

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

23 (vi) Two (2) members from the public at-large.

1

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

4

5 (i) The governor;

6

7 (ii) The director of the department;

8

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

11

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

14

15 (e) The governor may, in accordance with W.S.
16 9-1-202, remove any voting member he appoints.

17

18 (f) If a vacancy occurs with respect to a voting
19 member, the vacancy shall be filled by the governor, with a
20 person holding the same or similar qualifications as the
21 person who vacated the position. The new member shall serve
22 the remainder of the term for which the vacating member was
23 appointed.

1

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

4

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

9

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

15

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

18

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

21

22 (n) Not later than August 1, 2018, the council shall
23 prepare and, with the approval of the commission, submit a

1 commercial air service improvement plan to the governor for
2 his approval and to the joint minerals, business and
3 economic development interim committee. The commercial air
4 service improvement plan shall include the following:

5

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

11

12 (ii) Recommendations for initiatives and
13 specific actions:

14

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

1 each participating commercial air service community in the
2 state; and

3

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

9

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

16

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

19

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

23

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

4

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

11

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

18

19 **10-7-104. Contracts to improve commercial air**
20 **service.**

21

22 The commission may, after competitive bidding, enter into
23 contracts to procure commercial air service, to obtain

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

17

18 **10-7-105. Wyoming commercial air service improvement**
19 **account.**

20

21 There is created the Wyoming commercial air service
22 improvement account. Funds in the account are continuously
23 appropriated to the department for expenditure on contracts

1 and other expenses as authorized in this chapter.
2 Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a),
3 any funds within the account and any interest earned
4 thereon shall not lapse or revert until directed by the
5 legislature.

6

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

8

9 **10-1-101. Definitions.**

10

11 (a) As used in this act:

12

13 (xi) "This act" means W.S. 10-1-101 through
14 ~~10-6-104~~ 10-7-105.

15

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

20

21

(END)