

2005 DRAFTING REQUEST

Bill

Received: **09/19/2005**

Received By: **agary**

Wanted: **Soon**

Identical to LRB: **05-2987**

For: **Steve Kestell (608) 266-8530**

By/Representing: **Dave Matzen (aide)**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Add. Drafters:

Subject: **Transportation - airports**
Transportation - miscellaneous

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kestell@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Wisconsin Aerospace Authority

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 09/19/2005	csicilia 09/27/2005		_____			S&L Retire
/1			pgreensl 09/27/2005	_____	mbarman 09/27/2005	mbarman 09/27/2005	

FE Sent For:

<END>

↪ At Intro.

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/?	agary	1/27 05	9/27 PS	9/27 sew			

FE Sent For:

<END>

9/14

He from Eric Schmitt

• want company 2987 - WAA -

drafted + revised for

Rep. Steve Kestell

9/19

He w/ Dave Matzen - Rep. Kestell

• confirmed they want the draft

Soch

3672/1

LRB-2987/1

ARG:cjs:rs

10/3 in 9/19

slays RM NR

2005 BILL

Editors :
1. sec aff checked
2. No changes

SA ✓

1 **AN ACT to renumber and amend** 114.136 (2) (b); **to amend** 7.33 (1) (c), 13.172

2 (1), 13.62 (2), 13.94 (1) (b), 13.94 (1) (g), 13.94 (4) (a) 1., 16.002 (2), 16.004 (4),

3 16.004 (5), 16.004 (12) (a), 16.01 (1), 16.045 (1) (a), 16.41 (4), 16.417 (1) (b), 16.52

4 (7), 16.528 (1) (a), 16.53 (2), 16.54 (9) (a) 1., 16.611 (2) (a) and (c), 16.70 (2), 16.75

5 (1m), 16.765 (1), (2), (4), (5), (6), (7) (intro.) and (d) and (8), 16.838 (1) (b), 16.85

6 (2), 16.865 (8), 19.42 (5), 20.395 (2) (dq), 20.395 (2) (dv), 20.395 (2) (dx), 23.175

7 (1) (b), 25.50 (1) (d), 32.01 (1), 32.05 (intro.), 71.26 (1) (be), 77.54 (9a) (a), 84.072

8 (3), 85.02 (1), 100.45 (1) (dm), 101.177 (1) (d), chapter 114 (title), 114.002 (1),

9 114.002 (3), 114.04, 114.05, 114.07, 114.105, 114.11 (title), 114.11 (1), (2), (3), (4)

10 and (5) (intro.), 114.12, 114.13, 114.134 (title), 114.134 (1), (2), (3) and (4) (c),

11 114.135 (intro.), (1), (2), (3), (4), (6), (7) and (8), 114.136 (title), 114.136 (1) (a),

12 (b) and (c), (2) (a), (3), (4) and (5), 114.151, 114.31 (1) and (4), 114.33 (12), 114.37

13 (title), 230.03 (3), 281.75 (4) (b) 3., 285.59 (1) (b), 560.032 (1), 893.80 (1), 893.80

14 (1g), 893.80 (3), 893.80 (4), 893.80 (5) and 893.80 (7); and **to create** 24.61 (2) (a)

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1 10., 25.17 (3) (b) 13., 32.02 (11m), 40.02 (54) (j), 66.0603 (1m) (a) 3u., 70.11
2 (38m), 71.05 (1) (c) 7., 71.26 (1m) (h), 71.45 (1t) (h), subchapter I (title) of chapter
3 114 [precedes 114.001], 114.002 (11m), 114.002 (18r), (18s) and (18t), 114.375,
4 subchapter II of chapter 114 [precedes 114.60] and 219.09 (1) (g) of the statutes;
5 **relating to:** creating the Wisconsin Aerospace Authority to develop and
6 operate spaceports and related facilities and services and other aerospace
7 facilities and services and providing the authority with the power of
8 condemnation, authorizing municipalities to develop and operate spaceports,
9 and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates the Wisconsin Aerospace Authority (WAA) and authorizes WAA to develop spaceports, spacecraft, and other aerospace facilities in this state, to provide spaceport and aerospace services and allow use of spaceport and aerospace facilities by others, to promote the aerospace industry in this state, and to provide public-private coordination for the aerospace industry in this state. An authority is a public body created by state law that is not a state agency. There are currently a limited number of authorities created under state law, which include the University of Wisconsin Hospitals and Clinics Authority and Wisconsin Housing and Economic Development Authority.

Under this bill, the board of directors of WAA consists of nine members. Six members of the board are appointed by the governor with the advice and consent of the senate for three-year terms. One member is appointed by the president of the senate and one member is appointed by the speaker of the assembly, each for a three-year term. Each of these eight members must be a resident of this state and must have experience in the aerospace, education, finance, or commercial space industry or other significant experience related to the functions of WAA. The ninth member of the board is the director of the Wisconsin Space Grant Consortium. A board member appointed by the governor may be removed from the board for cause and a board member appointed by the legislature is required to be removed from the board for two consecutive unapproved absences from board meetings. Board members are not compensated for their services, but receive reimbursement for actual and necessary expenses. The board must appoint an executive director, who may not be a member of the board and who may receive compensation for his or her services.

The bill provides WAA with numerous powers, including authorizing WAA to do all of the following:

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1. Design, develop, and operate spaceports, aerospace facilities, and spacecraft.
2. Design, develop, and operate programs and projects, and provide services, related to spaceports, aerospace facilities, and spacecraft.
3. Acquire and dispose of real property, personal property, and intangible property rights and enter into contracts.
4. Issue bonds to fund any spaceport, facility, or service of WAA.
5. Exercise the right of eminent domain.
6. Maintain exclusive jurisdiction (except where federal or state law provides otherwise) over WAA spaceports.
7. Cooperate with other governmental units in furnishing any facility or service, including fire and police protection at a spaceport.

The bill also imposes a number of duties on WAA, including requiring WAA to do all of the following:

1. Establish a spaceport in the city of Sheboygan.
2. Promote the aerospace industry in this state, including advertising and promotion of WAA facilities and services and development, promotion, and attraction of space-related business in this state.
3. Provide and promote aerospace services, information, and business opportunities in this state.
4. Coordinate efforts of various governmental units and private parties interested in the promotion of space-related industry.
5. Develop a business plan to promote and facilitate spaceport-related educational and commercial development and to stimulate and improve aerospace science, design, technology, and research.
6. Annually report to the governor and legislature WAA's activities, receipts, expenditures, and financial condition; annually submit to the Department of Administration (DOA), for each fiscal year in which the authority receives operating revenues, an audited financial statement including detailed identification of funding sources; and submit once to DOA, and as DOA requests thereafter, a business plan and estimate of costs and funding for design, development, and operation of initially planned spaceports, aerospace facilities, and spacecraft.

The bill authorizes WAA to issue bonds to carry out its functions if WAA submits a bond resolution to the governor and legislature and the legislature's Joint Committee on Finance does not schedule a meeting within 14 days on the bond resolution or schedules such a meeting and approves the bond resolution. WAA's bonds are not state debt. The bill authorizes WAA to have no more than \$100,000,000 in outstanding bonds at any one time. The bill creates an individual and corporate income tax exemption for interest on bonds issued by WAA.

Under the bill, state funding for WAA is provided from the Department of Transportation's (DOT) appropriation for airports and air navigation, but the bill does not provide any increase in this appropriation. Also under the bill, any project to acquire, construct, or improve a spaceport or spaceport facility, other than a hangar, must be funded from this DOT appropriation and from WAA's own funds. DOT and WAA must share the cost of the project, except that DOT's share of costs is limited to a maximum of \$10,000,000 per project and is limited to 80 percent of the

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total project cost if federal aid is not available for the project or 50 percent of the total project cost in excess of federal aid if federal aid is available for the project. For each project, DOT determines the percentage of costs borne by DOT based on the relative importance of the project to any state spaceport development program as a whole.

Because WAA is not a state agency, numerous laws that apply to state agencies do not apply to WAA. However, as with many state-created authorities, WAA is treated like a state agency in the following respects, among others: 1) it is generally subject to the open records and open meetings laws; 2) it is treated like a state agency for purposes of the law regulating lobbying; 3) its employees may participate in the system for state retirement benefits and health insurance coverage; 4) it is exempt from sales and use taxes, property taxes, and income taxes; 5) its employees are subject to laws prohibiting political activities by state employees while engaged in official duties. Unlike other state-created authorities, WAA is not treated like a state agency in the following respects: 1) it is not subject to auditing by the Legislative Audit Bureau; and 2) the Code of Ethics for Public Officials and Employees does not cover WAA.

WAA is unlike a state agency in many other ways, including: 1) it approves its own budget without going through the state budgetary process; 2) WAA employees are not state employees, are not included in the state system of personnel management, and are hired outside the state hiring system; 3) it is not subject to statutory rule-making procedures, including requirements for legislative review of proposed rules; 4) it keeps its operating fund in its own account outside of the state treasury; and 5) the state is not liable for any debt, obligation, or act of WAA and WAA expenses are paid from WAA's own funds.

The bill also expands certain provisions of law currently applicable only to airports and aircraft to apply to spaceports and spacecraft as well. These changes include: 1) treating aircraft and spacecraft similarly with regard to certain aspects of civil and criminal liability; 2) recognizing the authority of a county or municipality to establish, own, and operate a spaceport or spacecraft launch or landing area in the same manner as a county or municipal airport, landing field, or landing and take-off strip, including the right of condemnation and the right to protect aerial approaches; and 3) expanding an existing loan program administered by DOT to facilitate acquisition by local governments or airport owners of land for airport projects to include spaceport projects as well, but with a maximum total outstanding balance of loans for spaceport projects of \$10,000,000 rather than the \$6,500,000 for airport projects.

Current law provides limited immunity for volunteer fire companies, political corporations, governmental subdivisions and agencies thereof, and for officers, officials, agents, or employees of these entities, for acts done in an official capacity or in the course of employment. Claimants must generally follow a specified claims procedure and liability for damages is generally limited to \$50,000 except that no liability may be imposed for performance of a discretionary duty or for punitive damages. This bill provides the WAA and its officers, agents, and employees with the same limited immunity.

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This bill will be referred to the Joint Survey Committee on Retirement Systems for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 7.33 (1) (c) of the statutes is amended to read:

2 7.33 (1) (c) “State agency” has the meaning given under s. 20.001 (1) and
3 includes an authority created under subch. II of ch. 114 or ch. 231, 232, 233, 234, or
4 237.

5 **SECTION 2.** 13.172 (1) of the statutes is amended to read:

6 13.172 (1) In this section, “agency” means an office, department, agency,
7 institution of higher education, association, society or other body in state
8 government created or authorized to be created by the constitution or any law, which
9 is entitled to expend moneys appropriated by law, including the legislature and the
10 courts, and any authority created in subch. II of ch. 114 or ch. 231, 233, or 234.

11 **SECTION 3.** 13.62 (2) of the statutes is amended to read:

12 13.62 (2) “Agency” means any board, commission, department, office, society,
13 institution of higher education, council or committee in the state government, or any
14 authority created in subch. II of ch. 114 or ch. 231, 232, 233, 234, or 237, except that
15 the term does not include a council or committee of the legislature.

16 **SECTION 4.** 13.94 (1) (b) of the statutes is amended to read:

17 13.94 (1) (b) Audit the records of every state department, board, commission,
18 independent agency, or authority other than the Wisconsin Aerospace Authority at
19 least once each 5 years and audit the records of other departments as defined in sub.
20 (4) when the state auditor deems it advisable or when he or she is so directed and,

BILL**SECTION 4**

1 in conjunction therewith, reconcile the records of the department audited with those
2 of the department of administration. Audits of the records of a county, city, village,
3 town or school district may be performed only as provided in par. (m). Within 30 days
4 after completion of any such audit, the bureau shall file with the chief clerk of each
5 house of the legislature, the governor, the department of administration, the
6 legislative reference bureau, the joint committee on finance, the legislative fiscal
7 bureau and the department audited, a detailed report thereof, including its
8 recommendations for improvement and efficiency and including specific instances,
9 if any, of illegal or improper expenditures. The chief clerks shall distribute the report
10 to the joint legislative audit committee, the appropriate standing committees of the
11 legislature and the joint committee on legislative organization.

12 **SECTION 5.** 13.94 (1) (g) of the statutes is amended to read:

13 13.94 (1) (g) Require each state department, board, commission, independent
14 agency, or authority other than the Wisconsin Aerospace Authority to file with the
15 bureau on or before September 1 of each year a report on all receivables due the state
16 as of the preceding June 30 which were occasioned by activities of the reporting unit.
17 The report may also be required of other departments, except counties, cities,
18 villages, towns and school districts. The report shall show the aggregate amount of
19 such receivables according to fiscal year of origin and collections thereon during the
20 fiscal year preceding the report. The state auditor may require any department to
21 file with the bureau a detailed list of the receivables comprising the aggregate
22 amounts shown on the reports prescribed by this paragraph.

23 **SECTION 6.** 13.94 (4) (a) 1. of the statutes is amended to read:

24 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
25 credentialing board, commission, independent agency, council or office in the

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1 executive branch of state government; all bodies created by the legislature in the
2 legislative or judicial branch of state government; any public body corporate and
3 politic created by the legislature, except the Wisconsin Aerospace Authority, and
4 including specifically the Fox River Navigational System Authority, a professional
5 baseball park district, a local professional football stadium district, a local cultural
6 arts district and a family care district under s. 46.2895; every Wisconsin works
7 agency under subch. III of ch. 49; every provider of medical assistance under subch.
8 IV of ch. 49; technical college district boards; development zones designated under
9 s. 560.71; every county department under s. 51.42 or 51.437; every nonprofit
10 corporation or cooperative to which moneys are specifically appropriated by state
11 law; and every corporation, institution, association or other organization which
12 receives more than 50% of its annual budget from appropriations made by state law,
13 including subgrantee or subcontractor recipients of such funds.

14 **SECTION 7.** 16.002 (2) of the statutes is amended to read:

15 16.002 (2) “Departments” means constitutional offices, departments and
16 independent agencies and includes all societies, associations and other agencies of
17 state government for which appropriations are made by law, but not including
18 authorities created in subch. II of ch. 114 or chs. 231, 232, 233, 234, 235, and 237.

19 **SECTION 8.** 16.004 (4) of the statutes is amended to read:

20 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
21 department as the secretary designates may enter into the offices of state agencies
22 and authorities created under subch. II of ch. 114 or chs. 231, 233, 234, and 237, and
23 may examine their books and accounts and any other matter which in the secretary’s
24 judgment should be examined and may interrogate the agency’s employees publicly
25 or privately relative thereto.

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1 **SECTION 9.** 16.004 (5) of the statutes is amended to read:

2 **16.004 (5)** AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
3 authorities created under subch. II of ch. 114 or chs. 231, 233, 234, and 237, and their
4 officers and employees, shall cooperate with the secretary and shall comply with
5 every request of the secretary relating to his or her functions.

6 **SECTION 10.** 16.004 (12) (a) of the statutes is amended to read:

7 **16.004 (12) (a)** In this subsection, “state agency” means an association,
8 authority, board, department, commission, independent agency, institution, office,
9 society or other body in state government created or authorized to be created by the
10 constitution or any law, including the legislature, the office of the governor and the
11 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
12 the Wisconsin Aerospace Authority, and the Fox River Navigational System
13 Authority.

14 **SECTION 11.** 16.01 (1) of the statutes is amended to read:

15 **16.01 (1)** In this section, “agency” means any office, department, agency,
16 institution of higher education, association, society or other body in state
17 government created or authorized to be created by the constitution or any law which
18 is entitled to expend moneys appropriated by law, including the legislature and the
19 courts, and any authority created under subch. II of ch. 114 or ch. 231, 233 or 234.

20 **SECTION 12.** 16.045 (1) (a) of the statutes is amended to read:

21 **16.045 (1) (a)** “Agency” means an office, department, independent agency,
22 institution of higher education, association, society or other body in state
23 government created or authorized to be created by the constitution or any law, which
24 is entitled to expend moneys appropriated by law, including the legislature and the

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1 courts, but not including an authority created in subch. II of ch. 114 or ch. 231, 232,
2 233, 234, 235, or 237.

3 **SECTION 13.** 16.41 (4) of the statutes is amended to read:

4 16.41 (4) In this section, “authority” means a body created under subch. II of
5 ch. 114 or ch. 231, 233, 234, or 237.

6 **SECTION 14.** 16.417 (1) (b) of the statutes is amended to read:

7 16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or
8 ch. 231, 232, 233, 234, 235, or 237.

9 **SECTION 15.** 16.52 (7) of the statutes is amended to read:

10 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
11 which is authorized to maintain a contingent fund under s. 20.920 may establish a
12 petty cash account from its contingent fund. The procedure for operation and
13 maintenance of petty cash accounts and the character of expenditures therefrom
14 shall be prescribed by the secretary. In this subsection, “agency” means an office,
15 department, independent agency, institution of higher education, association,
16 society or other body in state government created or authorized to be created by the
17 constitution or any law, which is entitled to expend moneys appropriated by law,
18 including the legislature and the courts, but not including an authority created in
19 subch. II of ch. 114 or ch. 231, 233, 234, or 237.

20 **SECTION 16.** 16.528 (1) (a) of the statutes is amended to read:

21 16.528 (1) (a) “Agency” means an office, department, independent agency,
22 institution of higher education, association, society or other body in state
23 government created or authorized to be created by the constitution or any law, which
24 is entitled to expend moneys appropriated by law, including the legislature and the

BILL**SECTION 16**

1 courts, but not including an authority created in subch. II of ch. 114 or ch. 231, 233,
2 234, or 237.

3 **SECTION 17.** 16.53 (2) of the statutes is amended to read:

4 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
5 invoice, the agency shall notify the sender of the invoice within 10 working days after
6 it receives the invoice of the reason it is improperly completed. In this subsection,
7 “agency” means an office, department, independent agency, institution of higher
8 education, association, society or other body in state government created or
9 authorized to be created by the constitution or any law, which is entitled to expend
10 moneys appropriated by law, including the legislature and the courts, but not
11 including an authority created in subch. II of ch. 114 or ch. 231, 233, 234, or 237.

12 **SECTION 18.** 16.54 (9) (a) 1. of the statutes is amended to read:

13 16.54 (9) (a) 1. “Agency” means an office, department, independent agency,
14 institution of higher education, association, society or other body in state
15 government created or authorized to be created by the constitution or any law, which
16 is entitled to expend moneys appropriated by law, including the legislature and the
17 courts, but not including an authority created in subch. II of ch. 114 or ch. 231, 233,
18 234, or 237.

19 **SECTION 19.** 16.611 (2) (a) and (c) of the statutes are amended to read:

20 16.611 (2) (a) The department shall prescribe, by rule, procedures for the
21 transfer of public records and records of the University of Wisconsin Hospitals and
22 Clinics Authority and of the Wisconsin Aerospace Authority to optical disk or
23 electronic format and for the maintenance of such records stored in optical disk or
24 electronic format, including procedures to ensure the authenticity, accuracy,
25 reliability and accessibility of any public records or records of the University of

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1 Wisconsin Hospitals and Clinics Authority or of the Wisconsin Aerospace Authority
2 so transferred and procedures to ensure that such records are protected from
3 unauthorized destruction.

4 (c) The department shall prescribe, by rule, qualitative standards for optical
5 disks and for copies of documents generated from optical disks used to store public
6 records and records of the University of Wisconsin Hospitals and Clinics Authority
7 and of the Wisconsin Aerospace Authority.

8 **SECTION 20.** 16.70 (2) of the statutes is amended to read:

9 16.70 (2) "Authority" means a body created under subch. II of ch. 114 or ch. 231,
10 232, 233, 234, 235, or 237.

11 **SECTION 21.** 16.75 (1m) of the statutes is amended to read:

12 16.75 (1m) The department shall award each order or contract for materials,
13 supplies or equipment on the basis of life cycle cost estimates, whenever such action
14 is appropriate. Each authority other than the University of Wisconsin Hospitals and
15 Clinics Authority and the Wisconsin Aerospace Authority shall award each order or
16 contract for materials, supplies or equipment on the basis of life cycle cost estimates,
17 whenever such action is appropriate. The terms, conditions and evaluation criteria
18 to be applied shall be incorporated in the solicitation of bids or proposals. The life
19 cycle cost formula may include, but is not limited to, the applicable costs of energy
20 efficiency, acquisition and conversion, money, transportation, warehousing and
21 distribution, training, operation and maintenance and disposition or resale. The
22 department shall prepare documents containing technical guidance for the
23 development and use of life cycle cost estimates, and shall make the documents
24 available to local governmental units.

BILL**SECTION 22**

1 **SECTION 22.** 16.765 (1), (2), (4), (5), (6), (7) (intro.) and (d) and (8) of the statutes
2 are amended to read:

3 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
4 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
5 Aerospace Authority, and the Bradley Center Sports and Entertainment
6 Corporation shall include in all contracts executed by them a provision obligating the
7 contractor not to discriminate against any employee or applicant for employment
8 because of age, race, religion, color, handicap, sex, physical condition, developmental
9 disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m)
10 or national origin and, except with respect to sexual orientation, obligating the
11 contractor to take affirmative action to ensure equal employment opportunities.

12 (2) Contracting agencies, the University of Wisconsin Hospitals and Clinics
13 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
14 Authority, and the Bradley Center Sports and Entertainment Corporation shall
15 include the following provision in every contract executed by them: "In connection
16 with the performance of work under this contract, the contractor agrees not to
17 discriminate against any employee or applicant for employment because of age, race,
18 religion, color, handicap, sex, physical condition, developmental disability as defined
19 in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but
20 not be limited to, the following: employment, upgrading, demotion or transfer;
21 recruitment or recruitment advertising; layoff or termination; rates of pay or other
22 forms of compensation; and selection for training, including apprenticeship. Except
23 with respect to sexual orientation, the contractor further agrees to take affirmative
24 action to ensure equal employment opportunities. The contractor agrees to post in
25 conspicuous places, available for employees and applicants for employment, notices

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1 to be provided by the contracting officer setting forth the provisions of the
2 nondiscrimination clause”.

3 (4) Contracting agencies, the University of Wisconsin Hospitals and Clinics
4 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
5 Authority, and the Bradley Center Sports and Entertainment Corporation shall take
6 appropriate action to revise the standard government contract forms under this
7 section.

8 (5) The head of each contracting agency and the boards of directors of the
9 University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational
10 System Authority, the Wisconsin Aerospace Authority, and the Bradley Center
11 Sports and Entertainment Corporation shall be primarily responsible for obtaining
12 compliance by any contractor with the nondiscrimination and affirmative action
13 provisions prescribed by this section, according to procedures recommended by the
14 department. The department shall make recommendations to the contracting
15 agencies and the boards of directors of the University of Wisconsin Hospitals and
16 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
17 Aerospace Authority, and the Bradley Center Sports and Entertainment
18 Corporation for improving and making more effective the nondiscrimination and
19 affirmative action provisions of contracts. The department shall promulgate such
20 rules as may be necessary for the performance of its functions under this section.

21 (6) The department may receive complaints of alleged violations of the
22 nondiscrimination provisions of such contracts. The department shall investigate
23 and determine whether a violation of this section has occurred. The department may
24 delegate this authority to the contracting agency, the University of Wisconsin
25 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the

BILL**SECTION 22**

1 Wisconsin Aerospace Authority, or the Bradley Center Sports and Entertainment
2 Corporation for processing in accordance with the department's procedures.

3 (7) (intro.) When a violation of this section has been determined by the
4 department, the contracting agency, the University of Wisconsin Hospitals and
5 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
6 Aerospace Authority, or the Bradley Center Sports and Entertainment Corporation,
7 the contracting agency, the University of Wisconsin Hospitals and Clinics Authority,
8 the Fox River Navigational System Authority, the Wisconsin Aerospace Authority,
9 or the Bradley Center Sports and Entertainment Corporation shall:

10 (d) Direct the violating party to take immediate steps to prevent further
11 violations of this section and to report its corrective action to the contracting agency,
12 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
13 Navigational System Authority, the Wisconsin Aerospace Authority, or the Bradley
14 center sports and entertainment corporation.

15 (8) If further violations of this section are committed during the term of the
16 contract, the contracting agency, the Fox River Navigational System Authority, the
17 Wisconsin Aerospace Authority, or the Bradley Center Sports and Entertainment
18 Corporation may permit the violating party to complete the contract, after complying
19 with this section, but thereafter the contracting agency, the Fox River Navigational
20 System Authority, the Wisconsin Aerospace Authority, or the Bradley Center Sports
21 and Entertainment Corporation shall request the department to place the name of
22 the party on the ineligible list for state contracts, or the contracting agency, the Fox
23 River Navigational System Authority, the Wisconsin Aerospace Authority, or the
24 Bradley Center Sports and Entertainment Corporation may terminate the contract

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1 without liability for the uncompleted portion or any materials or services purchased
2 or paid for by the contracting party for use in completing the contract.

3 **SECTION 23.** 16.838 (1) (b) of the statutes is amended to read:

4 16.838 (1) (b) “Authority” means a body created under subch. II of ch. 114 or
5 ch. 231, 232, 233, 234, 235, or 237.

6 **SECTION 24.** 16.85 (2) of the statutes is amended to read:

7 16.85 (2) To furnish engineering, architectural, project management and other
8 building construction services whenever requisitions therefor are presented to the
9 department by any agency. The department may deposit moneys received from the
10 provision of these services in the account under s. 20.505 (1) (kc) or in the general
11 fund as general purpose revenue — earned. In this subsection, “agency” means an
12 office, department, independent agency, institution of higher education, association,
13 society or other body in state government created or authorized to be created by the
14 constitution or any law, which is entitled to expend moneys appropriated by law,
15 including the legislature and the courts, but not including an authority created in
16 subch. II of ch. 114 or ch. 231, 233, 234, or 237.

17 **SECTION 25.** 16.865 (8) of the statutes is amended to read:

18 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
19 proportionate share of the estimated costs attributable to programs administered by
20 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
21 may charge premiums to agencies to finance costs under this subsection and pay the
22 costs from the appropriation on an actual basis. The department shall deposit all
23 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
24 Costs assessed under this subsection may include judgments, investigative and
25 adjustment fees, data processing and staff support costs, program administration

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1 costs, litigation costs and the cost of insurance contracts under sub. (5). In this
2 subsection, “agency” means an office, department, independent agency, institution
3 of higher education, association, society or other body in state government created
4 or authorized to be created by the constitution or any law, which is entitled to expend
5 moneys appropriated by law, including the legislature and the courts, but not
6 including an authority created in subch. II of ch. 114 or ch. 231, 232, 233, 234, 235,
7 or 237.

8 **SECTION 26.** 19.42 (5) of the statutes is amended to read:

9 19.42 (5) “Department” means the legislature, the University of Wisconsin
10 System, any authority or public corporation created and regulated by an act of the
11 legislature except the Wisconsin Aerospace Authority, and any office, department,
12 independent agency or legislative service agency created under ch. 13, 14 or 15, any
13 technical college district or any constitutional office other than a judicial office. In
14 the case of a district attorney, “department” means the department of administration
15 unless the context otherwise requires.

16 **SECTION 27.** 20.395 (2) (dq) of the statutes is amended to read:

17 20.395 (2) (dq) *Aeronautics and astronautics assistance, state funds.* As a
18 continuing appropriation, the amounts in the schedule for the state’s share of airport
19 projects under ss. 114.34 and 114.35 and spaceport projects; for developing air
20 marking and other air navigational facilities; for administration of the powers and
21 duties of the secretary of transportation under s. 114.31; for costs associated with
22 aeronautical activities under s. 114.31, except for the program under s. 114.31 (3) (b);
23 for the Wisconsin Aerospace Authority under subch. II of ch. 114; and for the
24 administration of other aeronautical and astronautical activities, except aircraft
25 registration under s. 114.20, authorized by law.

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1 **SECTION 28.** 20.395 (2) (dv) of the statutes is amended to read:

2 20.395 (2) (dv) *Aeronautics and astronautics assistance, local funds.* All
3 moneys received by the state from any local unit of government or other source for
4 airports or other aeronautical activities under s. 114.33 or 114.37 and for spaceports,
5 for administration of the powers and duties of the secretary of the department of
6 transportation under s. 114.31, for costs associated with aeronautical activities
7 under s. 114.31, for the Wisconsin Aerospace Authority under subch. II of ch. 114 and
8 the loan program under s. 114.375, and for the administration of other aeronautical
9 and astronautical activities authorized by law, for such purposes.

10 **SECTION 29.** 20.395 (2) (dx) of the statutes is amended to read:

11 20.395 (2) (dx) *Aeronautics and astronautics assistance, federal funds.* All
12 moneys received from the federal government for airports or other aeronautical
13 activities under s. 114.32 or 114.33 and for spaceports, for administration of the
14 powers and duties of the secretary of transportation under s. 114.31, for costs
15 associated with aeronautical activities under s. 114.31, for the Wisconsin Aerospace
16 Authority under subch. II of ch. 114, and for the administration of other aeronautical
17 and astronautical activities authorized by law, for such purposes.

18 **SECTION 30.** 23.175 (1) (b) of the statutes is amended to read:

19 23.175 (1) (b) “State agency” means any office, department, agency, institution
20 of higher education, association, society or other body in state government created
21 or authorized to be created by the constitution or any law which is entitled to expend
22 moneys appropriated by law, including any authority created under subch. II of ch.
23 114 or ch. 231, 233, 234, or 237 but not including the legislature or the courts.

24 **SECTION 31.** 24.61 (2) (a) 10. of the statutes is created to read:

25 24.61 (2) (a) 10. Bonds of the Wisconsin Aerospace Authority.

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1 **SECTION 32.** 25.17 (3) (b) 13. of the statutes is created to read:

2 25.17 (3) (b) 13. Bonds issued by the Wisconsin Aerospace Authority.

3 **SECTION 33.** 25.50 (1) (d) of the statutes is amended to read:

4 25.50 (1) (d) "Local government" means any county, town, village, city, power
5 district, sewerage district, drainage district, town sanitary district, public inland
6 lake protection and rehabilitation district, local professional baseball park district
7 created under subch. III of ch. 229, family care district under s. 46.2895, local
8 professional football stadium district created under subch. IV of ch. 229, local
9 cultural arts district created under subch. V of ch. 229, public library system, school
10 district or technical college district in this state, any commission, committee, board
11 or officer of any governmental subdivision of this state, any court of this state, other
12 than the court of appeals or the supreme court, or any authority created under s.
13 114.61, 231.02, 233.02 or 234.02.

14 **SECTION 34.** 32.01 (1) of the statutes is amended to read:

15 32.01 (1) "Person" includes the state, a county, town, village, city, school district
16 or other municipal corporation, a board, commission, including a commission created
17 by contract under s. 66.0301, corporation, or housing authority created under ss.
18 66.1201 to 66.1211 or redevelopment authority created under s. 66.1333 or the
19 Wisconsin Aerospace Authority created under s. 114.61.

20 **SECTION 35.** 32.02 (11m) of the statutes is created to read:

21 32.02 (11m) The Wisconsin Aerospace Authority created under subch. II of ch.
22 114.

23 **SECTION 36.** 32.05 (intro.) of the statutes is amended to read:

24 **32.05 Condemnation for sewers and transportation facilities.** (intro.)

25 In this section, "mass transit facility" includes, without limitation because of

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1 enumeration, exclusive or preferential bus lanes if those lanes are limited to
2 abandoned railroad rights-of-way or existing expressways constructed before
3 May 17, 1978, highway control devices, bus passenger loading areas and terminal
4 facilities, including shelters, and fringe and corridor parking facilities to serve bus
5 and other public mass transportation passengers, together with the acquisition,
6 construction, reconstruction and maintenance of lands and facilities for the
7 development, improvement and use of public mass transportation systems for the
8 transportation of passengers. This section does not apply to proceedings in 1st class
9 cities under subch. II. In any city, condemnation for housing under ss. 66.1201 to
10 66.1211, for urban renewal under s. 66.1333, or for cultural arts facilities under
11 subch. V of ch. 229, may proceed under this section or under s. 32.06 at the option
12 of the condemning authority. Condemnation by a local exposition district under
13 subch. II of ch. 229 for any exposition center or exposition center facility may proceed
14 under this section or under s. 32.06 at the option of the local exposition district. All
15 other condemnation of property for public alleys, streets, highways, airports,
16 spaceports, mass transit facilities, or other transportation facilities, gas or leachate
17 extraction systems to remedy environmental pollution from a solid waste disposal
18 facility, storm sewers and sanitary sewers, watercourses or water transmission and
19 distribution facilities shall proceed as follows:

20 **SECTION 37.** 40.02 (54) (j) of the statutes is created to read:

21 40.02 (54) (j) The Wisconsin Aerospace Authority.

22 **SECTION 38.** 66.0603 (1m) (a) 3u. of the statutes is created to read:

23 66.0603 (1m) (a) 3u. Bonds issued by the Wisconsin Aerospace Authority.

24 **SECTION 39.** 70.11 (38m) of the statutes is created to read:

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1 70.11 (38m) WISCONSIN AEROSPACE AUTHORITY. Notwithstanding the provisions
2 of s. 70.11 (intro.) that relate to leased property or that impose other limitations, all
3 property owned or leased by the Wisconsin Aerospace Authority, provided that use
4 of the property is primarily related to the purposes of the authority.

5 **SECTION 40.** 71.05 (1) (c) 7. of the statutes is created to read:

6 71.05 (1) (c) 7. The Wisconsin Aerospace Authority.

7 **SECTION 41.** 71.26 (1) (be) of the statutes is amended to read:

8 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
9 Hospitals and Clinics Authority and, of the Fox River Navigational System
10 Authority, and of the Wisconsin Aerospace Authority.

11 **SECTION 42.** 71.26 (1m) (h) of the statutes is created to read:

12 71.26 (1m) (h) Those issued under s. 114.70.

13 **SECTION 43.** 71.45 (1t) (h) of the statutes is created to read:

14 71.45 (1t) (h) Those issued under s. 114.70.

15 **SECTION 44.** 77.54 (9a) (a) of the statutes is amended to read:

16 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
17 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, and the Fox
18 River Navigational System Authority.

19 **SECTION 45.** 84.072 (3) of the statutes is amended to read:

20 84.072 (3) IMPLIED CONSENT. Any municipality, county, or other person,
21 including the Wisconsin Aerospace Authority created under subch. II of ch. 114, that
22 accepts federal moneys from the appropriations under s. 20.395 (1) (bx), (2) (ax), (dx),
23 or (fx), or (3) (bx), (cx), or (ex), or accepts other federal moneys for highway, transit,
24 ~~or~~, airport, or spaceport purposes, after September 1, 2001, is considered to have

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1 given consent to the unified certification disadvantage business program
2 administered under this section.

3 **SECTION 46.** 85.02 (1) of the statutes is amended to read:

4 85.02 (1) The department may direct, undertake and expend state and federal
5 aid for planning, promotion and protection activities in the areas of highways, motor
6 vehicles, traffic law enforcement, aeronautics and astronautics, railroads,
7 waterways, specialized transportation services, mass transit systems and for any
8 other transportation mode. All state, regional and municipal agencies and
9 commissions created under authority of law shall to the extent practicable, when
10 dealing with transportation, follow the recommendations made by the secretary.

11 **SECTION 47.** 100.45 (1) (dm) of the statutes is amended to read:

12 100.45 (1) (dm) “State agency” means any office, department, agency,
13 institution of higher education, association, society or other body in state
14 government created or authorized to be created by the constitution or any law which
15 is entitled to expend moneys appropriated by law, including the legislature and the
16 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
17 Center Sports and Entertainment Corporation, the University of Wisconsin
18 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
19 Authority, the Wisconsin Aerospace Authority, and the Fox River Navigational
20 System Authority.

21 **SECTION 48.** 101.177 (1) (d) of the statutes is amended to read:

22 101.177 (1) (d) “State agency” means any office, department, agency,
23 institution of higher education, association, society or other body in state
24 government created or authorized to be created by the constitution or any law which
25 is entitled to expend moneys appropriated by law, including the legislature and the

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1 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
2 Center Sports and Entertainment Corporation, the University of Wisconsin
3 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, and the
4 Wisconsin Health and Educational Facilities Authority.

5 **SECTION 49.** Chapter 114 (title) of the statutes is amended to read:

CHAPTER 114**AERONAUTICS AND ASTRONAUTICS**

8 **SECTION 50.** Subchapter I (title) of chapter 114 [precedes 114.001] of the
9 statutes is created to read:

CHAPTER 114**SUBCHAPTER I****AIR TRANSPORTATION**

13 **SECTION 51.** 114.002 (1) of the statutes is amended to read:

14 114.002 (1) “Aeronautics” means the science and art of aircraft flight and
15 including but not limited to transportation by aircraft; the operation, construction,
16 repair or maintenance of aircraft, aircraft power plants and accessories, including
17 the repair, packing and maintenance of parachutes; the design, establishment,
18 construction, extension, operation, improvement, repair or maintenance of airports
19 or other air navigation facilities; and instruction in flying or ground subjects
20 pertaining thereto.

21 **SECTION 52.** 114.002 (3) of the statutes is amended to read:

22 114.002 (3) “Aircraft” means any contrivance invented, used, or designed for
23 navigation of or flight in the air, but does not include spacecraft.

24 **SECTION 53.** 114.002 (11m) of the statutes is created to read:

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1 114.002 (11m) “Astronautics” means the science and art of spacecraft flight
2 and all activities related thereto.

3 **SECTION 54.** 114.002 (18r), (18s) and (18t) of the statutes are created to read:

4 114.002 (18r) “Spacecraft” means any contrivance invented, used, or designed
5 for navigation or flight beyond the earth’s atmosphere, including rockets, missiles,
6 capsules, modules, and other vehicles, whether with or without passengers.

7 (18s) “Spacecraft launch or landing area” means any area used, or intended for
8 use, for launching or landing spacecraft or for surface maneuvering, positioning, or
9 preparation of spacecraft for imminent launching or immediately after landing,
10 including any launch pad, landing area, or launch or landing control center.

11 (18t) “Spaceport” means any area of land or water that is used, or intended for
12 use, as a spacecraft launch or landing area and any appurtenant areas that are used,
13 or intended for use, for spaceport buildings or other spaceport facilities or
14 rights-of-way, together with all spaceport buildings and facilities located thereon.

15 **SECTION 55.** 114.04 of the statutes is amended to read:

16 **114.04 Flying and landing, limitations.** Flight in aircraft or spacecraft over
17 the lands and waters of this state is lawful, unless at such a low altitude as to
18 interfere with the then existing use to which the land or water, or the space over the
19 land or water, is put by the owner, or unless so conducted as to be imminently
20 dangerous or damaging to persons or property lawfully on the land or water beneath.
21 The landing of an aircraft or spacecraft on the lands or waters of another, without
22 the person’s consent, is unlawful, except in the case of a forced landing. For damages
23 caused by a forced landing, however, the owner or lessee of the aircraft or spacecraft
24 or the aeronaut or astronaut shall be liable, as provided in s. 114.05.

25 **SECTION 56.** 114.05 of the statutes is amended to read:

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1 **114.05 Damages by aircraft or spacecraft.** The liability of the owner, lessee
2 and pilot of every aircraft or spacecraft operating over the lands or waters of this
3 state for injuries or damage to persons or property on the land or water beneath,
4 caused by the ascent, descent or flight of such aircraft or spacecraft, or the dropping
5 or falling of the aircraft or spacecraft or of any object or material therefrom, shall be
6 determined by the law applicable to torts on land, except that there shall be a
7 presumption of liability on the part of the owner, lessee or pilot, as the case may be,
8 where injury or damage is caused by the dropping or falling of the aircraft or
9 spacecraft or of any object or material therefrom, which presumption may be
10 rebutted by proof that the injury or damage was not caused by negligence on the part
11 of the owner, lessee or pilot and the burden of proof in such case shall be upon such
12 owner, lessee or pilot to show absence of negligence on his or her part.

13 **SECTION 57.** 114.07 of the statutes is amended to read:

14 **114.07 Criminal jurisdiction.** All crimes, torts and other wrongs committed
15 by or against an aeronaut, astronaut, or passenger while in flight over this state shall
16 be governed by the laws of this state; and the question whether damage occasioned
17 by or to an aircraft or spacecraft while in flight over this state constitutes a tort, crime
18 or other wrong by or against the owner of such aircraft or spacecraft, shall be
19 determined by the laws of this state.

20 **SECTION 58.** 114.105 of the statutes is amended to read:

21 **114.105 Local regulation.** Any county, town, city or village may adopt any
22 ordinance in strict conformity with the provisions of this chapter and impose the
23 same penalty for violation of any of its provisions except that such ordinance shall
24 not provide for the suspension or revocation of pilot or aircraft licenses or certificates
25 and shall not provide for imprisonment except for failure to pay any fine which may

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1 be imposed. No local authority shall enact any ordinance governing aircraft or
2 aeronautics or spacecraft or astronautics contrary to or inconsistent with the
3 provisions of this chapter or federal law. Every court in which a violation of such
4 ordinance is prosecuted shall make a written report of any conviction (including bail
5 or appearance money forfeiture) to the federal aviation administration.

6 **SECTION 59.** 114.11 (title) of the statutes is amended to read:

7 **114.11 (title) Local airports and spaceports; interstate reciprocity.**

8 **SECTION 60.** 114.11 (1), (2), (3), (4) and (5) (intro.) of the statutes are amended
9 to read:

10 114.11 (1) The governing body of any county, city, village or town in this state
11 is hereby authorized to acquire, establish, construct, own, control, lease, equip,
12 improve, maintain and operate airports or landing fields or landing and take-off
13 strips for the use of airplanes and other aircraft, or spaceports or spacecraft launch
14 or landing areas, either within or without the limits of such counties, cities, villages
15 and towns, and may use for such purpose or purposes any property suitable therefor
16 that is now or may at any time hereafter be owned or controlled by such county, city,
17 village or town, and may regulate the same, provided, such regulation shall not be
18 in conflict with such rules and regulations as may be made by the federal
19 government. The governing body of each and every county and municipality owning
20 an airport or landing field or landing and take-off strip, or spaceport or spacecraft
21 launch or landing area, in the state of Wisconsin shall cause the surroundings of such
22 airport, landing field or landing and take-off strip, or spaceport or spacecraft launch
23 or landing area, to be marked for aeronautical or astronautical purposes, and
24 maintain such marking, subject to and in accordance with law and such rules and
25 regulations as may from time to time be made by the federal government and in so

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1 doing may cooperate with other states and subdivisions thereof and acquire rights
2 and easements in property outside of the state.

3 (2) The governing body of any county, city, village or town of this state is
4 authorized to acquire, establish, construct, own, control, lease, equip, improve,
5 maintain and operate airports or landing fields or landing and take-off strips or
6 other aeronautical facilities, or spaceports or spacecraft launch or landing areas or
7 other aeronautical facilities, in an adjoining state whose laws permit, subject to the
8 laws of such state, but subject to the laws of this state in all matters relating to
9 financing such aeronautical or aeronautical project.

10 (3) The governing body of any municipality or other political subdivision of an
11 adjoining state whose laws permit, is hereby authorized to acquire, establish,
12 construct, own, control, lease, equip, improve, maintain and operate airports, or
13 landing fields, or landing and take-off strips or other aeronautical facilities, or
14 spaceports or spacecraft launch or landing areas or other aeronautical facilities, in
15 this state, subject to all laws, rules and regulations of this state applicable to its
16 municipalities or other political subdivisions in such aeronautical or aeronautical
17 project, but subject to the laws of its own state in all matters relating to financing
18 such project. Such municipality or other political subdivision of an adjoining state
19 shall have all privileges, rights and duties of like municipalities or other political
20 subdivisions of this state, including the right to exercise the right of eminent domain.
21 This subsection shall not apply unless the laws of such adjoining state shall permit
22 municipalities or other political subdivisions of this state to acquire, establish,
23 construct, own, control, lease, equip, improve, maintain, operate and otherwise
24 control such airport, landing field or landing and take-off strips or other
25 aeronautical facilities, or spaceports or spacecraft launch or landing areas or other

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1 astronautical facilities, therein with all privileges, rights and duties applicable to the
2 municipalities or other political subdivisions of such adjoining state in such
3 aeronautical or astronautical projects.

4 (4) The governing body of any county, city, village or town is authorized to
5 appropriate money to any town, city, village or other county, for the operation,
6 improvement or acquisition of an airport or spaceport by such town, city, village or
7 other county or any combination of such municipalities.

8 (5) (intro.) The governing body of any county, city, village or town in this state
9 may, together with any municipality or other political subdivision of an adjoining
10 state if, under the laws of that state, such municipality or other political subdivision
11 is similarly authorized, jointly sponsor an airport or spaceport project located in this
12 state or in the adjoining state.

13 **SECTION 61.** 114.12 of the statutes is amended to read:

14 **114.12 Condemnation of lands for airports and spaceports.** Any lands
15 acquired, owned, controlled or occupied by such counties, cities, villages and towns
16 for the purposes enumerated in s. 114.11 shall and are hereby declared to be
17 acquired, owned, controlled and occupied for a public purpose, and as a matter of
18 public necessity, and such cities, villages, towns or counties shall have the right to
19 acquire property for such purpose or purposes under the power of eminent domain
20 as and for a public necessity including property owned by other municipal
21 corporations and political subdivisions and including any street, highway, park,
22 parkway or alley, provided that no state trunk highway shall be so acquired without
23 the prior consent of the department. Whenever the county, city, village or town as
24 the case may be shall own all land or access rights on both sides of such street,
25 highway, park, parkway or alley, it may, within the limits where it has ownership or

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1 access rights on both sides, notwithstanding any other provisions of law, vacate and
2 close such public way by resolution of the governing body of the county, city, village
3 or town acquiring it and no damages shall be assessed against such county, city,
4 village or town by reason of such closing, except as may be allowed in a particular
5 condemnation action where the lands or rights in lands necessary for such airport
6 or spaceport are so acquired. If such closing shall leave any part of such street,
7 highway, parkway or alley without access to another public street or highway, the
8 county, town, city or village effecting such closing shall immediately provide such
9 access at its expense.

10 **SECTION 62.** 114.13 of the statutes is amended to read:

11 **114.13 Purchase of land for airports and spaceports.** Private property
12 needed by a county, city, village or town for an airport or landing field or landing and
13 take-off strip, or for a spaceport or spacecraft launch or landing area, or property or
14 rights for the protection of the aerial approaches thereof, shall be acquired by
15 purchase if the city, village, town or county is able to agree with the owners on the
16 terms thereof, and otherwise by condemnation, as provided in s. 32.05. The purchase
17 price or award for real property acquired for an airport or landing field or landing and
18 take-off strip, or for a spaceport or spacecraft launch or landing area, or property or
19 rights for the protection of the aerial approaches thereof, may be paid for the
20 appropriation of moneys available therefor, or wholly or partly from the proceeds of
21 the sale of bonds of the city, village, town or county, as the governing body of such city,
22 village, town or county determines, subject to ch. 67. Such property or rights may
23 be acquired by gift, which the respective governing bodies are authorized to accept.

24 **SECTION 63.** 114.134 (title) of the statutes is amended to read:

25 **114.134 (title) Airport and spaceport standards and approval.**

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1 **SECTION 64.** 114.134 (1), (2), (3) and (4) (c) of the statutes are amended to read:

2 114.134 (1) PUBLIC AIRPORT AND SPACEPORT INFORMATION. No person shall
3 operate an airport or spaceport within this state that is open to the general public
4 unless effective runway and landing strip lengths are properly reported, published
5 and marked in accordance with applicable federal aviation regulations and federal
6 obstruction standards.

7 (2) TRAVERSE WAY CLEARANCE. No person shall operate an airport or spaceport
8 within this state unless all runways and landing strips are so located that
9 approaching and departing aircraft or spacecraft clear all public roads, highways,
10 railroads, waterways or other traverse ways by a height which complies with
11 applicable federal standards.

12 (3) AIRPORT AND SPACEPORT SITE APPROVAL. No person shall construct or
13 otherwise establish a new airport or spaceport or activate an airport or spaceport
14 within this state unless the secretary of transportation issues a certificate of
15 approval for the location of the proposed airport or spaceport. No charge shall be
16 made for application or approval. The secretary may issue a certificate of approval
17 if the secretary determines that the location of the proposed airport or spaceport is
18 compatible with existing and planned transportation facilities in the area.

19 (4) (c) At least 15 days before the date of the hearing a class 1 notice of any
20 public hearing shall be published, under ch. 985, in the official state newspaper and
21 in a paper of general circulation printed and published near the location of the
22 proposed airport or spaceport.

23 **SECTION 65.** 114.135 (intro.), (1), (2), (3), (4), (6), (7) and (8) of the statutes are
24 amended to read:

BILL**SECTION 65**

1 **114.135 Airport and spaceport protection.** (intro.) It is declared to be in
2 the public interest that the navigable airspace over the state and the aerial
3 approaches to any airport or spaceport be maintained in a condition best suited for
4 the safe operation of aircraft or spacecraft and to that end the bulk, height, location
5 and use of any building or structure, or any other object, and the use of land, may be
6 regulated, or any building, structure or other object may be removed. It is the
7 legislative intent that this section shall not supersede s. 59.69 (4), but that it shall
8 be supplemental to such section.

9 **(1) PROCEDURE TO OBTAIN PROTECTION PRIVILEGES.** The aerial approaches to any
10 airport or spaceport owned and operated by corporations organized to provide
11 aeronautic or astronautic facilities to the general public may be protected in the
12 following manner: The owner of the airport or spaceport shall prepare and record
13 with the register of deeds plans and specifications showing the land affected, the
14 owner of each parcel or interest therein, whether public or private, the regulations
15 to be imposed on each parcel and the structures, buildings or other objects to be
16 removed. The owner or managing body of the airport or spaceport may negotiate and
17 acquire from the owners of the various parcels or interest therein, whether public or
18 private, by deeds the protection privileges shown by the plans and specifications.
19 Referring in the deed to the plans and specifications, and briefly describing the plans
20 and specifications, shall be considered sufficient legal description to convey the
21 protection privileges set forth in the plans and specifications in the property of the
22 grantor. In case the owner of the airport or spaceport is unable to obtain by
23 negotiation the desired protection privileges, he or she may acquire the protection
24 privileges by eminent domain in the manner set forth in ch. 32, except as to lands and
25 buildings of railway companies that are necessary to, or are used in connection with

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1 the operation of the railway. In case the protection privileges sought extend into
2 more than one county the plans and specifications shall be recorded with the register
3 of deeds of each county. In case any parcel of land lies in more than one county,
4 eminent domain proceedings may be instituted in the circuit court of any county in
5 which the parcel is situated, provided a certified copy of the final judgment with a
6 description of the property involved is recorded with the register of deeds of all
7 counties in which the parcel of land or interest therein lies.

8 (2) NOTICE; CLAIM FOR DAMAGES. In case of any airport landing field or landing
9 and take-off strip, or spaceport or spacecraft launch or landing area, owned by any
10 city, village, town or county or any union of them, the commission or other body in
11 charge of the operation and control of the airport, landing field or landing and
12 take-off strip, or spaceport or spacecraft launch or landing area, may prepare and
13 record without charge with the register of deeds plans and specifications showing the
14 protection privileges sought as described in sub. (1). The commission or other body
15 in charge shall send by registered mail with return receipt to each owner at his or
16 her last-known address a notice stating that the plans and specifications have been
17 recorded with the register of deeds' office, stating the county, time of recording, the
18 record number, and a brief description of the parcel of land or interest therein
19 affected. If the address of the owner cannot be ascertained or the registered letter
20 is returned unclaimed, notice shall be sent by registered mail to the person in
21 possession of the premises. If no person is in possession, then the notice shall be
22 posted in a conspicuous place on the land involved and published as a class 3 notice,
23 under ch. 985, in the area affected. The right of the owner to claim for damages for
24 the protection regulations imposed in the plans and specifications, or the removal of
25 obstructions shall be forever barred, unless the owner files a claim for damages with

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1 the commission or other body in charge within 6 months from the receipt of the notice
2 from the commission, or other body in charge, or the posting and last publication.
3 The claim shall be verified and shall state the amount of damages claimed. The
4 commission or other body in charge may pay the damages, if it has available funds,
5 and the payment shall operate as a conveyance. If no claims for payment are filed
6 or if payment is made, the commission or other body in charge shall file an affidavit
7 for each parcel involved setting forth the rights acquired which shall be recorded by
8 the register of deeds without charge and when so recorded has the same effect as any
9 recorded instrument. If any owner is a minor or incompetent, the notice may be sent
10 by registered mail to the owner's guardian, if he or she has one, and if there is none
11 the circuit court of the county in which the land, or a larger part, is located shall upon
12 application of the commission or other body in charge appoint a guardian to receive
13 the notice, and to protect the rights of the owner. Any funds payable to the owner
14 shall be cared for in the manner provided in ch. 880. If the commission or other body
15 in charge determines that the damages claimed are excessive, it shall so report to the
16 governing body that established the airport, landing field or landing and take-off
17 strip, or spaceport or spacecraft launch or landing area, in question and with its
18 consent may acquire in the name of the governmental body the protection privilege
19 desired in the manner set forth in sub. (1) or it may deposit with the county clerk an
20 award and notify the owner of the land involved in the method specified in this
21 subsection. The landowner may accept the award without prejudice to his or her
22 right to claim and contest for a greater sum. The landowner may, within a period of
23 6 months after notice of the award, proceed as provided in ch. 32 to have the damages
24 appraised.

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1 **(3) EXERCISE OF POWER AND AUTHORITY.** The power and authority to protect
2 airports or spaceports conferred in subs. (1) and (2) may be exercised from time to
3 time; amended plans and specifications may be recorded in the register of deeds'
4 office, and new protection privileges acquired from time to time in the methods
5 provided by this section.

6 **(4) ENCROACHMENTS.** The duty to prevent encroachments by growth of trees or
7 other vegetation, or otherwise, upon the protection privileges acquired by any
8 airport, landing field, landing and take-off strip, or spaceport or spacecraft launch
9 or landing area, shall be upon the owner or owners of the parcel of land affected by
10 the protection privilege only in cases where the owner or owners have received
11 compensation for the protection privilege. Any such encroachment is declared to be
12 a private nuisance and may be abated in the manner prescribed in ch. 823. In cases
13 where no compensation has been paid for the protection privilege, encroachments
14 shall be removed by the owner or the authority in charge of the airport, landing field,
15 or landing and take-off strip, or spaceport or spacecraft launch or landing area, and
16 shall be, in case of a publicly owned airport, landing field or landing and take-off
17 strip, or spaceport or spacecraft launch or landing area, a city, village, town or county
18 charge as the case may be. In removing such encroachments, the owner or authority
19 in charge of the airport, landing field or landing and take-off strip, or spaceport or
20 spacecraft launch or landing area, in question, may go upon the land and remove the
21 encroachment without being liable for damages in so doing.

22 **(6) PERMIT FOR ERECTION OF HIGH STRUCTURES REQUIRED.** No person shall erect
23 anywhere in this state, including within a spaceport or spacecraft launch or landing
24 area, any building, structure, tower or any other object the height of which exceeds

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1 the limitations set forth in sub. (7) without first filing an application and procuring
2 a permit from the secretary of transportation.

3 (7) POWER TO CONTROL ERECTION OF HIGH STRUCTURES. For the purposes of sub.
4 (6) the power and authority to control the erection of buildings, structures, towers
5 and other objects by the secretary of transportation shall be limited to those objects
6 that would either extend to a height of more than 500 feet above the ground or surface
7 of the water within one mile of the location of the object, or above a height determined
8 by the ratio of one foot vertical to 40 feet horizontal measured from the nearest
9 boundary of the nearest public airport or spaceport within the state; however, this
10 power and authority shall not extend to objects of less than 150 feet in height above
11 the ground or water level at the location of the object or to objects located within areas
12 zoned under s. 114.136 or to objects located within areas zoned under s. 62.23 (7)
13 where the zoning ordinance enacted under said subsection controls the height of
14 structures.

15 (8) RULES, REGULATIONS, STANDARDS AND CRITERIA. In carrying out sub. (6) the
16 secretary of transportation may perform such acts, issue and amend such orders and
17 make, promulgate and amend and enforce such reasonable rules, regulations and
18 procedures and establish such minimum standards and criteria governing erection
19 of buildings, structures, towers and hazards in the interest of the safe operation of
20 aircraft and spacecraft as it deems necessary in the public interest and safety.

21 **SECTION 66.** 114.136 (title) of the statutes is amended to read:

22 **114.136** (title) **Airport and spaceport approach protection.**

23 **SECTION 67.** 114.136 (1) (a), (b) and (c), (2) (a), (3), (4) and (5) of the statutes are
24 amended to read: