

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

5 (b) Subject to rules promulgated by the department of administration under s.
6 16.611, the authority shall maintain procedures to ensure the authenticity, accuracy,
7 reliability, and accessibility of records transferred to or maintained in optical disk or
8 electronic format under par. (a).

9 (c) Subject to rules promulgated by the department of administration under s.
10 16.611, if the authority transfers to or maintains in optical disk or electronic format
11 any records in its custody, the authority shall ensure that the records stored in that
12 format are protected from unauthorized destruction.

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

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

19 2. The reproduction is on film which complies with the minimum standards of
20 quality for microfilm reproductions, as established by rule of the public records
21 board, or the ~~optical disk or electronic copy and the copy generated from optical disk~~
22 or electronic format comply with the minimum standards of quality for such copies,
23 as established by rule of the department of administration under s. 16.611.

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

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

4 5. The custodian of the record designated by the authority executes a statement
5 of intent and purpose describing the record to be reproduced or transferred to optical
6 disk or electronic format and the disposition of the original record, and executes a
7 certificate verifying that the record was received or created and microfilmed or
8 transferred to optical disk or electronic format in the normal course of business and
9 files the statement in the offices of the authority.

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

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

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

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

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

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

24 (2) If an employee of the authority declares an intention to run for partisan
25 political office, the employee shall be placed on a leave of absence for the duration

1 of the election campaign and if elected shall no longer be employed by the authority
2 on assuming the duties and responsibilities of such office.

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

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

8 **114.69 Liability limited.** (1) Neither the state nor any political subdivision
9 of the state nor any officer, employee, or agent of the state or of a political subdivision
10 who is acting within the scope of employment or agency is liable for any debt,
11 obligation, act, or omission of the authority.

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

14 **114.70 Issuance of bonds.** (1) The authority may issue bonds for any
15 corporate purpose. All bonds are negotiable for all purposes, notwithstanding their
16 payment from a limited source.

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

19 (3) The authority may not issue bonds unless the issuance is first authorized
20 by a bond resolution. Bonds shall bear the dates, mature at the times not exceeding
21 30 years from their dates of issue, bear interest at the rates, be payable at the times,
22 be in the denominations, be in the form, carry the registration and conversion
23 privileges, be executed in the manner, be payable in lawful money of the United
24 States at the places, and be subject to the terms of redemption, that the bond
25 resolution provides. The bonds shall be executed by the manual or facsimile

1 signatures of the officers of the authority designated by the board. The bonds may
2 be sold at public or private sale at the price, in the manner, and at the time
3 determined by the board. Pending preparation of definitive bonds, the authority may
4 issue interim receipts or certificates that the authority shall exchange for the
5 definitive bonds.

6 (4) Any bond resolution may contain provisions, ^{which} ~~that~~ shall be a part of the
7 contract with the holders of the bonds that are authorized by the bond resolution,
8 regarding any of the following:

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

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

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

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

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

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

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

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

1 (5) Neither the members of the board nor any person executing the bonds is
2 liable personally on the bonds or subject to any personal liability or accountability
3 by reason of the issuance of the bonds, unless the personal liability or accountability
4 is the result of willful misconduct.

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

18 **114.71 Bond security.** The authority may secure any bonds issued under this
19 chapter by a trust agreement, trust indenture, indenture of mortgage, or deed of
20 trust by and between the authority and one or more corporate trustees. The bond
21 resolution providing for the issuance of bonds so secured shall pledge some or all of
22 the revenues to be received by the authority, including to the extent permitted by law
23 any grant, aid, loan, or other contribution, or shall mortgage, assign, or grant
24 security interests in some or all of the property of the authority, or both, and may
25 contain provisions for protecting and enforcing the rights and remedies of the

1 bondholders that are reasonable and proper and not in violation of law. A bond
2 resolution may contain any other provisions that are determined by the board to be
3 reasonable and proper for the security of the bondholders.

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

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

21 **114.73 State pledge.** The state pledges to and agrees with the holders of
22 bonds, and persons that enter into contracts with the authority under this chapter,
23 that the state will not limit or alter the rights vested in the authority by this chapter
24 before the authority has fully met and discharged the bonds, and any interest due
25 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^e 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 ~~not contribute~~ 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 ^eto promote the development of joint spaceports in this state and in adjoining
23 states 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 state funds provided under this section shall be paid from the
4 appropriation accounts under s. 20.395 (2) (dq), (dv), and (dx).

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 74.** 219.09 (1) (g) of the statutes is created to read:

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

15 **SECTION 75.** 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 76.** 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 77.** 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 78.** 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 79. 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.

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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) ~~Three~~^{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, 2005.

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, 2006.

11 (c) ~~Three~~^{Two} members appointed under section 114.61 (1) (a) of the statutes, as
12 created by this act, for terms expiring on June 30, 2007.

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 more than 120 days after a
20 majority of members are appointed, whichever is earlier.

21 (END)

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This bill 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 University of Wisconsin Hospitals and Clinics Authority and Wisconsin Housing and Economic Development Authority. the

Under this bill, 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 bill provides WAA with numerous powers, including authorizing WAA to do all of the following:

1. Design, develop, and operate spaceports, aerospace facilities, and spacecraft.
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 bill also imposes a number of duties on WAA, including requiring WAA to do all of the following:

1. Establish a spaceport in the city of Sheboygan.

2. 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.

3. Provide and promote aerospace services, information, and business opportunities in this state.

4. Coordinate efforts of various governmental units and private parties interested in the promotion of space-related industry.

5. 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.

6. 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 and estimate of costs and funding for design, development, and operation of initially planned spaceports, aerospace facilities, and spacecraft.

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

Under the bill, state funding for WAA is provided from the Department of Transportation's (DOT) appropriation for airports and air navigation, but the bill does not provide any increase in this appropriation. Also under the bill, any project to acquire, construct, or improve a spaceport or spaceport facility, other than a hangar, must be funded from this DOT appropriation 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. Unlike other state-created authorities, WAA is not treated like a state agency in the following respects: 1) it is not subject to auditing by the

Legislative Audit Bureau; and 2) the Code of Ethics for Public Officials and Employees does not cover 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 bill 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.

Current law provides limited immunity for volunteer fire companies, political corporations, governmental subdivisions and agencies thereof, and for officers, officials, agents, or employees of these entities, for acts done in an official capacity or in the course of employment. Claimants must generally follow a specified claims procedure and liability for damages is generally limited to \$50,000 except that no liability may be imposed for performance of a discretionary duty or for punitive damages. This bill provides the WAA and its officers, agents, and employees with the same limited immunity.

This bill will be referred to the Joint Survey Committee on Retirement Systems for a detailed analysis, which will be printed as an appendix to this bill.

INSERT 3-4:

SECTION 1. 13.94 (1) (b) of the statutes is amended to read:

13.94 (1) (b) Audit the records of every state department, board, commission, independent agency, or authority other than the Wisconsin Aerospace Authority at least once each 5 years and audit the records of other departments as defined in sub. (4) when the state auditor deems it advisable or when he or she is so directed and, in conjunction therewith, reconcile the records of the department audited with those

of the department of administration. Audits of the records of a county, city, village, town or school district may be performed only as provided in par. (m). Within 30 days after completion of any such audit, the bureau shall file with the chief clerk of each house of the legislature, the governor, the department of administration, the legislative reference bureau, the joint committee on finance, the legislative fiscal bureau and the department audited, a detailed report thereof, including its recommendations for improvement and efficiency and including specific instances, if any, of illegal or improper expenditures. The chief clerks shall distribute the report to the joint legislative audit committee, the appropriate standing committees of the legislature and the joint committee on legislative organization.

History: 1971 c. 270 s. 104; 1971 c. 307; 1973 c. 334; 1975 c. 39, 199, 224, 421; 1977 c. 26, 29; 1977 c. 196 s. 131; 1977 c. 418; 1979 c. 34, 314, 324; 1981 c. 20, 335; 1983 a. 27, 36, 96, 381; 1985 a. 29, 57, 120, 176; 1987 a. 27, 119, 186, 320, 328, 354, 399, 403; 1989 a. 31, 122; 1991 a. 39, 269, 316; 1993 a. 16, 27, 107, 263, 399, 491; 1995 a. 27 ss. 43g to 47n, 9116 (5); 1995 a. 56, 216, 225, 274, 289; 1997 a. 27, 252; 1999 a. 9, 65, 105, 167, 197; 2001 a. 16, 105; 2003 a. 33, 111.

SECTION 2. 13.94 (1) (g) of the statutes is amended to read:

13.94 (1) (g) Require each state department, board, commission, independent agency, or authority other than the Wisconsin Aerospace Authority to file with the bureau on or before September 1 of each year a report on all receivables due the state as of the preceding June 30 which were occasioned by activities of the reporting unit. The report may also be required of other departments, except counties, cities, villages, towns and school districts. The report shall show the aggregate amount of such receivables according to fiscal year of origin and collections thereon during the fiscal year preceding the report. The state auditor may require any department to file with the bureau a detailed list of the receivables comprising the aggregate amounts shown on the reports prescribed by this paragraph.

History: 1971 c. 270 s. 104; 1971 c. 307; 1973 c. 334; 1975 c. 39, 199, 224, 421; 1977 c. 26, 29; 1977 c. 196 s. 131; 1977 c. 418; 1979 c. 34, 314, 324; 1981 c. 20, 335; 1983 a. 27, 36, 96, 381; 1985 a. 29, 57, 120, 176; 1987 a. 27, 119, 186, 320, 328, 354, 399, 403; 1989 a. 31, 122; 1991 a. 39, 269, 316; 1993 a. 16, 27, 107, 263, 399, 491; 1995 a. 27 ss. 43g to 47n, 9116 (5); 1995 a. 56, 216, 225, 274, 289; 1997 a. 27, 252; 1999 a. 9, 65, 105, 167, 197; 2001 a. 16, 105; 2003 a. 33, 111.

SECTION 3. 13.94 (4) (a) 1. of the statutes is amended to read:

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LEGISLATIVE REFERENCE BUREAU

LRB-2746/P1ins2
ARG:.....

✓
INSERT II 6-25:

SECTION 1. 16.611 (2) (a) and (c) of the statutes are amended to read:

16.611 (2) (a) The department shall prescribe, by rule, procedures for the transfer of public records and records of the University of Wisconsin Hospitals and Clinics Authority ^{of} and the Wisconsin Aerospace Authority to optical disk or electronic format and for the maintenance of such records stored in optical disk or electronic format, including procedures to ensure the authenticity, accuracy, reliability and accessibility of any public records or records of the University of Wisconsin Hospitals and Clinics Authority or of the Wisconsin Aerospace Authority so transferred and procedures to ensure that such records are protected from unauthorized destruction.

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

History: 1991 a. 39; 1995 a. 27, 216.

13.94 (4) (a) 1. Every state department, board, examining board, affiliated credentialing board, commission, independent agency, council or office in the executive branch of state government; all bodies created by the legislature in the legislative or judicial branch of state government; any public body corporate and politic created by the legislature, except the Wisconsin Aerospace Authority, and including specifically the Fox River Navigational System Authority, a professional baseball park district, a local professional football stadium district, a local cultural arts district and a family care district under s. 46.2895; every Wisconsin works agency under subch. III of ch. 49; every provider of medical assistance under subch. IV of ch. 49; technical college district boards; development zones designated under s. 560.71; every county department under s. 51.42 or 51.437; every nonprofit corporation or cooperative to which moneys are specifically appropriated by state law; and every corporation, institution, association or other organization which receives more than 50% of its annual budget from appropriations made by state law, including subgrantee or subcontractor recipients of such funds.

History: 1971 c. 270 s. 104; 1971 c. 307; 1973 c. 334; 1975 c. 39, 199, 224, 421; 1977 c. 26, 29; 1977 c. 196 s. 131; 1977 c. 418; 1979 c. 34, 314, 324; 1981 c. 20, 335; 1983 a. 27, 36, 96, 381; 1985 a. 29, 57, 120, 176; 1987 a. 27, 119, 186, 320, 328, 354, 399, 403; 1989 a. 31, 122; 1991 a. 39, 269, 316; 1993 a. 16, 27, 107, 263, 399, 491; 1995 a. 27 ss. 43g to 47n, 9116 (5); 1995 a. 56, 216, 225, 274, 289; 1997 a. 27, 252; 1999 a. 9, 65, 105, 167, 197; 2001 a. 16, 105; 2003 a. 33, 111.

INSERT 11-24:

SECTION 4. 19.42 (5) of the statutes is amended to read:

19.42 (5) "Department" means the legislature, the University of Wisconsin System, any authority or public corporation created and regulated by an act of the legislature except the Wisconsin Aerospace Authority, and any office, department, independent agency or legislative service agency created under ch. 13, 14 or 15, any technical college district or any constitutional office other than a judicial office. In

the case of a district attorney, "department" means the department of administration unless the context otherwise requires.

History: 1973 c. 90; Stats. 1973 s. 11.02; 1973 c. 333; 1973 c. 334 ss. 33, 57; Stats. 1973 s. 19.42; 1977 c. 29, 223, 277; 1977 c. 447 ss. 35, 209; 1979 c. 34, 177, 221; 1981 c. 20, 269, 349, 391; 1983 a. 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 166 ss. 1 to 4, 16; 1983 a. 484, 538; 1985 a. 26; 1985 a. 29 s. 3202 (46); 1985 a. 304; 1987 a. 72, 119; 1987 a. 312 s. 17; 1987 a. 340, 365, 399, 403; 1989 a. 31, 338; 1991 a. 39, 189, 221, 269; 1993 a. 16, 263, 399; 1995 a. 27, 56, 274; 1997 a. 27; 1997 a. 237 ss. 19m, 722q; 1997 a. 298; 1999 a. 42, 65; 2001 a. 16, 104, 109; 2003 a. 39.

INSERT 40-20:

(no P) regional consortium designated as such by the federal administrator of the National Aeronautics and Space Administration under 42 USC 2486f (a) (1) (B).

INSERT 48-10:

(no P) The business plan shall be developed in cooperation with the Wisconsin Space Grant Consortium.

INSERT 49-17:

(no P) or within 60 days after the authority receives from any public or private source money sufficient to fund the cost of preparing a business plan, whichever is later,

INSERT 49-22:

(no P) in which the authority receives operating revenues

INSERT 60-19:

SECTION 5. 893.80 (1) of the statutes is amended to read:

893.80 (1) Except as provided in subs. (1g), (1m), (1p) and (8), no action may be brought or maintained against any volunteer fire company organized under ch. 213, the Wisconsin Aerospace Authority, or any political corporation, governmental subdivision or agency thereof nor against any officer, official, agent or employee of the corporation, subdivision or agency, or Authority for acts done in their official capacity or in the course of their agency or employment upon a claim or cause of action unless:

Wisconsin Aerospace

(a) Within 120 days after the happening of the event giving rise to the claim, written notice of the circumstances of the claim signed by the party, agent or attorney is served on the volunteer fire company, Wisconsin Aerospace Authority, political corporation, governmental subdivision or agency and on the officer, official, agent or employee under s. 801.11. Failure to give the requisite notice shall not bar action on the claim if the fire company, Wisconsin Aerospace Authority, corporation, subdivision or agency had actual notice of the claim and the claimant shows to the satisfaction of the court that the delay or failure to give the requisite notice has not been prejudicial to the defendant fire company, Wisconsin Aerospace Authority, corporation, subdivision or agency or to the defendant officer, official, agent or employee; and

(b) A claim containing the address of the claimant and an itemized statement of the relief sought is presented to the appropriate clerk or person who performs the duties of a clerk or secretary for the defendant fire company, Wisconsin Aerospace Authority, corporation, subdivision or agency and the claim is disallowed.

History: Sup. Ct. Order, 67 Wis. 2d 585, 784 (1975); 1975 c. 218; 1977 c. 285, 447; 1979 c. 34; 1979 c. 323 s. 29; Stats. 1979 s. 893.80; 1981 c. 63; 1985 a. 340; 1987 a. 377; 1993 a. 139; 1995 a. 6, 158, 267; 1997 a. 27.

SECTION 6. 893.80 (1g) of the statutes is amended to read:

893.80 (1g) Notice of disallowance of the claim submitted under sub. (1) shall be served on the claimant by registered or certified mail and the receipt therefor, signed by the claimant, or the returned registered letter, shall be proof of service. Failure of the appropriate body to disallow a claim within 120 days after presentation of the written notice of the claim is a disallowance. No action on a claim under this section against any defendant fire company, the Wisconsin Aerospace Authority, or any corporation, subdivision or agency nor against any defendant officer, official, agent or employee, may be brought after 6 months from the date of

service of the notice of disallowance, and the notice of disallowance shall contain a statement to that effect.

History: Sup. Ct. Order, 67 Wis. 2d 585, 784 (1975); 1975 c. 218; 1977 c. 285, 447; 1979 c. 34; 1979 c. 323 s. 29; Stats. 1979 s. 893.80; 1981 c. 63; 1985 a. 340; 1987 a. 377; 1993 a. 139; 1995 a. 6, 158, 267; 1997 a. 27.

SECTION 7. 893.80 (3) of the statutes is amended to read:

893.80 (3) Except as provided in this subsection, the amount recoverable by any person for any damages, injuries or death in any action founded on tort against any volunteer fire company organized under ch. 181 or 213, the Wisconsin Aerospace Authority, or any political corporation, governmental subdivision or agency thereof and against their officers, officials, agents or employees for acts done in their official capacity or in the course of their agency or employment, whether proceeded against jointly or severally, shall not exceed \$50,000. The amount recoverable under this subsection shall not exceed \$25,000 in any such action against a volunteer fire company organized under ch. 181 or 213 or its officers, officials, agents or employees. If a volunteer fire company organized under ch. 181 or 213 is part of a combined fire department, the \$25,000 limit still applies to actions against the volunteer fire company or its officers, officials, agents or employees. No punitive damages may be allowed or recoverable in any such action under this subsection.

History: Sup. Ct. Order, 67 Wis. 2d 585, 784 (1975); 1975 c. 218; 1977 c. 285, 447; 1979 c. 34; 1979 c. 323 s. 29; Stats. 1979 s. 893.80; 1981 c. 63; 1985 a. 340; 1987 a. 377; 1993 a. 139; 1995 a. 6, 158, 267; 1997 a. 27.

SECTION 8. 893.80 (4) of the statutes is amended to read:

893.80 (4) No suit may be brought against any volunteer fire company organized under ch. 213, the Wisconsin Aerospace Authority, or any political corporation, governmental subdivision or any agency thereof for the intentional torts of its officers, officials, agents or employees nor may any suit be brought against such corporation, subdivision or agency or volunteer fire company or the Wisconsin Aerospace Authority or against its officers, officials, agents or employees for acts

done in the exercise of legislative, quasi-legislative, judicial or quasi-judicial functions.

History: Sup. Ct. Order, 67 Wis. 2d 585, 784 (1975); 1975 c. 218; 1977 c. 285, 447; 1979 c. 34; 1979 c. 323 s. 29; Stats. 1979 s. 893.80; 1981 c. 63; 1985 a. 340; 1987 a. 377; 1993 a. 139; 1995 a. 6, 158, 267; 1997 a. 27.

SECTION 9. 893.80 (5) of the statutes is amended to read:

893.80 (5) Except as provided in this subsection, the provisions and limitations of this section shall be exclusive and shall apply to all claims against a volunteer fire company organized under ch. 213, the Wisconsin Aerospace Authority, or any political corporation, governmental subdivision or agency or against any officer, official, agent or employee thereof for acts done in an official capacity or the course of his or her agency or employment. When rights or remedies are provided by any other statute against any political corporation, governmental subdivision or agency or the Wisconsin Aerospace Authority or any officer, official, agent or employee thereof for injury, damage or death, such statute shall apply and the limitations in sub. (3) shall be inapplicable.

History: Sup. Ct. Order, 67 Wis. 2d 585, 784 (1975); 1975 c. 218; 1977 c. 285, 447; 1979 c. 34; 1979 c. 323 s. 29; Stats. 1979 s. 893.80; 1981 c. 63; 1985 a. 340; 1987 a. 377; 1993 a. 139; 1995 a. 6, 158, 267; 1997 a. 27.

SECTION 10. 893.80 (7) of the statutes is amended to read:

893.80 (7) No suit may be brought against any city, town or village or any governmental subdivision or agency thereof or the Wisconsin Aerospace Authority or against any officer, official, agent or employee of any of those entities who, in good faith, acts or fails to act to provide a notice to a property owner that a public nuisance under s. 823.113 (1) or (1m) (b) exists.

History: Sup. Ct. Order, 67 Wis. 2d 585, 784 (1975); 1975 c. 218; 1977 c. 285, 447; 1979 c. 34; 1979 c. 323 s. 29; Stats. 1979 s. 893.80; 1981 c. 63; 1985 a. 340; 1987 a. 377; 1993 a. 139; 1995 a. 6, 158, 267; 1997 a. 27.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2987/P1dn

ARG:cjs:ch

May 9, 2005

ATTN: Eric Schutt

Please review the attached draft carefully to ensure that it is consistent with your intent. The attached draft reflects changes based upon e-mail correspondence related to this redraft and last session's draft (2003 LRB-2508) and the drafter's note to last session's draft, which I am not repeating here. In the interest of getting the attached draft to you quickly, I have not yet had it reviewed by other drafters (particularly in the areas of taxation, employment, bonding, and local governments), and they may have some suggested changes related to provisions in their assigned drafting areas.

Because of the redrafting instructions to remove the WAA from the audit authority of the Legislative Audit Bureau under s. 13.94, I have also removed the "state auditor" provision from created s. 114.64 (1) of 2003 LRB-2508/P1 (at p. 49, lines 12-15). See s. 13.94 (intro.), stats. Also, in accordance with the redrafting instructions, the WAA is not required to submit an audited financial statement to DOA if it has no operating revenues, even if it has received state or federal funds.

The implementation of this bill will be very complicated, particularly the funding mechanism. I continue to believe that a base level of funding for "start up" costs will be necessary. Because the bill does not provide any additional funding for these costs, any such funding from state sources must be absorbed within DOT's existing appropriation for airports and aeronautic assistance and may impact those programs. I highly recommend that you involve the Fiscal Bureau or DOT at an early stage to assist with determining how this bill will be implemented.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

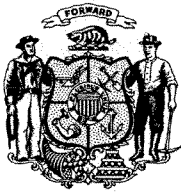
Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

7/7

file w/ Eric Schutt

- WAA
- make it a "1" - no changes
- send it over jacketed





State of Wisconsin
2005 - 2006 LEGISLATURE

Sodn

LRB-2987/P1

ARG:cjs:cb

in 7/7

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAL
SA
SA

No changes

stays

Reger cat.

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 (1) (b), 13.94 (1) (g), 13.94 (4) (a) 1., 16.002 (2), 16.004 (4),
3 16.004 (5), 16.004 (12) (a), 16.01 (1), 16.045 (1) (a), 16.41 (4), 16.417 (1) (b), 16.52
4 (7), 16.528 (1) (a), 16.53 (2), 16.54 (9) (a) 1., 16.611 (2) (a) and (c), 16.70 (2), 16.75
5 (1m), 16.765 (1), (2), (4), (5), (6), (7) (intro.) and (d) and (8), 16.838 (1) (b), 16.85
6 (2), 16.865 (8), 19.42 (5), 20.395 (2) (dq), 20.395 (2) (dv), 20.395 (2) (dx), 23.175
7 (1) (b), 25.50 (1) (d), 32.01 (1), 32.05 (intro.), 71.26 (1) (be), 77.54 (9a) (a), 84.072
8 (3), 85.02 (1), 100.45 (1) (dm), 101.177 (1) (d), chapter 114 (title), 114.002 (1),
9 114.002 (3), 114.04, 114.05, 114.07, 114.105, 114.11 (title), 114.11 (1), (2), (3), (4)
10 and (5) (intro.), 114.12, 114.13, 114.134 (title), 114.134 (1), (2), (3) and (4) (c),
11 114.135 (intro.), (1), (2), (3), (4), (6), (7) and (8), 114.136 (title), 114.136 (1) (a),
12 (b) and (c), (2) (a), (3), (4) and (5), 114.151, 114.31 (1) and (4), 114.33 (12), 114.37
13 (title), 230.03 (3), 281.75 (4) (b) 3., 285.59 (1) (b), 560.032 (1), 893.80 (1), 893.80
14 (1g), 893.80 (3), 893.80 (4), 893.80 (5) and 893.80 (7); and *to create* 24.61 (2) (a)
15 10., 25.17 (3) (b) 13., 32.02 (11m), 40.02 (54) (j), 66.0603 (1m) (a) 3u., 70.11

1 (38m), 71.05 (1) (c) 7., 71.26 (1m) (h), 71.45 (1t) (h), subchapter I (title) of chapter
2 114 [precedes 114.001], 114.002 (11m), 114.002 (18r), (18s) and (18t), 114.375,
3 subchapter II of chapter 114 [precedes 114.60] and 219.09 (1) (g) of the statutes;
4 **relating to:** creating the Wisconsin Aerospace Authority to develop and
5 operate spaceports and related facilities and services and other aerospace
6 facilities and services and providing the authority with the power of
7 condemnation, authorizing municipalities to develop and operate spaceports,
8 and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill 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 bill, 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 bill provides WAA with numerous powers, including authorizing WAA to do all of the following:

1. Design, develop, and operate spaceports, aerospace facilities, and spacecraft.

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

1. Establish a spaceport in the city of Sheboygan.

2. 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.

3. Provide and promote aerospace services, information, and business opportunities in this state.

4. Coordinate efforts of various governmental units and private parties interested in the promotion of space-related industry.

5. 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.

6. 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 and estimate of costs and funding for design, development, and operation of initially planned spaceports, aerospace facilities, and spacecraft.

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

Under the bill, state funding for WAA is provided from the Department of Transportation's (DOT) appropriation for airports and air navigation, but the bill does not provide any increase in this appropriation. Also under the bill, any project to acquire, construct, or improve a spaceport or spaceport facility, other than a hangar, must be funded from this DOT appropriation 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. Unlike other state-created authorities, WAA is not treated like a state agency in the following respects: 1) it is not subject to auditing by the Legislative Audit Bureau; and 2) the Code of Ethics for Public Officials and Employees does not cover 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 bill 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.

Current law provides limited immunity for volunteer fire companies, political corporations, governmental subdivisions and agencies thereof, and for officers, officials, agents, or employees of these entities, for acts done in an official capacity or in the course of employment. Claimants must generally follow a specified claims procedure and liability for damages is generally limited to \$50,000 except that no liability may be imposed for performance of a discretionary duty or for punitive damages. This bill provides the WAA and its officers, agents, and employees with the same limited immunity.

This bill will be referred to the Joint Survey Committee on Retirement Systems for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 7.33 (1) (c) of the statutes is amended to read:

2 7.33 (1) (c) “State agency” has the meaning given under s. 20.001 (1) and
3 includes an authority created under subch. II of ch. 114 or ch. 231, 232, 233, 234, or
4 237.

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

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

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

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

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

17 13.94 (1) (b) Audit the records of every state department, board, commission,
18 independent agency, or authority other than the Wisconsin Aerospace Authority at
19 least once each 5 years and audit the records of other departments as defined in sub.
20 (4) when the state auditor deems it advisable or when he or she is so directed and,
21 in conjunction therewith, reconcile the records of the department audited with those

1 of the department of administration. Audits of the records of a county, city, village,
2 town or school district may be performed only as provided in par. (m). Within 30 days
3 after completion of any such audit, the bureau shall file with the chief clerk of each
4 house of the legislature, the governor, the department of administration, the
5 legislative reference bureau, the joint committee on finance, the legislative fiscal
6 bureau and the department audited, a detailed report thereof, including its
7 recommendations for improvement and efficiency and including specific instances,
8 if any, of illegal or improper expenditures. The chief clerks shall distribute the report
9 to the joint legislative audit committee, the appropriate standing committees of the
10 legislature and the joint committee on legislative organization.

11 **SECTION 5.** 13.94 (1) (g) of the statutes is amended to read:

12 13.94 (1) (g) Require each state department, board, commission, independent
13 agency, or authority other than the Wisconsin Aerospace Authority to file with the
14 bureau on or before September 1 of each year a report on all receivables due the state
15 as of the preceding June 30 which were occasioned by activities of the reporting unit.
16 The report may also be required of other departments, except counties, cities,
17 villages, towns and school districts. The report shall show the aggregate amount of
18 such receivables according to fiscal year of origin and collections thereon during the
19 fiscal year preceding the report. The state auditor may require any department to
20 file with the bureau a detailed list of the receivables comprising the aggregate
21 amounts shown on the reports prescribed by this paragraph.

22 **SECTION 6.** 13.94 (4) (a) 1. of the statutes is amended to read:

23 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
24 credentialing board, commission, independent agency, council or office in the
25 executive branch of state government; all bodies created by the legislature in the

1 legislative or judicial branch of state government; any public body corporate and
2 politic created by the legislature, except the Wisconsin Aerospace Authority, and
3 including specifically the Fox River Navigational System Authority, a professional
4 baseball park district, a local professional football stadium district, a local cultural
5 arts district and a family care district under s. 46.2895; every Wisconsin works
6 agency under subch. III of ch. 49; every provider of medical assistance under subch.
7 IV of ch. 49; technical college district boards; development zones designated under
8 s. 560.71; every county department under s. 51.42 or 51.437; every nonprofit
9 corporation or cooperative to which moneys are specifically appropriated by state
10 law; and every corporation, institution, association or other organization which
11 receives more than 50% of its annual budget from appropriations made by state law,
12 including subgrantee or subcontractor recipients of such funds.

13 **SECTION 7.** 16.002 (2) of the statutes is amended to read:

14 16.002 (2) "Departments" means constitutional offices, departments and
15 independent agencies and includes all societies, associations and other agencies of
16 state government for which appropriations are made by law, but not including
17 authorities created in subch. II of ch. 114 or chs. 231, 232, 233, 234, 235, and 237.

18 **SECTION 8.** 16.004 (4) of the statutes is amended to read:

19 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
20 department as the secretary designates may enter into the offices of state agencies
21 and authorities created under subch. II of ch. 114 or chs. 231, 233, 234, and 237, and
22 may examine their books and accounts and any other matter which in the secretary's
23 judgment should be examined and may interrogate the agency's employees publicly
24 or privately relative thereto.

25 **SECTION 9.** 16.004 (5) of the statutes is amended to read:

1 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
2 authorities created under subch. II of ch. 114 or chs. 231, 233, 234, and 237, and their
3 officers and employees, shall cooperate with the secretary and shall comply with
4 every request of the secretary relating to his or her functions.

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

6 16.004 (12) (a) In this subsection, “state agency” means an association,
7 authority, board, department, commission, independent agency, institution, office,
8 society or other body in state government created or authorized to be created by the
9 constitution or any law, including the legislature, the office of the governor and the
10 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
11 the Wisconsin Aerospace Authority, and the Fox River Navigational System
12 Authority.

13 **SECTION 11.** 16.01 (1) of the statutes is amended to read:

14 16.01 (1) In this section, “agency” means any office, department, agency,
15 institution of higher education, association, society or other body in state
16 government created or authorized to be created by the constitution or any law which
17 is entitled to expend moneys appropriated by law, including the legislature and the
18 courts, and any authority created under subch. II of ch. 114 or ch. 231, 233 or 234.

19 **SECTION 12.** 16.045 (1) (a) of the statutes is amended to read:

20 16.045 (1) (a) “Agency” means an office, department, independent agency,
21 institution of higher education, association, society or other body in state
22 government created or authorized to be created by the constitution or any law, which
23 is entitled to expend moneys appropriated by law, including the legislature and the
24 courts, but not including an authority created in subch. II of ch. 114 or ch. 231, 232,
25 233, 234, 235, or 237.

1 **SECTION 13.** 16.41 (4) of the statutes is amended to read:

2 16.41 (4) In this section, “authority” means a body created under subch. II of
3 ch. 114 or ch. 231, 233, 234, or 237.

4 **SECTION 14.** 16.417 (1) (b) of the statutes is amended to read:

5 16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or
6 ch. 231, 232, 233, 234, 235, or 237.

7 **SECTION 15.** 16.52 (7) of the statutes is amended to read:

8 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
9 which is authorized to maintain a contingent fund under s. 20.920 may establish a
10 petty cash account from its contingent fund. The procedure for operation and
11 maintenance of petty cash accounts and the character of expenditures therefrom
12 shall be prescribed by the secretary. In this subsection, “agency” means an office,
13 department, independent agency, institution of higher education, association,
14 society or other body in state government created or authorized to be created by the
15 constitution or any law, which is entitled to expend moneys appropriated by law,
16 including the legislature and the courts, but not including an authority created in
17 subch. II of ch. 114 or ch. 231, 233, 234, or 237.

18 **SECTION 16.** 16.528 (1) (a) of the statutes is amended to read:

19 16.528 (1) (a) “Agency” means an office, department, independent 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, but not including an authority created in subch. II of ch. 114 or ch. 231, 233,
24 234, or 237.

25 **SECTION 17.** 16.53 (2) of the statutes is amended to read:

1 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
2 invoice, the agency shall notify the sender of the invoice within 10 working days after
3 it receives the invoice of the reason it is improperly completed. In this subsection,
4 “agency” means an office, department, independent agency, institution of higher
5 education, association, society or other body in state government created or
6 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, 233, 234, or 237.

9 **SECTION 18.** 16.54 (9) (a) 1. of the statutes is amended to read:

10 16.54 (9) (a) 1. “Agency” means an office, department, independent agency,
11 institution of higher education, association, society or other body in state
12 government created or authorized to be created by the constitution or any law, which
13 is entitled to expend moneys appropriated by law, including the legislature and the
14 courts, but not including an authority created in subch. II of ch. 114 or ch. 231, 233,
15 234, or 237.

16 **SECTION 19.** 16.611 (2) (a) and (c) of the statutes are amended to read:

17 16.611 (2) (a) The department shall prescribe, by rule, procedures for the
18 transfer of public records and records of the University of Wisconsin Hospitals and
19 Clinics Authority and of the Wisconsin Aerospace Authority to optical disk or
20 electronic format and for the maintenance of such records stored in optical disk or
21 electronic format, including procedures to ensure the authenticity, accuracy,
22 reliability and accessibility of any public records or records of the University of
23 Wisconsin Hospitals and Clinics Authority or of the Wisconsin Aerospace Authority
24 so transferred and procedures to ensure that such records are protected from
25 unauthorized destruction.

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

5 **SECTION 20.** 16.70 (2) of the statutes is amended to read:

6 16.70 (2) “Authority” means a body created under subch. II of ch. 114 or ch. 231,
7 232, 233, 234, 235, or 237.

8 **SECTION 21.** 16.75 (1m) of the statutes is amended to read:

9 16.75 (1m) The department shall award each order or contract for materials,
10 supplies or equipment on the basis of life cycle cost estimates, whenever such action
11 is appropriate. Each authority other than the University of Wisconsin Hospitals and
12 Clinics Authority and the Wisconsin Aerospace Authority shall award each order or
13 contract for materials, supplies or equipment on the basis of life cycle cost estimates,
14 whenever such action is appropriate. The terms, conditions and evaluation criteria
15 to be applied shall be incorporated in the solicitation of bids or proposals. The life
16 cycle cost formula may include, but is not limited to, the applicable costs of energy
17 efficiency, acquisition and conversion, money, transportation, warehousing and
18 distribution, training, operation and maintenance and disposition or resale. The
19 department shall prepare documents containing technical guidance for the
20 development and use of life cycle cost estimates, and shall make the documents
21 available to local governmental units.

22 **SECTION 22.** 16.765 (1), (2), (4), (5), (6), (7) (intro.) and (d) and (8) of the statutes
23 are amended to read:

24 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
25 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin

1 Aerospace Authority, and the Bradley Center Sports and Entertainment
2 Corporation shall include in all contracts executed by them a provision obligating the
3 contractor not to discriminate against any employee or applicant for employment
4 because of age, race, religion, color, handicap, sex, physical condition, developmental
5 disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m)
6 or national origin and, except with respect to sexual orientation, obligating the
7 contractor to take affirmative action to ensure equal employment opportunities.

8 (2) Contracting agencies, the University of Wisconsin Hospitals and Clinics
9 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
10 Authority, and the Bradley Center Sports and Entertainment Corporation shall
11 include the following provision in every contract executed by them: “In connection
12 with the performance of work under this contract, the contractor agrees not to
13 discriminate against any employee or applicant for employment because of age, race,
14 religion, color, handicap, sex, physical condition, developmental disability as defined
15 in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but
16 not be limited to, the following: employment, upgrading, demotion or transfer;
17 recruitment or recruitment advertising; layoff or termination; rates of pay or other
18 forms of compensation; and selection for training, including apprenticeship. Except
19 with respect to sexual orientation, the contractor further agrees to take affirmative
20 action to ensure equal employment opportunities. The contractor agrees to post in
21 conspicuous places, available for employees and applicants for employment, notices
22 to be provided by the contracting officer setting forth the provisions of the
23 nondiscrimination clause”.

24 (4) Contracting agencies, the University of Wisconsin Hospitals and Clinics
25 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace

1 Authority, and the Bradley Center Sports and Entertainment Corporation shall take
2 appropriate action to revise the standard government contract forms under this
3 section.

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

17 (6) The department may receive complaints of alleged violations of the
18 nondiscrimination provisions of such contracts. The department shall investigate
19 and determine whether a violation of this section has occurred. The department may
20 delegate this authority to the contracting agency, the University of Wisconsin
21 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
22 Wisconsin Aerospace Authority, or the Bradley Center Sports and Entertainment
23 Corporation for processing in accordance with the department's procedures.

24 (7) (intro.) When a violation of this section has been determined by the
25 department, the contracting agency, the University of Wisconsin Hospitals and

1 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
2 Aerospace Authority, or the Bradley Center Sports and Entertainment Corporation,
3 the contracting agency, the University of Wisconsin Hospitals and Clinics Authority,
4 the Fox River Navigational System Authority, the Wisconsin Aerospace Authority,
5 or the Bradley Center Sports and Entertainment Corporation shall:

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

11 (8) If further violations of this section are committed during the term of the
12 contract, the contracting agency, the Fox River Navigational System Authority, the
13 Wisconsin Aerospace Authority, or the Bradley Center Sports and Entertainment
14 Corporation may permit the violating party to complete the contract, after complying
15 with this section, but thereafter the contracting agency, the Fox River Navigational
16 System Authority, the Wisconsin Aerospace Authority, or the Bradley Center Sports
17 and Entertainment Corporation shall request the department to place the name of
18 the party on the ineligible list for state contracts, or the contracting agency, the Fox
19 River Navigational System Authority, the Wisconsin Aerospace Authority, or the
20 Bradley Center Sports and Entertainment Corporation may terminate the contract
21 without liability for the uncompleted portion or any materials or services purchased
22 or paid for by the contracting party for use in completing the contract.

23 **SECTION 23.** 16.838 (1) (b) of the statutes is amended to read:

24 16.838 (1) (b) “Authority” means a body created under subch. II of ch. 114 or
25 ch. 231, 232, 233, 234, 235, or 237.

1 **SECTION 24.** 16.85 (2) of the statutes is amended to read:

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

12 **SECTION 25.** 16.865 (8) of the statutes is amended to read:

13 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
14 proportionate share of the estimated costs attributable to programs administered by
15 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
16 may charge premiums to agencies to finance costs under this subsection and pay the
17 costs from the appropriation on an actual basis. The department shall deposit all
18 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
19 Costs assessed under this subsection may include judgments, investigative and
20 adjustment fees, data processing and staff support costs, program administration
21 costs, litigation costs and the cost of insurance contracts under sub. (5). In this
22 subsection, “agency” means an office, department, independent agency, institution
23 of higher education, association, society or other body in state government created
24 or authorized to be created by the constitution or any law, which is entitled to expend
25 moneys appropriated by law, including the legislature and the courts, but not

1 including an authority created in subch. II of ch. 114 or ch. 231, 232, 233, 234, 235,
2 or 237.

3 **SECTION 26.** 19.42 (5) of the statutes is amended to read:

4 19.42 (5) “Department” means the legislature, the University of Wisconsin
5 System, any authority or public corporation created and regulated by an act of the
6 legislature except the Wisconsin Aerospace Authority, and any office, department,
7 independent agency or legislative service agency created under ch. 13, 14 or 15, any
8 technical college district or any constitutional office other than a judicial office. In
9 the case of a district attorney, “department” means the department of administration
10 unless the context otherwise requires.

11 **SECTION 27.** 20.395 (2) (dq) of the statutes is amended to read:

12 20.395 (2) (dq) *Aeronautics and astronautics assistance, state funds.* As a
13 continuing appropriation, the amounts in the schedule for the state’s share of airport
14 projects under ss. 114.34 and 114.35 and spaceport projects; for developing air
15 marking and other air navigational facilities; for administration of the powers and
16 duties of the secretary of transportation under s. 114.31; for costs associated with
17 aeronautical activities under s. 114.31, except for the program under s. 114.31 (3) (b);
18 for the Wisconsin Aerospace Authority under subch. II of ch. 114; and for the
19 administration of other aeronautical and astronautical activities, except aircraft
20 registration under s. 114.20, authorized by law.

21 **SECTION 28.** 20.395 (2) (dv) of the statutes is amended to read:

22 20.395 (2) (dv) *Aeronautics and astronautics assistance, local funds.* All
23 moneys received by the state from any local unit of government or other source for
24 airports or other aeronautical activities under s. 114.33 or 114.37 and for spaceports,
25 for administration of the powers and duties of the secretary of the department of

1 transportation under s. 114.31, for costs associated with aeronautical activities
2 under s. 114.31, for the Wisconsin Aerospace Authority under subch. II of ch. 114 and
3 the loan program under s. 114.375, and for the administration of other aeronautical
4 and astronautical activities authorized by law, for such purposes.

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

6 20.395 (2) (dx) *Aeronautics and astronautics assistance, federal funds.* All
7 moneys received from the federal government for airports or other aeronautical
8 activities under s. 114.32 or 114.33 and for spaceports, for administration of the
9 powers and duties of the secretary of transportation under s. 114.31, for costs
10 associated with aeronautical activities under s. 114.31, for the Wisconsin Aerospace
11 Authority under subch. II of ch. 114, and for the administration of other aeronautical
12 and astronautical activities authorized by law, for such purposes.

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

14 23.175 (1) (b) “State agency” means any office, department, agency, institution
15 of higher education, association, society or other body in state government created
16 or authorized to be created by the constitution or any law which is entitled to expend
17 moneys appropriated by law, including any authority created under subch. II of ch.
18 114 or ch. 231, 233, 234, or 237 but not including the legislature or the courts.

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

20 24.61 (2) (a) 10. Bonds of the Wisconsin Aerospace Authority.

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

22 25.17 (3) (b) 13. Bonds issued by the Wisconsin Aerospace Authority.

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

24 25.50 (1) (d) “Local government” means any county, town, village, city, power
25 district, sewerage district, drainage district, town sanitary district, public inland

1 lake protection and rehabilitation district, local professional baseball park district
2 created under subch. III of ch. 229, family care district under s. 46.2895, local
3 professional football stadium district created under subch. IV of ch. 229, local
4 cultural arts district created under subch. V of ch. 229, public library system, school
5 district or technical college district in this state, any commission, committee, board
6 or officer of any governmental subdivision of this state, any court of this state, other
7 than the court of appeals or the supreme court, or any authority created under s.
8 114.61, 231.02, 233.02 or 234.02.

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

10 32.01 (1) "Person" includes the state, a county, town, village, city, school district
11 or other municipal corporation, a board, commission, including a commission created
12 by contract under s. 66.0301, corporation, or housing authority created under ss.
13 66.1201 to 66.1211 or redevelopment authority created under s. 66.1333 or the
14 Wisconsin Aerospace Authority created under s. 114.61.

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

16 32.02 (11m) The Wisconsin Aerospace Authority created under subch. II of ch.
17 114.

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

19 **32.05 Condemnation for sewers and transportation facilities.** (intro.)

20 In this section, "mass transit facility" includes, without limitation because of
21 enumeration, exclusive or preferential bus lanes if those lanes are limited to
22 abandoned railroad rights-of-way or existing expressways constructed before
23 May 17, 1978, highway control devices, bus passenger loading areas and terminal
24 facilities, including shelters, and fringe and corridor parking facilities to serve bus
25 and other public mass transportation passengers, together with the acquisition,

1 construction, reconstruction and maintenance of lands and facilities for the
2 development, improvement and use of public mass transportation systems for the
3 transportation of passengers. This section does not apply to proceedings in 1st class
4 cities under subch. II. In any city, condemnation for housing under ss. 66.1201 to
5 66.1211, for urban renewal under s. 66.1333, or for cultural arts facilities under
6 subch. V of ch. 229, may proceed under this section or under s. 32.06 at the option
7 of the condemning authority. Condemnation by a local exposition district under
8 subch. II of ch. 229 for any exposition center or exposition center facility may proceed
9 under this section or under s. 32.06 at the option of the local exposition district. All
10 other condemnation of property for public alleys, streets, highways, airports,
11 spaceports, mass transit facilities, or other transportation facilities, gas or leachate
12 extraction systems to remedy environmental pollution from a solid waste disposal
13 facility, storm sewers and sanitary sewers, watercourses or water transmission and
14 distribution facilities shall proceed as follows:

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

16 40.02 (54) (j) The Wisconsin Aerospace Authority.

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

18 66.0603 (1m) (a) 3u. Bonds issued by the Wisconsin Aerospace Authority.

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

20 70.11 (38m) WISCONSIN AEROSPACE AUTHORITY. Notwithstanding the provisions
21 of s. 70.11 (intro.) that relate to leased property or that impose other limitations, all
22 property owned or leased by the Wisconsin Aerospace Authority, provided that use
23 of the property is primarily related to the purposes of the authority.

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

25 71.05 (1) (c) 7. The Wisconsin Aerospace Authority.

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

2 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
3 Hospitals and Clinics Authority ~~and~~, of the Fox River Navigational System
4 Authority, and of the Wisconsin Aerospace Authority.

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

6 71.26 (1m) (h) Those issued under s. 114.70.

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

8 71.45 (1t) (h) Those issued under s. 114.70.

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

10 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
11 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, and the Fox
12 River Navigational System Authority.

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

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

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

22 85.02 (1) The department may direct, undertake and expend state and federal
23 aid for planning, promotion and protection activities in the areas of highways, motor
24 vehicles, traffic law enforcement, aeronautics and astronautics, railroads,
25 waterways, specialized transportation services, mass transit systems and for any

1 other transportation mode. All state, regional and municipal agencies and
2 commissions created under authority of law shall to the extent practicable, when
3 dealing with transportation, follow the recommendations made by the secretary.

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

5 100.45 (1) (dm) “State agency” means any 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, the Wisconsin Housing and Economic Development Authority, the Bradley
10 Center Sports and Entertainment Corporation, the University of Wisconsin
11 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
12 Authority, the Wisconsin Aerospace Authority, and the Fox River Navigational
13 System Authority.

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

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

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

24 **CHAPTER 114**

25 **AERONAUTICS AND ASTRONAUTICS**

1 preparation of spacecraft for imminent launching or immediately after landing,
2 including any launch pad, landing area, or launch or landing control center.

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

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

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

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

18 **114.05 Damages by aircraft or spacecraft.** The liability of the owner, lessee
19 and pilot of every aircraft or spacecraft operating over the lands or waters of this
20 state for injuries or damage to persons or property on the land or water beneath,
21 caused by the ascent, descent or flight of such aircraft or spacecraft, or the dropping
22 or falling of the aircraft or spacecraft or of any object or material therefrom, shall be
23 determined by the law applicable to torts on land, except that there shall be a
24 presumption of liability on the part of the owner, lessee or pilot, as the case may be,
25 where injury or damage is caused by the dropping or falling of the aircraft or

1 spacecraft or of any object or material therefrom, which presumption may be
2 rebutted by proof that the injury or damage was not caused by negligence on the part
3 of the owner, lessee or pilot and the burden of proof in such case shall be upon such
4 owner, lessee or pilot to show absence of negligence on his or her part.

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

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

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

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

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

24 **114.11 (title) Local airports and spaceports; interstate reciprocity.**

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

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

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

1 laws of such state, but subject to the laws of this state in all matters relating to
2 financing such aeronautical or aeronautical project.

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

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