



Certification Page
Regular and Emergency Rules
 Revised June 2013

Emergency Rules *(After completing all of Sections 1 and 2, proceed to Section 5 below)*

Regular Rules

1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Contact Person		f. Contact Telephone Number
g. Contact Email Address		h. Adoption Date
i. Program		

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

If "New," provide the Enrolled Act numbers and years enacted:

c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed
(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)

Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

d. The Statement of Reasons is attached to this certification.

e. If applicable, describe the **emergency** which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

3. State Government Notice of Intended Rulemaking

- a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the **Secretary of State**:
- b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Legislative Service Office**:
- c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Attorney General**:

4. Public Notice of Intended Rulemaking

- a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. Yes No N/A
- b. A public hearing was held on the proposed rules. Yes No

	If "Yes:"	Date:	Time:	City:	Location:

5. Final Filing of Rules

- a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature**:
- b. Date on which final rules were sent to the **Legislative Service Office**:
- c. Date on which a PDF of the final rules was electronically sent to the **Secretary of State**:

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

<i>Signature of Authorized Individual</i> <i>(Blue ink as per Rules on Rules, Section 7)</i>	
<i>Printed Name of Signatory</i>	
<i>Signatory Title</i>	
<i>Date of Signature</i>	

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

<i>Governor's Signature</i>	
<i>Date of Signature</i>	

Attorney General: 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

LSO: 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules: clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

SOS: 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

Resolution

WHEREAS, the Wyoming Department of Transportation with the approval of the Transportation Commission of Wyoming, pursuant to W.S. 24-2-105 and W.S. 10-3-104, is authorized to promulgate rules and regulations as described in the following; and

WHEREAS, the Wyoming Department of Transportation through the Transportation Commission of Wyoming desires to **repeal** the following rules from the Aeronautics Section:

Chapter 1, Information Practices
Chapter 2, Wyoming Aeronautics Commission Loans

WHEREAS, this action follows Governor Matthew H. Mead's agency mandate to reduce rules and regulations. The Department proposes to rescind these rules as not required by statute, not needed to conduct agency business, or referenced elsewhere; and

WHEREAS, a forty-five day public comment period was held to solicit written comments concerning these rules; and

WHEREAS, no public comments were received during the comment period for consideration by the Transportation Commission of Wyoming;

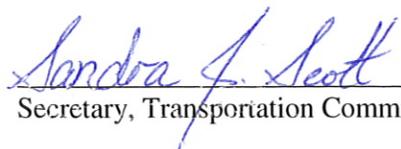
NOW THEREFORE BE IT RESOLVED that the Transportation Commission of Wyoming officially **repeals** Aeronautics Section, Chapter 1, Information Practices, and Chapter 2, Wyoming Aeronautics Commission Loans.

Dated this 17th day of October 2013.



Chairman, Transportation Commission of Wyoming

ATTEST:



Secretary, Transportation Commission of Wyoming

WYOMING DEPARTMENT OF TRANSPORTATION

STATEMENT OF REASONS

AERONAUTICS SECTION

NOTE: Each rule listed below is proposed for repeal based upon Governor Mead's agency directive to remove those rules not required by statute, needed to conduct agency business, or referenced elsewhere. The following rules all come from the Wyoming Department of Transportation, Rules and Regulations, Aeronautics Section.

Chapter 1, Information Practices

Chapter 1, *Information Practices*, is a rule and regulation of the Wyoming Department of Transportation. This rule derives from an Executive Order, dated March 7, 1975, which was repealed by Executive Order 1994-9. Both of these executive orders were rescinded by Executive Order 2011-1.

This proposed repeal follows Governor Mead's agency directive to remove those rules not required by statute, needed to conduct agency business, or referenced elsewhere.

Chapter 2, Wyoming Aeronautics Commission Loans

Chapter 2, *Wyoming Aeronautics Commission Loans*, is a rule and regulation of the Wyoming Department of Transportation. The administration of the Wyoming Aeronautics Commission loans and other authority covered under the rule has been transferred to the State Lands and Investments Board.

This proposed repeal follows Governor Mead's agency directive to remove those rules not required by statute, needed to conduct agency business, or referenced elsewhere.

WYOMING DEPARTMENT OF TRANSPORTATION

COMMENT SUMMARY

AERONAUTICS SECTION

RULES FOR REPEAL

Following is a summary of comments as submitted for:

Aeronautics Section:

Chapter 1, Information Practices

Chapter 2, Wyoming Aeronautics Commission Loans

This action follows Governor Mead's agency mandate to reduce rules and regulations. WYDOT proposes to rescind these rules as not required by statute, not needed to conduct agency business, or referenced elsewhere.

No public comments were submitted to, or received by, the Wyoming Department of Transportation during the public comment period (August 7, 2013, through September 20, 2013).

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AERONAUTICS

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INFORMATION PRACTICES

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CHAPTER I

INFORMATION PRACTICES

~~Section 1. Introduction. These rules are intended to insure that all records of the Wyoming Aeronautics Commission that identify or describe any individual or things done by or to such individual are accurate, pertinent, complete, timely, relevant and reasonably secure from unauthorized access. It is the policy of the Wyoming Aeronautics Commission to provide the means for individuals to know all of the Department's personal information systems and the recipients and usage made of such information as well as the procedures for individual review and updating of relevant personal information.~~

~~Section 2. Definitions.~~

- ~~a. Access means the ability to obtain the information contained in a record of the Department.~~
- ~~b. Department means the Wyoming Aeronautics Commission.~~
- ~~c. Disclosure means providing an individual or agency (other than those authorized access for routine use) the information contained in a record.~~
- ~~d. Individuals are all persons on whom the Department keeps records or maintains information.~~
- ~~e. Records are any grouping of information about an individual that is maintained in the files of the Department that contains a name or identifying number or symbol assigned to the individual and other information such as education, financial transactions, medical, criminal or employment history.~~
- ~~f. Routine use is the use of a record for the purpose for which it was collected. Publication of information from ad valorem tax returns shall be considered a routine use.~~
- ~~g. Statistical record is a record kept for statistical research or reporting purposes only and not used in a determination about an identifiable individual.~~

~~Section 3. Exceptions to Disclosure. The Department shall not disclose any record by any means of communication to any person who is not an individual to whom the record pertains, except:~~

- ~~a. Upon written request or with prior written consent of the individual to whom the record pertains, the Department may disclose any such record to any person or agency.~~
- ~~b. If the individual has not given the Department written consent, the Department may disclose any such record if the disclosure is:~~

~~(1) To officers and employees of the Department who have a need for the record in order to carry out legally delegated duties of administering or enforcing the laws of the state of Wyoming or its political subdivisions;~~

~~(2) For a routine use;~~

~~(3) To a recipient who has provided the Department with adequate advance written assurance that the record will be used solely as statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;~~

~~(4) To the State Archives as a record which warrants continued preservation;~~

~~(5) To another governmental agency for civil or criminal law enforcement activity, provided the requesting agency has made a prior written request to the Department specifying the particular record and the enforcement activity for which it is sought;~~

~~(6) To a person showing a compelling circumstance affecting the health or safety of an individual.~~

~~(7) An order of a court of competent jurisdiction.~~

~~Section 4. Request for Access. Individuals may request disclosure to them of the information pertaining to them in the Department's records. Each request must contain the name and address of the individual and the name of particular records on which the disclosure is to be made. A determination will be made whether the Department's records contain information pertaining to the individual. The individual may be asked for additional information to assist the Department in making the determination; however, the determination shall not be contingent upon the furnishing of the additional information.~~

~~Section 5. Procedure for Access. The Department will respond to requests for access within ten working days and if disclosure was requested, specify the time and place where disclosure is to be made, the requirements for identification of the requesting individual, and the name of the person in the Department to contact.~~

~~a. The individual may be accompanied by another person of his or her choosing.~~

~~b. The time of disclosure will be during regular working hours.~~

~~c. Identification requirements shall be a standard picture and signature identification card, such as a driver's license. Signatures must compare on the original request, the identification card, and an attestation statement acquired from the individual prior to the disclosure. This statement shall be signed by the individual.~~

~~Section 6. Disclosure. The Department will, after approving a request for disclosure, provide that individual at the set time and place, whatever information pertaining to the individual the records specified contain.~~

~~Section 7. Correction or Amendment. The individual to whom the record pertains may request that the record be corrected or amended by giving the Department a written request. The request should contain the identifying information contained in the request for disclosure and indicate what information should be corrected or amended. Within ten working days, the Department shall either make the requested correction or inform the individual of its refusal to do so, together with the reasons for the refusal. The Department's actions may be reviewed pursuant to the Wyoming Administrative Procedure Act, Sections 9-276.19 et seq., W.S. 1957.~~

~~Section 8. Fees. Copies of the requested information will be provided for a fee of \$1.00 per page. No fee shall be charged for:~~

~~a. Requests from an employee or former employee of the Department for copies of personal records of the employee.~~

~~b. requests from governmental subdivisions.~~

~~Section 9. Maintenance of Records. The Department shall:~~

~~a. Maintain in its records only information about an individual necessary to accomplish the Department's purposes required by statute.~~

~~b. Collect information to the greatest extent possible directly from the subject individual.~~

~~c. Inform each individual asked to supply information of the principal purpose or purposes for which the information is to be used, the routine uses that may be made of the information, and the effects, if any, on the individual for not providing the requested information.~~

~~Section 10. Mailing Lists. An individual's name and address shall not be sold or rented unless such action is specifically authorized by law.~~

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Wyoming Aeronautics Commission Loans

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~~Wyoming Department of Transportation
Wyoming Aeronautics Commission Loans~~

~~CHAPTER 2~~

~~Section 1. — Authority and Purpose.~~

~~These rules and regulations are adopted pursuant to W.S. 10-3-403(c) to administer the Wyoming Aeronautics Commission Loan Program.~~

~~Section 2. — Definitions.~~

~~(a) — “Administrator” means the Administrator of the Wyoming Department of Transportation (WYDOT) Aeronautics Division.~~

~~(b) — “Commission” means the Wyoming Aeronautics Commission.~~

~~(c) — “Division” means the WYDOT Aeronautics Division.~~

~~Section 3. — General Policy.~~

~~The Commission shall extend loans under the provisions of these rules and regulations in such a manner and to such applicants as shall, in the Commission’s judgment, create the greatest benefit for the state’s citizens and represent a prudent use of loan funds.~~

~~Section 4. — Loan Eligibility.~~

~~(a) — Applicants. Wyoming counties, cities and towns, and joint powers boards specifically involved in providing governing authority over airports and empowered pursuant to W.S. 10-5-101 through W.S. 10-5-204 shall be eligible to apply for loans under these rules and regulations. Joint powers boards applying for loans shall be legally formed and approved before applying.~~

~~(b) — Purposes. Loans may be extended to public use airports for construction, development, and improvement of airport facilities generating user fees, except that no loans shall be extended for fuel system or fuel tank removal or for asbestos removal.~~

~~Section 5. — Application Procedure.~~

~~(a) — Applications. Separate applications shall be prepared for each project. Applicants shall submit 3 copies of their completed application to the Division.~~

~~(b) — Timing. The Division shall receive applications for loans under this chapter at least 30 working days before the next regular Aeronautics Commission meeting.~~

~~(c) — Information Required. A properly executed loan application shall be submitted. The Division shall provide the applicant with the application forms. The following items shall be provided in the application package:~~

~~(i) — A full description of the proposed project, including a licensed engineer's statement of feasibility for the project, if applicable.~~

~~(ii) — The loan amount requested and the proposed source of repayment.~~

~~(iii) — A description of other project funding sources committed, and the anticipated portion of the project cost to be funded from each source, including any future loan applications under this chapter. A copy of the funding commitment from other participants shall be provided if requested by the Commission.~~

~~(iv) — If requested by the Commission, a copy of the joint powers agreement approved by the Attorney General and a copy of the certificate of organization filed with the Secretary of State.~~

~~(v) — A list of sources for repayment of this loan, including amounts to be used for this purpose and, if applicable, letters of commitment from prospective hangar lessees to assist in establishing the estimated utilization factor and in calculating repayment capability.~~

~~(vi) — Other applicable information the Commission deems reasonable, prudent, and necessary.~~

~~(d) — Preliminary Review. Within 10 working days of receiving an application for a loan, the Division shall notify the applicant, in writing, if the application lacks any item required in preceding subsection (c) of this section. The applicant shall have 10 working days to submit the required information.~~

~~(e) — Incomplete Applications. Incomplete applications shall not be presented to the Commission for consideration.~~

~~Section 6. — Evaluation.~~

~~(a) — Criteria. The Division shall evaluate the applications, and the Administrator shall formulate a recommendation to the Commission using the following criteria:~~

~~(i) — Whether the user fees or assessments generated by the project will be sufficient to justify the loan as a reasonable and prudent investment of state funds,~~

~~(ii) — Whether the proposed project is eligible for the Aeronautics Commission Loan Program,~~

~~(iii) — Whether the applicant is meeting any and all current and past repayment obligations to the Commission, and~~

~~(iv) — The proposed project's merit in relation to the overall state system planning and its usefulness in achieving state goals.~~

~~(b) — Interagency consultation. The Administrator may request pertinent state agencies to assist in reviewing applications and providing comments to the Division for Commission consideration.~~

~~Section 7. — **Commission Consideration.**~~

~~The Commission shall consider each loan application, allow for comments from the applicant and the Administrator, and establish the loan amount and the type of security required for the loan. The Commission shall then decide whether to approve the loan request.~~

~~Section 8. — **Loan Interest Rate.**~~

~~The interest rate for loans under this chapter shall be 5 percent per annum or as otherwise established by W.S. 10-3-403.~~

~~Section 9. — **Terms of Repayment.**~~

~~The terms of repayment for loans made pursuant to these rules and regulations shall not exceed 20 years unless explicitly allowed by W.S. 10-3-403. Terms of repayment shall also adhere to the conditions set forth in the specific loan documents. After the initial payment, which shall be prorated, all yearly payments shall be due on the same date each year.~~

~~Section 10. — **Security Interest.**~~

~~(a) — The Commission may require a first position security interest in the revenue-generating facility and the user fees or assessments. The Commission also reserves the right to withhold the applicant's yearly state grant funding and apply those funds to the unpaid loan balance if the applicant defaults on the loan.~~

- ~~(b) — During the life of the loan, the applicant shall:~~
- ~~(i) — Maintain adequate insurance on the facility,~~
 - ~~(ii) — Pay all applicable taxes and assessments when due,~~
 - ~~(iii) — Maintain the facility in good condition, and~~
 - ~~(iv) — Adhere to and enforce the sponsor's assurances according to the certificate of state airport loan.~~

~~Section 11. — **Division Action.**~~

~~Upon approval of the Commission, the Division shall execute the necessary paperwork for the loan. The Commission shall perfect this loan in the county where the asset is located. —~~

~~Section 12. — **Audits and Inspections.**~~

~~The Commission may, at its expense, audit the records of the applicant and inspect the construction and operation of the project at any time during the term of the loan.~~