




# State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 12/05/2005 (Per: ARG)





 **Appendix A ... Part 02 of 03**

 The 2005 drafting file for LRB 05s0342/1

has been copied/added to the 2005 drafting file for

# LRB 05s0343

 The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as an appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2005 drafting file. The drafting file was then returned, intact, to its folder and filed.

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2005 → LRB 50342 drafting file

1 SECTION 64. 114.134 (1), (2), (3) and (4) (c) of the statutes are amended to read:

2 114.134 (1) PUBLIC AIRPORT AND SPACEPORT INFORMATION. No person shall  
3 operate an airport or spaceport within this state that is open to the general public  
4 unless effective runway and landing strip lengths are properly reported, published  
5 and marked in accordance with applicable federal aviation regulations and federal  
6 obstruction standards.

7 (2) TRAVERSE WAY CLEARANCE. No person shall operate an airport or spaceport  
8 within this state unless all runways and landing strips are so located that  
9 approaching and departing aircraft or spacecraft clear all public roads, highways,  
10 railroads, waterways or other traverse ways by a height which complies with  
11 applicable federal standards.

12 (3) AIRPORT AND SPACEPORT SITE APPROVAL. No person shall construct or  
13 otherwise establish a new airport or spaceport or activate an airport or spaceport  
14 within this state unless the secretary of transportation issues a certificate of  
15 approval for the location of the proposed airport or spaceport. No charge shall be  
16 made for application or approval. The secretary may issue a certificate of approval  
17 if the secretary determines that the location of the proposed airport or spaceport is  
18 compatible with existing and planned transportation facilities in the area.

19 (4) (c) At least 15 days before the date of the hearing a class 1 notice of any  
20 public hearing shall be published, under ch. 985, in the official state newspaper and  
21 in a paper of general circulation printed and published near the location of the  
22 proposed airport or spaceport.

23 SECTION 65. 114.135 (intro.), (1), (2), (3), (4), (6), (7) and (8) of the statutes are  
24 amended to read:

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## SECTION 65

1           **114.135 Airport and spaceport protection.** (intro.) It is declared to be in  
2 the public interest that the navigable airspace over the state and the aerial  
3 approaches to any airport or spaceport be maintained in a condition best suited for  
4 the safe operation of aircraft or spacecraft and to that end the bulk, height, location  
5 and use of any building or structure, or any other object, and the use of land, may be  
6 regulated, or any building, structure or other object may be removed. It is the  
7 legislative intent that this section shall not supersede s. 59.69 (4), but that it shall  
8 be supplemental to such section.

9           (1) PROCEDURE TO OBTAIN PROTECTION PRIVILEGES. The aerial approaches to any  
10 airport or spaceport owned and operated by corporations organized to provide  
11 aeronautic or astronautic facilities to the general public may be protected in the  
12 following manner: The owner of the airport or spaceport shall prepare and record  
13 with the register of deeds plans and specifications showing the land affected, the  
14 owner of each parcel or interest therein, whether public or private, the regulations  
15 to be imposed on each parcel and the structures, buildings or other objects to be  
16 removed. The owner or managing body of the airport or spaceport may negotiate and  
17 acquire from the owners of the various parcels or interest therein, whether public or  
18 private, by deeds the protection privileges shown by the plans and specifications.  
19 Referring in the deed to the plans and specifications, and briefly describing the plans  
20 and specifications, shall be considered sufficient legal description to convey the  
21 protection privileges set forth in the plans and specifications in the property of the  
22 grantor. In case the owner of the airport or spaceport is unable to obtain by  
23 negotiation the desired protection privileges, he or she may acquire the protection  
24 privileges by eminent domain in the manner set forth in ch. 32, except as to lands and  
25 buildings of railway companies that are necessary to, or are used in connection with

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1 the operation of the railway. In case the protection privileges sought extend into  
2 more than one county the plans and specifications shall be recorded with the register  
3 of deeds of each county. In case any parcel of land lies in more than one county,  
4 eminent domain proceedings may be instituted in the circuit court of any county in  
5 which the parcel is situated, provided a certified copy of the final judgment with a  
6 description of the property involved is recorded with the register of deeds of all  
7 counties in which the parcel of land or interest therein lies.

8 (2) NOTICE; CLAIM FOR DAMAGES. In case of any airport landing field or landing  
9 and take-off strip, or spaceport or spacecraft launch or landing area, owned by any  
10 city, village, town or county or any union of them, the commission or other body in  
11 charge of the operation and control of the airport, landing field or landing and  
12 take-off strip, or spaceport or spacecraft launch or landing area, may prepare and  
13 record without charge with the register of deeds plans and specifications showing the  
14 protection privileges sought as described in sub. (1). The commission or other body  
15 in charge shall send by registered mail with return receipt to each owner at his or  
16 her last-known address a notice stating that the plans and specifications have been  
17 recorded with the register of deeds' office, stating the county, time of recording, the  
18 record number, and a brief description of the parcel of land or interest therein  
19 affected. If the address of the owner cannot be ascertained or the registered letter  
20 is returned unclaimed, notice shall be sent by registered mail to the person in  
21 possession of the premises. If no person is in possession, then the notice shall be  
22 posted in a conspicuous place on the land involved and published as a class 3 notice,  
23 under ch. 985, in the area affected. The right of the owner to claim for damages for  
24 the protection regulations imposed in the plans and specifications, or the removal of  
25 obstructions shall be forever barred, unless the owner files a claim for damages with

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1 the commission or other body in charge within 6 months from the receipt of the notice  
2 from the commission, or other body in charge, or the posting and last publication.  
3 The claim shall be verified and shall state the amount of damages claimed. The  
4 commission or other body in charge may pay the damages, if it has available funds,  
5 and the payment shall operate as a conveyance. If no claims for payment are filed  
6 or if payment is made, the commission or other body in charge shall file an affidavit  
7 for each parcel involved setting forth the rights acquired which shall be recorded by  
8 the register of deeds without charge and when so recorded has the same effect as any  
9 recorded instrument. If any owner is a minor or incompetent, the notice may be sent  
10 by registered mail to the owner's guardian, if he or she has one, and if there is none  
11 the circuit court of the county in which the land, or a larger part, is located shall upon  
12 application of the commission or other body in charge appoint a guardian to receive  
13 the notice, and to protect the rights of the owner. Any funds payable to the owner  
14 shall be cared for in the manner provided in ch. 880. If the commission or other body  
15 in charge determines that the damages claimed are excessive, it shall so report to the  
16 governing body that established the airport, landing field or landing and take-off  
17 strip, or spaceport or spacecraft launch or landing area, in question and with its  
18 consent may acquire in the name of the governmental body the protection privilege  
19 desired in the manner set forth in sub. (1) or it may deposit with the county clerk an  
20 award and notify the owner of the land involved in the method specified in this  
21 subsection. The landowner may accept the award without prejudice to his or her  
22 right to claim and contest for a greater sum. The landowner may, within a period of  
23 6 months after notice of the award, proceed as provided in ch. 32 to have the damages  
24 appraised.

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1           (3) EXERCISE OF POWER AND AUTHORITY. The power and authority to protect  
2 airports or spaceports conferred in subs. (1) and (2) may be exercised from time to  
3 time; amended plans and specifications may be recorded in the register of deeds'  
4 office, and new protection privileges acquired from time to time in the methods  
5 provided by this section.

6           (4) ENCROACHMENTS. The duty to prevent encroachments by growth of trees or  
7 other vegetation, or otherwise, upon the protection privileges acquired by any  
8 airport, landing field, landing and take-off strip, or spaceport or spacecraft launch  
9 or landing area, shall be upon the owner or owners of the parcel of land affected by  
10 the protection privilege only in cases where the owner or owners have received  
11 compensation for the protection privilege. Any such encroachment is declared to be  
12 a private nuisance and may be abated in the manner prescribed in ch. 823. In cases  
13 where no compensation has been paid for the protection privilege, encroachments  
14 shall be removed by the owner or the authority in charge of the airport, landing field,  
15 or landing and take-off strip, or spaceport or spacecraft launch or landing area, and  
16 shall be, in case of a publicly owned airport, landing field or landing and take-off  
17 strip, or spaceport or spacecraft launch or landing area, a city, village, town or county  
18 charge as the case may be. In removing such encroachments, the owner or authority  
19 in charge of the airport, landing field or landing and take-off strip, or spaceport or  
20 spacecraft launch or landing area, in question, may go upon the land and remove the  
21 encroachment without being liable for damages in so doing.

22           (6) PERMIT FOR ERECTION OF HIGH STRUCTURES REQUIRED. No person shall erect  
23 anywhere in this state, including within a spaceport or spacecraft launch or landing  
24 area, any building, structure, tower or any other object the height of which exceeds

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1 the limitations set forth in sub. (7) without first filing an application and procuring  
2 a permit from the secretary of transportation.

3 (7) POWER TO CONTROL ERECTION OF HIGH STRUCTURES. For the purposes of sub.  
4 (6) the power and authority to control the erection of buildings, structures, towers  
5 and other objects by the secretary of transportation shall be limited to those objects  
6 that would either extend to a height of more than 500 feet above the ground or surface  
7 of the water within one mile of the location of the object, or above a height determined  
8 by the ratio of one foot vertical to 40 feet horizontal measured from the nearest  
9 boundary of the nearest public airport or spaceport within the state; however, this  
10 power and authority shall not extend to objects of less than 150 feet in height above  
11 the ground or water level at the location of the object or to objects located within areas  
12 zoned under s. 114.136 or to objects located within areas zoned under s. 62.23 (7)  
13 where the zoning ordinance enacted under said subsection controls the height of  
14 structures.

15 (8) RULES, REGULATIONS, STANDARDS AND CRITERIA. In carrying out sub. (6) the  
16 secretary of transportation may perform such acts, issue and amend such orders and  
17 make, promulgate and amend and enforce such reasonable rules, regulations and  
18 procedures and establish such minimum standards and criteria governing erection  
19 of buildings, structures, towers and hazards in the interest of the safe operation of  
20 aircraft and spacecraft as it deems necessary in the public interest and safety.

21 **SECTION 66.** 114.136 (title) of the statutes is amended to read:

22 **114.136** (title) **Airport and spaceport approach protection.**

23 **SECTION 67.** 114.136 (1) (a), (b) and (c), (2) (a), (3), (4) and (5) of the statutes are  
24 amended to read:

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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1           **114.151 Union airports and spaceports.** All powers conferred upon any  
2 county, city, village or town by ss. 114.11 to 114.15, relating to the acquisition,  
3 establishment, construction, ownership, control, lease, equipment, improvement,  
4 maintenance, operation and regulation of airports or landing fields, or spaceports or  
5 spacecraft launch or landing areas, may be exercised by any 2 or more municipalities  
6 in the establishment, acquisition, equipment and operation of joint airports or  
7 landing fields, or spaceports or spacecraft launch or landing areas. The governing  
8 body of any county, city, village or town participating in the ownership or operation  
9 of a joint airport or spaceport as provided in this section may by resolution withdraw  
10 from such joint operation or control and may relinquish its interest in the airport or  
11 spaceport.

12           **SECTION 70.** 114.31 (1) and (4) of the statutes are amended to read:

13           **114.31 (1) GENERAL.** The secretary shall have general supervision of  
14 aeronautics in the state and promote and foster a sound development of aviation in  
15 this state, promote aviation education and training programs, assist in the  
16 development of aviation and aviation facilities, safeguard the interests of those  
17 engaged in all phases of aviation, formulate and recommend and promote reasonable  
18 regulations in the interests of safety, and coordinate state aviation activities with  
19 those of other states ~~and~~, the federal government, and the Wisconsin Aerospace  
20 Authority. The secretary shall have all powers that are necessary to carry out the  
21 policies of the department of transportation, including the right to require that  
22 statements made to the secretary be under oath. The secretary is especially charged  
23 with the duty of informing himself or herself regarding all federal laws that affect  
24 aeronautics and astronautics in this state, all regulations pursuant to such laws, and  
25 all pending legislation providing for a national airport system, in order that the

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## SECTION 70

1 secretary may recommend to the governor and the legislature such measures as will  
2 best enable this state to derive the maximum benefits from such legislation if and  
3 when it shall become effective. It shall be the duty of all other state boards,  
4 commissions, departments and institutions, especially the appropriate educational  
5 institutions and the Wisconsin Aerospace Authority, to cooperate with the secretary.

6 (4) COOPERATION WITH FEDERAL AERONAUTICAL OR ASTRONAUTICAL AGENCY. The  
7 secretary shall cooperate with and assist the federal government, the political  
8 subdivisions of this state, and others engaged in aeronautics or astronautics or the  
9 promotion of aeronautics or astronautics, and shall seek to coordinate the  
10 aeronautical or astronautical activities of these bodies. To this end, the secretary is  
11 empowered to confer with or to hold joint hearings with any federal aeronautical or  
12 astronautical agency in connection with any matter arising under this chapter,  
13 relating to the sound development of aeronautics or astronautics, and to take  
14 advantage of the cooperation, services, records and facilities of such federal agencies,  
15 as fully as may be practicable, in the administration of said sections. The secretary  
16 shall furnish to the federal agencies cooperation, and the services, records and  
17 facilities of the department, insofar as may be practicable.

18 SECTION 71. 114.33 (12) of the statutes is amended to read:

19 114.33 (12) Lands held by any department, board, commission ~~or~~, other agency  
20 of the state, or the Wisconsin Aerospace Authority may, with the approval of the  
21 governor, be conveyed to the secretary in the manner prescribed by statute and, if  
22 none is prescribed, then by a conveyance authorized by appropriate resolution of the  
23 controlling department, board or commission of the agency concerned or by the  
24 Wisconsin Aerospace Authority.

25 SECTION 72. 114.37 (title) of the statutes is amended to read:

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

3           **SECTION 73.** 114.375 of the statutes is created to read:

4           **114.375 Advance land acquisition loan program for spaceport projects.**

5           **(1) PURPOSE.** The purpose of this section is to promote the state's interest in  
6 aerospace programs by providing loans for advance land acquisition for spaceport  
7 projects.

8           **(2) ADMINISTRATION.** The department shall administer an advance land  
9 acquisition loan program to assist a county, city, village, town, or an owner of a  
10 spaceport in acquiring land necessary for spaceport projects. The department shall  
11 have all powers necessary and convenient to implement this section, including the  
12 following powers:

13           (a) To specify conditions of eligibility for loans under this section. Such  
14 conditions shall include the requirement that the land to be acquired must be part  
15 of a planned spaceport improvement project or a land acquisition project that is  
16 essential to future spaceport development or to the safety of spacecraft using the  
17 spaceport.

18           (b) To receive applications for loans under this section and to prescribe the form,  
19 nature, and extent of the information which shall be contained in applications.

20           (c) To establish standards for the approval of loans under this section. No loan  
21 may be made for an amount greater than 80 percent of the department's assessment  
22 of the value of the property.

23           (d) To enter into loan agreements with applicants to ensure the proper use and  
24 prompt repayment of loans under this section. The loan agreement shall include the  
25 requirements that the loan be repaid within a period not to exceed 10 years and that

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## SECTION 73

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

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

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

12 (3) FUNDS. The department may make loans under this section from the  
13 appropriation under s. 20.395 (2) <sup>(mv)</sup> ~~(mv)~~. The total outstanding balance of loans under  
14 this subsection may not exceed \$10,000,000. ✓

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

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

19 CHAPTER 114

20 SUBCHAPTER II

21 WISCONSIN AEROSPACE AUTHORITY

22 114.60 Definitions. In this subchapter:

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

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

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

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

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

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

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

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



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## SECTION 74

1           (8) "Recovery" means the recovery of any spacecraft or payload, or any part of  
2 any spacecraft or payload, including any appurtenance, instrument, or equipment,  
3 that has detached from a spacecraft in flight or upon launch or landing.

4           (9) "Spaceport facilities" means facilities and infrastructure that are located  
5 within a spaceport and related to the operation or purpose of the spaceport,  
6 including: spaceport launch or landing areas; launch or landing control centers or  
7 other facilities; structures, mechanisms, or devices for communicating with or  
8 navigating or tracking spacecraft; buildings, structures, equipment, or other  
9 facilities associated with spacecraft construction, development, assembly,  
10 processing, testing, or evaluation; buildings, structures, equipment, or other  
11 facilities associated with payload loading, assembly, processing, testing, or  
12 evaluation; space flight hardware, software, or instrumentation; facilities  
13 appropriate to meet the transportation, electric, gas, water and sewer, flood control,  
14 waste disposal, and other infrastructure needs within the spaceport; facilities to  
15 meet public safety needs within the spaceport, including any facility related to  
16 spaceport security and emergency services such as fire and ambulance;  
17 administrative facilities; and other buildings, equipment, and instruments related  
18 to spaceport operations or the providing of spaceport services.

19           (10) "Spaceport services" means any services provided in connection with the  
20 operation, management, or control of a spaceport or spaceport facilities, including:  
21 the launching or landing of spacecraft; communicating with or navigating or  
22 tracking spacecraft; construction, development, assembly, processing, testing, or  
23 evaluation of spacecraft or payload; loading spacecraft payload; spaceport security  
24 and emergency services; and administrative services.

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1           (11) “Spaceport territory” means a spaceport of the authority in this state and  
2 any additional aerospace facilities associated with the spaceport that are in the  
3 immediate vicinity of the spaceport.

4           (12) “Wisconsin Space Grant Consortium” means the statewide regional  
5 consortium designated as such by the federal administrator of the National  
6 Aeronautics and Space Administration under 42 USC 2486f (a) (1) (B).

7           **114.61 Creation and organization.** (1) There is created a public body  
8 corporate and politic to be known as the “Wisconsin Aerospace Authority.” The board  
9 of the authority shall consist of the following members:

10           (a) Six members nominated by the governor, and with the advice and consent  
11 of the senate appointed, for 3-year terms.

12           (b) One member of the senate, appointed by the president of the senate, and one  
13 member of the assembly, appointed by the speaker of the assembly, each for a 3-year  
14 term.

15           (c) The director of the Wisconsin Space Grant Consortium. If the Wisconsin  
16 Space Grant Consortium ceases to exist or does not appoint a director, an additional  
17 member of the board shall be appointed under par. (a) in lieu of the member under  
18 this paragraph.

19           (2) Except for the member specified under sub. (1) (c), each member of the board  
20 shall be a resident of the state and shall have experience in the aerospace or  
21 commercial space industry, in education, or in finance or shall have other significant  
22 experience related to the functions of the authority as specified in this subchapter.

23           (3) (a) The terms of the members appointed under sub. (1) (a) and (b) expire on  
24 June 30. Each member’s appointment remains in effect until a successor is  
25 appointed unless the member vacates or is removed from his or her office. A member

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

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

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

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

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

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

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

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

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1           (6) The members of the board shall annually elect a chairperson and may elect  
2 other officers as they consider appropriate. Five members of the board constitute a  
3 quorum for the purpose of conducting the business and exercising the powers of the  
4 authority, notwithstanding the existence of any vacancy. The board may take action  
5 upon a vote of a majority of the members present, unless the bylaws of the authority  
6 require a larger number. The board shall meet at least once every 6 months, but may  
7 meet more frequently. Except as provided in s. 114.65 (4), meetings of the board are  
8 subject to the open meetings requirements specified in subch. V of ch. 19.

9           (7) The board shall appoint an executive director who may not be a member of  
10 the board and who shall serve at the pleasure of the board. The authority may  
11 delegate by resolution to one or more of its members or its executive director any  
12 powers and duties that it considers proper. The board shall determine the  
13 compensation of the executive director. The executive director or another person  
14 designated by resolution of the board shall keep a record of the proceedings of the  
15 authority and shall be custodian of all books, documents, and papers filed with the  
16 authority, the minute book or journal of the authority, and its official seal. The  
17 executive director or other person may cause copies to be made of all minutes and  
18 other records and documents of the authority and may give certificates under the  
19 official seal of the authority to the effect that the copies are true copies, and all  
20 persons dealing with the authority may rely upon the certificates. The executive  
21 director may call meetings of the board more frequently than the meetings required  
22 under sub. (6).

23           **114.62 Powers of authority.** The authority has all of the powers necessary  
24 or convenient to carry out the purposes and provisions of this chapter. In addition  
25 to all other powers granted by this chapter, the authority may do any of the following:

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1           (1) Adopt bylaws and policies and procedures for the regulation of its affairs  
2 and the conduct of its business.

3           (2) Sue and be sued. The authority has a direct right of action against any 3rd  
4 party to enforce any provision of this subchapter or to carry out any power provided  
5 to it under this subchapter or to protect its interests as authorized under this  
6 subchapter.

7           (3) Have a seal and alter the seal at pleasure; have perpetual existence; and  
8 maintain an office.

9           (4) Hire employees, define their duties, and fix their rate of compensation and  
10 benefits. The authority may also employ any agent or special advisor that the  
11 authority finds necessary and fix his or her compensation. The amount of  
12 reimbursement to any employee, agent, or special advisor shall be limited to the  
13 uniform travel schedule amounts approved under s. 20.916 (8).

14           (5) Appoint any technical or professional advisory committee that the  
15 authority finds necessary to assist the authority in exercising its duties and powers;  
16 define the duties of any committee; and provide reimbursement for the expenses of  
17 any committee. The amount of reimbursement under this subsection shall be limited  
18 to the uniform travel schedule amounts approved under s. 20.916 (8).

19           (6) Buy, sell, lease as lessor or lessee, or otherwise acquire any interest in or  
20 dispose of any interest in property, including real property, personal property, and  
21 intangible property rights.

22           (7) Make and execute contracts and other legal instruments necessary or  
23 convenient for the conduct of its business or to the exercise of its powers, including:  
24 procurement contracts; lease or rental agreements; lease-purchase, purchase and  
25 sale, and option to purchase agreements; consulting agreements; loan agreements;

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1 financing agreements; security agreements; contractual services agreements;  
2 affiliation agreements; and cooperative agreements with any governmental unit or  
3 other person, including agreements for any jointly provided service or jointly  
4 developed or operated facility.

5 (8) Accept gifts, bequests, contributions, and other financial assistance, in the  
6 form of money, property, or services, from any person, for the conduct of its business  
7 or for any other authorized purpose.

8 (9) Apply for and accept loans, grants, advances, aid, and other forms of  
9 financial assistance or funding, in the form of money, property, or services, from any  
10 person, including federal aid, for the conduct of its business or for any other  
11 authorized purpose.

12 (10) Acquire, own, lease, construct, develop, plan, design, establish, create,  
13 improve, enlarge, reconstruct, equip, finance, operate, manage, and maintain:

14 (a) Any spaceport, spaceport territory, spaceport facility, aerospace facility, or  
15 other facility or site within this state related to conducting the business or exercising

16 the powers of the authority. ✓

17 (b) Any spacecraft or other vehicle or aircraft related to conducting the business  
18 or exercising the powers of the authority.

19 (c) Any program or project related to conducting the business or exercising the  
20 powers of the authority.

21 (d) Any intangible property right, including any patent, trademark, service  
22 mark, copyright, trade secret, certification mark, or other right acquired under  
23 federal or state law, common law, or the law of any foreign country. The authority  
24 may utilize such rights for any permissible purpose under law, including licensing  
25 such rights in exchange for payment of royalties.

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1           (11) Offer, provide, furnish, or manage, and enter into contracts related to, any  
2 service or facility of the authority.

3           (12) Establish and collect fees, rents, rates, tolls, and other charges and  
4 revenues in connection with any service provided by the authority or the use of any  
5 facility of the authority.

6           (13) Issue bonds in accordance with ss. 114.70 to 114.76 and fund any  
7 spaceport, facility, or service of the authority with bond proceeds.

8           (14) Borrow money or incur debt other than through bond issuance, and pledge  
9 property or revenues or provide other security for such debt.

10          (15) Invest funds held by the authority, including investments under s. 25.50.

11          (16) Procure liability insurance covering its officers, employees and agents,  
12 insurance against any loss in connection with its operations, property, and assets,  
13 and insurance on its debt obligations.

14          (17) Exercise the right of eminent domain in the manner provided by ch. 32.

15          (18) Provide for and maintain wildlife conservation areas, and prohibit or  
16 control the pollution of air and water, in any spaceport or spaceport territory, beyond  
17 what is required under state or federal law.

18          (19) Specify the location of any utility facilities in any spaceport or spaceport  
19 territory.

20          (20) Divide any spaceport or spaceport territory into zones or districts of any  
21 number or shape.

22          (21) Prohibit any person from using the words "WISCONSIN SPACEPORT"  
23 or "SPACEPORT WISCONSIN" in any corporate or business-related name without  
24 prior written approval of the authority.