

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB770)

Received: 11/30/2005

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Jon Dyck**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - airports**

Extra Copies:

Submit via email: **YES**

Requester's email: **Jon.Dyck@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Wisconsin Aerospace Authority; rolling together adopted simple amendments

Instructions:

See Attached

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>
/?	agary 12/05/2005	jdye 12/06/2005		_____			
/1			chaugen 12/06/2005	_____	mbarman 12/06/2005	mbarman 12/06/2005	

FE Sent For:

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/?	agary	1 12/6 jcd	ch 12/6	ch 12/6 DAB			

FE Sent For:

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RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: ARG) (Date: 12 / 5 / 05)



Please transfer the drafting file for

2003 LRB _____ to the drafting file

for 2005 LRB _____

The final version of the 2003 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2003 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2003 draft was incorporated into a 2005 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the 2005 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

--- OR ---

Please copy the drafting file for

2005 LRB 50342 / 1 (include the version) and place it in the

drafting file for 2005 LRB 50343/1

For research purposes, because the original 2005 draft was incorporated into another 2005 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the new 2005 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

(5002)

50343/1

LRBs0342/1
ARG:cjs:jf

ASSEMBLY

in 12/5

Stays

R M N R

**SENATE SUBSTITUTE AMENDMENT ,
TO 2005 SENATE BILL 352** 770

~~No changes~~

Regen

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 (4) (a) 1., 13.95 (intro.), 16.002 (2), 16.004 (4), 16.004 (5),

3 16.004 (12) (a), 16.01 (1), 16.045 (1) (a), 16.41 (4), 16.417 (1) (b), 16.52 (7), 16.528

4 (1) (a), 16.53 (2), 16.54 (9) (a) 1., 16.611 (2) (a) and (c), 16.70 (2), 16.75 (1m),

5 16.765 (1), (2), (4), (5), (6), (7) (intro.) and (d) and (8), 16.838 (1) (b), 16.85 (2),

6 16.865 (8), 23.175 (1) (b), 25.50 (1) (d), 32.01 (1), 32.05 (intro.), 71.26 (1) (be),

7 77.54 (9a) (a), 84.072 (3), 85.02 (1), 100.45 (1) (dm), 101.177 (1) (d), chapter 114

8 (title), 114.002 (1), 114.002 (3), 114.04, 114.05, 114.07, 114.105, 114.11 (title),

9 114.11 (1), (2), (3), (4) and (5) (intro.), 114.12, 114.13, 114.134 (title), 114.134 (1),

10 (2), (3) and (4) (c), 114.135 (intro.), (1), (2), (3), (4), (6), (7) and (8), 114.136 (title),

11 114.136 (1) (a), (b) and (c), (2) (a), (3), (4) and (5), 114.151, 114.31 (1) and (4),

12 114.33 (12), 114.37 (title), 230.03 (3), 281.75 (4) (b) 3., 285.59 (1) (b) and 560.032

13 (1); and *to create* 19.42 (10) (q), 20.395 (2) (mq), 20.395 (2) (mv), 20.395 (2) (mx),

1 24.61 (2) (a) 10., 25.17 (3) (b) 13., 32.02 (11m), 40.02 (54) (j), 66.0603 (1m) (a) 3u.,
2 70.11 (38m), 71.05 (1) (c) 7., 71.26 (1m) (h), 71.45 (1t) (h), subchapter I (title) of
3 chapter 114 [precedes 114.001], 114.002 (11m), 114.002 (18r), (18s) and (18t),
4 114.375, subchapter II of chapter 114 [precedes 114.60] and 219.09 (1) (g) of the
5 statutes; **relating to:** creating the Wisconsin Aerospace Authority to develop
6 and 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 substitute amendment 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 substitute amendment, 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 substitute amendment provides WAA with numerous powers, including authorizing WAA to do all of the following:

1. Design, develop, and operate spaceports, aerospace facilities, and spacecraft, including establishing a spaceport in the city of Sheboygan.
2. Design, develop, and operate programs and projects, and provide services, related to spaceports, aerospace facilities, and spacecraft.
3. Acquire and dispose of real property, personal property, and intangible property rights and enter into contracts.
4. Issue bonds to fund any spaceport, facility, or service of WAA.
5. Exercise the right of eminent domain.
6. Maintain exclusive jurisdiction (except where federal or state law provides otherwise) over WAA spaceports.
7. Cooperate with other governmental units in furnishing any facility or service, including fire and police protection at a spaceport.

The substitute amendment also imposes a number of duties on WAA, including requiring WAA to do all of the following:

1. Promote the aerospace industry in this state, including advertising and promotion of WAA facilities and services and development, promotion, and attraction of space-related business in this state.
2. Provide and promote aerospace services, information, and business opportunities in this state.
3. Coordinate efforts of various governmental units and private parties interested in the promotion of space-related industry.
4. Develop a business plan to promote and facilitate spaceport-related educational and commercial development and to stimulate and improve aerospace science, design, technology, and research.
5. 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, including proposed funding sources for capital expenditures by WAA, and estimate of costs and funding for design, development, and operation of initially planned spaceports, aerospace facilities, and spacecraft.

The substitute amendment 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 substitute amendment authorizes WAA to have no more than \$100,000,000 in outstanding bonds at any one time. The substitute amendment creates an individual and corporate income tax exemption for interest on bonds issued by WAA.

The substitute amendment creates state, federal, and local appropriations for the Department of Transportation (DOT) from the transportation fund for funding for WAA, but does not directly provide any funds. Under the substitute amendment, any project to acquire, construct, or improve a spaceport or spaceport facility, other than a hangar, must be funded from these DOT appropriations 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 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; 6) it is subject to auditing by the Legislative Audit Bureau and to access by the Legislative Fiscal Bureau; and 7) the Code of Ethics for Public Officials and Employees covers 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 substitute amendment 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 and with a different funding source.

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:

1 7.33 (1) (c) “State agency” has the meaning given under s. 20.001 (1) and
2 includes an authority created under subch. II of ch. 114 or ch. 231, 232, 233, 234, or
3 237.

4 **SECTION 2.** 13.172 (1) of the statutes is amended to read:

5 13.172 (1) In this section, “agency” means an office, department, agency,
6 institution of higher education, association, society or other body in state
7 government created or authorized to be created by the constitution or any law, which
8 is entitled to expend moneys appropriated by law, including the legislature and the
9 courts, and any authority created in subch. II of ch. 114 or ch. 231, 233, or 234.

10 **SECTION 3.** 13.62 (2) of the statutes is amended to read:

11 13.62 (2) “Agency” means any board, commission, department, office, society,
12 institution of higher education, council or committee in the state government, or any
13 authority created in subch. II of ch. 114 or ch. 231, 232, 233, 234, or 237, except that
14 the term does not include a council or committee of the legislature.

15 **SECTION 4.** 13.94 (4) (a) 1. of the statutes is amended to read:

16 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
17 credentialing board, commission, independent agency, council or office in the
18 executive branch of state government; all bodies created by the legislature in the
19 legislative or judicial branch of state government; any public body corporate and
20 politic created by the legislature including specifically the Fox River Navigational
21 System Authority and the Wisconsin Aerospace Authority, a professional baseball
22 park district, a local professional football stadium district, a local cultural arts
23 district and a family care district under s. 46.2895; every Wisconsin works agency
24 under subch. III of ch. 49; every provider of medical assistance under subch. IV of ch.
25 49; technical college district boards; development zones designated under s. 560.71;

1 every county department under s. 51.42 or 51.437; every nonprofit corporation or
2 cooperative to which moneys are specifically appropriated by state law; and every
3 corporation, institution, association or other organization which receives more than
4 50% of its annual budget from appropriations made by state law, including
5 subgrantee or subcontractor recipients of such funds.

6 **SECTION 5.** 13.95 (intro.) of the statutes is amended to read:

7 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
8 known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau
9 shall be strictly nonpartisan and shall at all times observe the confidential nature
10 of the research requests received by it; however, with the prior approval of the
11 requester in each instance, the bureau may duplicate the results of its research for
12 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director’s
13 designated employees shall at all times, with or without notice, have access to all
14 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
15 Wisconsin Aerospace Authority, and the Fox River Navigational System Authority
16 and to any books, records or other documents maintained by such agencies or
17 authorities and relating to their expenditures, revenues, operations and structure.

18 **SECTION 6.** 16.002 (2) of the statutes is amended to read:

19 16.002 (2) “Departments” means constitutional offices, departments and
20 independent agencies and includes all societies, associations and other agencies of
21 state government for which appropriations are made by law, but not including
22 authorities created in subch. II of ch. 114 or chs. 231, 232, 233, 234, 235, and 237.

23 **SECTION 7.** 16.004 (4) of the statutes is amended to read:

24 16.004 (4) **FREEDOM OF ACCESS.** The secretary and such employees of the
25 department as the secretary designates may enter into the offices of state agencies

1 and authorities created under subch. II of ch. 114 or chs. 231, 233, 234, and 237, and
2 may examine their books and accounts and any other matter which in the secretary's
3 judgment should be examined and may interrogate the agency's employees publicly
4 or privately relative thereto.

5 **SECTION 8.** 16.004 (5) of the statutes is amended to read:

6 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
7 authorities created under subch. II of ch. 114 or chs. 231, 233, 234, and 237, and their
8 officers and employees, shall cooperate with the secretary and shall comply with
9 every request of the secretary relating to his or her functions.

10 **SECTION 9.** 16.004 (12) (a) of the statutes is amended to read:

11 16.004 (12) (a) In this subsection, "state agency" means an association,
12 authority, board, department, commission, independent agency, institution, office,
13 society or other body in state government created or authorized to be created by the
14 constitution or any law, including the legislature, the office of the governor and the
15 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
16 the Wisconsin Aerospace Authority, and the Fox River Navigational System
17 Authority.

18 **SECTION 10.** 16.01 (1) of the statutes is amended to read:

19 16.01 (1) In this section, "agency" means any office, department, agency,
20 institution of higher education, association, society or other body in state
21 government created or authorized to be created by the constitution or any law which
22 is entitled to expend moneys appropriated by law, including the legislature and the
23 courts, and any authority created under subch. II of ch. 114 or ch. 231, 233 or 234.

24 **SECTION 11.** 16.045 (1) (a) of the statutes is amended to read:

1 16.045 (1) (a) “Agency” means an office, department, independent agency,
2 institution of higher education, association, society or other body in state
3 government created or authorized to be created by the constitution or any law, which
4 is entitled to expend moneys appropriated by law, including the legislature and the
5 courts, but not including an authority created in subch. II of ch. 114 or ch. 231, 232,
6 233, 234, 235, or 237.

7 **SECTION 12.** 16.41 (4) of the statutes is amended to read:

8 16.41 (4) In this section, “authority” means a body created under subch. II of
9 ch. 114 or ch. 231, 233, 234, or 237.

10 **SECTION 13.** 16.417 (1) (b) of the statutes is amended to read:

11 16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or
12 ch. 231, 232, 233, 234, 235, or 237.

13 **SECTION 14.** 16.52 (7) of the statutes is amended to read:

14 16.52 (7) **PETTY CASH ACCOUNT.** With the approval of the secretary, each agency
15 which is authorized to maintain a contingent fund under s. 20.920 may establish a
16 petty cash account from its contingent fund. The procedure for operation and
17 maintenance of petty cash accounts and the character of expenditures therefrom
18 shall be prescribed by the secretary. In this subsection, “agency” means an office,
19 department, independent agency, institution of higher education, association,
20 society or other body in state government created or authorized to be created by the
21 constitution or any law, which is entitled to expend moneys appropriated by law,
22 including the legislature and the courts, but not including an authority created in
23 subch. II of ch. 114 or ch. 231, 233, 234, or 237.

24 **SECTION 15.** 16.528 (1) (a) of the statutes is amended to read:

1 16.528 (1) (a) “Agency” means an office, department, independent agency,
2 institution of higher education, association, society or other body in state
3 government created or authorized to be created by the constitution or any law, which
4 is entitled to expend moneys appropriated by law, including the legislature and the
5 courts, but not including an authority created in subch. II of ch. 114 or ch. 231, 233,
6 234, or 237.

7 **SECTION 16.** 16.53 (2) of the statutes is amended to read:

8 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
9 invoice, the agency shall notify the sender of the invoice within 10 working days after
10 it receives the invoice of the reason it is improperly completed. In this subsection,
11 “agency” means an office, department, independent agency, institution of higher
12 education, association, society or other body in state government created or
13 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, but not
15 including an authority created in subch. II of ch. 114 or ch. 231, 233, 234, or 237.

16 **SECTION 17.** 16.54 (9) (a) 1. of the statutes is amended to read:

17 16.54 (9) (a) 1. “Agency” means an office, department, independent agency,
18 institution of higher education, association, society or other body in state
19 government created or authorized to be created by the constitution or any law, which
20 is entitled to expend moneys appropriated by law, including the legislature and the
21 courts, but not including an authority created in subch. II of ch. 114 or ch. 231, 233,
22 234, or 237.

23 **SECTION 18.** 16.611 (2) (a) and (c) of the statutes are amended to read:

24 16.611 (2) (a) The department shall prescribe, by rule, procedures for the
25 transfer of public records and records of the University of Wisconsin Hospitals and

1 Clinics Authority and of the Wisconsin Aerospace Authority to optical disk or
2 electronic format and for the maintenance of such records stored in optical disk or
3 electronic format, including procedures to ensure the authenticity, accuracy,
4 reliability and accessibility of any public records or records of the University of
5 Wisconsin Hospitals and Clinics Authority or of the Wisconsin Aerospace Authority
6 so transferred and procedures to ensure that such records are protected from
7 unauthorized destruction.

8 (c) The department shall prescribe, by rule, qualitative standards for optical
9 disks and for copies of documents generated from optical disks used to store public
10 records and records of the University of Wisconsin Hospitals and Clinics Authority
11 and of the Wisconsin Aerospace Authority.

12 **SECTION 19.** 16.70 (2) of the statutes is amended to read:

13 16.70 (2) “Authority” means a body created under subch. II of ch. 114 or ch. 231,
14 232, 233, 234, 235, or 237.

15 **SECTION 20.** 16.75 (1m) of the statutes is amended to read:

16 16.75 (1m) The department shall award each order or contract for materials,
17 supplies or equipment on the basis of life cycle cost estimates, whenever such action
18 is appropriate. Each authority other than the University of Wisconsin Hospitals and
19 Clinics Authority and the Wisconsin Aerospace Authority shall award each order or
20 contract for materials, supplies or equipment on the basis of life cycle cost estimates,
21 whenever such action is appropriate. The terms, conditions and evaluation criteria
22 to be applied shall be incorporated in the solicitation of bids or proposals. The life
23 cycle cost formula may include, but is not limited to, the applicable costs of energy
24 efficiency, acquisition and conversion, money, transportation, warehousing and
25 distribution, training, operation and maintenance and disposition or resale. The

1 department shall prepare documents containing technical guidance for the
2 development and use of life cycle cost estimates, and shall make the documents
3 available to local governmental units.

4 **SECTION 21.** 16.765 (1), (2), (4), (5), (6), (7) (intro.) and (d) and (8) of the statutes
5 are amended to read:

6 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
7 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
8 Aerospace Authority, and the Bradley Center Sports and Entertainment
9 Corporation shall include in all contracts executed by them a provision obligating the
10 contractor not to discriminate against any employee or applicant for employment
11 because of age, race, religion, color, handicap, sex, physical condition, developmental
12 disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m)
13 or national origin and, except with respect to sexual orientation, obligating the
14 contractor to take affirmative action to ensure equal employment opportunities.

15 (2) Contracting agencies, the University of Wisconsin Hospitals and Clinics
16 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
17 Authority, and the Bradley Center Sports and Entertainment Corporation shall
18 include the following provision in every contract executed by them: “In connection
19 with the performance of work under this contract, the contractor agrees not to
20 discriminate against any employee or applicant for employment because of age, race,
21 religion, color, handicap, sex, physical condition, developmental disability as defined
22 in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but
23 not be limited to, the following: employment, upgrading, demotion or transfer;
24 recruitment or recruitment advertising; layoff or termination; rates of pay or other
25 forms of compensation; and selection for training, including apprenticeship. Except

1 with respect to sexual orientation, the contractor further agrees to take affirmative
2 action to ensure equal employment opportunities. The contractor agrees to post in
3 conspicuous places, available for employees and applicants for employment, notices
4 to be provided by the contracting officer setting forth the provisions of the
5 nondiscrimination clause”.

6 (4) Contracting agencies, the University of Wisconsin Hospitals and Clinics
7 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
8 Authority, and the Bradley Center Sports and Entertainment Corporation shall take
9 appropriate action to revise the standard government contract forms under this
10 section.

11 (5) The head of each contracting agency and the boards of directors of the
12 University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational
13 System Authority, the Wisconsin Aerospace Authority, and the Bradley Center
14 Sports and Entertainment Corporation shall be primarily responsible for obtaining
15 compliance by any contractor with the nondiscrimination and affirmative action
16 provisions prescribed by this section, according to procedures recommended by the
17 department. The department shall make recommendations to the contracting
18 agencies and the boards of directors of the University of Wisconsin Hospitals and
19 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
20 Aerospace Authority, and the Bradley Center Sports and Entertainment
21 Corporation for improving and making more effective the nondiscrimination and
22 affirmative action provisions of contracts. The department shall promulgate such
23 rules as may be necessary for the performance of its functions under this section.

24 (6) The department may receive complaints of alleged violations of the
25 nondiscrimination provisions of such contracts. The department shall investigate

1 and determine whether a violation of this section has occurred. The department may
2 delegate this authority to the contracting agency, the University of Wisconsin
3 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
4 Wisconsin Aerospace Authority, or the Bradley Center Sports and Entertainment
5 Corporation for processing in accordance with the department's procedures.

6 (7) (intro.) When a violation of this section has been determined by the
7 department, the contracting agency, the University of Wisconsin Hospitals and
8 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
9 Aerospace Authority, or the Bradley Center Sports and Entertainment Corporation,
10 the contracting agency, the University of Wisconsin Hospitals and Clinics Authority,
11 the Fox River Navigational System Authority, the Wisconsin Aerospace Authority,
12 or the Bradley Center Sports and Entertainment Corporation shall:

13 (d) Direct the violating party to take immediate steps to prevent further
14 violations of this section and to report its corrective action to the contracting agency,
15 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
16 Navigational System Authority, the Wisconsin Aerospace Authority, or the Bradley
17 center sports and entertainment corporation.

18 (8) If further violations of this section are committed during the term of the
19 contract, the contracting agency, the Fox River Navigational System Authority, the
20 Wisconsin Aerospace Authority, or the Bradley Center Sports and Entertainment
21 Corporation may permit the violating party to complete the contract, after complying
22 with this section, but thereafter the contracting agency, the Fox River Navigational
23 System Authority, the Wisconsin Aerospace Authority, or the Bradley Center Sports
24 and Entertainment Corporation shall request the department to place the name of
25 the party on the ineligible list for state contracts, or the contracting agency, the Fox

1 River Navigational System Authority, the Wisconsin Aerospace Authority, or the
2 Bradley Center Sports and Entertainment Corporation may terminate the contract
3 without liability for the uncompleted portion or any materials or services purchased
4 or paid for by the contracting party for use in completing the contract.

5 **SECTION 22.** 16.838 (1) (b) of the statutes is amended to read:

6 16.838 (1) (b) “Authority” means a body created under subch. II of ch. 114 or
7 ch. 231, 232, 233, 234, 235, or 237.

8 **SECTION 23.** 16.85 (2) of the statutes is amended to read:

9 16.85 (2) To furnish engineering, architectural, project management and other
10 building construction services whenever requisitions therefor are presented to the
11 department by any agency. The department may deposit moneys received from the
12 provision of these services in the account under s. 20.505 (1) (kc) or in the general
13 fund as general purpose revenue — earned. In this subsection, “agency” means an
14 office, department, independent agency, institution of higher education, association,
15 society or other body in state government created or authorized to be created by the
16 constitution or any law, which is entitled to expend moneys appropriated by law,
17 including the legislature and the courts, but not including an authority created in
18 subch. II of ch. 114 or ch. 231, 233, 234, or 237.

19 **SECTION 24.** 16.865 (8) of the statutes is amended to read:

20 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
21 proportionate share of the estimated costs attributable to programs administered by
22 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
23 may charge premiums to agencies to finance costs under this subsection and pay the
24 costs from the appropriation on an actual basis. The department shall deposit all
25 collections under this subsection in the appropriation account under s. 20.505 (2) (k).

1 Costs assessed under this subsection may include judgments, investigative and
 2 adjustment fees, data processing and staff support costs, program administration
 3 costs, litigation costs and the cost of insurance contracts under sub. (5). In this
 4 subsection, “agency” means an office, department, independent agency, institution
 5 of higher education, association, society or other body in state government created
 6 or authorized to be created by the constitution or any law, which is entitled to expend
 7 moneys appropriated by law, including the legislature and the courts, but not
 8 including an authority created in subch. II of ch. 114 or ch. 231, 232, 233, 234, 235,
 9 or 237.

10 **SECTION 25.** 19.42 (10) (q) of the statutes is created to read:

11 19.42 (10) (q) The executive director and members of the board of directors of
 12 the Wisconsin Aerospace Authority.

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

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

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

21 20.395 (2) (mq) *Astronautics assistance, state funds.* As a continuing
 22 appropriation, the amounts in the schedule for the state’s share of spaceport projects
 23 and for the Wisconsin Aerospace Authority under subch. II of ch. 114.

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

1 20.395 (2) (mv) *Astronautics assistance, local funds.* All moneys received by
2 the state from any local unit of government or other source for spaceports and for the
3 Wisconsin Aerospace Authority under subch. II of ch. 114 and the loan program
4 under s. 114.375, for such purposes.

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

6 20.395 (2) (mx) *Astronautics assistance, federal funds.* All moneys received
7 from the federal government for spaceports and for the Wisconsin Aerospace
8 Authority under subch. II of ch. 114, for such purposes.

9 **SECTION 30.** 23.175 (1) (b) of the statutes is amended to read:

10 23.175 (1) (b) “State agency” means any office, department, agency, institution
11 of higher education, association, society or other body in state government created
12 or authorized to be created by the constitution or any law which is entitled to expend
13 moneys appropriated by law, including any authority created under subch. II of ch.
14 114 or ch. 231, 233, 234, or 237 but not including the legislature or the courts.

15 **SECTION 31.** 24.61 (2) (a) 10. of the statutes is created to read:

16 24.61 (2) (a) 10. Bonds of the Wisconsin Aerospace Authority.

17 **SECTION 32.** 25.17 (3) (b) 13. of the statutes is created to read:

18 25.17 (3) (b) 13. Bonds issued by the Wisconsin Aerospace Authority.

19 **SECTION 33.** 25.50 (1) (d) of the statutes is amended to read:

20 25.50 (1) (d) “Local government” means any county, town, village, city, power
21 district, sewerage district, drainage district, town sanitary district, public inland
22 lake protection and rehabilitation district, local professional baseball park district
23 created under subch. III of ch. 229, family care district under s. 46.2895, local
24 professional football stadium district created under subch. IV of ch. 229, local
25 cultural arts district created under subch. V of ch. 229, public library system, school

1 district or technical college district in this state, any commission, committee, board
2 or officer of any governmental subdivision of this state, any court of this state, other
3 than the court of appeals or the supreme court, or any authority created under s.
4 114.61, 231.02, 233.02 or 234.02.

5 **SECTION 34.** 32.01 (1) of the statutes is amended to read:

6 32.01 (1) “Person” includes the state, a county, town, village, city, school district
7 or other municipal corporation, a board, commission, including a commission created
8 by contract under s. 66.0301, corporation, or housing authority created under ss.
9 66.1201 to 66.1211 or redevelopment authority created under s. 66.1333 or the
10 Wisconsin Aerospace Authority created under s. 114.61.

11 **SECTION 35.** 32.02 (11m) of the statutes is created to read:

12 32.02 (11m) The Wisconsin Aerospace Authority created under subch. II of ch.
13 114.

14 **SECTION 36.** 32.05 (intro.) of the statutes is amended to read:

15 **32.05 Condemnation for sewers and transportation facilities.** (intro.)
16 In this section, “mass transit facility” includes, without limitation because of
17 enumeration, exclusive or preferential bus lanes if those lanes are limited to
18 abandoned railroad rights-of-way or existing expressways constructed before
19 May 17, 1978, highway control devices, bus passenger loading areas and terminal
20 facilities, including shelters, and fringe and corridor parking facilities to serve bus
21 and other public mass transportation passengers, together with the acquisition,
22 construction, reconstruction and maintenance of lands and facilities for the
23 development, improvement and use of public mass transportation systems for the
24 transportation of passengers. This section does not apply to proceedings in 1st class
25 cities under subch. II. In any city, condemnation for housing under ss. 66.1201 to

1 66.1211, for urban renewal under s. 66.1333, or for cultural arts facilities under
2 subch. V of ch. 229, may proceed under this section or under s. 32.06 at the option
3 of the condemning authority. Condemnation by a local exposition district under
4 subch. II of ch. 229 for any exposition center or exposition center facility may proceed
5 under this section or under s. 32.06 at the option of the local exposition district. All
6 other condemnation of property for public alleys, streets, highways, airports,
7 spaceports, mass transit facilities, or other transportation facilities, gas or leachate
8 extraction systems to remedy environmental pollution from a solid waste disposal
9 facility, storm sewers and sanitary sewers, watercourses or water transmission and
10 distribution facilities shall proceed as follows:

11 **SECTION 37.** 40.02 (54) (j) of the statutes is created to read:

12 40.02 (54) (j) The Wisconsin Aerospace Authority.

13 **SECTION 38.** 66.0603 (1m) (a) 3u. of the statutes is created to read:

14 66.0603 (1m) (a) 3u. Bonds issued by the Wisconsin Aerospace Authority.

15 **SECTION 39.** 70.11 (38m) of the statutes is created to read:

16 70.11 (38m) WISCONSIN AEROSPACE AUTHORITY. Notwithstanding the provisions
17 of s. 70.11 (intro.) that relate to leased property or that impose other limitations, all
18 property owned or leased by the Wisconsin Aerospace Authority, provided that use
19 of the property is primarily related to the purposes of the authority.

20 **SECTION 40.** 71.05 (1) (c) 7. of the statutes is created to read:

21 71.05 (1) (c) 7. The Wisconsin Aerospace Authority.

22 **SECTION 41.** 71.26 (1) (be) of the statutes is amended to read:

23 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
24 Hospitals and Clinics Authority and, of the Fox River Navigational System
25 Authority, and of the Wisconsin Aerospace Authority.

1 **SECTION 42.** 71.26 (1m) (h) of the statutes is created to read:

2 71.26 (1m) (h) Those issued under s. 114.70 or 114.74.

3 **SECTION 43.** 71.45 (1t) (h) of the statutes is created to read:

4 71.45 (1t) (h) Those issued under s. 114.70 or 114.74.

5 **SECTION 44.** 77.54 (9a) (a) of the statutes is amended to read:

6 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
7 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, and the Fox
8 River Navigational System Authority.

9 **SECTION 45.** 84.072 (3) of the statutes is amended to read:

10 84.072 (3) IMPLIED CONSENT. Any municipality, county, or other person,
11 including the Wisconsin Aerospace Authority created under subch. II of ch. 114, that
12 accepts federal moneys from the appropriations under s. 20.395 (1) (bx), (2) (ax), (dx),
13 ~~or~~ (fx), or (mx), or (3) (bx), (cx), or (ex), or accepts other federal moneys for highway,
14 transit, ~~or~~, airport, or spaceport purposes, after September 1, 2001, is considered to
15 have given consent to the unified certification disadvantage business program
16 administered under this section.

17 **SECTION 46.** 85.02 (1) of the statutes is amended to read:

18 85.02 (1) The department may direct, undertake and expend state and federal
19 aid for planning, promotion and protection activities in the areas of highways, motor
20 vehicles, traffic law enforcement, aeronautics and astronautics, railroads,
21 waterways, specialized transportation services, mass transit systems and for any
22 other transportation mode. All state, regional and municipal agencies and
23 commissions created under authority of law shall to the extent practicable, when
24 dealing with transportation, follow the recommendations made by the secretary.

25 **SECTION 47.** 100.45 (1) (dm) of the statutes is amended to read:

1 100.45 (1) (dm) “State agency” means any office, department, agency,
 2 institution of higher education, association, society or other body in state
 3 government created or authorized to be created by the constitution or any law which
 4 is entitled to expend moneys appropriated by law, including the legislature and the
 5 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
 6 Center Sports and Entertainment Corporation, the University of Wisconsin
 7 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
 8 Authority, the Wisconsin Aerospace Authority, and the Fox River Navigational
 9 System Authority.

10 **SECTION 48.** 101.177 (1) (d) of the statutes is amended to read:

11 101.177 (1) (d) “State agency” means any office, department, agency,
 12 institution of higher education, association, society or other body in state
 13 government created or authorized to be created by the constitution or any law which
 14 is entitled to expend moneys appropriated by law, including the legislature and the
 15 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
 16 Center Sports and Entertainment Corporation, the University of Wisconsin
 17 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, and the
 18 Wisconsin Health and Educational Facilities Authority.

19 **SECTION 49.** Chapter 114 (title) of the statutes is amended to read:

CHAPTER 114

AERONAUTICS AND ASTRONAUTICS

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

CHAPTER 114

1 SUBCHAPTER I

2 AIR TRANSPORTATION

3 **SECTION 51.** 114.002 (1) of the statutes is amended to read:4 114.002 (1) “Aeronautics” means the science and art of aircraft flight and
5 including but not limited to transportation by aircraft; the operation, construction,
6 repair or maintenance of aircraft, aircraft power plants and accessories, including
7 the repair, packing and maintenance of parachutes; the design, establishment,
8 construction, extension, operation, improvement, repair or maintenance of airports
9 or other air navigation facilities; and instruction in flying or ground subjects
10 pertaining thereto.11 **SECTION 52.** 114.002 (3) of the statutes is amended to read:12 114.002 (3) “Aircraft” means any contrivance invented, used, or designed for
13 navigation of or flight in the air, but does not include spacecraft.14 **SECTION 53.** 114.002 (11m) of the statutes is created to read:15 114.002 (11m) “Astronautics” means the science and art of spacecraft flight
16 and all activities related thereto.17 **SECTION 54.** 114.002 (18r), (18s) and (18t) of the statutes are created to read:18 114.002 (18r) “Spacecraft” means any contrivance invented, used, or designed
19 for navigation or flight beyond the earth’s atmosphere, including rockets, missiles,
20 capsules, modules, and other vehicles, whether with or without passengers.21 (18s) “Spacecraft launch or landing area” means any area used, or intended for
22 use, for launching or landing spacecraft or for surface maneuvering, positioning, or
23 preparation of spacecraft for imminent launching or immediately after landing,
24 including any launch pad, landing area, or launch or landing control center.

1 **(18t)** “Spaceport” means any area of land or water that is used, or intended for
2 use, as a spacecraft launch or landing area and any appurtenant areas that are used,
3 or intended for use, for spaceport buildings or other spaceport facilities or
4 rights-of-way, together with all spaceport buildings and facilities located thereon.

5 **SECTION 55.** 114.04 of the statutes is amended to read:

6 **114.04 Flying and landing, limitations.** Flight in aircraft or spacecraft over
7 the lands and waters of this state is lawful, unless at such a low altitude as to
8 interfere with the then existing use to which the land or water, or the space over the
9 land or water, is put by the owner, or unless so conducted as to be imminently
10 dangerous or damaging to persons or property lawfully on the land or water beneath.
11 The landing of an aircraft or spacecraft on the lands or waters of another, without
12 the person’s consent, is unlawful, except in the case of a forced landing. For damages
13 caused by a forced landing, however, the owner or lessee of the aircraft or spacecraft
14 or the aeronaut or astronaut shall be liable, as provided in s. 114.05.

15 **SECTION 56.** 114.05 of the statutes is amended to read:

16 **114.05 Damages by aircraft or spacecraft.** The liability of the owner, lessee
17 and pilot of every aircraft or spacecraft operating over the lands or waters of this
18 state for injuries or damage to persons or property on the land or water beneath,
19 caused by the ascent, descent or flight of such aircraft or spacecraft, or the dropping
20 or falling of the aircraft or spacecraft or of any object or material therefrom, shall be
21 determined by the law applicable to torts on land, except that there shall be a
22 presumption of liability on the part of the owner, lessee or pilot, as the case may be,
23 where injury or damage is caused by the dropping or falling of the aircraft or
24 spacecraft or of any object or material therefrom, which presumption may be
25 rebutted by proof that the injury or damage was not caused by negligence on the part

1 of the owner, lessee or pilot and the burden of proof in such case shall be upon such
2 owner, lessee or pilot to show absence of negligence on his or her part.

3 **SECTION 57.** 114.07 of the statutes is amended to read:

4 **114.07 Criminal jurisdiction.** All crimes, torts and other wrongs committed
5 by or against an aeronaut, astronaut, or passenger while in flight over this state shall
6 be governed by the laws of this state; and the question whether damage occasioned
7 by or to an aircraft or spacecraft while in flight over this state constitutes a tort, crime
8 or other wrong by or against the owner of such aircraft or spacecraft, shall be
9 determined by the laws of this state.

10 **SECTION 58.** 114.105 of the statutes is amended to read:

11 **114.105 Local regulation.** Any county, town, city or village may adopt any
12 ordinance in strict conformity with the provisions of this chapter and impose the
13 same penalty for violation of any of its provisions except that such ordinance shall
14 not provide for the suspension or revocation of pilot or aircraft licenses or certificates
15 and shall not provide for imprisonment except for failure to pay any fine which may
16 be imposed. No local authority shall enact any ordinance governing aircraft or
17 aeronautics or spacecraft or astronautics contrary to or inconsistent with the
18 provisions of this chapter or federal law. Every court in which a violation of such
19 ordinance is prosecuted shall make a written report of any conviction (including bail
20 or appearance money forfeiture) to the federal aviation administration.

21 **SECTION 59.** 114.11 (title) of the statutes is amended to read:

22 **114.11 (title) Local airports and spaceports; interstate reciprocity.**

23 **SECTION 60.** 114.11 (1), (2), (3), (4) and (5) (intro.) of the statutes are amended
24 to read:

1 114.11 (1) The governing body of any county, city, village or town in this state
2 is hereby authorized to acquire, establish, construct, own, control, lease, equip,
3 improve, maintain and operate airports or landing fields or landing and take-off
4 strips for the use of airplanes and other aircraft, or spaceports or spacecraft launch
5 or landing areas, either within or without the limits of such counties, cities, villages
6 and towns, and may use for such purpose or purposes any property suitable therefor
7 that is now or may at any time hereafter be owned or controlled by such county, city,
8 village or town, and may regulate the same, provided, such regulation shall not be
9 in conflict with such rules and regulations as may be made by the federal
10 government. The governing body of each and every county and municipality owning
11 an airport or landing field or landing and take-off strip, or spaceport or spacecraft
12 launch or landing area, in the state of Wisconsin shall cause the surroundings of such
13 airport, landing field or landing and take-off strip, or spaceport or spacecraft launch
14 or landing area, to be marked for aeronautical or astronautical purposes, and
15 maintain such marking, subject to and in accordance with law and such rules and
16 regulations as may from time to time be made by the federal government and in so
17 doing may cooperate with other states and subdivisions thereof and acquire rights
18 and easements in property outside of the state.

19 (2) The governing body of any county, city, village or town of this state is
20 authorized to acquire, establish, construct, own, control, lease, equip, improve,
21 maintain and operate airports or landing fields or landing and take-off strips or
22 other aeronautical facilities, or spaceports or spacecraft launch or landing areas or
23 other astronautical facilities, in an adjoining state whose laws permit, subject to the
24 laws of such state, but subject to the laws of this state in all matters relating to
25 financing such aeronautical or astronautical project.

1 (3) The governing body of any municipality or other political subdivision of an
2 adjoining state whose laws permit, is hereby authorized to acquire, establish,
3 construct, own, control, lease, equip, improve, maintain and operate airports, or
4 landing fields, or landing and take-off strips or other aeronautical facilities, or
5 spaceports or spacecraft launch or landing areas or other aeronautical facilities, in
6 this state, subject to all laws, rules and regulations of this state applicable to its
7 municipalities or other political subdivisions in such aeronautical or aeronautical
8 project, but subject to the laws of its own state in all matters relating to financing
9 such project. Such municipality or other political subdivision of an adjoining state
10 shall have all privileges, rights and duties of like municipalities or other political
11 subdivisions of this state, including the right to exercise the right of eminent domain.
12 This subsection shall not apply unless the laws of such adjoining state shall permit
13 municipalities or other political subdivisions of this state to acquire, establish,
14 construct, own, control, lease, equip, improve, maintain, operate and otherwise
15 control such airport, landing field or landing and take-off strips or other
16 aeronautical facilities, or spaceports or spacecraft launch or landing areas or other
17 aeronautical facilities, therein with all privileges, rights and duties applicable to the
18 municipalities or other political subdivisions of such adjoining state in such
19 aeronautical or aeronautical projects.

20 (4) The governing body of any county, city, village or town is authorized to
21 appropriate money to any town, city, village or other county, for the operation,
22 improvement or acquisition of an airport or spaceport by such town, city, village or
23 other county or any combination of such municipalities.

24 (5) (intro.) The governing body of any county, city, village or town in this state
25 may, together with any municipality or other political subdivision of an adjoining

1 state if, under the laws of that state, such municipality or other political subdivision
2 is similarly authorized, jointly sponsor an airport or spaceport project located in this
3 state or in the adjoining state.

4 **SECTION 61.** 114.12 of the statutes is amended to read:

5 **114.12 Condemnation of lands for airports and spaceports.** Any lands
6 acquired, owned, controlled or occupied by such counties, cities, villages and towns
7 for the purposes enumerated in s. 114.11 shall and are hereby declared to be
8 acquired, owned, controlled and occupied for a public purpose, and as a matter of
9 public necessity, and such cities, villages, towns or counties shall have the right to
10 acquire property for such purpose or purposes under the power of eminent domain
11 as and for a public necessity including property owned by other municipal
12 corporations and political subdivisions and including any street, highway, park,
13 parkway or alley, provided that no state trunk highway shall be so acquired without
14 the prior consent of the department. Whenever the county, city, village or town as
15 the case may be shall own all land or access rights on both sides of such street,
16 highway, park, parkway or alley, it may, within the limits where it has ownership or
17 access rights on both sides, notwithstanding any other provisions of law, vacate and
18 close such public way by resolution of the governing body of the county, city, village
19 or town acquiring it and no damages shall be assessed against such county, city,
20 village or town by reason of such closing, except as may be allowed in a particular
21 condemnation action where the lands or rights in lands necessary for such airport
22 or spaceport are so acquired. If such closing shall leave any part of such street,
23 highway, parkway or alley without access to another public street or highway, the
24 county, town, city or village effecting such closing shall immediately provide such
25 access at its expense.