



# 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 ~~01~~ 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 a 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.



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBs0342/1  
ARG:cjs:jf

SENATE SUBSTITUTE AMENDMENT,  
TO 2005 SENATE BILL 352

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.

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***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.

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*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
15		
16	<b>20.395 Transportation, department of</b>	
17	(2) LOCAL TRANSPORTATION ASSISTANCE	
18	(mq) Astronautics assistance, state	
19	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 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.

1           **SECTION 62.** 114.13 of the statutes is amended to read:

2           **114.13 Purchase of land for airports and spaceports.** Private property  
3 needed by a county, city, village or town for an airport or landing field or landing and  
4 take-off strip, or for a spaceport or spacecraft launch or landing area, or property or  
5 rights for the protection of the aerial approaches thereof, shall be acquired by  
6 purchase if the city, village, town or county is able to agree with the owners on the  
7 terms thereof, and otherwise by condemnation, as provided in s. 32.05. The purchase  
8 price or award for real property acquired for an airport or landing field or landing and  
9 take-off strip, or for a spaceport or spacecraft launch or landing area, or property or  
10 rights for the protection of the aerial approaches thereof, may be paid for the  
11 appropriation of moneys available therefor, or wholly or partly from the proceeds of  
12 the sale of bonds of the city, village, town or county, as the governing body of such city,  
13 village, town or county determines, subject to ch. 67. Such property or rights may  
14 be acquired by gift, which the respective governing bodies are authorized to accept.

15           **SECTION 63.** 114.134 (title) of the statutes is amended to read:

16           **114.134 (title) Airport and spaceport standards and approval.**

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

18           **114.134 (1) PUBLIC AIRPORT AND SPACEPORT INFORMATION.** No person shall  
19 operate an airport or spaceport within this state that is open to the general public  
20 unless effective runway and landing strip lengths are properly reported, published  
21 and marked in accordance with applicable federal aviation regulations and federal  
22 obstruction standards.

23           **(2) TRAVERSE WAY CLEARANCE.** No person shall operate an airport or spaceport  
24 within this state unless all runways and landing strips are so located that  
25 approaching and departing aircraft or spacecraft clear all public roads, highways,

1 railroads, waterways or other traverse ways by a height which complies with  
2 applicable federal standards.

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

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

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

16 **114.135 Airport and spaceport protection.** (intro.) It is declared to be in  
17 the public interest that the navigable airspace over the state and the aerial  
18 approaches to any airport or spaceport be maintained in a condition best suited for  
19 the safe operation of aircraft or spacecraft and to that end the bulk, height, location  
20 and use of any building or structure, or any other object, and the use of land, may be  
21 regulated, or any building, structure or other object may be removed. It is the  
22 legislative intent that this section shall not supersede s. 59.69 (4), but that it shall  
23 be supplemental to such section.

24 (1) PROCEDURE TO OBTAIN PROTECTION PRIVILEGES. The aerial approaches to any  
25 airport or spaceport owned and operated by corporations organized to provide

1 aeronautic or astronautic facilities to the general public may be protected in the  
2 following manner: The owner of the airport or spaceport shall prepare and record  
3 with the register of deeds plans and specifications showing the land affected, the  
4 owner of each parcel or interest therein, whether public or private, the regulations  
5 to be imposed on each parcel and the structures, buildings or other objects to be  
6 removed. The owner or managing body of the airport or spaceport may negotiate and  
7 acquire from the owners of the various parcels or interest therein, whether public or  
8 private, by deeds the protection privileges shown by the plans and specifications.  
9 Referring in the deed to the plans and specifications, and briefly describing the plans  
10 and specifications, shall be considered sufficient legal description to convey the  
11 protection privileges set forth in the plans and specifications in the property of the  
12 grantor. In case the owner of the airport or spaceport is unable to obtain by  
13 negotiation the desired protection privileges, he or she may acquire the protection  
14 privileges by eminent domain in the manner set forth in ch. 32, except as to lands and  
15 buildings of railway companies that are necessary to, or are used in connection with  
16 the operation of the railway. In case the protection privileges sought extend into  
17 more than one county the plans and specifications shall be recorded with the register  
18 of deeds of each county. In case any parcel of land lies in more than one county,  
19 eminent domain proceedings may be instituted in the circuit court of any county in  
20 which the parcel is situated, provided a certified copy of the final judgment with a  
21 description of the property involved is recorded with the register of deeds of all  
22 counties in which the parcel of land or interest therein lies.

23 (2) NOTICE; CLAIM FOR DAMAGES. In case of any airport landing field or landing  
24 and take-off strip, or spaceport or spacecraft launch or landing area, owned by any  
25 city, village, town or county or any union of them, the commission or other body in

1 charge of the operation and control of the airport, landing field or landing and  
2 take-off strip, or spaceport or spacecraft launch or landing area, may prepare and  
3 record without charge with the register of deeds plans and specifications showing the  
4 protection privileges sought as described in sub. (1). The commission or other body  
5 in charge shall send by registered mail with return receipt to each owner at his or  
6 her last-known address a notice stating that the plans and specifications have been  
7 recorded with the register of deeds' office, stating the county, time of recording, the  
8 record number, and a brief description of the parcel of land or interest therein  
9 affected. If the address of the owner cannot be ascertained or the registered letter  
10 is returned unclaimed, notice shall be sent by registered mail to the person in  
11 possession of the premises. If no person is in possession, then the notice shall be  
12 posted in a conspicuous place on the land involved and published as a class 3 notice,  
13 under ch. 985, in the area affected. The right of the owner to claim for damages for  
14 the protection regulations imposed in the plans and specifications, or the removal of  
15 obstructions shall be forever barred, unless the owner files a claim for damages with  
16 the commission or other body in charge within 6 months from the receipt of the notice  
17 from the commission, or other body in charge, or the posting and last publication.  
18 The claim shall be verified and shall state the amount of damages claimed. The  
19 commission or other body in charge may pay the damages, if it has available funds,  
20 and the payment shall operate as a conveyance. If no claims for payment are filed  
21 or if payment is made, the commission or other body in charge shall file an affidavit  
22 for each parcel involved setting forth the rights acquired which shall be recorded by  
23 the register of deeds without charge and when so recorded has the same effect as any  
24 recorded instrument. If any owner is a minor or incompetent, the notice may be sent  
25 by registered mail to the owner's guardian, if he or she has one, and if there is none

1 the circuit court of the county in which the land, or a larger part, is located shall upon  
2 application of the commission or other body in charge appoint a guardian to receive  
3 the notice, and to protect the rights of the owner. Any funds payable to the owner  
4 shall be cared for in the manner provided in ch. 880. If the commission or other body  
5 in charge determines that the damages claimed are excessive, it shall so report to the  
6 governing body that established the airport, landing field or landing and take-off  
7 strip, or spaceport or spacecraft launch or landing area, in question and with its  
8 consent may acquire in the name of the governmental body the protection privilege  
9 desired in the manner set forth in sub. (1) or it may deposit with the county clerk an  
10 award and notify the owner of the land involved in the method specified in this  
11 subsection. The landowner may accept the award without prejudice to his or her  
12 right to claim and contest for a greater sum. The landowner may, within a period of  
13 6 months after notice of the award, proceed as provided in ch. 32 to have the damages  
14 appraised.

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

20 (4) ENCROACHMENTS. The duty to prevent encroachments by growth of trees or  
21 other vegetation, or otherwise, upon the protection privileges acquired by any  
22 airport, landing field, landing and take-off strip, or spaceport or spacecraft launch  
23 or landing area, shall be upon the owner or owners of the parcel of land affected by  
24 the protection privilege only in cases where the owner or owners have received  
25 compensation for the protection privilege. Any such encroachment is declared to be



1 a private nuisance and may be abated in the manner prescribed in ch. 823. In cases  
2 where no compensation has been paid for the protection privilege, encroachments  
3 shall be removed by the owner or the authority in charge of the airport, landing field,  
4 or landing and take-off strip, or spaceport or spacecraft launch or landing area, and  
5 shall be, in case of a publicly owned airport, landing field or landing and take-off  
6 strip, or spaceport or spacecraft launch or landing area, a city, village, town or county  
7 charge as the case may be. In removing such encroachments, the owner or authority  
8 in charge of the airport, landing field or landing and take-off strip, or spaceport or  
9 spacecraft launch or landing area, in question, may go upon the land and remove the  
10 encroachment without being liable for damages in so doing.

11 (6) PERMIT FOR ERECTION OF HIGH STRUCTURES REQUIRED. No person shall erect  
12 anywhere in this state, including within a spaceport or spacecraft launch or landing  
13 area, any building, structure, tower or any other object the height of which exceeds  
14 the limitations set forth in sub. (7) without first filing an application and procuring  
15 a permit from the secretary of transportation.

16 (7) POWER TO CONTROL ERECTION OF HIGH STRUCTURES. For the purposes of sub.  
17 (6) the power and authority to control the erection of buildings, structures, towers  
18 and other objects by the secretary of transportation shall be limited to those objects  
19 that would either extend to a height of more than 500 feet above the ground or surface  
20 of the water within one mile of the location of the object, or above a height determined  
21 by the ratio of one foot vertical to 40 feet horizontal measured from the nearest  
22 boundary of the nearest public airport or spaceport within the state; however, this  
23 power and authority shall not extend to objects of less than 150 feet in height above  
24 the ground or water level at the location of the object or to objects located within areas  
25 zoned under s. 114.136 or to objects located within areas zoned under s. 62.23 (7)

1 where the zoning ordinance enacted under said subsection controls the height of  
2 structures.

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

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

10 114.136 (title) **Airport and spaceport approach protection.**

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

13 114.136 (1) (a) Any county, city, village or town that is the owner of a site for  
14 an airport or spaceport which has been approved for such purpose by the appropriate  
15 agencies of the state and the federal government may protect the aerial approaches  
16 to such site by ordinance regulating, restricting and determining the use, location,  
17 height, number of stories and size of buildings and structures and objects of natural  
18 growth in the vicinity of such site and may divide the territory to be protected into  
19 several areas and impose different regulations and restrictions with respect to each  
20 area. The provisions of such ordinance shall be effective whether the site and the  
21 lands affected by such ordinance are located within or without the limits of such  
22 county, city, village or town, and whether or not such buildings, structures and  
23 objects of natural growth are in existence on the effective date of the ordinance. Such  
24 regulations, restrictions and determinations are declared to be for the purpose of  
25 promoting the public safety, welfare and convenience, and may be adopted, enforced

1 and administered without the consent of any other governing body. Any ordinance  
2 adopted under this section may be amended from time to time in the same manner  
3 as is provided for the adoption of the original ordinance in sub. (2). The authority  
4 granted in this section shall be independent and exclusive of any other authority  
5 granted in the statutes.

6 (b) When an airport or spaceport site is owned jointly by 2 or more units of  
7 government, such ordinance may be adopted by joint action of the governing bodies  
8 of such units. In such case, such governing bodies shall meet jointly to select a joint  
9 commission consisting of one member from each governing body selected by that  
10 governing body and, if there be 2, the members so selected shall elect a third member.  
11 Such joint commission shall elect a chairperson and a secretary, and shall have  
12 authority to formulate a tentative ordinance and hold public hearings as provided  
13 in sub. (2). At least 15 days written notice of the meeting to select a joint commission  
14 shall be given to each governing body by filing a copy of such written notice with the  
15 clerk thereof. Such notice may be given on the initiative of one such governing body  
16 or jointly by more than one. The governing bodies that attend such meeting may  
17 proceed jointly. If one attends, or if only one favors an ordinance, it may proceed alone  
18 without appointing a commission, but no ordinance applicable to a jointly owned  
19 airport or spaceport shall be adopted by a governing body acting alone unless it has  
20 given notice of meeting to select a joint commission as provided by this subsection,  
21 and such ordinance shall be as effective as if adopted by the joint bodies.

22 (c) As an alternative to the procedure for the appointment of members of the  
23 joint commission provided in par. (b), the governing bodies of the units of government  
24 which jointly own an airport or spaceport site may by separate resolution of each  
25 governing body designate an existing subunit of any one of the governing bodies to

1 act as the joint commission. In such case, the designated subunit shall elect a  
2 chairperson and secretary, formulate a tentative ordinance and hold public hearings  
3 as provided in sub. (2). No tentative ordinance formulated under this paragraph is  
4 effective unless it is adopted by all of the governing bodies of the units of government  
5 which jointly own the airport or spaceport site.

6 (2) (a) Except as provided by sub. (1) (b) or (c), the county park commission in  
7 the case of any county except any county with a county executive or county  
8 administrator in which case the county park manager, the city or village plan  
9 commission in the case of a city or village, or if there is no such commission or  
10 manager, a committee of the governing body or bodies of the county, city, village or  
11 town which owns the airport or spaceport site shall formulate a tentative ordinance  
12 and hold a public hearing or hearings thereon in some public place within the county,  
13 city, village or town. Notice of the hearings shall be given by publication of a class  
14 3 notice, under ch. 985, in the area affected by the proposed ordinance.

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

23 (4) BOARD OF APPEALS. (a) Any ordinance enacted under this section shall  
24 provide for a board of appeals. If the county, city, village or town which is the owner  
25 of the airport or spaceport has enacted a zoning ordinance under provision of law

1 other than this section, the board of adjustment or board of appeals set up by that  
2 ordinance shall also function as the board of appeals under the ordinance enacted  
3 under this section.

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

10 (5) ENFORCEMENT. The governing body of the county, city, village or town  
11 owning the airport or spaceport site may provide for the enforcement of any  
12 ordinance or regulations enacted pursuant to this section. Such enforcement may  
13 be by a system of permits or any other appropriate method. The governing body  
14 enacting the ordinance may provide for the punishment of a violation of the  
15 ordinance by fine or imprisonment, or both.

16 SECTION 68. 114.136 (2) (b) of the statutes is renumbered 114.136 (2) (b) 1. and  
17 amended to read:

18 114.136 (2) (b) 1. The regulations, restrictions and determinations shall  
19 include, among other things, provisions for the limitation of the height of buildings,  
20 structures and objects of natural growth located not more than 3 miles from the  
21 boundaries of the airport site or located not more than 5 miles from the boundaries  
22 of the spaceport site. Such regulations, restrictions and determinations shall specify  
23 the maximum permissible height of buildings, structures and objects of natural  
24 growth and may specify such maximum permissible height as a ratio between the  
25 permissible maximum height of the building, structure or object of natural growth

1 above the level of the airport or spaceport site and its distance from the nearest point  
2 on the boundary of the airport or spaceport site.

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

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

13 **114.151 Union airports and spaceports.** All powers conferred upon any  
14 county, city, village or town by ss. 114.11 to 114.15, relating to the acquisition,  
15 establishment, construction, ownership, control, lease, equipment, improvement,  
16 maintenance, operation and regulation of airports or landing fields, or spaceports or  
17 spacecraft launch or landing areas, may be exercised by any 2 or more municipalities  
18 in the establishment, acquisition, equipment and operation of joint airports or  
19 landing fields, or spaceports or spacecraft launch or landing areas. The governing  
20 body of any county, city, village or town participating in the ownership or operation  
21 of a joint airport or spaceport as provided in this section may by resolution withdraw  
22 from such joint operation or control and may relinquish its interest in the airport or  
23 spaceport.

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