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# Appendix A

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## Selected Statutes

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### Wyoming Aeronautics Commission

#### 10-1-101. Definitions.

(a) As used in this act:

- (i) "Aircraft" means any contrivance used, or designed for navigation or flight in the air, except a parachute or other contrivance designed for this navigation but used primarily as safety equipment;
- (ii) "Airman" means any individual, including the individual in command and any pilot, mechanic or member of the crew, who engages in the navigation of aircraft while under way, and any individual who is in charge of the inspection, overhauling or repairing of aircraft;
- (iii) "Air taxi" means irregular or contract air carrier operations;
- (iv) "Commission" means the Wyoming aeronautics commission;
- (v) "Department" means the department of transportation;
- (vi) "Aeronautics commission" means the aeronautics commission created by W.S. 10-3-101;
- (vii) "Division" means the division of aeronautics within the department of transportation;
- (viii) "Person" means individuals, associations of individuals, firms, partnerships, companies, corporations and other organizations;
- (ix) "This act" means W.S. 10-1-101 through 10-6-104.

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

(a) The commission is created to consist of seven (7) commissioners appointed by the governor, by and with the consent of the senate, each to serve for a term of six (6) years. Two (2) commissioners shall be appointed at-large for a term of six (6) years. The governor may remove any commissioner as provided in W.S. 9-1-202.

(b) One (1) commissioner shall be appointed from each of the following districts:

- (i) District 1. Counties of Laramie, Albany, Platte and Goshen;
  - (ii) District 2. Counties of Carbon, Sweetwater, Uinta, Lincoln, Sublette and Teton;
  - (iii) District 3. Counties of Niobrara, Converse, Natrona and Fremont;
  - (iv) District 4. Counties of Hot Springs, Washakie, Big Horn and Park; and
  - (v) District 5. Counties of Sheridan, Johnson, Campbell, Crook and Weston.
- (c) If any commissioner ceases to be a resident of the district from which he is appointed, his office shall be vacant. All vacancies from any cause shall be filled by appointment by the governor as provided in W.S. 28-12-101.
- (d) Not more than four (4) members of the commission shall be of the same political party. Each of the commissioners shall qualify by taking the constitutional oath of office and each shall act without pay except that he may receive his actual traveling expenses according to law.
- (f) The department may receive on behalf of the state all grants of money, property or other things of value from the federal government, the state of Wyoming or other public agency or person.

**10-3-201. Powers and duties generally.**

- (a) The commission shall cooperate with:
- (i) The federal aviation administration;
  - (ii) Any existing federal aviation commission;
  - (iii) The cities and counties in Wyoming;
  - (iv) The chambers of commerce, commercial clubs and all aviation and business concerns interested in the development of aeronautics within the state.
- b) The aeronautics commission may designate the airports to be built and maintained with the assistance of state or federal funds and is the sole authority to determine the disbursement of funds for the state's airports. The aeronautics commission through the department shall be the authority in the state to apply for, or directly accept, receive, receipt for or disburse any funds granted by the United States government for airport construction or maintenance. A county, city, town or other political subdivision may enter into an agreement with the division describing the terms and conditions of the agency in accordance with federal laws, rules and regulations and applicable laws of this state. The division may enforce the proper maintenance of these airports by the counties, cities and towns as agreed in the contracts existing between the sponsors of

the airports and the federal government. All construction and maintenance of these airports shall be under the direction of the department.

(c) The department may offer engineering or other technical advice to any municipality or other qualified party in connection with the construction, maintenance or operation of airports. The commission shall encourage:

- (i) Development of private aviation schools;
- (ii) Interest in private flying and privately-owned planes;
- (iii) Study of aeronautical engineering and allied subjects in the various schools of Wyoming and assist in forming classes in aviation;
- (iv) Establishment of feasible airline routes throughout the state and assist in the development.

**10-3-202. Authority to provide air transportation to departments and agencies of state.**

The department may provide air transportation to departments and agencies of state government under conditions which are considered by the department or agency head to be urgent and to justify such air transportation and when justified within the limits of W.S. 9-4-204(p) and 9-4-205(e).

**10-3-203. Emergency authority.**

The department may supervise and coordinate the air search and rescue of persons and aircraft made necessary by any emergency or disaster.

**10-3-204. Termination of commission.**

(a) Prior to January 1, 1995, the department of transportation shall conduct public hearings to determine if the powers and duties of the aeronautics commission under this act shall be assumed by the department and shall report its findings with a recommendation to the legislature regarding whether the commission shall be terminated effective January 1, 1997.

(b) Effective January 1, 1997, the aeronautics commission created under this chapter shall continue with the powers, duties and authority it possessed prior to January 1, 1997.

**10-3-301. Conducting investigations and hearings; accidents to be reported.**

The commission may conduct investigations, inquiries and hearings concerning the laws of this state relating to aeronautics and accidents or injuries incident to the operation of aircraft occurring within this state. Members of the commission may administer oaths and affirmations, certify to all official acts, issue subpoenas and compel the attendance and testimony of witnesses and the production of papers,

books and documents. All accidents or injuries incident to the operation of aircraft occurring within this state shall be immediately reported to the commission.

**10-3-302. Use in evidence of reports of investigations or hearings.**

The reports of investigations or hearings shall only be used in proceedings instituted by or in behalf of the commission pursuant to the laws of this state relating to aeronautics.

**10-3-401. Grants-in-aid for airport construction and improvement and air service promotion; authority to make; limitation.**

(a) The commission may make grants-in-aid from state funds for construction and development of airports to counties, cities and towns within the state. No grant-in-aid for planning, construction or improvement of any airport shall be made unless the airport is owned, leased or held under a state or federal special use permit or agreement, exclusively or jointly, by the county, city or town to which the grant is made. Each grant shall be limited to five hundred thousand dollars (\$500,000.00). Grants may be spent for runways, terminals, hangars and other improvements and for planning any such improvements to the airport. The commission may designate state funds for purposes of creating, amending and updating any system plan of an airport for the state.

(b) The commission may grant not more than five percent (5.0%) of the amount available for grants-in-aid under subsection (a) of this section to counties, cities and towns to promote air service in Wyoming. In accordance with W.S. 10-3-402, any amount granted under this subsection shall be equally matched by the recipient county, city or town. No amount granted under this subsection shall be used for airline subsidies.

**10-3-402. Grants-in-aid for airport construction and improvement; expenditures by county, city or town.**

No expenditure of state funds shall be made under W.S. 10-3-401 unless the county, city or town expends at least fifty percent (50%) of the local-state share of any project for which the grant-in-aid is made. However, the commission may grant in excess of fifty percent (50%) of the local-state share of a project if the commission determines that the applicant is utilizing all other local revenue sources reasonably and legally available to finance a project.

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

(a) The commission 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 mineral trust fund and shall not exceed the aggregate of two million dollars (\$2,000,000.00) including all loans made prior to July 1, 1999 and still outstanding on that date. No single loan shall exceed five hundred thousand dollars (\$500,000.00).

- (b) The term of repayment for a loan under this section shall not exceed twenty (20) years.
- (c) The commission may take a lien against the facilities generating user fees as security for repayment of loans under this section.
- (d) The commission shall establish by rule and regulation, the interest rate for loans under this section in accordance with current rates of interest on loans made by the state loan and investment board pursuant to W.S. 16-1-109(a).
- (e) The commission shall adopt rules and regulations to administer loans under this section, including eligibility criteria.

**10-3-501. Authorization of expenditure of state funds.**

- (a) The department may expend state funds for the purchase of:
  - (i) Civil air patrol aviation education training aids;
  - (ii) Books and equipment;
  - (iii) Maintenance and hangar rents of "on-loan" United States air force aircraft; and
  - (iv) Maintenance supplies and equipment for a communications network for the civil air patrol.

**10-3-502. Approval of purchase order.**

No expenditure of state funds shall be made unless a purchase order is approved by the department. Funds are under the control of the department.

**10-3-503. Limitation of expenditures.**

- (a) Under W.S. 10-3-501 through 10-3-503 no expenditure of state funds shall be authorized by the department unless the purchase is specifically for:
  - (i) Civil air patrol aviation education training aids, books and equipment;
  - (ii) Maintenance and hangar rent of "on-loan" United States air force aircraft of one hundred ninety (190) horsepower or less; and
  - (iii) Maintenance supplies and equipment for civil air patrol communications network and administrative costs as may be approved by the department.