

HOUSE BILL NO. HB0040

Airport districts.

Sponsored by: Joint Transportation, Highways & Military
Affairs Interim Committee

A BILL

for

1 AN ACT relating to aeronautics; authorizing counties and
2 municipalities to establish airport districts; specifying
3 requirements; specifying duties and powers of airport
4 districts; specifying duties of municipalities and
5 counties; authorizing assessments; authorizing the airport
6 district to issue bonds and incur debt as specified;
7 authorizing distribution from fuel taxes to airport
8 districts; requiring cooperation from the aeronautics
9 commission with airport districts and joint powers boards;
10 making conforming amendments; and providing for an
11 effective date.

12

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

14

1 **Section 1.** W.S. 10-5-401 through 10-5-405 are created
2 to read:

3

4

ARTICLE 4

5

AIRPORT DISTRICTS

6

7

10-5-401. Airport districts; creation.

8

9 (a) Each board of county commissioners that has
10 established an airport or airport board either singly or
11 jointly under W.S. 10-5-101 through 10-5-202 may establish
12 by resolution an airport district provided that:

13

14 (i) The airport district is to be composed of
15 lands within counties and municipalities that plan to
16 participate in the district, which:

17

18 (A) Are not within an existing airport
19 district;

20

21 (B) Are not within the boundaries of a
22 county or municipality exercising its powers authorized
23 under W.S. 10-5-101 to own and operate an airport; and

1

2 (C) Are not within the boundaries of a
3 county or municipality that has appointed an airport board
4 under W.S. 10-5-202, unless the governing board of that
5 county or municipality elects to participate in the
6 district.

7

8 (ii) If an airport or airport board has been
9 formed jointly by more than one (1) county or municipality,
10 the resolution is adopted by all participating counties and
11 municipalities;

12

13 (iii) The resolution provides a plan to transfer
14 to the district all responsibility for operation of the
15 airport or airports, and to the extent necessary, ownership
16 and debt related to airport facilities.

17

18 (b) Not less than sixty (60) days before any
19 resolution under subsection (a) of this section is adopted,
20 the board of county commissioners of each county in which
21 the district is located shall submit the proposed
22 boundaries of the airport district to the county assessor
23 and the department of revenue for review for any conflict,

1 overlap, gap or other boundary issue. The assessor and the
2 department may make written comments thereon to the county
3 commissioners.

4

5 (c) After adoption of the resolution under subsection
6 (a) of this section, the airport district shall be a
7 governmental subdivision of the state of Wyoming and a body
8 corporate with all the powers of a public or
9 quasi-municipal corporation specified in this article. The
10 airport district shall operate and be empowered to sue and
11 be sued under the name and style of ".... Airport District"
12 and shall be the successor to any similar organization or
13 corporation. The district shall have perpetual existence
14 except as provided in W.S. 10-5-402(g). The participating
15 counties and municipalities adopting the resolution under
16 subsection (a) of this section shall file with the county
17 clerk of each county in which the district is located and
18 with the secretary of state a certificate showing the
19 district's creation.

20

21 (d) Lands may be added to or subtracted from an
22 existing airport district by adoption of a resolution as
23 provided in subsections (a) and (b) of this section.

1

2 (e) Unless otherwise provided in this article,
3 airport districts shall be governed by the Special District
4 Elections Act of 1994.

5

6 **10-5-402. Powers; management; removal; dissolution.**

7

8 (a) Each airport district shall be governed by an
9 airport district governing board consisting of not less
10 than three (3) nor more than nine (9) appointed qualified
11 electors of the district. The formation of the airport
12 district governing board including the specific number of
13 members on the board and terms of the initial board members
14 shall be decided by mutual agreement among the governing
15 bodies of the counties and municipalities located within
16 the boundaries of the airport district. Board members shall
17 serve a term of three (3) years, except for initial board
18 members, and may be reappointed. Terms of initial board
19 members shall be staggered with one (1) or more members
20 serving for one (1) year, one (1) or more members serving
21 for two (2) years and one (1) or more members serving for
22 three (3) years.

23

1 (b) The airport district governing board shall
2 organize each year by selecting members to fill the roles
3 of president, vice president, secretary and treasurer. The
4 roles of secretary and treasurer may be held concurrently
5 by the same member of the board. No individual member of
6 the board shall be personally liable for any action or
7 procedure of the board. Members of the board shall serve
8 without compensation, but shall be entitled to payment for
9 travel and other necessary expenses incurred while
10 attending to business or meetings of the board in the same
11 manner and amount provided for state employees.

12

13 (c) The airport district governing board may exercise
14 all powers granted to municipal corporations and counties
15 under W.S. 10-5-101 and to regional transportation
16 authorities under W.S. 18-14-102.

17

18 (d) The airport district governing board may appoint
19 a full-time or part-time manager and other personnel as
20 necessary to operate and maintain the airport and its
21 allied facilities. These employees shall be paid a
22 reasonable compensation as the board deems proper.

23

1 (e) The airport district governing board is
2 authorized to enact any ordinances necessary to establish
3 and operate an airport district and shall file any enacted
4 ordinance with the county clerk for each county in which
5 the district is located. The airport district governing
6 board shall administer the finances of its district
7 according to the Uniform Municipal Fiscal Procedures Act.

8

9 (f) The governing bodies of the participating
10 counties and municipalities may mutually agree to remove
11 any member of the airport district governing board without
12 public hearing unless the member requests that the action
13 be taken during a public hearing. Vacancies on the airport
14 district governing board shall be filled by the governing
15 bodies of the participating counties and municipalities for
16 the balance of the unexpired term created by the vacancy.

17

18 (g) An airport district may be dissolved by
19 resolution of the county commissioners in a regular and
20 public meeting. If the airport district governing board was
21 formed by appointees from more than one (1) governing body
22 of the participating counties and municipalities, the
23 resolution shall be adopted by all participating counties

1 and municipalities. The resolution shall provide for a plan
2 to transfer or otherwise dispose of all responsibility for
3 operation of the airport, and to the extent necessary,
4 ownership and debt related to airport facilities, to an
5 accepting public entity.

6

7 (h) The airport district governing board shall make
8 meeting agendas, minutes and financial information
9 available to the public by publication on the special
10 district website in each county in which the airport
11 district is located. All meetings of an airport district
12 governing board shall be held in accordance with public
13 meeting requirements provided by W.S. 16-4-401 through
14 16-4-408, and all records of an airport district are
15 subject to the Wyoming Public Records Act provided by W.S.
16 16-4-201 through 16-4-205.

17

18 **10-5-403. Taxation; limitation.**

19

20 (a) After the governing body of each county and
21 municipality participating in the airport district
22 authorizes a request from an airport district governing
23 board to propose a levy, an airport district governing

1 board may submit to the qualified electors of the district
2 the question of whether the district shall annually levy
3 not to exceed three (3) mills on the dollar of assessed
4 valuation of the district to operate the district. The
5 question shall be submitted by the county clerk of each
6 county in which the district is located as ordered by the
7 board of county commissioners in each county in which the
8 district is located at an election called, conducted,
9 canvassed and returned in the manner provided for bond
10 elections by the Political Subdivision Bond Election Law.

11

12 (b) If the proposition in subsection (a) of this
13 section is approved by the electors, the annual mill levy
14 shall expire ten (10) years from the date of initial
15 imposition and the same proposition or a proposition to
16 impose a mill levy in a different amount, not to exceed
17 three (3) mills, may be submitted at the general election
18 held ten (10) years from the date the proposition was
19 approved and every ten (10) years thereafter until the
20 proposition is defeated. If a proposition to impose or
21 continue the levy is defeated, it shall not again be
22 submitted to the electors until an election occurring not

1 less than twenty-three (23) months after the election at
2 which the proposition was defeated.

3

4 (c) The assessed valuation of the district mill levy
5 under this section shall not be construed as being part of
6 the general county mill levy.

7

8 (d) An airport district governing body for which a
9 mill levy approved according to subsection (a) of this
10 section will be levied shall not later than the second
11 Wednesday in June of each fiscal year in which the mill
12 levy will be levied present the airport district's budget
13 for approval to the governing bodies of all participating
14 counties and municipalities during a public hearing at a
15 regularly scheduled meeting of each participating governing
16 body or at a joint meeting scheduled for that purpose. The
17 budget presentation required in this subsection shall
18 include forecasted operating revenues and expenditures,
19 forecasted capital expenditures, forecasted grant revenues
20 and forecasted reserves.

21

22 (e) After presentation of the airport district budget
23 as provided in subsection (d) of this section, the board of

1 county commissioners in each county in which the airport
2 district is located shall, at the time of making any
3 general county mill levy, impose the airport district mill
4 levy upon the taxable property within an airport district
5 to be used solely to operate the district, if approved by
6 the electors in accordance with subsection (a) of this
7 section. These monies shall be placed in an account
8 certified by the airport district governing board.

9

10 **10-5-404. Issuance of bonds, notes, warrants and**
11 **other revenue securities.**

12

13 (a) Upon majority vote of the members of an airport
14 district governing board, the board may issue revenue
15 bonds, notes, warrants and other revenue securities for the
16 purposes of this article in the same manner provided by
17 W.S. 35-2-424 through 35-2-436 for trustees of hospital
18 districts.

19

20 (b) There shall be no limit on the assessed valuation
21 of the district for payment of principal and interest on
22 bonds approved by the airport district governing board, the
23 governing bodies of the participating counties and

1 municipalities and the electors of a district as provided
2 in subsection (a) of this section. The aggregate amount of
3 bonds or other evidences of indebtedness shall not exceed
4 four percent (4%) of the assessed value of the taxable
5 property within the district, and bearing a certain rate of
6 interest, payable and redeemable at a certain time, shall
7 not exceed twenty-five (25) years. In determining the
8 aggregate amount of indebtedness, there shall not be
9 included with the computation bonds or other evidences of
10 indebtedness payable solely from net revenues of an income
11 producing facility or project.

12

13 **10-5-405. Borrowing money without election in**
14 **anticipation of collection of taxes; issuance of short-term**
15 **notes.**

16

17 Upon majority vote of the members of an airport district
18 governing board, the board may borrow money without an
19 election in anticipation of the collection of taxes or
20 other revenues and may issue short-term notes to evidence
21 the amount borrowed. The amounts borrowed under this
22 section shall not exceed the anticipated revenue and shall
23 be repaid as soon as the anticipated revenue is received.

1 Short-term notes issued under this section shall be payable
 2 from the fund for which the money is borrowed and shall
 3 mature before the close of the fiscal year in which the
 4 money is borrowed.

5

6 **Section 2.** W.S. 10-3-201(a)(iii), (b) and (c)(intro),
 7 10-3-401(a) and (b), 10-5-101(a)(viii) and (b), 10-5-301,
 8 16-12-202(a) by creating a new paragraph (xxiv) and by
 9 renumbering (xxiv) as (xxv), 22-29-103(a) by creating a new
 10 paragraph (xiv) and by renumbering (xiv) as (xv),
 11 39-17-111(c)(i), 39-17-211(d)(iii) and 39-17-311(a)(iii)
 12 and (b)(iv)(C) are amended to read:

13

14 **10-3-201. Powers and duties generally.**

15

16 (a) The commission shall cooperate with:

17

18 (iii) The cities, ~~and~~ counties, airport
 19 districts and joint powers boards in Wyoming;

20

21 (b) In lieu of the requirements of this subsection,
 22 any airport sponsor may directly apply for, receive or
 23 disburse federal airport funds, and may also direct all

1 construction and maintenance of the airport. The
2 aeronautics commission may designate the airports to be
3 built and maintained with the assistance of state or
4 federal funds and is the sole authority to determine the
5 disbursement of funds for the state's airports. The
6 aeronautics commission through the department shall be the
7 authority in the state to apply for, or directly accept,
8 receive, receipt for or disburse any funds granted by the
9 United States government for airport construction or
10 maintenance. A county, city, town, airport district or
11 joint powers board may enter into an agreement with the
12 division describing the terms and conditions of the agency
13 in accordance with federal laws, rules and regulations and
14 applicable laws of this state. The division may enforce the
15 proper maintenance of these airports by the counties,
16 cities, ~~and towns~~, airport districts or joint powers boards
17 as agreed in the contracts existing between the sponsors of
18 the airports and the federal government. All construction
19 and maintenance of these airports shall be under the
20 direction of the department.

21

22 (c) The department may offer engineering or other
23 technical advice to any municipality, county, airport

1 district, joint powers board or other qualified party in
2 connection with the construction, maintenance or operation
3 of airports. The commission shall encourage:

4

5 **10-3-401. Grants-in-aid for airport construction and**
6 **improvement and air service promotion; authority to make;**
7 **limitation.**

8

9 (a) The commission may make grants-in-aid from state
10 funds for construction and development of airports to
11 counties, cities, towns, airport districts and joint powers
12 boards within the state. No grant-in-aid for planning,
13 construction or improvement of any airport shall be made
14 unless the airport is owned, leased or held under a state
15 or federal special use permit or agreement, exclusively or
16 jointly, by the county, city, town, airport district or
17 joint powers board to which the grant is made. Grants may
18 be spent for runways, terminals, hangars and other
19 improvements and for planning any improvements to the
20 airport. The commission may designate state funds for
21 purposes of creating, amending and updating any system plan
22 of an airport for the state.

23

1 (b) The commission may grant not more than five
2 percent (5.0%) of the amount available for grants-in-aid
3 under subsection (a) of this section to counties, cities,
4 ~~and~~ towns, airport districts and joint powers boards to
5 promote air service in Wyoming. In accordance with
6 W.S. 10-3-402, any amount granted under this subsection
7 shall be equally matched by the recipient county, city, ~~or~~
8 town, airport district or joint powers board. No amount
9 granted under this subsection shall be used for airline
10 subsidies.

11

12 **10-5-101. Powers of municipalities and counties**
13 **generally; rules and regulations.**

14

15 (a) Municipal corporations and counties within the
16 state are authorized at the discretion of their governing
17 boards, acting either singly or jointly to:

18

19 (viii) Do all things necessary in the discretion
20 of the city, town or county governing authority for the
21 purpose of making effective the powers conferred by W.S.
22 10-5-101 through 10-5-204 or to establish an airport
23 district under W.S. 10-5-401 through 10-5-405.

1

2 (b) Any city, town or county governing authority in
3 the state, either singly or jointly, may prescribe and
4 enforce rules ~~and regulations~~ by ordinance or resolution,
5 not in conflict with W.S. 10-5-101 through 10-5-204, or may
6 establish an airport district under W.S. 10-5-401 through
7 10-5-405 to prescribe and enforce rules by ordinance, ~~or~~
8 ~~resolution,~~ governing ~~these~~ airports under the city, town,
9 county or airport district's jurisdiction, as applicable.
10 The municipal court of the city or town has jurisdiction to
11 punish any violator of the ordinances of the city, ~~or town,~~
12 county or airport district governing an airport whether the
13 airport is within or without the city limits.

14

15 **10-5-301. Power of counties, cities and towns.**

16

17 (a) The governing body of each incorporated Wyoming
18 municipality and county may regulate and restrict by
19 ordinance the number of stories and size of buildings and
20 the height of other structures constructed upon land within
21 one-half (1/2) mile of the boundaries of airports owned or
22 controlled by the town, city, ~~or county~~ or airport
23 district. They may provide zoning for airspace beyond

1 one-half (1/2) mile of the boundaries and within the
2 county, to assure aircraft reasonable safety for visual and
3 instrument approach and departure. The right to zone shall
4 be confined to the geographical limits of the current
5 applicable approach zone established by the federal
6 aviation administration for the particular airport and in
7 no case shall the right to zone extend beyond six (6)
8 nautical miles along the approach path from the end of the
9 instrument runway.

10

11 (b) The powers herein granted to towns and cities
12 shall apply to all municipal airports and airport districts
13 whether situated within or without the incorporated limits
14 of a city or town.

15

16 **16-12-202. Applicability to special districts and**
17 **other specified entities; general provisions.**

18

19 (a) This chapter applies to the following entities
20 unless otherwise specified:

21

22 (xxiv) Airport districts;

23

1 ~~(xxiv)~~(xxv) Other districts as specified by law.

2

3 **22-29-103. Applicability to special districts;**
4 **general provisions.**

5

6 (a) This act applies to the following districts as
7 specified in subsection (b) of this section:

8

9 (xiv) Airport districts;

10

11 ~~(xiv)~~(xv) Other districts as specified by law.

12

13 **39-17-111. Distribution.**

14

15 (c) The department shall credit to appropriate
16 accounts based upon deductions from the taxes collected
17 under this article in the following order:

18

19 (i) Deduct the pro rata share of the cost of
20 collecting the taxes received from gasoline used for
21 aircraft at any municipal or county airport and distribute
22 the remainder to the airport district, city, town or county

1 where the airport is located. These funds shall be used for
2 the maintenance of the airport;

3

4 **39-17-211. Distribution.**

5

6 (d) The department shall:

7

8 (iii) Deduct the pro rata share of the cost of
9 collecting the taxes received from jet fuel used for
10 aircraft at any municipal or county airport and distribute
11 the remainder to the airport district, city, town or county
12 where the airport is located. These funds shall be used for
13 the maintenance of the airport.

14

15 **39-17-311. Distribution.**

16

17 (a) Except as otherwise provided in subsection (b) of
18 this section, all alternative fuel license taxes and fees
19 shall be distributed as follows:

20

21 (iii) The department shall certify to the state
22 treasurer amounts to be credited to appropriate accounts
23 based upon deductions from the taxes collected under this

1 article provided that the department shall deduct the pro
2 rata share of the cost of collecting the taxes received
3 from alternative fuel used for aircraft at any municipal or
4 county airport and distribute the remainder to the airport
5 district, city, town or county where the airport is
6 located. These funds shall be used for the maintenance of
7 the airport.

8

9 (b) All alternative fuel license taxes and fees
10 related to liquefied natural gas, biodiesel or renewable
11 diesel shall be distributed as follows:

12

13 (iv) The state treasurer shall:

14

15 (C) Deduct the pro rata share of the cost
16 of collecting the taxes received from alternative fuel used
17 for aircraft at any municipal or county airport and
18 distribute the remainder to the airport district, city,
19 town or county where the airport is located. These funds
20 shall be used for the maintenance of the airport.

21

