

1999 DRAFTING REQUEST

Bill

Received: **02/04/2000**

Received By: **malaigm**

Wanted: **Soon**

Identical to LRB:

For: **Health and Family Services 6-3262**

By/Representing: **Kevin Lewis**

This file may be shown to any legislator: NO

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Children - TPR and adoption**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Jurisdictional barriers to adoption

Instructions:

Amend s. 48.833 for compliance with federal Adoption and Safe **F**amilies Act of 1997. Specifically, prohibit DHFS, a county department or a child welfare agency from denying or delaying a child's adoptive placement when a family is available outside the jurisdiction that is responsible for handling the child's case.

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>
/?	malaigm 02/04/2000	jgeller 02/04/2000		_____			S&L
/1			jfrantze 02/07/2000	_____	lrb-docadmin 02/07/2000	lrb_docadminS&L 02/10/2000	
/2	malaigm 02/22/2000	jgeller 02/22/2000	jfrantze 02/23/2000	_____	lrb-docadmin 02/23/2000	lrb-docadmin 02/23/2000	

FE Sent For:

02-29-00

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<END>

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/1		1/24/22 jg	jfrantze 02/07/2000	_____	lrb-docadmin 02/07/2000	lrb-docadmin 02/10/2000	

FE Sent For:

Handwritten signatures and dates: 2/23, 2/23, and a signature with the word <END> below it.

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/?	malaigm 02/04/2000	jgeller 02/04/2000		_____			S&L
/1			jfrantze 02/07/2000	_____	lrb_docadmin 02/07/2000		

Sent to rep. Ward Per Kevin Lewis

FE Sent For:

<END>

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Instructions:

Amend s. 48.833 for compliance with federal Adoption and Safe **F**amilies Act of 1997. Specifically, prohibit DHFS, a county department or a child welfare agency from denying or delaying a child's adoptive placement when a family is available outside the jurisdiction that is responsible for handling the child's case.

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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>Reaured</u>
/?	malaigm	11/2/3 JLS	2/17	2/17			

FE Sent For:

<END>



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4484/10

GMM.....

1/1/00
Soon

JLg

gen

1 AN **ACT** ...; **relating to:** the placement of a child for adoption outside of the county
2 where the child is located.

Analysis by the Legislative Reference Bureau

Under current law, the department of health and family services (DHFS), a county department of human services or social services (county department) or a child welfare agency may place a child for adoption in a licensed foster home without a court order if DHFS, the county department or the child welfare agency is the guardian of the child or makes the placement at the request of another agency that is the guardian of the child. Current law requires DHFS, a county department or a child welfare agency, before placing a child for adoption, to consider the availability of a placement for adoption with a relative of the child. In addition, current federal law prohibits a state that is receiving federal foster care and adoption assistance moneys under Title IV-E of the federal Social Security Act from denying or delaying the adoptive placement of a child when an approved family is available outside of the jurisdiction that is responsible for handling the case of the child. This bill prohibits DHFS, a county department or a child welfare agency from denying or delaying the placement of a child for adoption when a family that has been approved as an adoptive placement for the child is available outside of the county where the child is located.

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. 48.833^X of the statutes is amended to read:

2 **48.833 Placement of children for adoption by the department, county**
3 **departments and child welfare agencies.** The department, a county department
4 under s. 48.57 (1) (e) or (hm) or a child welfare agency licensed under s. 48.60 may
5 place a child for adoption in a licensed foster home or a licensed treatment foster
6 home without a court order if the department, county department under s. 48.57 (1)
7 (e) or (hm) or the child welfare agency is the guardian of the child or makes the
8 placement at the request of another agency which is the guardian of the child. Before
9 placing a child for adoption under this section, the department, county department
10 or child welfare agency making the placement shall consider the availability of a
11 placement for adoption with a relative of the child who is identified in the child's
12 permanency plan under s. 48.38 or 938.38 or who is otherwise known by the
13 department, county department or child welfare agency [✓]The department, county
14 denartment or child welfare agency may not deny or delay the nlacement of a child
15 for adoption when a family that has been approved as an adoptive nlacement for the
16 child is available outside of the county where the child is located. When a child is
17 placed under this section in a licensed foster home or a licensed treatment foster
18 home for adoption, the department, county department or child welfare agency
19 making the placement shall enter into a written agreement with the adoptive parent,
20 which shall state the date on which the child is placed in the licensed foster home or
21 licensed treatment foster home for adoption by the adoptive parent.

History: 1981 c. 81, 384; 1985 a. 176; 1989 a. 336; 1993 a. 446; 1995 a 275.

22 **SECTION 2. Initial applicability.**

1 (1) This act first applies to a child who is placed for adoption on the effective
2 date of this subsection. ✓

3

(END)

D-note
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

(4989)
LRB-44/5/1dn
GMM.....

jlg

(ad)

The drafter of the federal language relating to **jurisdiction** barriers to adoption, specifically, the language that states that a state may not deny or delay a child's adoptive placement when an approved family is available *outside the jurisdiction that is responsible for handling the case of the child*, appears to have been confused in his or her use of the word "jurisdiction". Specifically, "jurisdiction" can mean either the *authority of a sovereign power* to govern as in "DHFS has jurisdiction . . ." or the *territorial limit* of that authority as in a state or county. The federal language starts out by using "jurisdiction" in the territorial sense, *i.e.*, "outside the jurisdiction," but then goes on to confuse that sense of the word with the sovereign power sense of the word, *i.e.*, "jurisdiction that is responsible for handling the case of the child." It appears that the intent of the federal language is to use "jurisdiction" in the territorial sense of the word in that the policy behind the language is to promote intercounty and interstate adoptions. Therefore, so as to not perpetuate the federal drafter's confusion, this draft employs language that clearly and unmistakably refers to territory and not to sovereign power. Fix

Moreover, use of "jurisdiction" in this draft, even in the territorial sense, is confusing in that the jurisdiction of DHFS is statewide, so "outside the jurisdiction" can only mean outside the state and not outside the county in which the child is located, but that interpretation would conflict with the federal policy of promoting *intercounty* adoptions. Accordingly, this draft uses the phrase "outside the county in which the child is located" to describe the physical location of the family that has been approved as a placement for the child.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: Gordon.Malaise@legis.state.wi.us

DRAFTERS NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4484/1dn
GMM:jlj:jf

February 7, 2000

The drafter of the federal language relating to jurisdictional barriers to adoption, specifically, the language that states that a state may not deny or delay a child's adoptive placement when an approved family is available *outside the jurisdiction that is responsible for handling the case of the child*, appears to have been confused in his or her use of the word "jurisdiction". Specifically, "jurisdiction" can mean either the *authority of a sovereign power* to govern as in "DHFS has jurisdiction . . ." or the *territorial limit* of that authority as in a state or county. The federal language starts out by using "jurisdiction" in the territorial sense, i.e., "outside the jurisdiction," but then goes on to confuse that sense of the word with the sovereign power sense of the word, i.e., "jurisdiction that is responsible for handling the case of the child". It appears that the intent of the federal language is to use "jurisdiction" in the territorial sense of the word in that the policy behind the language is to promote intercounty and interstate adoptions. Therefore, so as to not perpetuate the federal drafter's confusion, this draft employs language that clearly and unmistakably refers to territory and not to sovereign power.

Moreover, use of "jurisdiction" in this draft, even in the territorial sense, is confusing in that the jurisdiction of DHFS is statewide, so "outside the jurisdiction" can only mean outside the state and not outside the county in which the child is located, but that interpretation would conflict with the federal policy of promoting *intercounty* adoptions. Accordingly, this draft uses the phrase "outside the county in which the child is located" to describe the physical location of the family that has been approved as a placement for the child.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: Gordon.Malaise@legis.state.wi.us

**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 02/07/2000

To: Health and Family Services

Relating to LRB drafting number: LRB-4484

Topic

Jurisdictional barriers to adoption

REP. DAVID WARD.

Subject(s)

Children - TPR and adoption

1. **JACKET** the draft for introduction Senaldon
in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records ~~may authorize the draft to be submitted~~. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____.
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Gordon M. Malaise, Senior Legislative Attorney
Telephone: (608) 266-9738

1999 BILL

Regen

1 **AN ACT to amend** 48.833 of the statutes; **relating to:** the placement of a child
2 for adoption outside of the county where the child is located.

Analysis by the Legislative Reference Bureau

Under current law, the department of health and family services (DHFS), a county department of human services or social services (county department) or a child welfare agency may place a child for adoption in a licensed foster home without a court order if DHFS, the county department or the child welfare agency is the guardian of the child or makes the placement at the request of another agency that is the guardian of the child. Current law requires DHFS, a county department or a child welfare agency, before placing a child for adoption, to consider the availability of a placement for adoption with a relative of the child. In addition, current federal law prohibits a state that is receiving federal foster care and adoption assistance moneys under Title IV-E of the federal Social Security Act from denying or delaying the adoptive placement of a child when an approved family is available outside of the jurisdiction that is responsible for handling the case of the child. This bill prohibits DHFS, a county department or a child welfare agency from denying or delaying the placement of a child for adoption when a family that has been approved as an adoptive placement for the child is available outside of the county where the child is located.

appropriate ✓

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.** 48.833 of the statutes is amended to read:

2 **48.833 Placement of children for adoption by the department, county**
3 **departments and child welfare agencies.** The department, a county department
4 under s. 48.57 (1) (e) or (hm) or a child welfare agency licensed under s. 48.60 may
5 place a child for adoption in a licensed foster home or a licensed treatment foster
6 home without a court order if the department, county department under s. 48.57 (1)
7 (e) or (hm) or the child welfare agency is the guardian of the child or makes the
8 placement at the request of another agency which is the guardian of the child. Before
9 placing a child for adoption under this section, the department, county department
10 or child welfare agency making the placement shall consider the availability of a
11 placement for adoption with a relative of the child who is identified in the child's
12 permanency plan under s. 48.38 or 938.38 or who is otherwise known by the
13 department, county department or child welfare agency. The denartment. county
14 denartment or child welfare agency may not deny or delay the placement of a child
15 for adootion when a family that has been approved as an ^{APPROPRIATE} adoptive placement for the
16 child is available outside of the county where the child is located. When a child is
17 placed under this section in a licensed foster home or a licensed treatment foster
18 home for adoption, the department, county department or child welfare agency
19 making the placement shall enter into a written agreement with the adoptive parent,
20 which shall state the date on which the child is placed in the licensed foster home or
21 licensed treatment foster home for adoption by the adoptive parent.

1 encumbered and carried-over to subsequent years to meet the state's share-of the
2 project.

3 **SECTION 7.** 20.395 (9) (td) of the statutes, as affected by 1999 Wisconsin Act 9,
4 is amended to read:

5 *20.395 (9) (td) Real estate major cost carry-over.* Subject to s. 86.255, when a
6 highway, airport or railroad land acquisition project is approved by the secretary
7 under s. 84.09, 85.09 or 114.33, the moneys allocated for the project from subs. (2)
8 (bq), ~~(dq)~~ (dc), (dr), (dt) and (eq) and (3) (bq), (cq) and (eq) may be considered
9 encumbered.

10 **SECTION 8.** 70.11 (40) of the statutes is created to read:

11 70.11 (40) HUB TERMINAL FACILITY. (a) In this subsection:

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

15 2. "Hub terminal facility" means a facility at which an air carrier company
16 operated at least 45 common carrier departing flights each weekday in the priory ear
17 and from which it transported passengers to at least 15 nonstop destinations or
18 transported cargo to nonstop destinations. In this subdivision, "nonstop destination"
19 means a nonstop destination as defined by rule by the department of revenue.

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

22 **SECTION 9.** 76.02 (1) of the statutes is amended to read:

23 76.02 (1) "Air carrier company" means any person engaged in the business of
24 transportation in aircraft of persons or property for hire on regularly scheduled
25 flights, except an air carrier company whose property is exempt from taxation under

1 s. 70.11(40)(b). In this subsection, "aircraft" means a completely equipped operating
2 unit, including spare flight equipment, used as a means of conveyance in air
3 commerce.

4 **SECTION 10.** 78.55 (1) of the statutes is amended to read:

5 78.55 (1) "Air carrier company" has the meaning given in s. ~~76.02(1)~~ 70.11(40)
6 (a).

7 **SECTION 11. Nonstatutory provisions.**

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



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBs0462/2
JK&PEN:kmg/cmh/cjs:kjf

MD

3

**ASSEMBLY SUBSTITUTE AMENDMENT,
TO 1999 ASSEMBLY BILL 801**

p. 6, 114

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 funds.** From
9 the general fund, a sum sufficient in each fiscal year equal to \$11,800,000 minus the
10 amounts received under par. (dr) during the preceding fiscal year, or equal to
11 \$1,650,000, whichever is less, for the purposes of the state's share of airport projects
12 under ss. 114.34 and 114.35; for developing air marking and other air navigational

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

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

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

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

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

24 **20.395 (2) (dt) Aeronautical activities supplement, state finds.** A sum sufficient
25 in each fiscal year equal to \$11,800,000 minus the amounts received under par. (dr)

1 during the preceding fiscal year, or equal to \$1,650,000, whichever is less, for the
2 purposes of the state's share of airport projects under ss. 114.34 and 114.35; for
3 developing air marking and other air navigational facilities; for administration of the
4 powers and duties of the secretary of transportation under **s. 114.31**; for costs
5 associated with aeronautical activities under s. 114.31, except for the program under
6 **s. 114.31 (3) (b)**; and for the administration of other aeronautical activities, except
7 aircraft registration under s. 114.20, authorized by law. No moneys may be
8 encumbered from this appropriation for any fiscal year in excess of the amounts
9 encumbered from the appropriation under par. (dc) for that fiscal year.

10 **SECTION 5.** 20.395 (4) (aq) of the statutes is amended to read:

11 **20.395 (4) (aq) Departmental management and operations, state finds.** The
12 amounts in the schedule for departmental planning and administrative activities
13 and the administration and management of departmental programs except those
14 programs under subs. (2) (bq), (cq) ~~and (dq), (dc), (dr) and (dt)~~ and (3) (iq), including
15 those activities in s. 85.07 and including not less than \$220,000 in each fiscal year
16 to reimburse the department of justice for legal services provided the department
17 under s. 165.25 (4) (a) and including activities related to the demand management
18 and ride-sharing program under s. 85.24 that are not funded from the appropriation
19 under sub. (1) (bs), (bv) or (bx), the minority civil engineer scholarship and loan
20 repayment incentive grant program under s. 85.107, the Type 1 motorcycle, moped
21 and motor bicycle safety program under s. 85.30 and to match federal funds for mass
22 transit planning.

23 **SECTION 6.** 20.395 (9) (rd) of the statutes is amended to read:

24 **20.395 (9) (rd) Airport construction major cost carry-over.** When an airport
25 development project is approved by the governor under s. 114.33 (3), the moneys

1 allocated for the project from sub. (2) ~~(dq), (dc), (dr) and (dt)~~ shall be considered
2 encumbered and carried-over to subsequent years to meet the state's share of the
3 project..

4 SECTION 7. 20.395 (9) (td) of the statutes, as affected by 1999 Wisconsin Act 9,
5 is amended to read:

6 20.395 (9) (td) *Real estate major cost carry-over.* Subject to s. 86.255, when a
7 highway, airport or railroad land acquisition project is approved by the secretary
8 under s. 84.09, 85.09 or 114.33, the moneys allocated for the project from subs, (2)
9 (bq), ~~(dq), (dc), (dr), (dt)~~ and (eq) and (3) (bq), (cq) and (eq) may be considered
10 encumbered.

11 SECTION 8. 70.11 (40) of the statutes is created to read:

12 70.11 (40) HUB TERMINAL FACILITY. (a) In this subsection:

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

16 2. "Hub terminal facility" means a facility at which an air carrier company
17 operated at least 45 common carrier departing flights each weekday in the prior year
18 and from which it transported passengers to at least 15 nonstop destinations or
19 transported cargo to nonstop destinations. In this subdivision, "nonstop destination"
20 means a nonstop destination as defined by rule by the department of revenue.

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

23 SECTION 9. 76.02 (1) of the statutes is amended to read:

24 76.02 (1) "Air carrier company" means any person engaged in the business of
25 transportation in aircraft of persons or property for hire on regularly scheduled

1 flights, except an air carrier company whose property is exempt from taxation under
2 s. 70.11(40)(b). In this subsection, "aircraft" means a completely equipped operating
3 unit, including spare flight equipment, used as a means of conveyance in air
4 commerce.

5 SECTION 10. 78.55 (1) of the statutes is amended to read:

6 78.55 (1) "Air carrier company" has the meaning given in s. ~~76.02(1)~~ 70.11(40)

7 (a).

8 SECTION 11. **Nonstatutory provisions.**

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

1 governor, and to the legislature in the manner provided under section 13.17; (2) of
2 the statutes.

3 **SECTION 12. Appropriation changes.**

4 (1) The unencumbered balance of the appropriation to the ~~department~~ of
5 transportation under section 20.395 (2) (dq) of the statutes immediately before the
6 effective date of this subsection is transferred to the appropriation account under
7 section 20.395 (2) (dr) of the statutes, as created by this act.

8 **SECTION 13. Initial applicability.**

9 (1) HUB TERMINAL FACILITY. The treatment of sections 70.11 (40), 76.02 (1) and
10 78.55 (1) of the statutes first applies to the property tax assessments as of January
11 1, 2001.

12 (2) **REVENUES RECEIVED FROM AD VALOREM TAX ON AIR CARRIERS.** The treatment of
13 section 20.395 (2) (dr) of the statutes first applies to moneys received from taxes and
14 fees on July 1, ~~2001~~ ²⁰⁰³

15 **SECTION 14. Effective dates.** This act takes effect on the day after publicat ion,
16 except as follows:

17 (1) The treatment of section 20.395 (2) (dc), (dq), (dr) and (dt) of the statutes
18 and SECTION 12 (1) of this act take effect on July 1, 2003.

19 **(END)**



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBs0462/8
JK&PEN:kmg/cmb/cjs:kjf

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ASSEMBLY SUBSTITUTE AMENDMENT,
TO 1999 ASSEMBLY BILL 801

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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 funds.* From
9 ~~the general fund, a sum sufficient in each fiscal year equal to \$11,800,000 minus the~~
10 amounts received under par. (dr) during the preceding fiscal year, or equal to
11 \$1,650,000, whichever is less, for the purposes of the state's share of airport projects
12 under ss. 114.34 and 114.35; for developing air marking and other air navigational

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

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

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

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

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

24 20.395 (2) (dt) *Aeronautical activities supplement, state funds.* A sum sufficient
 25 in each fiscal year equal to \$11,800,000 minus the amounts received under par. (dr)

insert
2-7

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1 during the preceding fiscal year, or equal to \$1,650,000, whichever is less, for the
 2 purposes of the state's share of airport projects under ss. 114.34 and 114.35; for
 3 developing air marking and other air navigational facilities; for administration of the
 4 powers and duties of the secretary of transportation under s. 114.31; for costs
 5 associated with aeronautical activities under s. 114.31, except for the program under
 6 s. 114.31 (3) (b); and for the administration of other aeronautical activities, except
 7 aircraft registration under s. 114.20, authorized by law. No moneys may be
 8 encumbered from this appropriation for any fiscal year in excess of the amounts
 9 encumbered from the appropriation under par. (dc) for that fiscal year:

10 **SECTION 5.** 20.395 (4) (aq) of the statutes is amended to read:

11 **20.395 (4) (aq) *Departmental management and operations, state funds.*** The
 12 amounts in the schedule for departmental planning and administrative activities
 13 and the administration and management of departmental programs except those
 14 programs under subs. (2) (bq), (cq) ~~and (dq), (dc), (dr) and (dt)~~ and (3) (iq), including
 15 those activities in s. 85.07 and including not less than \$220,000 in each fiscal year
 16 to reimburse the department of justice for legal services provided the department
 17 under s. 165.25 (4) (a) and including activities related to the demand management
 18 and ride-sharing program under s. 85.24 that are not funded from the appropriation
 19 under sub. (1) (bs), (bv) or (bx), the minority civil engineer scholarship and loan
 20 repayment incentive grant program under s. 85.107, the Type 1 motorcycle, moped
 21 and motor bicycle safety program under s. 85.30 and to match federal funds for mass
 22 transit planning.

23 **SECTION 6.** 20.395 (9) (rd) of the statutes is amended to read:

24 **20.395 (9) (rd) *Airport construction major cost carry-over.*** When an airport
 25 development project is approved by the governor under s. 114.33 (3), the moneys

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1 allocated for the project from sub. (2) ~~(dq) (dc), (dr) and (dt)~~ shall be considered
2 encumbered and carried-over to subsequent years to meet the state's share of the
3 project.

4 **SECTION 7.** 20.395 (9) (td) of the statutes, as affected by 1999 Wisconsin Act 9,
5 is amended to read:

6 **20.395 (9)** (td) *Real estate major cost carry-over.* Subject to s. 86.255, when a
7 highway, airport or railroad land acquisition project is approved by the secretary
8 under s. 84.09, 85.09 or 114.33, the moneys allocated for the project from subs. (2)
9 (bq), ~~(dq) (dc), (dr), (dt)~~ and (eq) and (3) (bq), (cq) and (eq) may be considered
10 encumbered.

11 **SECTION 8.** 70.11 (40) of the statutes is created to read:

12 70.11 (40) HUB TERMINAL FACILITY. (a) In this subsection:

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

16 2. "Hub terminal facility" means a facility at which an air carrier company
17 operated at least 45 common carrier departing flights each weekday in the prior year
18 and from which it transported passengers to at least 15 nonstop destinations or
19 transported cargo to nonstop destinations. In this subdivision, "nonstop destination"
20 means a nonstop destination as defined by rule by the department of revenue.

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

23 **SECTION 9.** 76.02 (1) of the statutes is amended to read:

24 76.02 (1) "Air carrier company" means any person engaged in the business of
25 transportation in aircraft of persons or property for hire on regularly scheduled

1 ~~flights, except an air carrier company whose property is exempt from taxation under~~
2 ~~s. 70.11(40)(b).~~ In this subsection, "aircraft" means a completely equipped operating
3 unit, including spare flight equipment, used as a means of conveyance in air
4 commerce.

5 **SECTION 10. 78.55** (1) of the statutes is amended to read:

6 78.55 **(1)** "Air carrier company" has the meaning given in s. ~~76.02(1)~~ 70.11(40)
7 (a) 1.

8 **SECTION 11. Nonstatutory provisions.**

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

1 governor, and to the legislature in the manner provided under section 13.172 (2) of
2 the statutes.

3 **SECTION 12. Appropriation changes.**

4 (1) The unencumbered balance of the appropriation to the department of
5 transportation under section 20.395 (2) (dq) of the statutes immediately before the
6 effective date of this subsection is transferred to the appropriation account under
7 section 20.395 (2) (dr) of the statutes, as created by this act.

8 **SECTION 13. Initial applicability.**

9 (1) HUB TERMINAL FACILITY. The treatment of sections 70.11 (40), 76.02 (1) and
10 78.55 (1) of the statutes first applies to the property tax assessments as of January
11 1, 2001.

12 (2) REVENUES RECEIVED FROM AD VALOREM TAX ON AIR CARRIERS. The treatment of
13 section 20.395 (2) (dr) of the statutes first applies to moneys received from taxes and
14 fees on July 1, 2003.

15 **SECTION 14. Effective dates.** This act takes effect on the day after publication,
16 except as follows:

17 (1) The treatment of section 20.395 (2) (dc), (dq), (dr) and (dt) of the statutes
18 and SECTION 12 (1) of this act take effect on July 1, 2003.

19 (END)



**ASSEMBLY AMENDMENT,
TO ASSEMBLY SUBSTITUTE AMENDMENT (LRBs0462/3),
TO 1999 ASSEMBLY BILL 801**

1 At the locations indicated, amend the substitute amendment as follows:

insert
1-9

2 **1.** Page 1, line 9: delete that line and substitute ~~the~~ the general fund, a sum
3 sufficient in each fiscal year equal to one-half of the difference between \$11,800,000
4 and the ~~the~~

no 9

5 **2.** Page 2, line 7: after "year." insert ~~No~~ No moneys may be encumbered from this
6 appropriation for any fiscal year if the amounts received under par. (dr) during the
7 previous fiscal year are equal to or greater than \$11,800,000.

insert
2-7

no 9

8 **3.** Page 2, line 25: delete that line and substitute ~~in each fiscal year equal to~~
9 one-half of the difference between \$11,800,000 and the amounts received under par.
10 (dr) ~~the~~

insert
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1 ~~4. Page 3, line 9: after "year." insert "No moneys may be encumbered from this~~
2 appropriation for any fiscal year if the amounts received under par. (dr) during the
3 previous fiscal year are equal to or greater than \$11,800,000. ~~(X)~~

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4 (END)

(end inserts)