



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 335
[2005 Senate Bill 352]

Wisconsin Aerospace Authority

2005 Wisconsin Act 335 creates the Wisconsin Aerospace Authority (WAA). The WAA is authorized to develop spaceports, spacecraft, and other aerospace facilities; provide spaceport and aerospace services and allow use of spaceport and aerospace facilities by others; promote the aerospace industry; and provide public-private coordination for the aerospace industry.

The nine-member WAA board consists of six members appointed by the Governor with advice and consent of the Senate; one member appointed by the President of the Senate; and one member appointed by the Speaker of the Assembly. These members serve three-year terms. The ninth member is the Director of the Wisconsin Space Grant Consortium. Board members are exempt from liability for acts or omissions in the performance of board duties, unless the act or omission constitutes willful misconduct. The WAA is subject to audits by the Legislative Audit Bureau, and the WAA members are subject to the Code of Ethics for Public Officials.

The WAA has numerous powers, including the following:

1. Design, develop, and operate spaceports, aerospace facilities, and spacecraft, including establishing a spaceport in the City of Sheboygan.
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.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

7. Cooperate with other governmental units in furnishing any facility or service, including fire and police protection at a spaceport.

The WAA has the following duties:

1. 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.
2. Provide and promote aerospace services, information, and business opportunities in this state.
3. Coordinate efforts of various governmental units and private parties interested in the promotion of space-related industry.
4. 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. The business plan must include proposed funding sources for capital expenditures by the WAA, based upon a feasibility study of potential funding sources conducted by the WAA.
5. Report annually to the Governor and Legislature; submit an audited financial statement annually to the Department of Administration (DOA); and submit once to DOA, and as DOA requests thereafter, a business plan. The Act permits the Legislative Fiscal Bureau to have access to the WAA's records relating to their expenditures, revenues, and structure.

The Act creates a new segregated fund, into which is deposited all moneys received by the state from the federal government, any local unit of government, or other source, for spaceports. However, no funding is provided for this appropriation. Any project to acquire, construct, or improve a spaceport or spaceport facility must be funded from this fund. DOT and WAA must share the cost of the project, except that the DOT's share of costs is limited to a maximum of \$10,000,000 per project and is limited to 80% of the total project cost if federal aid is not available for the project, or 50% of the 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. The Act also expands an existing loan program administered by DOT to facilitate acquisition by local governments of land for airport projects to include spaceport projects,. The maximum total outstanding balance of loans for spaceport projects is \$10,000,000, rather than \$6,500,000 for airport projects.

The Act authorizes WAA to use bonds to carry out its functions if WAA submits a bond resolution to the Governor and Legislature and the Joint Committee on Finance. The bonds are not state debt. The WAA is authorized to have no more than \$100,000,000 in outstanding bonds at any one time. The Act also creates an individual and corporate income tax exemption for interest on bonds issued by WAA. Bonds that are issued to fund or refund existing or outstanding bonds are subject to the individual and corporation income tax exemption created under the Act.

Effective Date: The Act takes effect on April 29, 2006.

Prepared by: Laura Rose, Deputy Director

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