

1           114.31 (1) GENERAL. The secretary shall have general supervision of  
2 aeronautics in the state and promote and foster a sound development of aviation in  
3 this state, promote aviation education and training programs, assist in the  
4 development of aviation and aviation facilities, safeguard the interests of those  
5 engaged in all phases of aviation, formulate and recommend and promote reasonable  
6 regulations in the interests of safety, and coordinate state aviation activities with  
7 those of other states ~~and, the federal government, and the Wisconsin Aerospace~~  
8 Authority. The secretary shall have all powers that are necessary to carry out the  
9 policies of the department of transportation, including the right to require that  
10 statements made to the secretary be under oath. The secretary is especially charged  
11 with the duty of informing himself or herself regarding all federal laws that affect  
12 aeronautics and astronautics in this state, all regulations pursuant to such laws, and  
13 all pending legislation providing for a national airport system, in order that the  
14 secretary may recommend to the governor and the legislature such measures as will  
15 best enable this state to derive the maximum benefits from such legislation if and  
16 when it shall become effective. It shall be the duty of all other state boards,  
17 commissions, departments and institutions, especially the appropriate educational  
18 institutions and the Wisconsin Aerospace Authority, to cooperate with the secretary.

19           (4) COOPERATION WITH FEDERAL AERONAUTICAL OR ASTRONAUTICAL AGENCY. The  
20 secretary shall cooperate with and assist the federal government, the political  
21 subdivisions of this state, and others engaged in aeronautics or astronautics or the  
22 promotion of aeronautics or astronautics, and shall seek to coordinate the  
23 aeronautical or astronautical activities of these bodies. To this end, the secretary is  
24 empowered to confer with or to hold joint hearings with any federal aeronautical or  
25 astronautical agency in connection with any matter arising under this chapter,

1 relating to the sound development of aeronautics or astronautics, and to take  
2 advantage of the cooperation, services, records and facilities of such federal agencies,  
3 as fully as may be practicable, in the administration of said sections. The secretary  
4 shall furnish to the federal agencies cooperation, and the services, records and  
5 facilities of the department, insofar as may be practicable.

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

7 114.33 (12) Lands held by any department, board, commission ~~or~~ other agency  
8 of the state, or the Wisconsin Aerospace Authority may, with the approval of the  
9 governor, be conveyed to the secretary in the manner prescribed by statute and, if  
10 none is prescribed, then by a conveyance authorized by appropriate resolution of the  
11 controlling department, board or commission of the agency concerned or by the  
12 Wisconsin Aerospace Authority.

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

14 114.37 (title) **Advance land acquisition loan program for airport**  
15 **projects**.

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

17 114.375 **Advance land acquisition loan program for spaceport projects.**

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

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

1           (a) To specify conditions of eligibility for loans under this section. Such  
2 conditions shall include the requirement that the land to be acquired must be part  
3 of a planned spaceport improvement project or a land acquisition project that is  
4 essential to future spaceport development or to the safety of spacecraft using the  
5 spaceport.

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

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

11           (d) To enter into loan agreements with applicants to ensure the proper use and  
12 prompt repayment of loans under this section. The loan agreement shall include the  
13 requirements that the loan be repaid within a period not to exceed 10 years and that  
14 the proceeds of any state or federal land acquisition funding received be fully pledged  
15 to repayment of the loan. The department may not make a loan for more than 80  
16 percent of the estimated land acquisition costs, including the costs of any necessary  
17 project plans and environmental studies. The loan agreement shall require that the  
18 department be designated to act as the loan recipient's agent in the acquisition of the  
19 land. Title to the land acquired shall be held by the loan recipient, but the  
20 department may retain a security interest in the land until the loan is repaid. The  
21 loan agreement shall require the payment of interest and reasonable costs incurred  
22 by the department.

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

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



1 and aerospace industry and space-related economic growth; services or activities  
2 that promote and facilitate space-related educational opportunities and tourism,  
3 including educational initiatives and operation or sponsorship of space museums  
4 and tourist attractions; consulting services; and administrative services.

5 (3) “Authority” means the Wisconsin Aerospace Authority.

6 (4) “Board” means the board of directors of the authority.

7 (5) “Bond” means a bond, note, or other obligation of the authority issued under  
8 this chapter, including a refunding bond.

9 (6) “Bond resolution” means a resolution of the board authorizing the issuance  
10 of, or providing terms and conditions related to, bonds and includes, when  
11 appropriate, any trust agreement, trust indenture, indenture of mortgage, or deed  
12 of trust providing terms and conditions for the bonds.

13 (7) “Payload” means any property, cargo, or persons transported by spacecraft.

14 (8) “Recovery” means the recovery of any spacecraft or payload, or any part of  
15 any spacecraft or payload, including any appurtenance, instrument, or equipment,  
16 that has detached from a spacecraft in flight or upon launch or landing.

17 (9) “Spaceport facilities” means facilities and infrastructure that are located  
18 within a spaceport and related to the operation or purpose of the spaceport,  
19 including: spaceport launch or landing areas; launch or landing control centers or  
20 other facilities; structures, mechanisms, or devices for communicating with or  
21 navigating or tracking spacecraft; buildings, structures, equipment, or other  
22 facilities associated with spacecraft construction, development, assembly,  
23 processing, testing, or evaluation; buildings, structures, equipment, or other  
24 facilities associated with payload loading, assembly, processing, testing, or  
25 evaluation; space flight hardware, software, or instrumentation; facilities

1 appropriate to meet the transportation, electric, gas, water and sewer, flood control,  
2 waste disposal, and other infrastructure needs within the spaceport; facilities to  
3 meet public safety needs within the spaceport, including any facility related to  
4 spaceport security and emergency services such as fire and ambulance;  
5 administrative facilities; and other buildings, equipment, and instruments related  
6 to spaceport operations or the providing of spaceport services.

7 (10) “Spaceport services” means any services provided in connection with the  
8 operation, management, or control of a spaceport or spaceport facilities, including:  
9 the launching or landing of spacecraft; communicating with or navigating or  
10 tracking spacecraft; construction, development, assembly, processing, testing, or  
11 evaluation of spacecraft or payload; loading spacecraft payload; spaceport security  
12 and emergency services; and administrative services.

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

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

19 **114.61 Creation and organization.** (1) There is created a public body  
20 corporate and politic to be known as the “Wisconsin Aerospace Authority.” The board  
21 of the authority shall consist of the following members:

22 (a) Six members nominated by the governor, and with the advice and consent  
23 of the senate appointed, for 3–year terms.

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

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

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

12           (3) (a) The terms of the members appointed under sub. (1) (a) and (b) expire on  
13 June 30. Each member's appointment remains in effect until a successor is  
14 appointed unless the member vacates or is removed from his or her office. A member  
15 who serves as a result of holding another office or position vacates his or her office  
16 as a member when he or she vacates the other office or position. A member who  
17 ceases to qualify for office vacates his or her office.

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

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

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

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

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

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

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

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

23 (7) The board shall appoint an executive director who may not be a member of  
24 the board and who shall serve at the pleasure of the board. The authority may  
25 delegate by resolution to one or more of its members or its executive director any



1 powers and duties that it considers proper. The board shall determine the  
2 compensation of the executive director. The executive director or another person  
3 designated by resolution of the board shall keep a record of the proceedings of the  
4 authority and shall be custodian of all books, documents, and papers filed with the  
5 authority, the minute book or journal of the authority, and its official seal. The  
6 executive director or other person may cause copies to be made of all minutes and  
7 other records and documents of the authority and may give certificates under the  
8 official seal of the authority to the effect that the copies are true copies, and all  
9 persons dealing with the authority may rely upon the certificates. The executive  
10 director may call meetings of the board more frequently than the meetings required  
11 under sub. (6).

12 **114.62 Powers of authority.** The authority has all of the powers necessary  
13 or convenient to carry out the purposes and provisions of this chapter. In addition  
14 to all other powers granted by this chapter, the authority may do any of the following:

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

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

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

23 (4) Hire employees, define their duties, and fix their rate of compensation and  
24 benefits. The authority may also employ any agent or special advisor that the  
25 authority finds necessary and fix his or her compensation. The amount of

1 reimbursement to any employee, agent, or special advisor shall be limited to the  
2 uniform travel schedule amounts approved under s. 20.916 (8).

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

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

11 (7) Make and execute contracts and other legal instruments necessary or  
12 convenient for the conduct of its business or to the exercise of its powers, including:  
13 procurement contracts; lease or rental agreements; lease–purchase, purchase and  
14 sale, and option to purchase agreements; consulting agreements; loan agreements;  
15 financing agreements; security agreements; contractual services agreements;  
16 affiliation agreements; and cooperative agreements with any governmental unit or  
17 other person, including agreements for any jointly provided service or jointly  
18 developed or operated facility.

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

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

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

3           (a) Any spaceport, spaceport territory, spaceport facility, aerospace facility, or  
4 other facility or site within this state related to conducting the business or exercising  
5 the powers of the authority, including establishing a spaceport in the city of  
6 Sheboygan in Sheboygan County.

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

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

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

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

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

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

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

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

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

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

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

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

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

12          (21) Prohibit any person from using the words “WISCONSIN SPACEPORT”  
13 or “SPACEPORT WISCONSIN” in any corporate or business–related name without  
14 prior written approval of the authority.

15          (22) Subject to any requirement of federal law and to any duty of the  
16 department specified under this chapter, maintain exclusive jurisdiction over  
17 spaceports of the authority.

18           **114.63 Duties of authority.** The authority shall do all of the following:

19           (2) Promote this state’s aerospace industry; analyze trends in the aerospace  
20 industry and recommend actions to be taken by this state to compete in the global  
21 aerospace industry; and coordinate access to commercial, technical, and general  
22 aerospace information and services.

23           (3) Advertise and promote to the public the development and utilization of  
24 spaceport facilities, spaceport services, aerospace facilities, and aerospace services  
25 of the authority.

1           (4) Develop, promote, attract, and maintain space-related businesses in this  
2 state, which may include expenditures for travel, entertainment, and hospitality for  
3 business clients or guests or other authorized persons, but such expenditures shall  
4 be limited to the uniform travel schedule amounts approved under s. 20.916 (8).

5           (5) Provide aerospace services to the aerospace industry and general public of  
6 this state, provide commercial and noncommercial aerospace business opportunities  
7 for industry, education, and government, and develop projects within this state to  
8 foster and improve aerospace economic growth.

9           (6) Advise, cooperate, and coordinate with federal, state, and local  
10 governmental units, the aerospace industry, educational organizations, businesses,  
11 and the Wisconsin Space Grant Consortium, and any other person interested in the  
12 promotion of space-related industry.

13           (7) Furnish leadership in securing adequate funding for spaceports, spaceport  
14 facilities, spaceport services, aerospace facilities, and aerospace services in this  
15 state.

16           (8) Act as a central clearinghouse and source of information in this state for  
17 spaceports, spaceport facilities, spaceport services, aerospace facilities, and  
18 aerospace services, including furnishing such information to legislators, offices of  
19 government, educational institutions, and the general public.

20           (9) Develop a business plan to promote and facilitate spaceport-related  
21 educational and commercial development in this state, and to stimulate and improve  
22 aerospace science, design, technology, and research in this state, which plan shall  
23 include information about the authority and information and analysis about  
24 space-related industry, technology, design, manufacturing, marketing, and  
25 management. The business plan shall also include proposed funding sources for

1 capital expenditures by the authority, based upon of a feasibility study of potential  
2 funding sources conducted by the authority. The business plan shall be developed  
3 in cooperation with the Wisconsin Space Grant Consortium.

4 (10) Assist any state agency, municipality, or other governmental unit, upon  
5 its request, in the development of any spaceport or spaceport facility.

6 (11) Use the building commission as a financial consultant to assist and  
7 coordinate the issuance of bonds under this subchapter.

8 (12) Comply with all applicable state and federal laws, including all  
9 environmental and aeronautics laws, in the exercise of the powers specified under  
10 this subchapter.

11 (13) Comply with all requirements under federal law related to the use or  
12 expenditure of federal aid, and comply with all lawful restrictions or conditions  
13 imposed by state law or by the terms of any gift, bequest, grant, loan, aid,  
14 contribution, or financial assistance relating to the use or expenditure of such funds.

15 (14) To the extent permitted by applicable state and federal law, attempt to  
16 involve and utilize, with respect to any facility or service provided by the authority,  
17 disadvantaged individuals, disadvantaged businesses, and minority businesses, as  
18 those terms are defined in s. 84.076 (1) (a) to (c).

19 (15) Establish a safety program that includes the development and  
20 implementation of a loss prevention program, safety policies, and regular and  
21 periodic facility and equipment inspections.

22 (16) Attempt to procure adequate liability and property insurance.

23 (17) Subject to s. 114.64, establish the authority's annual budget and monitor  
24 the fiscal management of the authority.

1           **114.64 Annual reports.** (1) The authority shall keep an accurate account of  
2 all of its activities and of all of its receipts and expenditures, and shall annually in  
3 January make a report of its activities, receipts, expenditures, and financial  
4 condition to the governor and the chief clerk of each house of the legislature, for  
5 distribution to the legislature under s. 13.172 (2). The reports shall be in a form  
6 approved by the state auditor.

7           (2) (a) Within 180 days after the effective date of this paragraph .... [revisor  
8 inserts date], or within 60 days after the authority receives from any public or private  
9 source money sufficient to fund the cost of preparing a business plan, whichever is  
10 later, the authority shall submit to the department of administration the business  
11 plan specified under s. 114.63 (9) and an estimate of the costs of and funding for any  
12 planned projects of the authority described in s. 114.62 (10).

13           (b) The authority shall update and resubmit the plan under par. (a) upon the  
14 request of the department of administration.

15           (3) For each fiscal year in which the authority receives operating revenues, the  
16 authority shall submit to the department of administration an audited financial  
17 statement, which shall include notes that explain in detail the specific sources of  
18 funding contained in the financial statement.

19           **114.65 Maintenance of records.** (1) (a) Subject to rules promulgated by the  
20 department of administration under s. 16.611, the authority may transfer to or  
21 maintain in optical disk or electronic format any record in its custody and retain the  
22 record in that format only.

23           (b) Subject to rules promulgated by the department of administration under s.  
24 16.611, the authority shall maintain procedures to ensure the authenticity, accuracy,

1 reliability, and accessibility of records transferred to or maintained in optical disk or  
2 electronic format under par. (a).

3 (c) Subject to rules promulgated by the department of administration under s.  
4 16.611, if the authority transfers to or maintains in optical disk or electronic format  
5 any records in its custody, the authority shall ensure that the records stored in that  
6 format are protected from unauthorized destruction.

7 (2) (a) Any microfilm reproduction of an original record of the authority, or a  
8 copy generated from an original record stored in optical disk or electronic format, is  
9 considered an original record if all of the following conditions are met:

10 1. Any device used to reproduce the record on film or to transfer the record to  
11 optical disk or electronic format and generate a copy of the record from optical disk  
12 or electronic format accurately reproduces the content of the original.

13 2. The reproduction is on film which complies with the minimum standards of  
14 quality for microfilm reproductions, as established by rule of the public records  
15 board, or the copy generated from optical disk or electronic format comply with the  
16 minimum standards of quality for such copies, as established by rule of the  
17 department of administration under s. 16.611.

18 3. The film is processed and developed in accordance with the minimum  
19 standards established by the public records board. This subdivision does not apply  
20 to a copy generated from an electronic record.

21 4. The record is arranged, identified, and indexed so that any individual  
22 document or component of the record can be located with the use of proper  
23 equipment.

24 5. The custodian of the record designated by the authority executes a statement  
25 of intent and purpose describing the record to be reproduced or transferred to optical



1 disk or electronic format and the disposition of the original record, and executes a  
2 certificate verifying that the record was received or created and microfilmed or  
3 transferred to optical disk or electronic format in the normal course of business and  
4 files the statement in the offices of the authority.

5 (b) The statement of intent and purpose executed under par. (a) 5. is  
6 presumptive evidence of compliance with all conditions and standards prescribed by  
7 this subsection.

8 (3) (a) Any microfilm reproduction of a record of the authority meeting the  
9 requirements of sub. (2) or copy of a record of the authority generated from an  
10 original record stored in optical disk or electronic format in compliance with this  
11 section shall be taken as, stand in lieu of, and have all the effect of the original  
12 document and shall be admissible in evidence in all courts and all other tribunals or  
13 agencies, administrative or otherwise, in all cases where the original document is  
14 admissible.

15 (b) Any enlarged copy of a microfilm reproduction of a record of the authority  
16 made as provided by this section or any enlarged copy of a record of the authority  
17 generated from an original record stored in optical disk or electronic format in  
18 compliance with this section that is certified by the custodian as provided in s. 889.08  
19 shall have the same force as an actual-size copy.

20 (4) Notwithstanding any other provision of this subchapter, the authority shall  
21 maintain the confidentiality of records or portions of records held by the authority  
22 containing any trade secret, as specified under s. 19.36 (5). Notwithstanding subch.  
23 V of ch. 19, any portion of any meeting of the authority concerning trade secrets shall  
24 be conducted in closed session and shall in all respects, including in any written  
25 record or audio or visual recording of the meeting, remain confidential.

1           **114.67 Cooperation with governmental units.** To enhance the efficiency  
2 and effectiveness of the authority, the state, any political subdivision of the state,  
3 municipality, or other governmental unit may enter into cooperative agreements  
4 with the authority for furnishing any facility or service of the state, political  
5 subdivision, body politic, or other governmental unit to the authority, including fire  
6 and police protection, and may otherwise provide, to the extent permitted by law, any  
7 funds, property, or services to the authority.

8           **114.68 Political activities.** (1) No employee of the authority may directly  
9 or indirectly solicit or receive subscriptions or contributions for any partisan political  
10 party or any political purpose while engaged in his or her official duties as an  
11 employee. No employee of the authority may engage in any form of political activity  
12 calculated to favor or improve the chances of any political party or any person seeking  
13 or attempting to hold partisan political office while engaged in his or her official  
14 duties as an employee or engage in any political activity while not engaged in his or  
15 her official duties as an employee to such an extent that the person's efficiency during  
16 working hours will be impaired or that he or she will be tardy or absent from work.  
17 Any violation of this section is adequate grounds for dismissal.

18           (2) If an employee of the authority declares an intention to run for partisan  
19 political office, the employee shall be placed on a leave of absence for the duration  
20 of the election campaign and if elected shall no longer be employed by the authority  
21 on assuming the duties and responsibilities of such office.

22           (3) An employee of the authority may be granted, by the executive director, a  
23 leave of absence to participate in partisan political campaigning.

1           (4) Persons on leave of absence under sub. (2) or (3) shall not be subject to the  
2 restrictions of sub. (1), except as they apply to the solicitation of assistance,  
3 subscription, or support from any other employee in the authority.

4           **114.69. Liability limited.** (1) Neither the state nor any political subdivision  
5 of the state nor any officer, employee, or agent of the state or of a political subdivision  
6 who is acting within the scope of employment or agency is liable for any debt,  
7 obligation, act, or omission of the authority.

8           (2) All of the expenses incurred by the authority in exercising its duties and  
9 powers under this chapter shall be payable only from funds of the authority.

10           **114.70 Issuance of bonds.** (1) The authority may issue bonds for any  
11 corporate purpose. All bonds are negotiable for all purposes, notwithstanding their  
12 payment from a limited source.

13           (2) The bonds of each issue shall be payable from sources specified in the bond  
14 resolution under which the bonds are issued.

15           (3) The authority may not issue bonds unless the issuance is first authorized  
16 by a bond resolution. Bonds shall bear the dates, mature at the times not exceeding  
17 30 years from their dates of issue, bear interest at the rates, be payable at the times,  
18 be in the denominations, be in the form, carry the registration and conversion  
19 privileges, be executed in the manner, be payable in lawful money of the United  
20 States at the places, and be subject to the terms of redemption, that the bond  
21 resolution provides. The bonds shall be executed by the manual or facsimile  
22 signatures of the officers of the authority designated by the board. The bonds may  
23 be sold at public or private sale at the price, in the manner, and at the time  
24 determined by the board. Pending preparation of definitive bonds, the authority may

1 issue interim receipts or certificates that the authority shall exchange for the  
2 definitive bonds.

3 (4) Any bond resolution may contain provisions, which shall be a part of the  
4 contract with the holders of the bonds that are authorized by the bond resolution,  
5 regarding any of the following:

6 (a) Pledging or assigning specified assets or revenues of the authority.

7 (b) Setting aside reserves or sinking funds, and the regulation, investment, and  
8 disposition of these funds.

9 (c) Limitations on the purpose to which or the investments in which the  
10 proceeds of the sale of any issue of bonds may be applied.

11 (d) Limitations on the issuance of additional bonds, the terms upon which  
12 additional bonds may be issued and secured, and the terms upon which additional  
13 bonds may rank on a parity with, or be subordinate or superior to, the bonds  
14 authorized by the bond resolution.

15 (e) Funding, refunding, advance refunding, or purchasing outstanding bonds.

16 (f) Procedures, if any, by which the terms of any contract with bondholders may  
17 be amended, the amount of bonds the holders of which must consent to the  
18 amendment, and the manner in which this consent may be given.

19 (g) Defining the acts or omissions to act that constitute a default in the duties  
20 of the authority to the bondholders, and providing the rights and remedies of the  
21 bondholders in the event of a default.

22 (h) Other matters relating to the bonds that the board considers desirable.

23 (5) Neither the members of the board nor any person executing the bonds is  
24 liable personally on the bonds or subject to any personal liability or accountability

1 by reason of the issuance of the bonds, unless the personal liability or accountability  
2 is the result of willful misconduct.

3 (6) No less than 14 days prior to any commitment by the authority for the  
4 issuance of bonds under this section, the authority shall submit the bond resolution  
5 to the governor, to the chief clerk of each house of the legislature for distribution to  
6 the legislature under s. 13.172 (2), and to the cochairpersons of the joint committee  
7 on finance. If, within 14 days after the date on which the bond resolution is submitted  
8 to the joint committee on finance, the cochairpersons of the committee do not notify  
9 the authority that the committee has scheduled a meeting for the purpose of  
10 reviewing the bond resolution, the authority may proceed with any commitment for  
11 the issuance of bonds under the bond resolution. If, within 14 days after the date on  
12 which the bond resolution is submitted to the committee, the cochairpersons of the  
13 committee notify the authority that the committee has scheduled a meeting to review  
14 the bond resolution, the authority may proceed with any commitment for the  
15 issuance of bonds under the bond resolution only upon approval by the committee.

16 **114.71 Bond security.** The authority may secure any bonds issued under this  
17 chapter by a trust agreement, trust indenture, indenture of mortgage, or deed of  
18 trust by and between the authority and one or more corporate trustees. The bond  
19 resolution providing for the issuance of bonds so secured shall pledge some or all of  
20 the revenues to be received by the authority, including to the extent permitted by law  
21 any grant, aid, loan, or other contribution, or shall mortgage, assign, or grant  
22 security interests in some or all of the property of the authority, or both, and may  
23 contain provisions for protecting and enforcing the rights and remedies of the  
24 bondholders that are reasonable and proper and not in violation of law. A bond

1 resolution may contain any other provisions that are determined by the board to be  
2 reasonable and proper for the security of the bondholders.

3 **114.72 Bonds not public debt.** (1) The state is not liable on bonds of the  
4 authority and the bonds are not a debt of the state. Each bond of the authority shall  
5 contain a statement to this effect on the face of the bond. The issuance of bonds under  
6 this chapter does not, directly, indirectly, or contingently, obligate the state or any  
7 political subdivision of the state to levy any tax or to make any appropriation for  
8 payment of the bonds. Nothing in this section prevents the authority from pledging  
9 its full faith and credit to the payment of bonds issued under this chapter.

10 (2) Nothing in this chapter authorizes the authority to create a debt of the state,  
11 and all bonds issued by the authority under this chapter are payable, and shall state  
12 that they are payable, solely from the funds pledged for their payment in accordance  
13 with the bond resolution authorizing their issuance or in any trust indenture or  
14 mortgage or deed of trust executed as security for the bonds. The state is not liable  
15 for the payment of the principal of or interest on any bonds of the authority or for the  
16 performance of any pledge, mortgage, obligation, or agreement which may be  
17 undertaken by the authority. The breach of any pledge, mortgage, obligation, or  
18 agreement undertaken by the authority does not impose any pecuniary liability upon  
19 the state or any charge upon its general credit or against its taxing power.

20 **114.73 State pledge.** The state pledges to and agrees with the holders of  
21 bonds, and persons that enter into contracts with the authority under this chapter,  
22 that the state will not limit or alter the rights vested in the authority by this chapter  
23 before the authority has fully met and discharged the bonds, and any interest due  
24 on the bonds, and has fully performed its contracts, unless adequate provision is

1 made by law for the protection of the bondholders or those entering into contracts  
2 with the authority.

3 **114.74 Refunding bonds.** (1) The authority may issue bonds to fund or  
4 refund any outstanding bond, including the payment of any redemption premium on  
5 the outstanding bond and any interest accrued or to accrue to the earliest or any  
6 subsequent date of redemption, purchase, or maturity.

7 (2) The authority may apply the proceeds of any bond issued to fund or refund  
8 any outstanding bond to purchase, retire at maturity, or redeem any outstanding  
9 bond. The authority may, pending application, place the proceeds in escrow to be  
10 applied to the purchase, retirement at maturity, or redemption of any outstanding  
11 bond at any time.

12 **114.75 Limit on amount of outstanding bonds.** The authority may not  
13 have outstanding at any one time bonds in an aggregate principal amount exceeding  
14 \$100,000,000, excluding bonds issued to refund outstanding bonds.

15 **114.76 Bonds exempt from taxation.** The state covenants with the  
16 purchasers and all subsequent holders and transferees of bonds issued by the  
17 authority, in consideration of the acceptance of any payment for the bonds, that its  
18 fees, charges, gifts, grants, revenues, receipts, and other moneys received or to be  
19 received, pledged to pay or secure the payment of such bonds shall at all times be free  
20 and exempt from all state, city, county, or other taxation provided by the laws of the  
21 state.

22 **114.77 Funding of certain project costs.** (1) In this section, “spaceport  
23 improvement project” means any project to acquire, construct, develop, plan, design,  
24 establish, create, improve, enlarge, reconstruct, or equip any spaceport or spaceport  
25 facility.

1           (2) The costs of spaceport improvement projects involving federal aid, in excess  
2 of the federal government's share, shall be borne by the authority and the state,  
3 except that the state shall pay not more than 50 percent of such excess costs, nor more  
4 than \$10,000,000 for the cost of a building project or building improvement project  
5 and no part of the cost of hangars. The secretary, upon agreement with the authority,  
6 may advance up to 10 percent of the amount of any federal aid grant agreement for  
7 the payment of project costs of a federal aid project, subject to reimbursement upon  
8 final liquidation and settlement of the project with the authority and federal  
9 government.

10           (3) The costs of spaceport improvement projects not involving federal aid shall  
11 be borne by the authority and the state. The state shall pay not more than 80 percent  
12 of such costs, which may include the cost of the land, the cost of lands or interest in  
13 lands deemed necessary for the protection of the aerial approaches, the cost of  
14 formulating the project application and preparing the plans and specifications, and  
15 the cost of construction and of all facilities deemed necessary for the operation of the  
16 spaceport. The state shall contribute not more than \$10,000,000 for the cost of a  
17 building project or building improvement project and no part of the cost of hangars.

18           (4) The percentage of the costs borne by the state shall be determined by the  
19 department on the basis of the relative importance of the specific project to any state  
20 spaceport development program as a whole.

21           (5) The state shall promote the development of a spaceport system in this state  
22 and promote the development of joint spaceports in this state and in adjoining states  
23 which mutually benefit citizens of this state and those of adjoining states. The  
24 secretary may use the funds provided by the state to assist the authority in matching



1 the federal aid that may become available to the state or available for specific projects  
2 or joint projects within this state or in an adjoining state.

3 (6) All funds provided by the state under this section shall be paid from the  
4 appropriation accounts under s. 20.395 (2) (mq), (mv), and (mx).

5 **114.78 Tax exemption.** The exercise of the powers granted by this subchapter  
6 will be in all respects for the benefit of the people of this state and for the increase  
7 of their commerce, welfare, and prosperity, and, as the undertaking of the authority's  
8 powers and duties under this subchapter will constitute the performance of an  
9 essential public function, the authority shall not be required to pay any taxes or  
10 assessments upon or in respect to any property acquired or used by the authority  
11 under this subchapter and the authority's income therefrom shall at all times be free  
12 from taxation of every kind by the state and by political subdivisions of the state.

13 **SECTION 75.** 219.09 (1) (g) of the statutes is created to read:

14 219.09 (1) (g) The Wisconsin Aerospace Authority.

15 **SECTION 76.** 230.03 (3) of the statutes is amended to read:

16 230.03 (3) "Agency" means any board, commission, committee, council, or  
17 department in state government or a unit thereof created by the constitution or  
18 statutes if such board, commission, committee, council, department, unit, or the  
19 head thereof, is authorized to appoint subordinate staff by the constitution or  
20 statute, except a legislative or judicial board, commission, committee, council,  
21 department, or unit thereof or an authority created under subch. II of ch. 114 or chs.  
22 231, 232, 233, 234, 235, or 237. "Agency" does not mean any local unit of government  
23 or body within one or more local units of government that is created by law or by  
24 action of one or more local units of government.

25 **SECTION 77.** 281.75 (4) (b) 3. of the statutes is amended to read:

1           281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 231, 233,  
2           234, or 237.

3           **SECTION 78.** 285.59 (1) (b) of the statutes is amended to read:

4           285.59 (1) (b) “State agency” means any office, department, 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, the Wisconsin  
8           Housing and Economic Development Authority, the Bradley Center Sports and  
9           Entertainment Corporation, the University of Wisconsin Hospitals and Clinics  
10          Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace  
11          Authority, and the Wisconsin Health and Educational Facilities Authority.

12          **SECTION 79.** 560.032 (1) of the statutes is amended to read:

13          560.032 (1) ALLOCATION. The department, by rule, shall establish under 26  
14          USC 146 and administer a system for the allocation of the volume cap on the issuance  
15          of private activity bonds, as defined under 26 USC 141 (a), among all municipalities,  
16          as defined in s. 67.01 (5), and any corporation formed on behalf of those  
17          municipalities, and among this state, the Wisconsin Health and Educational  
18          Facilities Authority, the Wisconsin Aerospace Authority, and the Wisconsin Housing  
19          and Economic Development Authority.

20          **SECTION 80. Nonstatutory provisions.**

21          (1) DEFINITIONS. In this SECTION:

22          (a) “Authority” has the meaning given in section 114.60 (3) of the statutes, as  
23          created by this act.

24          (b) “Board” has the meaning given in section 114.60 (4) of the statutes, as  
25          created by this act.

1           (2) TERMS OF INITIAL MEMBERS OF BOARD. Notwithstanding the length of terms  
2 specified for the members of the board of the authority under section 114.61 (1) of the  
3 statutes, as created by this act, the initial members of the board shall be appointed  
4 for the following terms:

5           (a) Two members appointed under section 114.61 (1) (a) of the statutes, as  
6 created by this act, and one member appointed under section 114.61 (1) (b) of the  
7 statutes, as created by this act, for terms expiring on June 30, 2007.

8           (b) Two members appointed under section 114.61 (1) (a) of the statutes, as  
9 created by this act, and one member appointed under section 114.61 (1) (b) of the  
10 statutes, as created by this act, for terms expiring on June 30, 2008.

11           (c) Two members appointed under section 114.61 (1) (a) of the statutes, as  
12 created by this act, for terms expiring on June 30, 2009.

13           (3) TIME FOR INITIAL APPOINTMENT OF BOARD MEMBERS. Nominations of board  
14 members under subsection (2) and section 114.61 (1) (a) of the statutes, as created  
15 by this act, and appointments of board members under subsection (2) and section  
16 114.61 (1) (b) of the statutes, as created by this act, shall be made no later than 60  
17 days after the effective date of this subsection.

18           (4) INITIAL MEETING OF BOARD. The board shall hold its initial meeting no later  
19 than 30 days after all members are appointed, or no later than 120 days after a  
20 majority of members are appointed, whichever is earlier.

21

(END)