

**1999 DRAFTING REQUEST****Assembly Substitute Amendment (ASA-AB801)**Received: **03/21/2000**Received By: **nilsepe**Wanted: **As time permits**

Identical to LRB:

For: **Antonio Riley (608) 266-0645**By/Representing: **John Sumi**This file may be shown to any legislator: **NO**Drafter: **nilsepe**

May Contact:

Alt. Drafters: **jkreye**Subject: **Tax - property  
Transportation - airports**Extra Copies: **TNF****Pre Topic:**

No specific pre topic given

**Topic:**

Property tax exemption for airline hub terminal facility; use of air carrier property taxes

**Instructions:**

Include 99a1592/1, 99a1824; ensure that non-operating property remains subject to local property taxes; create airport financing council; formula for state airport assistance

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reaired</u>
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Table with columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Reauired. Includes handwritten entries for dates and names like '1-3-21-2000 King' and 'Sells 3/22'.

FE Sent For:

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for Grobschmidt  
by John Jami

s 1755

Midwest Ex = SB-411 = Sen subskntd = ASAP

-Michael Bright-

\$11.5M - receipts = state or ~~trans~~, which less  
\$3.3

# Include in sb. a1592/1 - Joint finance adopted  
# include a1824 - clarification  
LNB - technical

# DOR - Fiscal Note - non-operating property should remain  
subject to local property tax  
(Joe)

Blue-Ribbon commission - submit findings and dissolve  
(board? commit?)

## **Recommended Amendments to AB 801 / SB 411**

### **Revise:**

**Section 7.** Effective Dates. This act takes effect on the day after publication, except as follows:

- ↙ (1) The treatment of section 20.395 (2) **(dq)** and (dr) of the statutes and SECTION 5 (1) of this act take effect on July 1, **2003** instead of July 1, **2001**

**Section 2.** Amend 20.395 (2) (dr) to include amounts received under the hold harmless provision (below) and any other supplement from the general fund.

### **Create a Hold Harmless Section:**

Amend the bill to provide that, beginning July 1, **2003**, funding for state assistance would be comprised of all monies from the dedicated sources of revenue in (dr) Plus an amount equal to the difference between those revenues and **\$11.8** million. One half of the **difference** would be funded from the segregated transportation fund, not to exceed \$1.65 million, and one half would be funded from the general fund, not to exceed \$1.65 million.

### **Create a Blue 'Ribbon Committee Section:**

The Governor shall appoint a Blue-Ribbon Committee on Wisconsin Airport Financing. The Committee shall include, but not be limited to, the Department of Transportation, the Department of Commerce, airport managers, airlines serving Wisconsin, the general aviation community, and other public and private sector stakeholders in transportation policy and financing.

The Committee shall evaluate and recommend any changes to Wisconsin's state aviation revenue structure needed to meet airport system needs.

The Committee's evaluation shall include, but not be limited to, aircraft registration fees, aviation fuel taxes and fees, allocations of the sales tax on aircraft, parts, and services to 20.395 (2) (dr), and allocations of general revenues to 20.395 (2) (dr), consistent with the economic benefits and a portion of the resulting state taxes from increased aviation activity in Wisconsin.

The Committee's recommendations should generate annual state appropriations from 20.395 (2) (dr) at least equal to the level of appropriated state aeronautical spending in FY 2001.

The Committee shall report its findings and recommendations to the Governor and the Legislature no later than December 31, 2000.

Wed. 9 AM

1999 SENATE BILL 411

50462/1  
JK&PEN = kmg/cjs

WPO: check into refs.

February 23, 2000 - Introduced by Senators GROBSCHMIDT, BURKE, GEORGE, MOORE, FARROW, SHIBILSKI, WELCH, PANZER, DARLING and ROSENZWEIG, cosponsored by Representatives STONE, PLALE, JENSEN, GARD, RILEY, KRUG, SINICKI, JESKEWITZ, VRAKAS, DUFF, STASKUNAS, WASSERMAN, MORRIS-TATUM, ZIEGELBAUER, BOCK, YOUNG and COGGS. Referred to Joint committee on Finance.

ASA - AB801

Gen. Cat.

- 1
- 2
- 3
- 4

**AN ACT** to **repeal** 20.395 (2) (dq); to **amend** 76.62 (1) and 78.55 (1); and to create 20.395 (2) (dr) and 70.11 (40) of the statutes; **relating to:** a property tax exemption for an air carrier with a hub terminal facility and making appropriation.

Creating an airport financing committee

**Analysis by the Legislative Reference Bureau**

Under current law, an air carrier company pays a tax to the state based on the value of the company's property in this state. The tax is called an ad valorem tax. An air carrier company pays the ad valorem tax in lieu of paying local general property taxes.

Under this bill, an air carrier company that operates a hub terminal facility in this state is exempt from the ad valorem tax and is also exempt from paying local general property taxes.

The bill appropriates all taxes and fees received from aeronautical activities (including ad valorem taxes on air carrier companies, general aviation fuel taxes and aircraft registration fees) for aeronautical activities. This appropriation substitutes for the current appropriation of segregated revenues for these same activities. The bill will be referred to the joint survey committee on tax analysis, which will be included as an appendix to this bill.

granting rule-making authority

**SENATE BILL 411**

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:*

insert  
2-1

\_\_\_\_\_ 7

1 SECTION 1. 20.395 (2) (dq) of the statutes, as affected by 1999 Wisconsin Act 9,  
2 is repealed.

3 SECTION 2. 20.395 (2) (dr) of the statutes is created to read:

4 20.395 (2) (dr) *Aeronautical activities, state funds.* All moneys received from  
5 taxes on air carrier companies under ch. 76, from aircraft registration fees under s.  
6 114.20, from general aviation fuel taxes under ~~subch.~~ <sup>subch.</sup> III of ch. 78 and from any other  
7 tax or fee received from an aeronautical activity, <sup>and deposited in the transportation fund</sup> except moneys appropriated under  
8 pars. (dv) and (dx) and sub. (4) (es), and all moneys transferred under 1999 Wisconsin  
9 Act . . . (this act), section <sup>a.r.</sup> (1), ~~for~~ <sup>for</sup> the purposes of the state's share of airport projects  
10 under ss. 114.34 and 114.35; for developing air marking and other air navigational  
11 facilities; for administration of the powers and duties of the secretary of  
12 transportation under s. 114.31; for costs associated with aeronautical activities  
13 under s. 114.31, except for the program under s. 114.31 (3) (b); and for the  
14 administration of other aeronautical activities, except aircraft registration under s.  
15 114.20, authorized by law.

insert  
2-15

16 SECTION ~~70.11~~ <sup>70.11</sup> (40) of the statutes is created to read:

17 70.11 (40) HUB TERMINAL FACILITY. (a) In this subsection:

18 1. "Air carrier company" means any person engaged in the business of  
19 transportation in aircraft of persons or property for hire on regularly scheduled  
20 flights. In this subdivision, "aircraft" has the meaning given in s. 76.02 (1).

**SENATE BILL 411**

1           2. **“Hub terminal facility”** means a facility at which an air carrier company  
2 operated at least 45 common carrier departing flights each weekday in the prior year  
3 and from which it transported passengers to at least 15 nonstop destinations or  
4 transported cargo to nonstop destinations. In this subdivision, “nonstop destination”  
5 means a nonstop destination as defined by rule by the department of revenue.

6           **(b)** Property owned by an air carrier company that operates a hub terminal  
7 facility in this state. *) if the property is used in the operation of the*  
*air carrier company*

8           **SECTION 3.** 76.02 (1) of the statutes is amended to read:

9           76.02 **(1)** “Air carrier company” means any person engaged in the business of  
10 transportation in aircraft of persons or property for hire on regularly scheduled  
11 f l i g h t s .

12 ~~in 70.11(40)(b)~~ section, **“aircraft”** means a completely equipped operating  
13 unit, including spare flight equipment, used as a means of conveyance in air  
14 commerce.

15           **SECTION 4.** 78.55 (1) of the statutes is amended to read:

16           78.55 **(1)** **“Air carrier company”** has the meaning given in s. ~~76.02(1)~~ **70.11(40)**

17           **(a) 1.**

*insert  
3-17*

18           **SECTION 6. Appropriation changes.**

19           **(1)** The unencumbered balance of the appropriation to the department of  
20 transportation under section 20.395 (2) **(dq)** of the statutes immediately before the  
21 effective date of this subsection is transferred to the appropriation account under  
22 section 20.395 **(2) (dr)** of the statutes, as created by this act.

23           **SECTION 6. Initial applicability.**

24           **(1)** **HUE TERMINAL FACILITY.** ~~This act~~ first applies to the property tax assessments  
25 as of January 1, 2001.

*the treatment of sections 70.11(40), 76.02(1) and  
78.55(1) of the statutes*

**SENATE BILL 411**

1 (2) **REVENUES RECEIVED FROM AD VALOREM TAX ON AIR CARRIERS.** The treatment of  
2 section 20.395 (2) (dr) of the statutes first applies to moneys received **from** taxes and  
3 fees on July 1, 2001.

4 **SECTION 7. Effective dates.** This act takes effect on the day **after** publication,  
5 except as follows:

6 (1) The treatment of section 20.395 (2) <sup>(dc), (dq) and (de)</sup> ~~(dr)~~ of the statutes and SECTION  
7 5 (1) of this act take effect on July 1, ~~2001~~ <sup>2003</sup>.

8 (END)

  
a.r.

**SENATE AMENDMENT 1,  
TO 1999 SENATE BILL 411**

insert  
2-15

March 7, 2000 - Offered by ~~JOINT COMMITTEE ON FINANCE.~~

At the locations indicated, amend the bill as follows:

I. Page 2, line 15: after that line insert:

~~SECTION 2g.~~ SECTION 2g. 20.395 (4) (aq) of the statutes is amended to read:

20.395 (4) (aq) *Departmental management and operations, state finds. The amounts in the schedule for departmental planning and administrative activities and the administration and management of departmental programs except those programs under subs. (2) (bq), (cq) and (dq) (dr) and (3) (iq), including those activities in s. 85.07 and including not less than \$220,000 in each fiscal year to reimburse the department of justice for legal services provided the department under s. 165.25 (4) (a) and including activities related to the demand management and ride-sharing program under s. 85.24 that are not funded from the appropriation under sub. (1) (bs), (bv) or (bx), the minority civil engineer scholarship and loan repayment incentive grant program under s. 85.107, the Type 1 motorcycle, moped and motor*

7



1 bicycle safety program under s. 85.30 and to match federal funds for mass transit  
2 planning.

3 SECTION ~~2m.~~ 20.395 (9) (rd) of the statutes is amended to read:

4 **20.395 (9) (rd) Airport construction major cost carry-over.** When an airport  
5 development project is approved by the governor under s. 114.33 (3), the moneys  
6 allocated for the project from sub. (2) <sup>(dc) and (dt)</sup> ~~(dq) (dr)~~ shall be considered encumbered and  
-7 carried-over to subsequent years to meet the state's share of the project.

8 SECTION ~~2r.~~ 20.395 (9) (td) of the statutes, as affected by 1999 Wisconsin Act  
9 9, is amended to read:

10 **20.395 (9) (td) Real estate major cost carry-over.** Subject to s. 86.255, when a  
11 highway, airport or railroad land acquisition project is approved by the secretary  
12 under s. 84.09, 85.09 or 114.33, the moneys allocated for the project from subs. (2)  
13 (bq), ~~(dq) (dr)~~ <sup>(de)</sup> and (eq) and (3) (bq), (cq) and (eq) may be considered encumbered.

(dc)

(END)  
inseq

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBs0460/lins  
PEN.....

insert  
2-1  
2-1



1 SECTION 1. 20.395 (2) (dc) of the statutes is created to read:

2 20.395 (2) (dc) *Aeronautical activities matching supplement, state funds.* From  
3 the general fund, a sum sufficient equal to \$11,800,000 minus the amounts received  
4 under ~~s. 20.395 (2) (dr)~~ <sup>par.</sup> during the preceding fiscal year, or equal to \$1,650,000,  
5 whichever is less, for the purposes of the state's share of airport projects under ss.  
6 114.34 and 114.35; for developing air marking and other air navigational facilities;  
7 for administration of the powers and duties of the secretary of transportation under  
8 s. 114.31; for costs associated with aeronautical activities under s. 114.31, except for  
9 the program under s. 114.31 (3) (b); and for the administration of other aeronautical  
10 activities, except aircraft registration under s. 114.20, authorized by law. No moneys  
11 may be encumbered from this appropriation for any fiscal year in excess of the  
12 amounts encumbered from the appropriation under ~~s. 20.395 (2) (dt)~~ <sup>par.</sup> for that fiscal  
13 year.

14 ~~a sum sufficient equal to \$11,800,000 minus the amounts received under s.~~  
15 ~~20.395 (2) (dr), or equal to \$1,650,000, whichever is less.~~

16 SECTION 2. 20.395 (2) (dt) of the statutes is created to read:

17 20.395 (2) (dt) *Aeronautical activities supplement, state funds.* A sum sufficient  
18 equal to \$11,800,000 minus the amounts received under ~~s. 20.395 (2) (dr)~~ <sup>par.</sup> during the  
19 preceding fiscal year, or equal to \$1,650,000, whichever is less, for the purposes of the  
20 state's share of airport projects under ss. 114.34 and 114.35; for developing air  
21 marking and other air navigational facilities; for administration of the powers and  
22 duties of the secretary of transportation under s. 114.31; for costs associated with  
23 aeronautical activities under s. 114.31, except for the program under s. 114.31 (3) (b);

sent. cut-  
of-order



1 'and for the administration of other aeronautical activities, except aircraft  
2 registration under s. 114.20, authorized by law. No moneys may be encumbered from  
3 this appropriation for any fiscal year in excess of the amounts encumbered from the  
4 appropriation under ~~§ 20.395(2)(d)~~ <sup>par.</sup> for that fiscal year.

End  
2-1

5 SECTION 3. Nonstatutory provisions.

14 Sep  
3-17

6 (1) AIRPORT FINANCING COMMITTEE. There is created an airport financing  
7 committee consisting of members appointed by the governor. The governor shall  
8 appoint members representing the department of transportation, the department of  
9 commerce, airport managers, airlines serving this state, the general aviation  
10 community, the people of this state, and private businesses having an interest in  
11 transportation policy and financing. The committee shall review and evaluate this  
12 state's airport system needs and the current system of funding those needs, <sup>and</sup> shall  
13 recommend changes, if any, to better meet those needs. The committee shall  
14 evaluate, among other things: <sup>AA</sup> aircraft registration fees; aviation fuel taxes and fees;  
15 allocation of sales tax receipts from the sale of aircraft, parts and services to the  
16 appropriation account under section 20.395 (2) (dr) of the statutes, as created by this  
17 act, and allocation of other moneys to that appropriation account. The committee's  
18 recommendations, if any, should, if enacted, generate revenue in amounts equal to  
19 or greater than the sum of moneys appropriated for aeronautical activities in fiscal  
20 year 2001. Not later than December 31, 2000, the committee shall submit a report  
21 containing the committee's evaluation, findings and recommendations to the  
22 governor, and to the legislature in the manner provided under section 13.172 (2) of  
23 the statutes.

(end 3-17)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBs0462/4  
JK&PEN:kmg&cjs:jf

Now

2  
i  
cmt

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 1999 ASSEMBLY BILL 801

See pg. 1, l 9; pg. 2, l 23

repeal

1 AN ACT *to* repeal 20.395 (2) (dq); to amend 20.395 (4) (aq), 20.395 (9) (rd), 20.395  
2 (9) (td), 76.02 (1) and 78.55 (1); and to create 20.395 (2) (dc), 20.395 (2) (dr),  
3 20.395 (2) (dt) and 70.11 (40) of the statutes; relating to: a property tax  
4 exemption for an air carrier with a hub terminal facility, creating an airport  
5 financing committee, granting rule-making authority and making  
6 appropriations.

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

7 SECTION 1. 20.395 (2) (dc) of the statutes is created to read:

8 **20.395 (2) (dc) Aeronautical activities matching supplement, state finds.** From  
9 the general fund, a sum sufficient <sup>in each fiscal year</sup> equal to \$11,800,000 minus the amounts received  
10 under par. (dr) during the preceding fiscal year, or equal to \$1,650,000, whichever is  
11 less, for the purposes of the state's share of airport projects under ss. 114.34 and  
12 114.35; for developing air marking and other air navigational facilities; for

1 administration of the powers and duties of the secretary of transportation under s.  
2 114.31; for costs associated with aeronautical activities under s. 114.31, except for  
3 the program under s. **114.31 (3) (b)**; and for the administration of other aeronautical  
4 activities, except aircraft registration under s. 114.20, authorized by law. No moneys  
5 may be encumbered from this appropriation for any fiscal year in excess of the  
6 amounts encumbered from the appropriation under par. (dt) for that fiscal year.

7 **SECTION 2.** 20.395 (2) (dq) of the statutes, as affected by 1999 Wisconsin Act 9,  
8 is repealed.

9 **SECTION 3.** 20.395 (2) (dr) of the statutes is created to read:

10 *20.395 (2) (dr) Aeronautical activities, state finds.* All moneys received from  
11 taxes on air carrier companies under ch. 76, from aircraft registration fees under s.  
12 114.20, from general aviation fuel taxes under subch. III of ch. 78 and from any other  
13 tax or fee received from an aeronautical activity and deposited in the transportation  
14 fund, except moneys appropriated under pars. (dv) and (dx) and sub. (4) (es), and all  
15 moneys transferred under 1999 Wisconsin Act . . . . (this act), section 12 (l), for the  
16 purposes of the state's share of airport projects under ss. **114.34** and **114.35**; for  
17 developing air marking and other air navigational facilities; for administration of the  
18 powers and duties of the secretary of transportation under s. **114.31**; for costs  
19 associated with aeronautical activities under s. **114.31**, except for the program under  
20 s. **114.31 (3) (b)**; and for the administration of other aeronautical activities, except  
21 aircraft registration under s. 114.20, authorized by law.

22 **SECTION 4.** 20.395 (2) (dt) of the statutes is created to read:

23 *20.395 (2) (dt) Aeronautical activities supplement, state finds.* A sum sufficient,  
24 equal to \$11,800,000 minus the amounts received under par. (dr) during the  
25 preceding fiscal year, or equal to \$1,650,000, whichever is less, for the purposes of the

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