



2005 SENATE BILL 352

September 28, 2005 - Introduced by Senators LEIBHAM, SCHULTZ, BROWN and HANSEN, cosponsored by Representatives KESTELL, SUDER, DAVIS, JENSEN, ALBERS, LEMAHIEU, OTT, VAN ROY, GRONEMUS, NELSON, VAN AKKEREN and VRUWINK. Referred to Committee on Job Creation, Economic Development and Consumer Affairs.

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)

SENATE BILL 352

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:

SENATE BILL 352

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

SENATE BILL 352

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.

SENATE BILL 352

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,

SENATE BILL 352**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

SENATE BILL 352

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.

SENATE BILL 352**SECTION 9**

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

SENATE BILL 352

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

SENATE BILL 352**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

SENATE BILL 352

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.

SENATE BILL 352**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

SENATE BILL 352

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

SENATE BILL 352**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

SENATE BILL 352

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

SENATE BILL 352**SECTION 25**

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.

SENATE BILL 352

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.

SENATE BILL 352**SECTION 32**

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

SENATE BILL 352

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:

SENATE BILL 352**SECTION 39**

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

SENATE BILL 352

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

SENATE BILL 352

SECTION 48

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:

6 **CHAPTER 114**

7 **AERONAUTICS AND ASTRONAUTICS**

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

10 **CHAPTER 114**

11 **SUBCHAPTER I**

12 **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:

SENATE BILL 352

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:

SENATE BILL 352**SECTION 56**

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

SENATE BILL 352

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

SENATE BILL 352**SECTION 60**

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

SENATE BILL 352

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

SENATE BILL 352**SECTION 61**

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.**

SENATE BILL 352

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:

SENATE BILL 352**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

SENATE BILL 352

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

SENATE BILL 352**SECTION 65**

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.

SENATE BILL 352

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

SENATE BILL 352**SECTION 65**

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:

SENATE BILL 352

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

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

SENATE BILL 352**SECTION 67**

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

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

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

SENATE BILL 352

1 city, village or town. Notice of the hearings shall be given by publication of a class
2 3 notice, under ch. 985, in the area affected by the proposed ordinance.

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

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

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

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

SENATE BILL 352**SECTION 67**

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

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

6 114.136 (2) (b) 1. The regulations, restrictions and determinations shall
7 include, among other things, provisions for the limitation of the height of buildings,
8 structures and objects of natural growth located not more than 3 miles from the
9 boundaries of the airport site or located not more than 5 miles from the boundaries
10 of the spaceport site. Such regulations, restrictions and determinations shall specify
11 the maximum permissible height of buildings, structures and objects of natural
12 growth and may specify such maximum permissible height as a ratio between the
13 permissible maximum height of the building, structure or object of natural growth
14 above the level of the airport or spaceport site and its distance from the nearest point
15 on the boundary of the airport or spaceport site.

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

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

SENATE BILL 352

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

SENATE BILL 352**SECTION 70**

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:

SENATE BILL 352

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

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

SENATE BILL 352**SECTION 73**

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

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

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

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

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

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

CHAPTER 114**SUBCHAPTER II****WISCONSIN AEROSPACE AUTHORITY**

22 **114.60 Definitions.** In this subchapter:

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

SENATE BILL 352

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

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

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

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

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

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

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

SENATE BILL 352**SECTION 74**

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.

SENATE BILL 352

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

SENATE BILL 352**SECTION 74**

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

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

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

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

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

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

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

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

SENATE BILL 352

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:

SENATE BILL 352**SECTION 74**

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;

SENATE BILL 352

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.

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.

SENATE BILL 352**SECTION 74**

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.

SENATE BILL 352

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.

SENATE BILL 352**SECTION 74**

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.

SENATE BILL 352

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.

SENATE BILL 352**SECTION 74**

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

SENATE BILL 352

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

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

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

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

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

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

SENATE BILL 352**SECTION 74**

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

SENATE BILL 352

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

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

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

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

13 **114.69 Liability limited.** (1) Neither the state nor any political subdivision
14 of the state nor any officer, employee, or agent of the state or of a political subdivision
15 who is acting within the scope of employment or agency is liable for any debt,
16 obligation, act, or omission of the authority.

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

19 **114.70 Issuance of bonds.** (1) The authority may issue bonds for any
20 corporate purpose. All bonds are negotiable for all purposes, notwithstanding their
21 payment from a limited source.

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

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

SENATE BILL 352**SECTION 74**

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.

SENATE BILL 352

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.

SENATE BILL 352**SECTION 74**

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

SENATE BILL 352

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

SENATE BILL 352**SECTION 74**

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.

SENATE BILL 352

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 under this section shall be paid from the
11 appropriation accounts under s. 20.395 (2) (dq), (dv), and (dx).

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

SENATE BILL 352**SECTION 76**

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

SENATE BILL 352

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

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

4 893.80 (1) Except as provided in subs. (1g), (1m), (1p) and (8), no action may
5 be brought or maintained against any volunteer fire company organized under ch.
6 213, the Wisconsin Aerospace Authority, or any political corporation, governmental
7 subdivision or agency thereof nor against any officer, official, agent or employee of
8 the corporation, subdivision or agency, or Wisconsin Aerospace Authority for acts
9 done in their official capacity or in the course of their agency or employment upon
10 a claim or cause of action unless:

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

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

SENATE BILL 352**SECTION 81**

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.

SENATE BILL 352

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

SENATE BILL 352**SECTION 85**

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.

SENATE BILL 352

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)