2005 LRB S0342 drafting file

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

114.136 (title) **Airport <u>and spaceport</u> approach protection.**

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

114.136 **(1)** (a) Any county, city, village or town that is the owner of a site for an airport <u>or spaceport</u> which has been approved for such purpose by the appropriate agencies of the state and the federal government may protect the aerial approaches to such site by ordinance regulating, restricting and determining the use, location, height, number of stories and size of buildings and structures and objects of natural growth in the vicinity of such site and may divide the territory to be protected into several areas and impose different regulations and restrictions with respect to each area. The provisions of such ordinance shall be effective whether the site and the lands affected by such ordinance are located within or without the limits of such county, city, village or town, and whether or not such buildings, structures and objects of natural growth are in existence on the effective date of the ordinance. Such regulations, restrictions and determinations are declared to be for the purpose of promoting the public safety, welfare and convenience, and may be adopted, enforced and administered without the consent of any other governing body. Any ordinance adopted under this section may be amended from time to time in the same manner as is provided for the adoption of the original ordinance in sub. (2). The authority granted in this section shall be independent and exclusive of any other authority granted in the statutes.

(b) When an airport <u>or spaceport</u> site is owned jointly by 2 or more units of government, such ordinance may be adopted by joint action of the governing bodies of such units. In such case, such governing bodies shall meet jointly to select a joint commission consisting of one member from each governing body selected by that governing body and, if there be 2, the members so selected shall elect a third member. Such joint commission shall elect a chairperson and a secretary, and shall have authority to formulate a tentative ordinance and hold public hearings as provided

in sub. (2). At least 15 days written notice of the meeting to select a joint commission shall be given to each governing body by filing a copy of such written notice with the clerk thereof. Such notice may be given on the initiative of one such governing body or jointly by more than one. The governing bodies that attend such meeting may proceed jointly. If one attends, or if only one favors an ordinance, it may proceed alone without appointing a commission, but no ordinance applicable to a jointly owned airport <u>or spaceport</u> shall be adopted by a governing body acting alone unless it has given notice of meeting to select a joint commission as provided by this subsection, and such ordinance shall be as effective as if adopted by the joint bodies.

(c) As an alternative to the procedure for the appointment of members of the joint commission provided in par. (b), the governing bodies of the units of government which jointly own an airport <u>or spaceport</u> site may by separate resolution of each governing body designate an existing subunit of any one of the governing bodies to act as the joint commission. In such case, the designated subunit shall elect a chairperson and secretary, formulate a tentative ordinance and hold public hearings as provided in sub. (2). No tentative ordinance formulated under this paragraph is effective unless it is adopted by all of the governing bodies of the units of government which jointly own the airport <u>or spaceport</u> site.

(2) (a) Except as provided by sub. (1) (b) or (c), the county park commission in the case of any county except any county with a county executive or county administrator in which case the county park manager, the city or village plan commission in the case of a city or village, or if there is no such commission or manager, a committee of the governing body or bodies of the county, city, village or town which owns the airport <u>or spaceport</u> site shall formulate a tentative ordinance and hold a public hearing or hearings thereon in some public place within the county,

city, village or town. Notice of the hearings shall be given by publication of a class 3 notice, under ch. 985, in the area affected by the proposed ordinance.

(3) NONCONFORMING USES. The lawful use of land, buildings and structures existing at the time of the adoption or amendment of any ordinance under the authority of this section may be continued, although such use does not conform with the provisions of the ordinance. The expansion or enlargement of a nonconforming use shall be in conformity with the ordinance. The governing body of the owner of the airport <u>or spaceport</u> site may remove such nonconforming use or acquire the necessary air right over the same by purchase or exercise of the right of eminent domain in the manner provided by ch. 32.

(4) BOARD OF APPEALS. (a) Any ordinance enacted under this section shall provide for a board of appeals. If the county, city, village or town which is the owner of the airport <u>or spaceport</u> has enacted a zoning ordinance under provision of law other than this section, the board of adjustment or board of appeals set up by that ordinance shall also function as the board of appeals under the ordinance enacted under this section.

(b) If there ~~be~~ <u>is</u> no such board of appeals or board of adjustment, any regulations adopted under this section shall provide for a board of appeals. Where the airport <u>or spaceport</u> is owned jointly, the ordinance shall provide for a joint board of appeals. Such board shall be constituted and have all the powers, duties and functions as provided in s. 62.23 (7) (e), but not more than 2 members of such board shall be owners or occupants of the area affected by the ordinance.

(5) ENFORCEMENT. The governing body of the county, city, village or town owning the airport <u>or spaceport</u> site may provide for the enforcement of any ordinance or regulations enacted pursuant to this section. Such enforcement may

be by a system of permits or any other appropriate method. The governing body enacting the ordinance may provide for the punishment of a violation of the ordinance by fine or imprisonment, or both.

SECTION 68. 114.136 (2) (b) of the statutes is renumbered 114.136 (2) (b) 1. and amended to read:

114.136 **(2)** (b) 1. The regulations, restrictions and determinations shall include, among other things, provisions for the limitation of the height of buildings, structures and objects of natural growth located not more than 3 miles from the boundaries of the airport site <u>or located not more than 5 miles from the boundaries of the spaceport site</u>. Such regulations, restrictions and determinations shall specify the maximum permissible height of buildings, structures and objects of natural growth and may specify such maximum permissible height as a ratio between the permissible maximum height of the building, structure or object of natural growth above the level of the airport <u>or spaceport</u> site and its distance from the nearest point on the boundary of the airport <u>or spaceport</u> site.

<u>2.</u> For the purposes of this section, buildings, structures and objects of natural growth shall not be restricted to a height above the level of the airport site which is less than one–thirtieth of its distance from the boundary of the airport site in the case of class I and II airports as classified by the civil aeronautics administration of the United States department of commerce and one–fiftieth of its distance from the boundary of the airport in the case of class III and larger airports as classified by said administration. Provided, however, that a building, structure, or object of natural growth within 3 miles of the airport site may be restricted to a height of 150 feet above the airport level, which is defined as the lowest point planned on any runway.

SECTION 69. 114.151 of the statutes is amended to read:

1 **114.151 Union airports and spaceports.** All powers conferred upon any
2 county, city, village or town by ss. 114.11 to 114.15, relating to the acquisition,
3 establishment, construction, ownership, control, lease, equipment, improvement,
4 maintenance, operation and regulation of airports or landing fields, or spaceports or
5 spacecraft launch or landing areas, may be exercised by any 2 or more municipalities
6 in the establishment, acquisition, equipment and operation of joint airports or
7 landing fields, or spaceports or spacecraft launch or landing areas. The governing
8 body of any county, city, village or town participating in the ownership or operation
9 of a joint airport or spaceport as provided in this section may by resolution withdraw
10 from such joint operation or control and may relinquish its interest in the airport or
11 spaceport.

12 **SECTION 70.** 114.31 (1) and (4) of the statutes are amended to read:

13 114.31 **(1)** GENERAL. The secretary shall have general supervision of
14 aeronautics in the state and promote and foster a sound development of aviation in
15 this state, promote aviation education and training programs, assist in the
16 development of aviation and aviation facilities, safeguard the interests of those
17 engaged in all phases of aviation, formulate and recommend and promote reasonable
18 regulations in the interests of safety, and coordinate state aviation activities with
19 those of other states ~~and~~, the federal government, and the Wisconsin Aerospace
20 Authority. The secretary shall have all powers that are necessary to carry out the
21 policies of the department of transportation, including the right to require that
22 statements made to the secretary be under oath. The secretary is especially charged
23 with the duty of informing himself or herself regarding all federal laws that affect
24 aeronautics and astronautics in this state, all regulations pursuant to such laws, and
25 all pending legislation providing for a national airport system, in order that the

1 secretary may recommend to the governor and the legislature such measures as will
2 best enable this state to derive the maximum benefits from such legislation if and
3 when it shall become effective. It shall be the duty of all other state boards,
4 commissions, departments and institutions, especially the appropriate educational
5 institutions and the Wisconsin Aerospace Authority, to cooperate with the secretary.

6 **(4)** COOPERATION WITH FEDERAL AERONAUTICAL OR ASTRONAUTICAL AGENCY. The
7 secretary shall cooperate with and assist the federal government, the political
8 subdivisions of this state, and others engaged in aeronautics or astronautics or the
9 promotion of aeronautics or astronautics, and shall seek to coordinate the
10 aeronautical or astronautical activities of these bodies. To this end, the secretary is
11 empowered to confer with or to hold joint hearings with any federal aeronautical or
12 astronautical agency in connection with any matter arising under this chapter,
13 relating to the sound development of aeronautics or astronautics, and to take
14 advantage of the cooperation, services, records and facilities of such federal agencies,
15 as fully as may be practicable, in the administration of said sections. The secretary
16 shall furnish to the federal agencies cooperation, and the services, records and
17 facilities of the department, insofar as may be practicable.

18 **SECTION 71.** 114.33 (12) of the statutes is amended to read:

19 114.33 **(12)** Lands held by any department, board, commission ~~or~~, other agency
20 of the state, or the Wisconsin Aerospace Authority may, with the approval of the
21 governor, be conveyed to the secretary in the manner prescribed by statute and, if
22 none is prescribed, then by a conveyance authorized by appropriate resolution of the
23 controlling department, board or commission of the agency concerned or by the
24 Wisconsin Aerospace Authority.

25 **SECTION 72.** 114.37 (title) of the statutes is amended to read:

1 **114.37** (title) **Advance land acquisition loan program <u>for airport</u>**
2 **<u>projects</u>.**

3 **SECTION 73.** 114.375 of the statutes is created to read:

4 **114.375 Advance land acquisition loan program for spaceport projects.**
5 **(1)** PURPOSE. The purpose of this section is to promote the state's interest in
6 aerospace programs by providing loans for advance land acquisition for spaceport
7 projects.

8 **(2)** ADMINISTRATION. The department shall administer an advance land
9 acquisition loan program to assist a county, city, village, town, or an owner of a
10 spaceport in acquiring land necessary for spaceport projects. The department shall
11 have all powers necessary and convenient to implement this section, including the
12 following powers:

13 (a) To specify conditions of eligibility for loans under this section. Such
14 conditions shall include the requirement that the land to be acquired must be part
15 of a planned spaceport improvement project or a land acquisition project that is
16 essential to future spaceport development or to the safety of spacecraft using the
17 spaceport.

18 (b) To receive applications for loans under this section and to prescribe the form,
19 nature, and extent of the information which shall be contained in applications.

20 (c) To establish standards for the approval of loans under this section. No loan
21 may be made for an amount greater than 80 percent of the department's assessment
22 of the value of the property.

23 (d) To enter into loan agreements with applicants to ensure the proper use and
24 prompt repayment of loans under this section. The loan agreement shall include the
25 requirements that the loan be repaid within a period not to exceed 10 years and that

the proceeds of any state or federal land acquisition funding received be fully pledged to repayment of the loan. The department may not make a loan for more than 80 percent of the estimated land acquisition costs, including the costs of any necessary project plans and environmental studies. The loan agreement shall require that the department be designated to act as the loan recipient's agent in the acquisition of the land. Title to the land acquired shall be held by the loan recipient, but the department may retain a security interest in the land until the loan is repaid. The loan agreement shall require the payment of interest and reasonable costs incurred by the department.

(e) To acquire lands as the designated agent of a loan recipient.

(f) To audit and inspect the records of loan recipients.

(3) FUNDS. The department may make loans under this section from the appropriation under s. 20.395 (2) ~~(dv)~~ (mv). The total outstanding balance of loans under this subsection may not exceed $10,000,000.

(4) RULES. The department may adopt rules as necessary to implement this section.

SECTION 74. Subchapter II of chapter 114 [precedes 114.60] of the statutes is created to read:

CHAPTER 114

SUBCHAPTER II

WISCONSIN AEROSPACE AUTHORITY

114.60 Definitions. In this subchapter:

(1) "Aerospace facilities" means facilities and infrastructure in this state used primarily to provide aerospace services, including: laboratories and research facilities; office, storage, and manufacturing facilities; instructional and other

educational facilities; space museums; and other buildings, equipment, and instruments related to the operations of the aerospace industry or to providing aerospace services.

(2) "Aerospace services" means services that promote, advance, and facilitate space exploration and space–related commercial, technological, and educational development in this state, including: space–related research, experimentation, and development of technology and other intellectual property; space–related business incubator services or services for start–up aerospace companies; programs, projects, operations, and activities to develop, enhance, or provide commercial and noncommercial space–related opportunities for business, industry, education, and government; services or activities that promote the commercialization of the space and aerospace industry and space–related economic growth; services or activities that promote and facilitate space–related educational opportunities and tourism, including educational initiatives and operation or sponsorship of space museums and tourist attractions; consulting services; and administrative services.

(3) "Authority" means the Wisconsin Aerospace Authority.

(4) "Board" means the board of directors of the authority.

(5) "Bond" means a bond, note, or other obligation of the authority issued under this chapter, including a refunding bond.

(6) "Bond resolution" means a resolution of the board authorizing the issuance of, or providing terms and conditions related to, bonds and includes, when appropriate, any trust agreement, trust indenture, indenture of mortgage, or deed of trust providing terms and conditions for the bonds.

(7) "Payload" means any property, cargo, or persons transported by spacecraft.

1 **(8)** "Recovery" means the recovery of any spacecraft or payload, or any part of
2 any spacecraft or payload, including any appurtenance, instrument, or equipment,
3 that has detached from a spacecraft in flight or upon launch or landing.

4 **(9)** "Spaceport facilities" means facilities and infrastructure that are located
5 within a spaceport and related to the operation or purpose of the spaceport,
6 including: spaceport launch or landing areas; launch or landing control centers or
7 other facilities; structures, mechanisms, or devices for communicating with or
8 navigating or tracking spacecraft; buildings, structures, equipment, or other
9 facilities associated with spacecraft construction, development, assembly,
10 processing, testing, or evaluation; buildings, structures, equipment, or other
11 facilities associated with payload loading, assembly, processing, testing, or
12 evaluation; space flight hardware, software, or instrumentation; facilities
13 appropriate to meet the transportation, electric, gas, water and sewer, flood control,
14 waste disposal, and other infrastructure needs within the spaceport; facilities to
15 meet public safety needs within the spaceport, including any facility related to
16 spaceport security and emergency services such as fire and ambulance;
17 administrative facilities; and other buildings, equipment, and instruments related
18 to spaceport operations or the providing of spaceport services.

19 **(10)** "Spaceport services" means any services provided in connection with the
20 operation, management, or control of a spaceport or spaceport facilities, including:
21 the launching or landing of spacecraft; communicating with or navigating or
22 tracking spacecraft; construction, development, assembly, processing, testing, or
23 evaluation of spacecraft or payload; loading spacecraft payload; spaceport security
24 and emergency services; and administrative services.

1 **(11)** "Spaceport territory" means a spaceport of the authority in this state and
2 any additional aerospace facilities associated with the spaceport that are in the
3 immediate vicinity of the spaceport.

4 **(12)** "Wisconsin Space Grant Consortium" means the statewide regional
5 consortium designated as such by the federal administrator of the National
6 Aeronautics and Space Administration under 42 USC 2486f (a) (1) (B).

7 **114.61 Creation and organization. (1)** There is created a public body
8 corporate and politic to be known as the "Wisconsin Aerospace Authority." The board
9 of the authority shall consist of the following members:

10 (a) Six members nominated by the governor, and with the advice and consent
11 of the senate appointed, for 3–year terms.

12 (b) One member of the senate, appointed by the president of the senate, and one
13 member of the assembly, appointed by the speaker of the assembly, each for a 3–year
14 term.

15 (c) The director of the Wisconsin Space Grant Consortium. If the Wisconsin
16 Space Grant Consortium ceases to exist or does not appoint a director, an additional
17 member of the board shall be appointed under par. (a) in lieu of the member under
18 this paragraph.

19 **(2)** Except for the member specified under sub. (1) (c), each member of the board
20 shall be a resident of the state and shall have experience in the aerospace or
21 commercial space industry, in education, or in finance or shall have other significant
22 experience related to the functions of the authority as specified in this subchapter.

23 **(3)** (a) The terms of the members appointed under sub. (1) (a) and (b) expire on
24 June 30. Each member's appointment remains in effect until a successor is
25 appointed unless the member vacates or is removed from his or her office. A member

who serves as a result of holding another office or position vacates his or her office as a member when he or she vacates the other office or position. A member who ceases to qualify for office vacates his or her office.

(b) A vacancy on the board shall be filled in the same manner as the original appointment to the board for the remainder of the unexpired term, if any.

(c) A member appointed under sub. (1) (a) may be removed by the governor for cause. A member appointed under sub. (1) (b) shall be removed, as applicable, by the president of the senate or the speaker of the assembly if the member is absent at 2 consecutive board meetings without the prior written approval of the chairperson of the board. A vacancy on the board created by removal under this paragraph is subject to par. (b).

(d) A member of the board appointed under sub. (1) (a) or (b) may not serve more than 3 consecutive 3–year terms, but may be reappointed to additional terms after a one–year absence from the board.

(e) A member of the board may hold public office or otherwise be publicly or privately employed.

(4) (a) A member of the board may not be compensated for his or her services but shall be reimbursed for actual and necessary expenses, including travel expenses, incurred in the performance of his or her duties.

(b) The amount of reimbursement under par. (a) shall be limited to the uniform travel schedule amounts approved under s. 20.916 (8).

(5) No cause of action of any nature may arise against and no civil liability may be imposed upon a member of the board for any act or omission in the performance of his or her powers and duties under this subchapter, unless the person asserting liability proves that the act or omission constitutes willful misconduct.

1 **(6)** The members of the board shall annually elect a chairperson and may elect
2 other officers as they consider appropriate. Five members of the board constitute a
3 quorum for the purpose of conducting the business and exercising the powers of the
4 authority, notwithstanding the existence of any vacancy. The board may take action
5 upon a vote of a majority of the members present, unless the bylaws of the authority
6 require a larger number. The board shall meet at least once every 6 months, but may
7 meet more frequently. Except as provided in s. 114.65 (4), meetings of the board are
8 subject to the open meetings requirements specified in subch. V of ch. 19.

9 **(7)** The board shall appoint an executive director who may not be a member of
10 the board and who shall serve at the pleasure of the board. The authority may
11 delegate by resolution to one or more of its members or its executive director any
12 powers and duties that it considers proper. The board shall determine the
13 compensation of the executive director. The executive director or another person
14 designated by resolution of the board shall keep a record of the proceedings of the
15 authority and shall be custodian of all books, documents, and papers filed with the
16 authority, the minute book or journal of the authority, and its official seal. The
17 executive director or other person may cause copies to be made of all minutes and
18 other records and documents of the authority and may give certificates under the
19 official seal of the authority to the effect that the copies are true copies, and all
20 persons dealing with the authority may rely upon the certificates. The executive
21 director may call meetings of the board more frequently than the meetings required
22 under sub. (6).

23 **114.62 Powers of authority.** The authority has all of the powers necessary
24 or convenient to carry out the purposes and provisions of this chapter. In addition
25 to all other powers granted by this chapter, the authority may do any of the following:

1 **(1)** Adopt bylaws and policies and procedures for the regulation of its affairs
2 and the conduct of its business.

3 **(2)** Sue and be sued. The authority has a direct right of action against any 3rd
4 party to enforce any provision of this subchapter or to carry out any power provided
5 to it under this subchapter or to protect its interests as authorized under this
6 subchapter.

7 **(3)** Have a seal and alter the seal at pleasure; have perpetual existence; and
8 maintain an office.

9 **(4)** Hire employees, define their duties, and fix their rate of compensation and
10 benefits. The authority may also employ any agent or special advisor that the
11 authority finds necessary and fix his or her compensation. The amount of
12 reimbursement to any employee, agent, or special advisor shall be limited to the
13 uniform travel schedule amounts approved under s. 20.916 (8).

14 **(5)** Appoint any technical or professional advisory committee that the
15 authority finds necessary to assist the authority in exercising its duties and powers;
16 define the duties of any committee; and provide reimbursement for the expenses of
17 any committee. The amount of reimbursement under this subsection shall be limited
18 to the uniform travel schedule amounts approved under s. 20.916 (8).

19 **(6)** Buy, sell, lease as lessor or lessee, or otherwise acquire any interest in or
20 dispose of any interest in property, including real property, personal property, and
21 intangible property rights.

22 **(7)** Make and execute contracts and other legal instruments necessary or
23 convenient for the conduct of its business or to the exercise of its powers, including:
24 procurement contracts; lease or rental agreements; lease–purchase, purchase and
25 sale, and option to purchase agreements; consulting agreements; loan agreements;

1 financing agreements; security agreements; contractual services agreements;
2 affiliation agreements; and cooperative agreements with any governmental unit or
3 other person, including agreements for any jointly provided service or jointly
4 developed or operated facility.

5 **(8)** Accept gifts, bequests, contributions, and other financial assistance, in the
6 form of money, property, or services, from any person, for the conduct of its business
7 or for any other authorized purpose.

8 **(9)** Apply for and accept loans, grants, advances, aid, and other forms of
9 financial assistance or funding, in the form of money, property, or services, from any
10 person, including federal aid, for the conduct of its business or for any other
11 authorized purpose.

12 **(10)** Acquire, own, lease, construct, develop, plan, design, establish, create,
13 improve, enlarge, reconstruct, equip, finance, operate, manage, and maintain:

14 (a) Any spaceport, spaceport territory, spaceport facility, aerospace facility, or
15 other facility or site within this state related to conducting the business or exercising
16 the powers of the authority.

(insert 49-16)

17 (b) Any spacecraft or other vehicle or aircraft related to conducting the business
18 or exercising the powers of the authority.

19 (c) Any program or project related to conducting the business or exercising the
20 powers of the authority.

21 (d) Any intangible property right, including any patent, trademark, service
22 mark, copyright, trade secret, certification mark, or other right acquired under
23 federal or state law, common law, or the law of any foreign country. The authority
24 may utilize such rights for any permissible purpose under law, including licensing
25 such rights in exchange for payment of royalties.

1 **(11)** Offer, provide, furnish, or manage, and enter into contracts related to, any
2 service or facility of the authority.
3 **(12)** Establish and collect fees, rents, rates, tolls, and other charges and
4 revenues in connection with any service provided by the authority or the use of any
5 facility of the authority.
6 **(13)** Issue bonds in accordance with ss. 114.70 to 114.76 and fund any
7 spaceport, facility, or service of the authority with bond proceeds.
8 **(14)** Borrow money or incur debt other than through bond issuance, and pledge
9 property or revenues or provide other security for such debt.
10 **(15)** Invest funds held by the authority, including investments under s. 25.50.
11 **(16)** Procure liability insurance covering its officers, employees and agents,
12 insurance against any loss in connection with its operations, property, and assets,
13 and insurance on its debt obligations.
14 **(17)** Exercise the right of eminent domain in the manner provided by ch. 32.
15 **(18)** Provide for and maintain wildlife conservation areas, and prohibit or
16 control the pollution of air and water, in any spaceport or spaceport territory, beyond
17 what is required under state or federal law.
18 **(19)** Specify the location of any utility facilities in any spaceport or spaceport
19 territory.
20 **(20)** Divide any spaceport or spaceport territory into zones or districts of any
21 number or shape.
22 **(21)** Prohibit any person from using the words "WISCONSIN SPACEPORT"
23 or "SPACEPORT WISCONSIN" in any corporate or business–related name without
24 prior written approval of the authority.

1 **(22)** Subject to any requirement of federal law and to any duty of the
2 department specified under this chapter, maintain exclusive jurisdiction over
3 spaceports of the authority.

4 **114.63 Duties of authority.** The authority shall do all of the following:

5 **(1)** Establish a spaceport in this state in the city of Sheboygan in Sheboygan
6 County.

7 **(2)** Promote this state's aerospace industry; analyze trends in the aerospace
8 industry and recommend actions to be taken by this state to compete in the global
9 aerospace industry; and coordinate access to commercial, technical, and general
10 aerospace information and services.

11 **(3)** Advertise and promote to the public the development and utilization of
12 spaceport facilities, spaceport services, aerospace facilities, and aerospace services
13 of the authority.

14 **(4)** Develop, promote, attract, and maintain space–related businesses in this
15 state, which may include expenditures for travel, entertainment, and hospitality for
16 business clients or guests or other authorized persons, but such expenditures shall
17 be limited to the uniform travel schedule amounts approved under s. 20.916 (8).

18 **(5)** Provide aerospace services to the aerospace industry and general public of
19 this state, provide commercial and noncommercial aerospace business opportunities
20 for industry, education, and government, and develop projects within this state to
21 foster and improve aerospace economic growth.

22 **(6)** Advise, cooperate, and coordinate with federal, state, and local
23 governmental units, the aerospace industry, educational organizations, businesses,
24 and the Wisconsin Space Grant Consortium, and any other person interested in the
25 promotion of space–related industry.

1 **(7)** Furnish leadership in securing adequate funding for spaceports, spaceport
2 facilities, spaceport services, aerospace facilities, and aerospace services in this
3 state.

4 **(8)** Act as a central clearinghouse and source of information in this state for
5 spaceports, spaceport facilities, spaceport services, aerospace facilities, and
6 aerospace services, including furnishing such information to legislators, offices of
7 government, educational institutions, and the general public.

8 **(9)** Develop a business plan to promote and facilitate spaceport–related
9 educational and commercial development in this state, and to stimulate and improve
10 aerospace science, design, technology, and research in this state, which plan shall
11 include information about the authority and information and analysis about
12 space–related industry, technology, design, manufacturing, marketing, and
13 management. The business plan shall be developed in cooperation with the
14 Wisconsin Space Grant Consortium.

15 **(10)** Assist any state agency, municipality, or other governmental unit, upon
16 its request, in the development of any spaceport or spaceport facility.

17 **(11)** Use the building commission as a financial consultant to assist and
18 coordinate the issuance of bonds under this subchapter.

19 **(12)** Comply with all applicable state and federal laws, including all
20 environmental and aeronautics laws, in the exercise of the powers specified under
21 this subchapter.

22 **(13)** Comply with all requirements under federal law related to the use or
23 expenditure of federal aid, and comply with all lawful restrictions or conditions
24 imposed by state law or by the terms of any gift, bequest, grant, loan, aid,
25 contribution, or financial assistance relating to the use or expenditure of such funds.

1 **(14)** To the extent permitted by applicable state and federal law, attempt to
2 involve and utilize, with respect to any facility or service provided by the authority,
3 disadvantaged individuals, disadvantaged businesses, and minority businesses, as
4 those terms are defined in s. 84.076 (1) (a) to (c).

5 **(15)** Establish a safety program that includes the development and
6 implementation of a loss prevention program, safety policies, and regular and
7 periodic facility and equipment inspections.

8 **(16)** Attempt to procure adequate liability and property insurance.

9 **(17)** Subject to s. 114.64, establish the authority's annual budget and monitor
10 the fiscal management of the authority.

11 **114.64 Annual reports. (1)** The authority shall keep an accurate account of
12 all of its activities and of all of its receipts and expenditures, and shall annually in
13 January make a report of its activities, receipts, expenditures, and financial
14 condition to the governor and the chief clerk of each house of the legislature, for
15 distribution to the legislature under s. 13.172 (2). The reports shall be in a form
16 approved by the state auditor.

17 **(2)** (a) Within 180 days after the effective date of this paragraph .... [revisor
18 inserts date], or within 60 days after the authority receives from any public or private
19 source money sufficient to fund the cost of preparing a business plan, whichever is
20 later, the authority shall submit to the department of administration the business
21 plan specified under s. 114.63 (9) and an estimate of the costs of and funding for any
22 planned projects of the authority described in s. 114.62 (10).

23 (b) The authority shall update and resubmit the plan under par. (a) upon the
24 request of the department of administration.

1 **(3)** For each fiscal year in which the authority receives operating revenues, the
2 authority shall submit to the department of administration an audited financial
3 statement, which shall include notes that explain in detail the specific sources of
4 funding contained in the financial statement.

5 **114.65 Maintenance of records. (1)** (a) Subject to rules promulgated by the
6 department of administration under s. 16.611, the authority may transfer to or
7 maintain in optical disk or electronic format any record in its custody and retain the
8 record in that format only.

9 (b) Subject to rules promulgated by the department of administration under s.
10 16.611, the authority shall maintain procedures to ensure the authenticity, accuracy,
11 reliability, and accessibility of records transferred to or maintained in optical disk or
12 electronic format under par. (a).

13 (c) Subject to rules promulgated by the department of administration under s.
14 16.611, if the authority transfers to or maintains in optical disk or electronic format
15 any records in its custody, the authority shall ensure that the records stored in that
16 format are protected from unauthorized destruction.

17 **(2)** (a) Any microfilm reproduction of an original record of the authority, or a
18 copy generated from an original record stored in optical disk or electronic format, is
19 considered an original record if all of the following conditions are met:

20 1. Any device used to reproduce the record on film or to transfer the record to
21 optical disk or electronic format and generate a copy of the record from optical disk
22 or electronic format accurately reproduces the content of the original.

23 2. The reproduction is on film which complies with the minimum standards of
24 quality for microfilm reproductions, as established by rule of the public records
25 board, or the copy generated from optical disk or electronic format comply with the

minimum standards of quality for such copies, as established by rule of the department of administration under s. 16.611.

3. The film is processed and developed in accordance with the minimum standards established by the public records board. This subdivision does not apply to a copy generated from an electronic record.

4. The record is arranged, identified, and indexed so that any individual document or component of the record can be located with the use of proper equipment.

5. The custodian of the record designated by the authority executes a statement of intent and purpose describing the record to be reproduced or transferred to optical disk or electronic format and the disposition of the original record, and executes a certificate verifying that the record was received or created and microfilmed or transferred to optical disk or electronic format in the normal course of business and files the statement in the offices of the authority.

(b) The statement of intent and purpose executed under par. (a) 5. is presumptive evidence of compliance with all conditions and standards prescribed by this subsection.

(3) (a) Any microfilm reproduction of a record of the authority meeting the requirements of sub. (2) or copy of a record of the authority generated from an original record stored in optical disk or electronic format in compliance with this section shall be taken as, stand in lieu of, and have all the effect of the original document and shall be admissible in evidence in all courts and all other tribunals or agencies, administrative or otherwise, in all cases where the original document is admissible.

1 (b) Any enlarged copy of a microfilm reproduction of a record of the authority
2 made as provided by this section or any enlarged copy of a record of the authority
3 generated from an original record stored in optical disk or electronic format in
4 compliance with this section that is certified by the custodian as provided in s. 889.08
5 shall have the same force as an actual–size copy.

6 **(4)** Notwithstanding any other provision of this subchapter, the authority shall
7 maintain the confidentiality of records or portions of records held by the authority
8 containing any trade secret, as specified under s. 19.36 (5). Notwithstanding subch.
9 V of ch. 19, any portion of any meeting of the authority concerning trade secrets shall
10 be conducted in closed session and shall in all respects, including in any written
11 record or audio or visual recording of the meeting, remain confidential.

12 **114.67 Cooperation with governmental units.** To enhance the efficiency
13 and effectiveness of the authority, the state, any political subdivision of the state,
14 municipality, or other governmental unit may enter into cooperative agreements
15 with the authority for furnishing any facility or service of the state, political
16 subdivision, body politic, or other governmental unit to the authority, including fire
17 and police protection, and may otherwise provide, to the extent permitted by law, any
18 funds, property, or services to the authority.

19 **114.68 Political activities. (1)** No employee of the authority may directly
20 or indirectly solicit or receive subscriptions or contributions for any partisan political
21 party or any political purpose while engaged in his or her official duties as an
22 employee. No employee of the authority may engage in any form of political activity
23 calculated to favor or improve the chances of any political party or any person seeking
24 or attempting to hold partisan political office while engaged in his or her official
25 duties as an employee or engage in any political activity while not engaged in his or

her official duties as an employee to such an extent that the person's efficiency during working hours will be impaired or that he or she will be tardy or absent from work. Any violation of this section is adequate grounds for dismissal.

(2) If an employee of the authority declares an intention to run for partisan political office, the employee shall be placed on a leave of absence for the duration of the election campaign and if elected shall no longer be employed by the authority on assuming the duties and responsibilities of such office.

(3) An employee of the authority may be granted, by the executive director, a leave of absence to participate in partisan political campaigning.

(4) Persons on leave of absence under sub. (2) or (3) shall not be subject to the restrictions of sub. (1), except as they apply to the solicitation of assistance, subscription, or support from any other employee in the authority.

114.69 Liability limited. (1) Neither the state nor any political subdivision of the state nor any officer, employee, or agent of the state or of a political subdivision who is acting within the scope of employment or agency is liable for any debt, obligation, act, or omission of the authority.

(2) All of the expenses incurred by the authority in exercising its duties and powers under this chapter shall be payable only from funds of the authority.

114.70 Issuance of bonds. (1) The authority may issue bonds for any corporate purpose. All bonds are negotiable for all purposes, notwithstanding their payment from a limited source.

(2) The bonds of each issue shall be payable from sources specified in the bond resolution under which the bonds are issued.

(3) The authority may not issue bonds unless the issuance is first authorized by a bond resolution. Bonds shall bear the dates, mature at the times not exceeding

1 30 years from their dates of issue, bear interest at the rates, be payable at the times,
2 be in the denominations, be in the form, carry the registration and conversion
3 privileges, be executed in the manner, be payable in lawful money of the United
4 States at the places, and be subject to the terms of redemption, that the bond
5 resolution provides. The bonds shall be executed by the manual or facsimile
6 signatures of the officers of the authority designated by the board. The bonds may
7 be sold at public or private sale at the price, in the manner, and at the time
8 determined by the board. Pending preparation of definitive bonds, the authority may
9 issue interim receipts or certificates that the authority shall exchange for the
10 definitive bonds.

11 **(4)** Any bond resolution may contain provisions, which shall be a part of the
12 contract with the holders of the bonds that are authorized by the bond resolution,
13 regarding any of the following:

14 (a) Pledging or assigning specified assets or revenues of the authority.

15 (b) Setting aside reserves or sinking funds, and the regulation, investment, and
16 disposition of these funds.

17 (c) Limitations on the purpose to which or the investments in which the
18 proceeds of the sale of any issue of bonds may be applied.

19 (d) Limitations on the issuance of additional bonds, the terms upon which
20 additional bonds may be issued and secured, and the terms upon which additional
21 bonds may rank on a parity with, or be subordinate or superior to, the bonds
22 authorized by the bond resolution.

23 (e) Funding, refunding, advance refunding, or purchasing outstanding bonds.

1 (f) Procedures, if any, by which the terms of any contract with bondholders may
2 be amended, the amount of bonds the holders of which must consent to the
3 amendment, and the manner in which this consent may be given.
4 (g) Defining the acts or omissions to act that constitute a default in the duties
5 of the authority to the bondholders, and providing the rights and remedies of the
6 bondholders in the event of a default.
7 (h) Other matters relating to the bonds that the board considers desirable.
8 **(5)** Neither the members of the board nor any person executing the bonds is
9 liable personally on the bonds or subject to any personal liability or accountability
10 by reason of the issuance of the bonds, unless the personal liability or accountability
11 is the result of willful misconduct.
12 **(6)** No less than 14 days prior to any commitment by the authority for the
13 issuance of bonds under this section, the authority shall submit the bond resolution
14 to the governor, to the chief clerk of each house of the legislature for distribution to
15 the legislature under s. 13.172 (2), and to the cochairpersons of the joint committee
16 on finance. If, within 14 days after the date on which the bond resolution is submitted
17 to the joint committee on finance, the cochairpersons of the committee do not notify
18 the authority that the committee has scheduled a meeting for the purpose of
19 reviewing the bond resolution, the authority may proceed with any commitment for
20 the issuance of bonds under the bond resolution. If, within 14 days after the date on
21 which the bond resolution is submitted to the committee, the cochairpersons of the
22 committee notify the authority that the committee has scheduled a meeting to review
23 the bond resolution, the authority may proceed with any commitment for the
24 issuance of bonds under the bond resolution only upon approval by the committee.

1 **114.71 Bond security.** The authority may secure any bonds issued under this
2 chapter by a trust agreement, trust indenture, indenture of mortgage, or deed of
3 trust by and between the authority and one or more corporate trustees. The bond
4 resolution providing for the issuance of bonds so secured shall pledge some or all of
5 the revenues to be received by the authority, including to the extent permitted by law
6 any grant, aid, loan, or other contribution, or shall mortgage, assign, or grant
7 security interests in some or all of the property of the authority, or both, and may
8 contain provisions for protecting and enforcing the rights and remedies of the
9 bondholders that are reasonable and proper and not in violation of law. A bond
10 resolution may contain any other provisions that are determined by the board to be
11 reasonable and proper for the security of the bondholders.

12 **114.72 Bonds not public debt. (1)** The state is not liable on bonds of the
13 authority and the bonds are not a debt of the state. Each bond of the authority shall
14 contain a statement to this effect on the face of the bond. The issuance of bonds under
15 this chapter does not, directly, indirectly, or contingently, obligate the state or any
16 political subdivision of the state to levy any tax or to make any appropriation for
17 payment of the bonds. Nothing in this section prevents the authority from pledging
18 its full faith and credit to the payment of bonds issued under this chapter.

19 **(2)** Nothing in this chapter authorizes the authority to create a debt of the state,
20 and all bonds issued by the authority under this chapter are payable, and shall state
21 that they are payable, solely from the funds pledged for their payment in accordance
22 with the bond resolution authorizing their issuance or in any trust indenture or
23 mortgage or deed of trust executed as security for the bonds. The state is not liable
24 for the payment of the principal of or interest on any bonds of the authority or for the
25 performance of any pledge, mortgage, obligation, or agreement which may be

1 undertaken by the authority. The breach of any pledge, mortgage, obligation, or
2 agreement undertaken by the authority does not impose any pecuniary liability upon
3 the state or any charge upon its general credit or against its taxing power.

4 **114.73 State pledge.** The state pledges to and agrees with the holders of
5 bonds, and persons that enter into contracts with the authority under this chapter,
6 that the state will not limit or alter the rights vested in the authority by this chapter
7 before the authority has fully met and discharged the bonds, and any interest due
8 on the bonds, and has fully performed its contracts, unless adequate provision is
9 made by law for the protection of the bondholders or those entering into contracts
10 with the authority.

11 **114.74 Refunding bonds. (1)** The authority may issue bonds to fund or
12 refund any outstanding bond, including the payment of any redemption premium on
13 the outstanding bond and any interest accrued or to accrue to the earliest or any
14 subsequent date of redemption, purchase, or maturity.

15 **(2)** The authority may apply the proceeds of any bond issued to fund or refund
16 any outstanding bond to purchase, retire at maturity, or redeem any outstanding
17 bond. The authority may, pending application, place the proceeds in escrow to be
18 applied to the purchase, retirement at maturity, or redemption of any outstanding
19 bond at any time.

20 **114.75 Limit on amount of outstanding bonds.** The authority may not
21 have outstanding at any one time bonds in an aggregate principal amount exceeding
22 $100,000,000, excluding bonds issued to refund outstanding bonds.

23 **114.76 Bonds exempt from taxation.** The state covenants with the
24 purchasers and all subsequent holders and transferees of bonds issued by the
25 authority, in consideration of the acceptance of any payment for the bonds, that its

1 fees, charges, gifts, grants, revenues, receipts, and other moneys received or to be
2 received, pledged to pay or secure the payment of such bonds shall at all times be free
3 and exempt from all state, city, county, or other taxation provided by the laws of the
4 state.

5 **114.77 Funding of certain project costs. (1)** In this section, "spaceport
6 improvement project" means any project to acquire, construct, develop, plan, design,
7 establish, create, improve, enlarge, reconstruct, or equip any spaceport or spaceport
8 facility.

9 **(2)** The costs of spaceport improvement projects involving federal aid, in excess
10 of the federal government's share, shall be borne by the authority and the state,
11 except that the state shall pay not more than 50 percent of such excess costs, nor more
12 than $10,000,000 for the cost of a building project or building improvement project
13 and no part of the cost of hangars. The secretary, upon agreement with the authority,
14 may advance up to 10 percent of the amount of any federal aid grant agreement for
15 the payment of project costs of a federal aid project, subject to reimbursement upon
16 final liquidation and settlement of the project with the authority and federal
17 government.

18 **(3)** The costs of spaceport improvement projects not involving federal aid shall
19 be borne by the authority and the state. The state shall pay not more than 80 percent
20 of such costs, which may include the cost of the land, the cost of lands or interest in
21 lands deemed necessary for the protection of the aerial approaches, the cost of
22 formulating the project application and preparing the plans and specifications, and
23 the cost of construction and of all facilities deemed necessary for the operation of the
24 spaceport. The state shall contribute not more than $10,000,000 for the cost of a
25 building project or building improvement project and no part of the cost of hangars.

1 **(4)** The percentage of the costs borne by the state shall be determined by the
2 department on the basis of the relative importance of the specific project to any state
3 spaceport development program as a whole.

4 **(5)** The state shall promote the development of a spaceport system in this state
5 and promote the development of joint spaceports in this state and in adjoining states
6 which mutually benefit citizens of this state and those of adjoining states. The
7 secretary may use the funds provided by the state to assist the authority in matching
8 the federal aid that may become available to the state or available for specific projects
9 or joint projects within this state or in an adjoining state.

10 **(6)** All ~~state~~ funds provided by the state under this section shall be paid from the
11 appropriation accounts under s. 20.395 (2) ~~(dq), (dv), and (dx)~~ (mq), (mv), and (mx).

12 **114.78 Tax exemption.** The exercise of the powers granted by this subchapter
13 will be in all respects for the benefit of the people of this state and for the increase
14 of their commerce, welfare, and prosperity, and, as the undertaking of the authority's
15 powers and duties under this subchapter will constitute the performance of an
16 essential public function, the authority shall not be required to pay any taxes or
17 assessments upon or in respect to any property acquired or used by the authority
18 under this subchapter and the authority's income therefrom shall at all times be free
19 from taxation of every kind by the state and by political subdivisions of the state.

20 **SECTION 75.** 219.09 (1) (g) of the statutes is created to read:

21 219.09 **(1)** (g) The Wisconsin Aerospace Authority.

22 **SECTION 76.** 230.03 (3) of the statutes is amended to read:

23 230.03 **(3)** "Agency" means any board, commission, committee, council, or
24 department in state government or a unit thereof created by the constitution or
25 statutes if such board, commission, committee, council, department, unit, or the

1 head thereof, is authorized to appoint subordinate staff by the constitution or
2 statute, except a legislative or judicial board, commission, committee, council,
3 department, or unit thereof or an authority created under subch. II of ch. 114 or chs.
4 231, 232, 233, 234, 235, or 237. "Agency" does not mean any local unit of government
5 or body within one or more local units of government that is created by law or by
6 action of one or more local units of government.

7 **SECTION 77.** 281.75 (4) (b) 3. of the statutes is amended to read:

8 281.75 **(4)** (b) 3. An authority created under subch. II of ch. 114 or ch. 231, 233,
9 234, or 237.

10 **SECTION 78.** 285.59 (1) (b) of the statutes is amended to read:

11 285.59 **(1)** (b) "State agency" means any office, department, agency, institution
12 of higher education, association, society or other body in state government created
13 or authorized to be created by the constitution or any law which is entitled to expend
14 moneys appropriated by law, including the legislature and the courts, the Wisconsin
15 Housing and Economic Development Authority, the Bradley Center Sports and
16 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
17 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
18 Authority, and the Wisconsin Health and Educational Facilities Authority.

19 **SECTION 79.** 560.032 (1) of the statutes is amended to read:

20 560.032 **(1)** ALLOCATION. The department, by rule, shall establish under 26
21 USC 146 and administer a system for the allocation of the volume cap on the issuance
22 of private activity bonds, as defined under 26 USC 141 (a), among all municipalities,
23 as defined in s. 67.01 (5), and any corporation formed on behalf of those
24 municipalities, and among this state, the Wisconsin Health and Educational

Facilities Authority, the Wisconsin Aerospace Authority, and the Wisconsin Housing and Economic Development Authority.

SECTION 80. 893.80 (1) of the statutes is amended to read:

893.80 **(1)** Except as provided in subs. (1g), (1m), (1p) and (8), no action may be brought or maintained against any volunteer fire company organized under ch. 213, the Wisconsin Aerospace Authority, or any political corporation, governmental subdivision or agency thereof nor against any officer, official, agent or employee of the corporation, subdivision ~~or~~, agency, or Wisconsin Aerospace Authority for acts done in their official capacity or in the course of their agency or employment upon a claim or cause of action unless:

(a) Within 120 days after the happening of the event giving rise to the claim, written notice of the circumstances of the claim signed by the party, agent or attorney is served on the volunteer fire company, Wisconsin Aerospace Authority, political corporation, governmental subdivision or agency and on the officer, official, agent or employee under s. 801.11. Failure to give the requisite notice shall not bar action on the claim if the fire company, Wisconsin Aerospace Authority, corporation, subdivision or agency had actual notice of the claim and the claimant shows to the satisfaction of the court that the delay or failure to give the requisite notice has not been prejudicial to the defendant fire company, Wisconsin Aerospace Authority, corporation, subdivision or agency or to the defendant officer, official, agent or employee; and

(b) A claim containing the address of the claimant and an itemized statement of the relief sought is presented to the appropriate clerk or person who performs the duties of a clerk or secretary for the defendant fire company, Wisconsin Aerospace Authority, corporation, subdivision or agency and the claim is disallowed.

1 **SECTION 81.** 893.80 (1g) of the statutes is amended to read:

2 893.80 **(1g)** Notice of disallowance of the claim submitted under sub. (1) shall
3 be served on the claimant by registered or certified mail and the receipt therefor,
4 signed by the claimant, or the returned registered letter, shall be proof of service.
5 Failure of the appropriate body to disallow a claim within 120 days after
6 presentation of the written notice of the claim is a disallowance. No action on a claim
7 under this section against any defendant fire company, the Wisconsin Aerospace
8 Authority, or any corporation, subdivision or agency nor against any defendant
9 officer, official, agent or employee, may be brought after 6 months from the date of
10 service of the notice of disallowance, and the notice of disallowance shall contain a
11 statement to that effect.

12 **SECTION 82.** 893.80 (3) of the statutes is amended to read:

13 893.80 **(3)** Except as provided in this subsection, the amount recoverable by
14 any person for any damages, injuries or death in any action founded on tort against
15 any volunteer fire company organized under ch. 181 or 213, the Wisconsin Aerospace
16 Authority, or any political corporation, governmental subdivision or agency thereof
17 and against their officers, officials, agents or employees for acts done in their official
18 capacity or in the course of their agency or employment, whether proceeded against
19 jointly or severally, shall not exceed $50,000. The amount recoverable under this
20 subsection shall not exceed $25,000 in any such action against a volunteer fire
21 company organized under ch. 181 or 213 or its officers, officials, agents or employees.
22 If a volunteer fire company organized under ch. 181 or 213 is part of a combined fire
23 department, the $25,000 limit still applies to actions against the volunteer fire
24 company or its officers, officials, agents or employees. No punitive damages may be
25 allowed or recoverable in any such action under this subsection.

1 **SECTION 83.** 893.80 (4) of the statutes is amended to read:

2 893.80 **(4)** No suit may be brought against any volunteer fire company
3 organized under ch. 213, the Wisconsin Aerospace Authority, or any political
4 corporation, governmental subdivision or any agency thereof for the intentional torts
5 of its officers, officials, agents or employees nor may any suit be brought against such
6 corporation, subdivision or agency or volunteer fire company or the Wisconsin
7 Aerospace Authority or against its officers, officials, agents or employees for acts
8 done in the exercise of legislative, quasi–legislative, judicial or quasi–judicial
9 functions.

10 **SECTION 84.** 893.80 (5) of the statutes is amended to read:

11 893.80 **(5)** Except as provided in this subsection, the provisions and limitations
12 of this section shall be exclusive and shall apply to all claims against a volunteer fire
13 company organized under ch. 213, the Wisconsin Aerospace Authority, or any
14 political corporation, governmental subdivision or agency or against any officer,
15 official, agent or employee thereof for acts done in an official capacity or the course
16 of his or her agency or employment. When rights or remedies are provided by any
17 other statute against any political corporation, governmental subdivision or agency
18 or the Wisconsin Aerospace Authority or any officer, official, agent or employee
19 thereof for injury, damage or death, such statute shall apply and the limitations in
20 sub. (3) shall be inapplicable.

21 **SECTION 85.** 893.80 (7) of the statutes is amended to read:

22 893.80 **(7)** No suit may be brought against any city, town or village or any
23 governmental subdivision or agency thereof or the Wisconsin Aerospace Authority
24 or against any officer, official, agent or employee of any of those entities who, in good

1 faith, acts or fails to act to provide a notice to a property owner that a public nuisance
2 under s. 823.113 (1) or (1m) (b) exists.

3 **SECTION 86. Nonstatutory provisions.**

4 (1) DEFINITIONS. In this SECTION:

5 (a) "Authority" has the meaning given in section 114.60 (3) of the statutes, as
6 created by this act.

7 (b) "Board" has the meaning given in section 114.60 (4) of the statutes, as
8 created by this act.

9 (2) TERMS OF INITIAL MEMBERS OF BOARD. Notwithstanding the length of terms
10 specified for the members of the board of the authority under section 114.61 (1) of the
11 statutes, as created by this act, the initial members of the board shall be appointed
12 for the following terms:

13 (a) Two members appointed under section 114.61 (1) (a) of the statutes, as
14 created by this act, and one member appointed under section 114.61 (1) (b) of the
15 statutes, as created by this act, for terms expiring on June 30, 2007.

16 (b) Two members appointed under section 114.61 (1) (a) of the statutes, as
17 created by this act, and one member appointed under section 114.61 (1) (b) of the
18 statutes, as created by this act, for terms expiring on June 30, 2008.

19 (c) Two members appointed under section 114.61 (1) (a) of the statutes, as
20 created by this act, for terms expiring on June 30, 2009.

21 (3) TIME FOR INITIAL APPOINTMENT OF BOARD MEMBERS. Nominations of board
22 members under subsection (2) and section 114.61 (1) (a) of the statutes, as created
23 by this act, and appointments of board members under subsection (2) and section
24 114.61 (1) (b) of the statutes, as created by this act, shall be made no later than 60
25 days after the effective date of this subsection.

1 (4) INITIAL MEETING OF BOARD. The board shall hold its initial meeting no later
2 than 30 days after all members are appointed, or no later than 120 days after a
3 majority of members are appointed, whichever is earlier.

4 **(END)**

INSERT ANAL–A:

(no PP) , including proposed funding sources for capital expenditures by WAA,

INSERT ANAL–B:

The substitute amendment creates state, federal, and local appropriations for the Department of Transportation (DOT) in the transportation fund for funding for WAA, but does not directly provide any funds.

from

SENATE AMENDMENT ,

TO 2005 SENATE BILL 352

Thaw bill section number

At the locations indicated, amend the bill as follows:

1. Page 7, line 13: after that line insert:

"**SECTION 6r.** 13.95 (intro.) of the statutes is amended to read:

13.95 Legislative fiscal bureau. (intro.) There is created a bureau to be known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of the research requests received by it; however, with the prior approval of the requester in each instance, the bureau may duplicate the results of its research for distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's designated employees shall at all times, with or without notice, have access to all state agencies, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, and the Fox River Navigational System Authority

insert 7-13

1 and to any books, records or other documents maintained by such agencies or
2 authorities and relating to their expenditures, revenues, operations and structure.
3 **(END)**

SENATE AMENDMENT 1,

TO 2005 SENATE BILL 352

November 29, 2005 – Offered by COMMITTEE ON JOB CREATION, ECONOMIC DEVELOPMENT AND CONSUMER AFFAIRS.

At the locations indicated, amend the bill as follows:

1. Page 5, line 16: delete lines 16 to 20.

2. Page 6, line 1: delete lines 1 to 22.

3. Page 7, line 3: delete "<u>, except the Wisconsin Aerospace Authority, and</u>".

4. Page 7, line 4: after "Authority" insert "<u>and the Wisconsin Aerospace Authority</u>".

5. Page 16, line 8: delete lines 8 to 15 and substitute:

"**SECTION 26m.** 19.42 (10) (q) of the statutes is created to read:

19.42 **(10)** (q) The executive director and members of the board of directors of the Wisconsin Aerospace Authority."

(END)

Insert 16-8

Thaw bill section number

SENATE AMENDMENT 3,

TO 2005 SENATE BILL 352

November 29, 2005 – Offered by COMMITTEE ON JOB CREATION, ECONOMIC DEVELOPMENT AND CONSUMER AFFAIRS.

Thaw bill section number

At the locations indicated, amend the bill as follows:

1. Page 16, line 16: delete lines 16 to 25.

2. Page 17, line 1: delete lines 1 to 17 and substitute:

"**SECTION 26m.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

Insert 17-1

			2005–06	2006–07
20.395 Transportation, department of				
(2) LOCAL TRANSPORTATION ASSISTANCE				
(mq) Astronautics assistance, state funds	SEG	C	–0–	–0–

SECTION 27m. 20.395 (2) (mq) of the statutes is created to read:

Thaw bill section number

Thaw bill section numbers

20.395 **(2)** (mq) *Astronautics assistance, state funds.* As a continuing appropriation, the amounts in the schedule for the state's share of spaceport projects and for the Wisconsin Aerospace Authority under subch. II of ch. 114.

insert 17-1 cont'd

SECTION 28m. 20.395 (2) (mv) of the statutes is created to read:

20.395 **(2)** (mv) *Astronautics assistance, local funds.* All moneys received by the state from any local unit of government or other source for spaceports and for the Wisconsin Aerospace Authority under subch. II of ch. 114 and the loan program under s. 114.375, for such purposes.

SECTION 29m. 20.395 (2) (mx) of the statutes is created to read:

20.395 **(2)** (mx) *Astronautics assistance, federal funds.* All moneys received from the federal government for spaceports and for the Wisconsin Aerospace Authority under subch. II of ch. 114, for such purposes.

3. Page 20, line 23: delete "or (fx)" and substitute "~~or (fx)~~, or (mx)".

4. Page 42, line 13: delete "(dv)" and substitute "(mv)".

Insert 52-13

5. Page 52, line 13: after "management." insert "The business plan shall also include proposed funding sources for capital expenditures by the authority, based upon of a feasibility study of potential funding sources conducted by the authority.".

6. Page 63, line 11: delete "(dq), (dv), and (dx)" and substitute "(mq), (mv), and (mx)".

(END)

SENATE AMENDMENT ,

TO 2005 SENATE BILL 352

At the locations indicated, amend the bill as follows:

insert 49-16

1. Page 49, line 16: after "authority" insert ", including establishing a spaceport in the city of Sheboygan in Sheboygan County".

2. Page 51, line 5: delete lines 5 and 6.

(END)

State of Wisconsin
LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -

PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 12/05/2005 (Per: ARG)

☞Appendix A ... Part 01 of 01

☞ The 2005 drafting file for LRB 05s0342/1

has been copied/added to the 2005 drafting file for

LRB 05s0343

☞ The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2005 drafting file. The drafting file was then returned, intact, to its folder and filed.