
5 contracts to procure commercial air service, to obtain
6 professional, financial or technical assistance directly
7 related to the commercial air service improvement plan or
8 for any other purposes necessary to implement the
9 commercial air service improvement plan. The attorney
10 general shall review and approve any contract under this
11 subsection before it is executed. Beginning September 30,
12 2019, and by September 30 annually thereafter, the
13 commission shall provide a report on any contracts entered
14 into under this subsection to the governor, the joint
15 minerals, business and economic development interim
16 committee, the joint appropriations committee and the air
17 transportation liaison committee. The report shall describe
18 any actions taken and funds expended in consideration of,
19 and pursuant to, any contract entered into under this
20 subsection, and shall analyze the performance of any
21 recipient of funds under any contract.

22

1 **10-7-105. Wyoming commercial air service improvement**
2 **account.**

3
4 There is created the Wyoming commercial air service
5 improvement account. Funds in the account are continuously
6 appropriated to the account and shall be expended only on
7 contracts and other expenses necessary to implement the
8 commercial air services improvement plan pursuant to W.S.
9 10-7-104 and then only after further legislative
10 authorization. Notwithstanding W.S. 9-2-1008, 9-2-1012(e)
11 and 9-4-207(a), any funds within the account and any
12 interest earned thereon shall not lapse or revert until
13 directed by the legislature.

14

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

16

17 **10-1-101. Definitions.**

18

19 (a) As used in this act:

20

21 (xi) "This act" means W.S. 10-1-101 through
22 ~~10-6-104~~ 10-7-105.

23

1 **Section 4.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)