

TITLE 10 - AERONAUTICS

CHAPTER 1 - IN GENERAL

**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(iii) Repealed by Laws 2005, ch. 207, § 2.

(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) "Operator" means a person operating or flying an unmanned aircraft;

(x) "Unmanned aircraft" means as defined in 14 C.F.R. 1.1, but excludes "small unmanned aircraft" as defined in 14 C.F.R. 1.1;

(xi) "Vertical takeoff and landing aircraft" means a piloted or autonomous aircraft or unmanned aircraft capable of

vertical takeoff, vertical landing and transfer to forward motion, excluding rotorcraft;

(xii) "This act" means W.S. 10-1-101 through 10-7-105.

## CHAPTER 2 - CERTIFICATION AND REGISTRATION

### ARTICLE 1 - AIR TAXI SERVICE

**10-2-101. Repealed By Laws 2004, Chapter 79, § 1.**

### ARTICLE 2 - AERIAL SPRAYING

**10-2-201. Repealed by Laws 1979, ch. 90, § 1.**

**10-2-202. Repealed by Laws 1979, ch. 90, § 1.**

**10-2-203. Repealed by Laws 1979, ch. 90, § 1.**

**10-2-204. Repealed by Laws 1979, ch. 90, § 1.**

### ARTICLE 3 - AERIAL HUNTING OR PROSPECTING

**10-2-301. Repealed By Laws 2005, ch. 207, § 2.**

## CHAPTER 3 - WYOMING AERONAUTICS COMMISSION

### ARTICLE 1 - ORGANIZATION

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

(a) The commission is created to consist of eight (8) commissioners. Seven (7) commissioners shall be appointed by the governor, by and with the consent of the senate, each to serve for a term of six (6) years not to exceed two (2) terms. Two (2) commissioners shall be appointed at-large for a term of six (6) years. The director of the department shall serve as an ex officio and eighth member of the commission but shall not vote on matters before the commission. The governor may remove any appointed 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) 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.

(e) Repealed by Laws 1991, ch. 241, § 4.

(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.

(g) Effective July 1, 1979, appointments and terms shall be in accordance with W.S. 28-12-101 through 28-12-103.

(h) The commission shall meet as necessary to properly exercise its functions, but shall meet not less than quarterly to consider the distribution of grants under W.S. 10-3-401 and provide information and recommendations based upon existing airport planning priorities to the state loan and investment board for actions on loan applications under W.S. 16-1-109(d) (vi).

## ARTICLE 2 - POWERS AND DUTIES OF COMMISSION

### **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) In lieu of the requirements of this subsection, any airport sponsor may directly apply for, receive or disburse federal airport funds, and may also direct all construction and maintenance of the airport. 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 joint powers board 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 or joint powers boards 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, county, joint powers board 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 aerospace engineering and allied subjects in the various schools of Wyoming and assist in forming classes in aviation;

(iv) Repealed By Laws 2003, Ch. 104, § 2.

(v) Sponsorship and participation in aerospace education workshops.

(d) The commission shall establish policies as may be appropriate for the division to implement the decisions of the commission and the aeronautical purposes of this title and for the exercise of duties of the division. The commission shall provide assistance and advice to the director of the department regarding the division's budget. The commission shall nominate candidates for the position of administrator of the division and upon request shall advise the department in regards to appointments within the division.

(e) The commission shall assist communities in coordinating efforts, facilitating, recruiting and attracting and promoting the development, improvement and retention of commercial air service and accommodating military air service in the state. The assistance may include studying airline, aircraft, unmanned aircraft and vertical takeoff and landing aircraft profitability, route analysis, air fare monitoring and recommendations for legislative changes to enhance air services in the state.

(f) There is created a new position in the office of the governor that shall coordinate with the commission to market and advocate airline service in Wyoming pursuant to subsection (e) of this section. The person appointed by the governor may be an at-will employee or an at-will contract employee and may be removed by the governor as provided in W.S. 9-1-202.

(g) The commission may promulgate reasonable rules, regulations and procedures and establish standards as necessary to carry out the functions of the division.

(h) Repealed By Laws 2008, Ch. 44, § 2.

(j) The commission shall promulgate reasonable rules governing where unmanned aircraft or vertical takeoff and landing aircraft may take off and land, giving consideration to public health and safety, aesthetics and the general welfare. Unless otherwise prohibited by or previously provided for in federal law, the commission may also promulgate reasonable rules governing the operation of unmanned aircraft or vertical takeoff and landing aircraft. In promulgating any rules under this

subsection, the commission shall coordinate with the appropriate industry in Wyoming and political subdivisions of the state. The commission shall not have the power to regulate unmanned aircraft or vertical takeoff and landing aircraft operation in navigable airspace.

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

The division may provide air transportation to departments and agencies of state government directly, but may contract for the services under fractional ownership agreements or otherwise under conditions which are considered by the department or agency head to be urgent and to justify the air transportation and when justified within the limits of W.S. 9-4-205(e).

**10-3-203. Repealed By Laws 2004, Chapter 79, § 1.**

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

(a) Repealed By Laws 2008, Ch. 44, § 2.

(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.

**ARTICLE 3 - INVESTIGATIVE AUTHORITY**

**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, including unmanned aircraft or vertical takeoff and landing 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.

#### ARTICLE 4 - AIRPORT CONSTRUCTION

**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, towns and joint powers boards 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, town or joint powers board to which the grant is made. Grants may be spent for runways, terminals, hangars and other improvements and for planning any 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.

(c) Repealed By Laws 2000, Ch. 45, § 3.

(d) In administering the grant program, and in consultation with the Federal Aviation Administration and local airport sponsors, the commission shall establish, amend and have available, at least one hundred twenty (120) days before each biennial legislative budget session, a five (5) year capital improvement plan for airports in the state and a system for prioritizing projects to be funded by state and federal grants.

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

Expenditure of state funds shall be made under the discretion of the commission.

**10-3-403. Amended and Renumbered as 9-12-703 By Laws 2013, Ch. 138, § 2.**

ARTICLE 5 - CIVIL AIR PATROL

**10-3-501. Repealed By Laws 2004, ch. 66, § 2.**

**10-3-502. Repealed By Laws 2004, ch. 66, § 2.**

**10-3-503. Repealed By Laws 2004, ch. 66, § 2.**

ARTICLE 6 - AIR SERVICES FINANCIAL AID

**10-3-601. Wyoming air services enhancement; legislative findings; Wyoming aeronautics commission authority to contract for services; requirements.**

(a) The legislature finds that an adequate and comprehensive system of air service in Wyoming is vital for economic development within Wyoming. Competition among air service providers within the state is virtually nonexistent and, without competition, services will remain limited and unreliable and high air fares will remain a major impediment to use of air services by Wyoming residents and businesses.

(b) The Wyoming aeronautics commission may enter into agreements to provide financial assistance to persons doing business or who will do business in the state, to economic development organizations within the state, to joint powers boards or to other entities formed to provide for enhanced air service to communities in Wyoming that have or are seeking commercial air service, for the enhancement of air services in the state conditioned upon contractual assurances that specified benefits will accrue to the state through increased air traffic and enplanements. For purposes of this article, "enhanced air service" shall include, but not be limited to, assisting airports in the state with commercial air service to have the appropriate level of state or federal security configuration to accommodate proposed air service and aircraft capacity. When entering into an agreement the commission shall give consideration to each of the following potential benefits accruing to the state: increasing the minimum number of enplanements at airports facing a possible loss of federal airport improvement program funding, increasing passenger enplanements at commercial airports in Wyoming, increasing the number of Wyoming passengers originating flights in Wyoming



commercial airports rather than airports in other states, increasing frequency or sustaining flight operations from commercial airports in Wyoming to regional airport hubs, increasing the consistency of service, and lowering airfares in Wyoming communities as a result of an air service enhancement grant. The commission shall consult with counties, cities, towns, joint powers boards, airport boards or other entities pursuing air service enhancement before entering into agreements to provide air service enhancement and shall require local funds for the provision of air service enhancement grants. The amount of local funds required for the provision of enhancing air services shall be determined by the commission, taking into account the types of service for which grants are approved, the diverse characteristics of the communities to which air service is contracted for and other considerations examined by the commission.

(c) The commission has primary responsibility and may consult with or delegate to the aeronautics division of the Wyoming department of transportation, Wyoming business council or other entities as necessary, to develop criteria and contracts for financial aid under this section.

(d) All applications for financial aid under this section shall be submitted to the aeronautics commission. The aeronautics commission shall approve or deny the application. The applicant shall be promptly notified of the decision. In making the decision to approve or deny the application, the commission shall give priority to an applicant whereby:

(i) The applicant can provide assurances that the enhancement has a reasonable chance of success and will achieve benchmarks specified by the applicant;

(ii) Participation by the commission is necessary to the success of the enhancement because funding from other sources for the enhancement is unavailable;

(iii) The applicant will use the proceeds of the financial assistance provided under this section only to secure or enhance air services within the state or to market or promote the service for which the financial assistance is granted;

(iv) The financial assistance has the reasonable potential in the opinion of the aeronautics commission to create a substantial amount of air travel originating within the state;

(v) The applicant has already made or is contractually committed to make a substantial financial and time commitment to the enhancement and local funds are provided to secure a financial grant under this section, in an amount determined by the commission;

(vi) The applicant will not pledge financial aid granted pursuant to this section as collateral for any other purpose than is specified in the contract between the applicant and the commission;

(vii) The applicant will provide reasonable assurances that within a time specified by the commission, the state shall benefit from its investment by means of commercial airports having sufficient enplanements to retain or reestablish eligibility for federal airport improvement program funding and that commercial airports in the state will receive increased revenues from established passenger facility charges as a result of increased enplanements or from other benefits.

(e) Before granting any financial aid under this section, the commission shall enter into an agreement with the applicant providing for a benefit to the state which is commensurate with the level of risk and amount of the financial aid, using the criteria specified in paragraph (d)(vii) of this section. The attorney general shall review and approve the contract before the commission enters into any agreement under this section.

(f) As used in this article, "commission" means the Wyoming aeronautics commission created by W.S. 10-3-101.

(g) The Wyoming aeronautics commission will establish benchmarks for determining the success of the program.

#### **10-3-602. Wyoming air services enhancement account.**

(a) The commission shall establish and maintain a Wyoming air services enhancement account under this article to provide the financial aid specified in W.S. 10-3-601 to enhance air services within the state. Any funds deposited in the account shall only be expended by the commission as provided in W.S. 10-3-601 and to administer this article.

(b) Any funds appropriated by the legislature to the account established under subsection (a) of this section shall not lapse as provided by W.S. 9-4-207(a).

(c) The commission shall report to the joint minerals, business and economic development interim committee, the joint appropriations interim committee and the air transportation liaison committee annually no later than September 30, with respect to the status of the program under W.S. 10-3-601. The report shall include any actions taken and funds expended in consideration of, and pursuant to, any contract entered into under W.S. 10-3-601, and the performance of any recipient of funds under the contract including measurements of contractual assurances of benefits accruing to the state.

## CHAPTER 4 - UNIFORM STATE LAW FOR AERONAUTICS

### ARTICLE 1 - CITATION

#### **10-4-101. Short title.**

W.S. 10-4-101 through 10-4-304 shall be cited as the "Uniform State Law for Aeronautics."

### ARTICLE 2 - FEDERAL LICENSING

#### **10-4-201. Federal license and registration of aircraft required.**

Public safety and aeronautical progress require uniformity of regulation. Aircraft operating within this state should conform with respect to design, construction and airworthiness to the standards prescribed by the United States government with respect to navigation of aircraft subject to its jurisdiction. It is unlawful to navigate an aircraft within the state unless it is licensed and registered by the department of transportation of the United States in the prescribed manner.

#### **10-4-202. Federal pilot's license required.**

Public safety and the advantages of uniform regulations require that a person navigating the aircraft described in W.S. 10-4-201 in any form of navigation for which license to operate the aircraft would be required by the United States government shall have the qualifications necessary for obtaining and holding the class of license required by the United States government. It is unlawful for any person to engage in operating an aircraft within this state in any form of navigation unless he has the appropriate pilot's license issued by the federal government.

#### **10-4-203. Display of pilot's license.**

The certificate of the license required shall be kept in the personal possession of the licensee when he is operating aircraft within this state. The license must be presented for inspection upon the demand of any passenger, any official of the United States department of transportation, any peace officer of this state, or any person in charge of any airport or landing field in this state upon which he shall land.

### ARTICLE 3 - MISCELLANEOUS

#### **10-4-301. Sovereignty in space above state.**

Sovereignty in the space above the lands and waters of this state is declared to rest in the state except where assumed by the United States law.

#### **10-4-302. Ownership of space.**

The ownership of the space above the lands and waters of this state is declared to be vested in the several owners of the surface beneath subject to the right of flight described in W.S. 10-4-303.

#### **10-4-303. Low or dangerous flight; landing on land or water of another; penalties and remedies.**

(a) Flight of aircraft, including unmanned aircraft or vertical takeoff and landing aircraft, over the lands and waters of this state is lawful unless it is:

(i) At such a low altitude as to interfere with the existing use to which the land or water, or the space over the land or water, is put by the owner;

(ii) Conducted as to be imminently dangerous to persons or property lawfully on the land or water; or

(iii) In violation of the air commerce regulations promulgated by the department of transportation of the United States.

(b) The landing of an aircraft, including an unmanned aircraft or vertical takeoff and landing aircraft, on the lands or waters of another, without his consent, is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner, operator or lessee of the aircraft

or the airman shall be liable for actual damage caused by the forced landing.

(c) Except as provided in subsection (a) of this section, nothing in this chapter shall be construed to prevent an operator or pilot from operating an aircraft, including an unmanned aircraft or vertical takeoff and landing aircraft, over his own property.

(d) A person who operates or uses an unmanned aircraft in a manner that is not lawful under subsection (a) of this section shall be guilty of a misdemeanor punishable by imprisonment not to exceed six (6) months, a fine not to exceed seven hundred fifty dollars (\$750.00), or both.

#### **10-4-304. Interpretation of chapter.**

W.S. 10-4-101 through 10-4-304 shall be construed as to effectuate its general purpose to make uniform the law of those states which enact it and to harmonize, as far as possible, with federal laws and regulations on the subject of aeronautics.

#### **10-4-305. Marking obstructions.**

(a) All structures located outside the exterior boundaries of any incorporated city, town or recorded subdivision, whose appearance is not otherwise mandated by state or federal law, rule or regulation, shall be lighted, marked, painted, flagged or otherwise constructed to be recognizable in clear air during daylight hours from a distance of not less than two thousand (2,000) feet if the structure meets all of the following criteria:

(i) Is fifty (50) feet in height above the ground or higher;

(ii) Is a structure associated with the development or study of wind powered electric generation, commonly known as a meteorological tower or "met tower";

(iii) Was erected, raised after being lowered, purchased or leased on or after the effective date of this act.

(b) Every person owning or leasing a structure which meets the requirements of paragraphs (a)(i) and (ii) of this section shall report to the Wyoming department of transportation the structure's exact location, height above the ground, owner, the

method used to make the structure visible and other information the department may deem necessary for the safety of flight. Reports shall be filed on or before April 30, 2009 for every structure erected prior to April 30, 2009, to which this subsection applies. After April 30, 2009, a report shall be filed not less than ten (10) days prior to raising or erecting any structure subject to this subsection.

(c) Any person removing a structure subject to the reporting requirements of this section shall report such removal within ten (10) days to the Wyoming department of transportation.

(d) Within five (5) days of receiving data reported under subsection (b) or (c) of this section, the department of transportation shall make the data, other than the ownership of a structure, available to the public. Data concerning the ownership of a structure shall not be a public record under the Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205.

(e) The Wyoming department of transportation shall promulgate rules and regulations necessary to carry out the purposes of this section.

## CHAPTER 5 - MUNICIPAL AND COUNTY AIRPORTS

### ARTICLE 1 - POWERS OF LOCAL GOVERNMENT

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

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

(i) Acquire, by lease, purchase, or otherwise, lands and other property for airport purposes, and to construct, maintain and operate these facilities for the landing, housing, care and departure of air-borne craft;

(ii) Construct, maintain and operate terminal office, traffic control and nonaviation buildings; warehouses; barracks; meteorology facilities; maintenance, repair and assembly shops; runways and taxiing strips; accommodations for mail, freight and express services; and all other attendant facilities;

(iii) Install, maintain and operate markers, lights and other aids to air navigation;

(iv) Lease or let any portion of the area, buildings or facilities to any private person or corporation, upon terms deemed satisfactory. Notice shall be given by publication at least once a week for two (2) consecutive weeks in a newspaper published in a town or county in which the airport is located when it is proposed that all the area and total facilities are to be leased;

(v) Direct, manage, conduct or contract for air shows, exhibitions and other public entertainment and, if desired, set a fee for admission;

(vi) Appoint a board of trustees to act under any authority granted to the governing body of the municipality or county acting separately or jointly;

(vii) Enter into cooperative agreements with federal agencies; and

(viii) Do all things necessary in the discretion of the city, town or county governing authority for the purpose of making effective the powers conferred by W.S. 10-5-101 through 10-5-204.

(b) Any city, town or county governing authority in the state, either singly or jointly, may prescribe and enforce rules and regulations not in conflict with W.S. 10-5-101 through 10-5-204 by ordinance or resolution, governing these airports. The municipal court of the city or town has jurisdiction to punish any violator of the ordinances of the city or town governing an airport whether the airport is within or without the city limits.

## ARTICLE 2 - AIRPORT AUTHORITY

**10-5-201. Authority of county commissioners to levy taxes and issue bonds; funds to be paid into "airport fund"; expenditure generally.**

For the purposes of W.S. 10-5-101 through 10-5-204, the board of county commissioners may levy taxes, issue bonds or incur indebtedness as authorized by law for other county purposes. The board of county commissioners by resolution may also issue revenue bonds, notes, warrants and other revenue securities in

the manner provided by W.S. 35-2-424 through 35-2-435, as from time to time amended, for trustees of hospital districts for the purposes of W.S. 10-5-101 through 10-5-204. All taxes collected, together with other monies received from the sale of bonds, cities or towns, rents and revenue, donations, federal grants and aid or other sources for this purpose, shall be placed in an airport fund which shall be expended only by the authority provided by law.

**10-5-202. Airport board; organization; corporate powers; personal liability; compensation; appointment of manager.**

(a) The authority and powers granted in W.S. 10-5-101 through 10-5-204 and the control of funds named may be under the control of an airport board. Upon majority vote of board members the board may issue revenue bonds, notes, warrants and other revenue securities in the same manner provided by W.S. 35-2-424 through 35-2-435 for trustees of hospital districts for the purposes of W.S. 10-5-101 through 10-5-204. The board shall be appointed by the municipal or county governing body and consist of five (5) members, all of whom shall be qualified electors of the county in which they serve. One (1) member of the board to be appointed for one (1) year; one (1) for two (2) years; one (1) for three (3) years; one (1) for four (4) years; and one (1) for five (5) years, and in each case until the first Monday in February following the expiration of the year. The municipal or county governing body in their January meeting of each year shall appoint a successor to the board member whose term shall expire during the year. Thereafter appointments for a full term shall be for five (5) years. Vacancies for unexpired terms shall be filled by appointment by the municipal or county governing body.

(b) The board shall organize each year by selecting a president, a vice president, a secretary and a treasurer from its membership. The secretary shall notify the municipal or county governing body of the board's organization and shall file with the county clerk and the secretary of state a certificate showing their organization. Upon the filing of the certificate the airport board shall become a body corporate, empowered to sue and be sued under the name and style of ".... Airport Board" and shall be the successor to any similar organization or corporation. The corporation shall have perpetual existence. No individual member of the board shall be personally liable for any action or procedure of the board. Members of the board shall serve without compensation, but shall be entitled to payment for



travel and other necessary expenses incurred while attending to business or meetings of the board.

(c) Meetings of the board shall be held quarterly at a place designated by the board and at other times as may be desirable upon call of the airport board.

(d) The board may appoint a full or part time manager and other personnel as necessary to operate and maintain the airport and its allied facilities and pay to appointees a reasonable compensation as the board deems proper.

**10-5-203. Airport board; dissolution and discontinuance.**

Any airport board, created under W.S. 10-5-101 through 10-5-204, may be dissolved by resolution of the municipal or county governing body in a regular and public meeting. No board will be dissolved within the two (2) year period following the date of its creation. Within ninety (90) days after the passage of a resolution dissolving the board, the board shall proceed to terminate its existence. After payment of all obligations, any monies remaining under the control of the board shall be credited to the general fund of the municipality or county and be apportioned among the bodies politic comprising the board in the same manner as the cost of maintaining the board was apportioned among the bodies politic and credited to their respective general funds.

**10-5-204. Airport board; withdrawal of bodies politic.**

Any municipality or county may withdraw from the board by resolution of its governing body. No municipality or county may withdraw from a board within the two (2) year period following the establishment of the board and then only after ninety (90) days written notice given to the board and to the other sponsoring political bodies. In the event of withdrawal of a body politic from the board, any funds which had been appropriated by the municipality or county before withdrawal, to cover its proportionate share of maintaining the board, shall not be returned to the municipality or county withdrawing.

**ARTICLE 3 - ZONING**

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

(a) The governing body of each incorporated Wyoming municipality and county may regulate and restrict by ordinance

the number of stories and size of buildings and the height of other structures constructed upon land within one-half (1/2) mile of the boundaries of airports owned or controlled by the town, city or county. They may provide zoning for airspace beyond one-half (1/2) mile of the boundaries and within the county, to assure aircraft reasonable safety for visual and instrument approach and departure. The right to zone shall be confined to the geographical limits of the current applicable approach zone established by the federal aviation administration for the particular airport and in no case shall the right to zone extend beyond six (6) nautical miles along the approach path from the end of the instrument runway.

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

**10-5-302. Manner of establishing regulations; appeals.**

Zoning regulations shall be established by the municipal council and by the board of county commissioners in the manner provided by law and appeals may be taken accordingly.

CHAPTER 6 - PENALTIES

**10-6-101. Repealed By Laws 2005, ch. 207, § 2.**

**10-6-102. Repealed By Laws 2000, Ch. 48, § 3.**

**10-6-103. Operating aircraft while under influence of alcohol or drug; penalty.**

(a) No person may act as a crew member of a civil aircraft within eight (8) hours after the consumption of any alcoholic beverage, or while under the influence of any intoxicating liquor, or while using any drug that affects his faculties in any way contrary to safety.

(b) Any person convicted of violating W.S. 10-6-103(a) shall be punished by a fine not to exceed five hundred dollars (\$500.00), by imprisonment not to exceed six (6) months, or both.

**10-6-104. Penalty for violation of W.S. 10-4-101 through 10-4-303.**

A person who violates any provision of W.S. 10-4-101 through 10-4-303 is guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed five hundred dollars (\$500.00), by imprisonment for not more than six (6) months, or both.

## CHAPTER 7 - COMMERCIAL AIR SERVICE IMPROVEMENT

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

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

### **10-7-102. Definitions.**

(a) As used in this chapter:

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

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

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

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

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

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

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

(c) With the advice and consent of the commission and subject to the requirements of this section, the governor shall appoint the remaining nine (9) voting members to the council. Appointments to the council shall include, to the extent

practicable, at least one (1) resident of each county served by an airport with commercial air service and shall include:

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

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

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

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

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

(vi) Two (2) members from the public at-large, including one (1) who shall represent a critical need community and one (1) who shall represent a growth community as designated by the commission.

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

(i) The governor;

(ii) The director of the department;

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

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

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

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

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

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

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

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

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

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

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

(ii) Recommendations for initiatives and specific actions:

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

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

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

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

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

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

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

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

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

The commission may, after competitive bidding, enter into contracts to procure commercial air service, to obtain professional, financial or technical assistance directly related to the commercial air service improvement plan or for any other purposes necessary to implement the commercial air service improvement plan. The attorney general shall review and approve any contract under this section before it is executed. Beginning September 30, 2019, and by September 30 annually thereafter, the commission shall provide a report on any contracts entered into under this section to the governor, the joint minerals, business and economic development interim committee, the joint

appropriations committee and the air transportation liaison committee. The report shall describe any actions taken and funds expended in consideration of, and pursuant to, any contract entered into under this section, and shall analyze the performance of any recipient of funds under any contract.

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

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