

1 (5) (intro.) The governing body of any county, city, village or town in this state
2 may, together with any municipality or other political subdivision of an adjoining
3 state if, under the laws of that state, such municipality or other political subdivision
4 is similarly authorized, jointly sponsor an airport or spaceport project located in this
5 state or in the adjoining state.

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

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

1 county, town, city or village effecting such closing shall immediately provide such
2 access at its expense.

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

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

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

18 **114.134 (title) Airport and spaceport standards and approval.**

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

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

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

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

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

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

19 **114.135 Airport and spaceport protection.** (intro.) It is declared to be in
20 the public interest that the navigable airspace over the state and the aerial
21 approaches to any airport or spaceport be maintained in a condition best suited for
22 the safe operation of aircraft or spacecraft and to that end the bulk, height, location
23 and use of any building or structure, or any other object, and the use of land, may be
24 regulated, or any building, structure or other object may be removed. It is the

1 legislative intent that this section shall not supersede s. 59.69 (4), but that it shall
2 be supplemental to such section.

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

1 description of the property involved is recorded with the register of deeds of all
2 counties in which the parcel of land or interest therein lies.

3 (2) NOTICE; CLAIM FOR DAMAGES. In case of any airport landing field or landing
4 and take-off strip, or spaceport or spacecraft launch or landing area, owned by any
5 city, village, town or county or any union of them, the commission or other body in
6 charge of the operation and control of the airport, landing field or landing and
7 take-off strip, or spaceport or spacecraft launch or landing area, may prepare and
8 record without charge with the register of deeds plans and specifications showing the
9 protection privileges sought as described in sub. (1). The commission or other body
10 in charge shall send by registered mail with return receipt to each owner at his or
11 her last-known address a notice stating that the plans and specifications have been
12 recorded with the register of deeds' office, stating the county, time of recording, the
13 record number, and a brief description of the parcel of land or interest therein
14 affected. If the address of the owner cannot be ascertained or the registered letter
15 is returned unclaimed, notice shall be sent by registered mail to the person in
16 possession of the premises. If no person is in possession, then the notice shall be
17 posted in a conspicuous place on the land involved and published as a class 3 notice,
18 under ch. 985, in the area affected. The right of the owner to claim for damages for
19 the protection regulations imposed in the plans and specifications, or the removal of
20 obstructions shall be forever barred, unless the owner files a claim for damages with
21 the commission or other body in charge within 6 months from the receipt of the notice
22 from the commission, or other body in charge, or the posting and last publication.
23 The claim shall be verified and shall state the amount of damages claimed. The
24 commission or other body in charge may pay the damages, if it has available funds,
25 and the payment shall operate as a conveyance. If no claims for payment are filed

1 or if payment is made, the commission or other body in charge shall file an affidavit
2 for each parcel involved setting forth the rights acquired which shall be recorded by
3 the register of deeds without charge and when so recorded has the same effect as any
4 recorded instrument. If any owner is a minor or incompetent, the notice may be sent
5 by registered mail to the owner's guardian, if he or she has one, and if there is none
6 the circuit court of the county in which the land, or a larger part, is located shall upon
7 application of the commission or other body in charge appoint a guardian to receive
8 the notice, and to protect the rights of the owner. Any funds payable to the owner
9 shall be cared for in the manner provided in ch. 880. If the commission or other body
10 in charge determines that the damages claimed are excessive, it shall so report to the
11 governing body that established the airport, landing field or landing and take-off
12 strip, or spaceport or spacecraft launch or landing area, in question and with its
13 consent may acquire in the name of the governmental body the protection privilege
14 desired in the manner set forth in sub. (1) or it may deposit with the county clerk an
15 award and notify the owner of the land involved in the method specified in this
16 subsection. The landowner may accept the award without prejudice to his or her
17 right to claim and contest for a greater sum. The landowner may, within a period of
18 6 months after notice of the award, proceed as provided in ch. 32 to have the damages
19 appraised.

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

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

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

22 (7) POWER TO CONTROL ERECTION OF HIGH STRUCTURES. For the purposes of sub.
23 (6) the power and authority to control the erection of buildings, structures, towers
24 and other objects by the secretary of transportation shall be limited to those objects
25 that would either extend to a height of more than 500 feet above the ground or surface

1 of the water within one mile of the location of the object, or above a height determined
2 by the ratio of one foot vertical to 40 feet horizontal measured from the nearest
3 boundary of the nearest public airport or spaceport within the state; however, this
4 power and authority shall not extend to objects of less than 150 feet in height above
5 the ground or water level at the location of the object or to objects located within areas
6 zoned under s. 114.136 or to objects located within areas zoned under s. 62.23 (7)
7 where the zoning ordinance enacted under said subsection controls the height of
8 structures.

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

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

16 114.136 (title) **Airport and spaceport approach protection.**

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

19 114.136 (1) (a) Any county, city, village or town that is the owner of a site for
20 an airport or spaceport which has been approved for such purpose by the appropriate
21 agencies of the state and the federal government may protect the aerial approaches
22 to such site by ordinance regulating, restricting and determining the use, location,
23 height, number of stories and size of buildings and structures and objects of natural
24 growth in the vicinity of such site and may divide the territory to be protected into
25 several areas and impose different regulations and restrictions with respect to each

1 area. The provisions of such ordinance shall be effective whether the site and the
2 lands affected by such ordinance are located within or without the limits of such
3 county, city, village or town, and whether or not such buildings, structures and
4 objects of natural growth are in existence on the effective date of the ordinance. Such
5 regulations, restrictions and determinations are declared to be for the purpose of
6 promoting the public safety, welfare and convenience, and may be adopted, enforced
7 and administered without the consent of any other governing body. Any ordinance
8 adopted under this section may be amended from time to time in the same manner
9 as is provided for the adoption of the original ordinance in sub. (2). The authority
10 granted in this section shall be independent and exclusive of any other authority
11 granted in the statutes.

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

1 given notice of meeting to select a joint commission as provided by this subsection,
2 and such ordinance shall be as effective as if adopted by the joint bodies.

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

12 (2) (a) Except as provided by sub. (1) (b) or (c), the county park commission in
13 the case of any county except any county with a county executive or county
14 administrator in which case the county park manager, the city or village plan
15 commission in the case of a city or village, or if there is no such commission or
16 manager, a committee of the governing body or bodies of the county, city, village or
17 town which owns the airport or spaceport site shall formulate a tentative ordinance
18 and hold a public hearing or hearings thereon in some public place within the county,
19 city, village or town. Notice of the hearings shall be given by publication of a class
20 3 notice, under ch. 985, in the area affected by the proposed ordinance.

21 (3) NONCONFORMING USES. The lawful use of land, buildings and structures
22 existing at the time of the adoption or amendment of any ordinance under the
23 authority of this section may be continued, although such use does not conform with
24 the provisions of the ordinance. The expansion or enlargement of a nonconforming
25 use shall be in conformity with the ordinance. The governing body of the owner of

1 the airport or spaceport site may remove such nonconforming use or acquire the
2 necessary air right over the same by purchase or exercise of the right of eminent
3 domain in the manner provided by ch. 32.

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

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

16 (5) ENFORCEMENT. The governing body of the county, city, village or town
17 owning the airport or spaceport site may provide for the enforcement of any
18 ordinance or regulations enacted pursuant to this section. Such enforcement may
19 be by a system of permits or any other appropriate method. The governing body
20 enacting the ordinance may provide for the punishment of a violation of the
21 ordinance by fine or imprisonment, or both.

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

24 114.136 (2) (b) 1. The regulations, restrictions and determinations shall
25 include, among other things, provisions for the limitation of the height of buildings,

1 structures and objects of natural growth located not more than 3 miles from the
2 boundaries of the airport site or located not more than 5 miles from the boundaries
3 of the spaceport site. Such regulations, restrictions and determinations shall specify
4 the maximum permissible height of buildings, structures and objects of natural
5 growth and may specify such maximum permissible height as a ratio between the
6 permissible maximum height of the building, structure or object of natural growth
7 above the level of the airport or spaceport site and its distance from the nearest point
8 on the boundary of the airport or spaceport site.

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

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

19 **114.151 Union airports and spaceports.** All powers conferred upon any
20 county, city, village or town by ss. 114.11 to 114.15, relating to the acquisition,
21 establishment, construction, ownership, control, lease, equipment, improvement,
22 maintenance, operation and regulation of airports or landing fields, or spaceports or
23 spacecraft launch or landing areas, may be exercised by any 2 or more municipalities
24 in the establishment, acquisition, equipment and operation of joint airports or
25 landing fields, or spaceports or spacecraft launch or landing areas. The governing

1 body of any county, city, village or town participating in the ownership or operation
2 of a joint airport or spaceport as provided in this section may by resolution withdraw
3 from such joint operation or control and may relinquish its interest in the airport or
4 spaceport.

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

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

24 (4) COOPERATION WITH FEDERAL AERONAUTICAL OR ASTRONAUTICAL AGENCY. The
25 secretary shall cooperate with and assist the federal government, the political

1 subdivisions of this state, and others engaged in aeronautics or astronautics or the
2 promotion of aeronautics or astronautics, and shall seek to coordinate the
3 aeronautical or astronautical activities of these bodies. To this end, the secretary is
4 empowered to confer with or to hold joint hearings with any federal aeronautical or
5 astronautical agency in connection with any matter arising under this chapter,
6 relating to the sound development of aeronautics or astronautics, and to take
7 advantage of the cooperation, services, records and facilities of such federal agencies,
8 as fully as may be practicable, in the administration of said sections. The secretary
9 shall furnish to the federal agencies cooperation, and the services, records and
10 facilities of the department, insofar as may be practicable.

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

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

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

19 114.37 (title) **Advance land acquisition loan program for airport**
20 **projects**.

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

22 **114.375 Advance land acquisition loan program for spaceport projects.**

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

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

6 (a) To specify conditions of eligibility for loans under this section. Such
7 conditions shall include the requirement that the land to be acquired must be part
8 of a planned spaceport improvement project or a land acquisition project that is
9 essential to future spaceport development or to the safety of spacecraft using the
10 spaceport.

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

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

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

1 loan agreement shall require the payment of interest and reasonable costs incurred
2 by the department.

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

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

5 (3) FUNDS. The department may make loans under this section from the
6 appropriation under s. 20.395 (2) (dv). The total outstanding balance of loans under
7 this subsection may not exceed \$10,000,000.

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

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

12 **CHAPTER 114**

13 **SUBCHAPTER II**

14 **WISCONSIN AEROSPACE AUTHORITY**

15 **114.60 Definitions.** In this subchapter:

16 (1) “Aerospace facilities” means facilities and infrastructure in this state used
17 primarily to provide aerospace services, including: laboratories and research
18 facilities; office, storage, and manufacturing facilities; instructional and other
19 educational facilities; space museums; and other buildings, equipment, and
20 instruments related to the operations of the aerospace industry or to providing
21 aerospace services.

22 (2) “Aerospace services” means services that promote, advance, and facilitate
23 space exploration and space-related commercial, technological, and educational
24 development in this state, including: space-related research, experimentation, and
25 development of technology and other intellectual property; space-related business

1 incubator services or services for start-up aerospace companies; programs, projects,
2 operations, and activities to develop, enhance, or provide commercial and
3 noncommercial space-related opportunities for business, industry, education, and
4 government; services or activities that promote the commercialization of the space
5 and aerospace industry and space-related economic growth; services or activities
6 that promote and facilitate space-related educational opportunities and tourism,
7 including educational initiatives and operation or sponsorship of space museums
8 and tourist attractions; consulting services; and administrative services.

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

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

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

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

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

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

21 (9) “Spaceport facilities” means facilities and infrastructure that are located
22 within a spaceport and related to the operation or purpose of the spaceport,
23 including: spaceport launch or landing areas; launch or landing control centers or
24 other facilities; structures, mechanisms, or devices for communicating with or
25 navigating or tracking spacecraft; buildings, structures, equipment, or other

1 facilities associated with spacecraft construction, development, assembly,
2 processing, testing, or evaluation; buildings, structures, equipment, or other
3 facilities associated with payload loading, assembly, processing, testing, or
4 evaluation; space flight hardware, software, or instrumentation; facilities
5 appropriate to meet the transportation, electric, gas, water and sewer, flood control,
6 waste disposal, and other infrastructure needs within the spaceport; facilities to
7 meet public safety needs within the spaceport, including any facility related to
8 spaceport security and emergency services such as fire and ambulance;
9 administrative facilities; and other buildings, equipment, and instruments related
10 to spaceport operations or the providing of spaceport services.

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

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

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

23 **114.61 Creation and organization.** (1) There is created a public body
24 corporate and politic to be known as the “Wisconsin Aerospace Authority.” The board
25 of the authority shall consist of the following members:

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

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

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

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

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

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

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

1 the board. A vacancy on the board created by removal under this paragraph is
2 subject to par. (b).

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

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

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

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

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

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

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

15 **114.62 Powers of authority.** The authority has all of the powers necessary
16 or convenient to carry out the purposes and provisions of this chapter. In addition
17 to all other powers granted by this chapter, the authority may do any of the following:

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

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

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

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

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

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

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

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

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

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

7 (a) Any spaceport, spaceport territory, spaceport facility, aerospace facility, or
8 other facility or site within this state related to conducting the business or exercising
9 the powers of the authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (21) Prohibit any person from using the words “WISCONSIN SPACEPORT”
16 or “SPACEPORT WISCONSIN” in any corporate or business-related name without
17 prior written approval of the authority.

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

21 **114.63 Duties of authority.** The authority shall do all of the following:

22 (1) Establish a spaceport in this state in the city of Sheboygan in Sheboygan
23 County.

24 (2) Promote this state’s aerospace industry; analyze trends in the aerospace
25 industry and recommend actions to be taken by this state to compete in the global

1 aerospace industry; and coordinate access to commercial, technical, and general
2 aerospace information and services.

3 (3) Advertise and promote to the public the development and utilization of
4 spaceport facilities, spaceport services, aerospace facilities, and aerospace services
5 of the authority.

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

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

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

18 (7) Furnish leadership in securing adequate funding for spaceports, spaceport
19 facilities, spaceport services, aerospace facilities, and aerospace services in this
20 state.

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

1 (9) Develop a business plan to promote and facilitate spaceport-related
2 educational and commercial development in this state, and to stimulate and improve
3 aerospace science, design, technology, and research in this state, which plan shall
4 include information about the authority and information and analysis about
5 space-related industry, technology, design, manufacturing, marketing, and
6 management. The business plan shall be developed in cooperation with the
7 Wisconsin Space Grant Consortium.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) Subject to rules promulgated by the department of administration under s.
2 16.611, the authority shall maintain procedures to ensure the authenticity, accuracy,
3 reliability, and accessibility of records transferred to or maintained in optical disk or
4 electronic format under par. (a).

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

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

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

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

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

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

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

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

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

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

22 **(4)** Notwithstanding any other provision of this subchapter, the authority shall
23 maintain the confidentiality of records or portions of records held by the authority
24 containing any trade secret, as specified under s. 19.36 (5). Notwithstanding subch.
25 V of ch. 19, any portion of any meeting of the authority concerning trade secrets shall

1 be conducted in closed session and shall in all respects, including in any written
2 record or audio or visual recording of the meeting, remain confidential.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (6) All 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 75.** 219.09 (1) (g) of the statutes is created to read:

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

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

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

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

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

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

4 285.59 (1) (b) “State agency” means any office, department, agency, institution
5 of higher education, association, society or other body in state government created
6 or authorized to be created by the constitution or any law which is entitled to expend
7 moneys appropriated by law, including the legislature and the courts, the Wisconsin
8 Housing and Economic Development Authority, the Bradley Center Sports and
9 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
10 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
11 Authority, and the Wisconsin Health and Educational Facilities Authority.

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

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

20 **SECTION 80.** 893.80 (1) of the statutes is amended to read:

21 893.80 (1) Except as provided in subs. (1g), (1m), (1p) and (8), no action may
22 be brought or maintained against any volunteer fire company organized under ch.
23 213, the Wisconsin Aerospace Authority, or any political corporation, governmental
24 subdivision or agency thereof nor against any officer, official, agent or employee of
25 the corporation, subdivision or agency, or Wisconsin Aerospace Authority for acts

1 done in their official capacity or in the course of their agency or employment upon
2 a claim or cause of action unless:

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

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

18 **SECTION 81.** 893.80 (1g) of the statutes is amended to read:

19 893.80 (1g) Notice of disallowance of the claim submitted under sub. (1) shall
20 be served on the claimant by registered or certified mail and the receipt therefor,
21 signed by the claimant, or the returned registered letter, shall be proof of service.
22 Failure of the appropriate body to disallow a claim within 120 days after
23 presentation of the written notice of the claim is a disallowance. No action on a claim
24 under this section against any defendant fire company, the Wisconsin Aerospace
25 Authority, or any corporation, subdivision or agency nor against any defendant

1 officer, official, agent or employee, may be brought after 6 months from the date of
2 service of the notice of disallowance, and the notice of disallowance shall contain a
3 statement to that effect.

4 **SECTION 82.** 893.80 (3) of the statutes is amended to read:

5 893.80 (3) Except as provided in this subsection, the amount recoverable by
6 any person for any damages, injuries or death in any action founded on tort against
7 any volunteer fire company organized under ch. 181 or 213, the Wisconsin Aerospace
8 Authority, or any political corporation, governmental subdivision or agency thereof
9 and against their officers, officials, agents or employees for acts done in their official
10 capacity or in the course of their agency or employment, whether proceeded against
11 jointly or severally, shall not exceed \$50,000. The amount recoverable under this
12 subsection shall not exceed \$25,000 in any such action against a volunteer fire
13 company organized under ch. 181 or 213 or its officers, officials, agents or employees.
14 If a volunteer fire company organized under ch. 181 or 213 is part of a combined fire
15 department, the \$25,000 limit still applies to actions against the volunteer fire
16 company or its officers, officials, agents or employees. No punitive damages may be
17 allowed or recoverable in any such action under this subsection.

18 **SECTION 83.** 893.80 (4) of the statutes is amended to read:

19 893.80 (4) No suit may be brought against any volunteer fire company
20 organized under ch. 213, the Wisconsin Aerospace Authority, or any political
21 corporation, governmental subdivision or any agency thereof for the intentional torts
22 of its officers, officials, agents or employees nor may any suit be brought against such
23 corporation, subdivision or agency or volunteer fire company or the Wisconsin
24 Aerospace Authority or against its officers, officials, agents or employees for acts

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

3 **SECTION 84.** 893.80 (5) of the statutes is amended to read:

4 893.80 (5) Except as provided in this subsection, the provisions and limitations
5 of this section shall be exclusive and shall apply to all claims against a volunteer fire
6 company organized under ch. 213, the Wisconsin Aerospace Authority, or any
7 political corporation, governmental subdivision or agency or against any officer,
8 official, agent or employee thereof for acts done in an official capacity or the course
9 of his or her agency or employment. When rights or remedies are provided by any
10 other statute against any political corporation, governmental subdivision or agency
11 or the Wisconsin Aerospace Authority or any officer, official, agent or employee
12 thereof for injury, damage or death, such statute shall apply and the limitations in
13 sub. (3) shall be inapplicable.

14 **SECTION 85.** 893.80 (7) of the statutes is amended to read:

15 893.80 (7) No suit may be brought against any city, town or village or any
16 governmental subdivision or agency thereof or the Wisconsin Aerospace Authority
17 or against any officer, official, agent or employee of any of those entities who, in good
18 faith, acts or fails to act to provide a notice to a property owner that a public nuisance
19 under s. 823.113 (1) or (1m) (b) exists.

20 **SECTION 86. 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.

Barman, Mike

From: Schutt, Eric
Sent: Tuesday, August 23, 2005 1:45 PM
To: LRB.Legal
Subject: Draft review: LRB 05-2987/1 Topic: Creating Wisconsin Aerospace Authority

It has been requested by <Schutt, Eric> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-2987/1 Topic: Creating Wisconsin Aerospace Authority