

Today

Wanted by
11/12
if possible

D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

sections affected
x-ref

Gen

1 **AN ACT ...; relating to:** creating the Wisconsin Aerospace Authority to develop
 2 and operate spaceports and related facilities and services and other aerospace
 3 facilities and services and providing the Authority with the power of
 4 condemnation, authorizing municipalities to develop and operate spaceports,
 5 and making an appropriation.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

This bill will be referred to the Joint Survey Committee on Tax Exemptions 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:

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

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

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

5 13.172 (1) In this section, “agency” means an office, department, agency,
6 institution of higher education, association, society or other body in state
7 government created or authorized to be created by the constitution or any law, which
8 is entitled to expend moneys appropriated by law, including the legislature and the
9 courts, and any authority created in subch. II of ch. 114 or ch. 231, 233, or 234.

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

11 13.62 (2) “Agency” means any board, commission, department, office, society,
12 institution of higher education, council or committee in the state government, or any
13 authority created in subch. II of ch. 114 or ch. 231, 232, 233, 234, or 237, except that
14 the term does not include a council or committee of the legislature.

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

16 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
17 credentialing board, commission, independent agency, council or office in the
18 executive branch of state government; all bodies created by the legislature in the
19 legislative or judicial branch of state government; any public body corporate and
20 politic created by the legislature including specifically the Fox River Navigational
21 System Authority and the Wisconsin Aerospace Authority, a professional baseball
22 park district, a local professional football stadium district, a local cultural arts
23 district and a family care district under s. 46.2895; every Wisconsin works agency
24 under subch. III of ch. 49; every provider of medical assistance under subch. IV of ch.
25 49; technical college district boards; development zones designated under s. 560.71;

1 every county department under s. 51.42 or 51.437; every nonprofit corporation or
2 cooperative to which moneys are specifically appropriated by state law; and every
3 corporation, institution, association or other organization which receives more than
4 50% of its annual budget from appropriations made by state law, including
5 subgrantee or subcontractor recipients of such funds.

6 **SECTION 5.** 16.002 (2) of the statutes is amended to read:

7 16.002 (2) “Departments” means constitutional offices, departments and
8 independent agencies and includes all societies, associations and other agencies of
9 state government for which appropriations are made by law, but not including
10 authorities created in subch. II of ch. 114 or chs. 231, 232, 233, 234, 235, and 237.

11 **SECTION 6.** 16.004 (4) of the statutes is amended to read:

12 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
13 department as the secretary designates may enter into the offices of state agencies
14 and authorities created under subch. II of ch. 114 or chs. 231, 233, 234, and 237, and
15 may examine their books and accounts and any other matter which in the secretary’s
16 judgment should be examined and may interrogate the agency’s employees publicly
17 or privately relative thereto.

18 **SECTION 7.** 16.004 (5) of the statutes is amended to read:

19 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
20 authorities created under subch. II of ch. 114 or chs. 231, 233, 234, and 237, and their
21 officers and employees, shall cooperate with the secretary and shall comply with
22 every request of the secretary relating to his or her functions.

23 **SECTION 8.** 16.004 (12) (a) of the statutes is amended to read:

24 16.004 (12) (a) In this subsection, “state agency” means an association,
25 authority, board, department, commission, independent agency, institution, office,

1 society or other body in state government created or authorized to be created by the
2 constitution or any law, including the legislature, the office of the governor and the
3 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
4 the Wisconsin Aerospace Authority, and the Fox River Navigational System
5 Authority.

6 **SECTION 9.** 16.01 (1) of the statutes is amended to read:

7 16.01 (1) In this section, “agency” means any office, department, agency,
8 institution of higher education, association, society or other body in state
9 government created or authorized to be created by the constitution or any law which
10 is entitled to expend moneys appropriated by law, including the legislature and the
11 courts, and any authority created under subch. II of ch. 114 or ch. 231, 233 or 234.

12 **SECTION 10.** 16.045 (1) (a) of the statutes is amended to read:

13 16.045 (1) (a) “Agency” means an office, department, independent agency,
14 institution of higher education, association, society or other body in state
15 government created or authorized to be created by the constitution or any law, which
16 is entitled to expend moneys appropriated by law, including the legislature and the
17 courts, but not including an authority created in subch. II of ch. 114 or ch. 231, 232,
18 233, 234, 235, or 237.

19 **SECTION 11.** 16.41 (4) of the statutes is amended to read:

20 16.41 (4) In this section, “authority” means a body created under subch. II of
21 ch. 114 or ch. 231, 233, 234, or 237.

22 **SECTION 12.** 16.417 (1) (b) of the statutes is amended to read:

23 16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or
24 ch. 231, 232, 233, 234, 235, or 237.

25 **SECTION 13.** 16.52 (7) of the statutes is amended to read:

1 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
2 which is authorized to maintain a contingent fund under s. 20.920 may establish a
3 petty cash account from its contingent fund. The procedure for operation and
4 maintenance of petty cash accounts and the character of expenditures therefrom
5 shall be prescribed by the secretary. In this subsection, “agency” means an office,
6 department, independent agency, institution of higher education, association,
7 society or other body in state government created or authorized to be created by the
8 constitution or any law, which is entitled to expend moneys appropriated by law,
9 including the legislature and the courts, but not including an authority created in
10 subch. II of ch. 114 or ch. 231, 233, 234, or 237.

11 **SECTION 14.** 16.528 (1) (a) of the statutes is amended to read:

12 16.528 (1) (a) “Agency” means an office, department, independent agency,
13 institution of higher education, association, society or other body in state
14 government created or authorized to be created by the constitution or any law, which
15 is entitled to expend moneys appropriated by law, including the legislature and the
16 courts, but not including an authority created in subch. II of ch. 114 or ch. 231, 233,
17 234, or 237.

18 **SECTION 15.** 16.53 (2) of the statutes is amended to read:

19 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
20 invoice, the agency shall notify the sender of the invoice within 10 working days after
21 it receives the invoice of the reason it is improperly completed. In this subsection,
22 “agency” means an office, department, independent agency, institution of higher
23 education, association, society or other body in state government created or
24 authorized to be created by the constitution or any law, which is entitled to expend

1 moneys appropriated by law, including the legislature and the courts, but not
2 including an authority created in subch. II of ch. 114 or ch. 231, 233, 234, or 237.

3 **SECTION 16.** 16.54 (9) (a) 1. of the statutes is amended to read:

4 16.54 (9) (a) 1. “Agency” means an office, department, independent agency,
5 institution of higher education, association, society or other body in state
6 government created or authorized to be created by the constitution or any law, which
7 is entitled to expend moneys appropriated by law, including the legislature and the
8 courts, but not including an authority created in subch. II of ch. 114 or ch. 231, 233,
9 234, or 237.

10 **SECTION 17.** 16.70 (2) of the statutes is amended to read:

11 16.70 (2) “Authority” means a body created under subch. II of ch. 114 or ch. 231,
12 232, 233, 234, 235, or 237.

13 **SECTION 18.** 16.75 (1m) of the statutes is amended to read:

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

1 development and use of life cycle cost estimates, and shall make the documents
2 available to local governmental units.

3 **SECTION 19.** 16.765 (1), (2), (4), (5), (6), (7) (intro.) and (d), and (8) of the statutes
4 are amended to read:

5 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
6 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
7 Aerospace Authority, and the Bradley Center Sports and Entertainment
8 Corporation shall include in all contracts executed by them a provision obligating the
9 contractor not to discriminate against any employee or applicant for employment
10 because of age, race, religion, color, handicap, sex, physical condition, developmental
11 disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m)
12 or national origin and, except with respect to sexual orientation, obligating the
13 contractor to take affirmative action to ensure equal employment opportunities.

14 (2) Contracting agencies, the University of Wisconsin Hospitals and Clinics
15 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
16 Authority, and the Bradley Center Sports and Entertainment Corporation shall
17 include the following provision in every contract executed by them: "In connection
18 with the performance of work under this contract, the contractor agrees not to
19 discriminate against any employee or applicant for employment because of age, race,
20 religion, color, handicap, sex, physical condition, developmental disability as defined
21 in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but
22 not be limited to, the following: employment, upgrading, demotion or transfer;
23 recruitment or recruitment advertising; layoff or termination; rates of pay or other
24 forms of compensation; and selection for training, including apprenticeship. Except
25 with respect to sexual orientation, the contractor further agrees to take affirmative

1 action to ensure equal employment opportunities. The contractor agrees to post in
2 conspicuous places, available for employees and applicants for employment, notices
3 to be provided by the contracting officer setting forth the provisions of the
4 nondiscrimination clause”.

5 (4) Contracting agencies, the University of Wisconsin Hospitals and Clinics
6 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
7 Authority, and the Bradley Center Sports and Entertainment Corporation shall take
8 appropriate action to revise the standard government contract forms under this
9 section.

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

23 (6) The department may receive complaints of alleged violations of the
24 nondiscrimination provisions of such contracts. The department shall investigate
25 and determine whether a violation of this section has occurred. The department may

1 delegate this authority to the contracting agency, the University of Wisconsin
2 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
3 Wisconsin Aerospace Authority, or the Bradley Center Sports and Entertainment
4 Corporation for processing in accordance with the department's procedures.

5 (7) ^{check} (intro). When a violation of this section has been determined by the
6 department, the contracting agency, the University of Wisconsin Hospitals and
7 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
8 Aerospace Authority, or the Bradley Center Sports and Entertainment Corporation,
9 the contracting agency, the University of Wisconsin Hospitals and Clinics Authority,
10 the Fox River Navigational System Authority, the Wisconsin Aerospace Authority,
11 or the Bradley Center Sports and Entertainment Corporation shall:

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

17 (8) If further violations of this section are committed during the term of the
18 contract, the contracting agency, the Fox River Navigational System Authority, the
19 Wisconsin Aerospace Authority, or the Bradley Center Sports and Entertainment
20 Corporation may permit the violating party to complete the contract, after complying
21 with this section, but thereafter the contracting agency, the Fox River Navigational
22 System Authority, the Wisconsin Aerospace Authority, or the Bradley Center Sports
23 and Entertainment Corporation shall request the department to place the name of
24 the party on the ineligible list for state contracts, or the contracting agency, the Fox
25 River Navigational System Authority, the Wisconsin Aerospace Authority, or the

1 Bradley Center Sports and Entertainment Corporation may terminate the contract
2 without liability for the uncompleted portion or any materials or services purchased
3 or paid for by the contracting party for use in completing the contract.

4 **SECTION 20.** 16.838 (1) (b) of the statutes is amended to read:

5 16.838 (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 21.** 16.85 (2) of the statutes is amended to read:

8 16.85 (2) To furnish engineering, architectural, project management and other
9 building construction services whenever requisitions therefor are presented to the
10 department by any agency. The department may deposit moneys received from the
11 provision of these services in the account under s. 20.505 (1) (kc) or in the general
12 fund as general purpose revenue — earned. In this subsection, “agency” means an
13 office, 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 22.** 16.865 (8) of the statutes is amended to read:

19 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
20 proportionate share of the estimated costs attributable to programs administered by
21 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
22 may charge premiums to agencies to finance costs under this subsection and pay the
23 costs from the appropriation on an actual basis. The department shall deposit all
24 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
25 Costs assessed under this subsection may include judgments, investigative and

1 adjustment fees, data processing and staff support costs, program administration
2 costs, litigation costs and the cost of insurance contracts under sub. (5). In this
3 subsection, “agency” means an office, department, independent agency, institution
4 of higher education, association, society or other body in state government created
5 or authorized to be created by the constitution or any law, which is entitled to expend
6 moneys appropriated by law, including the legislature and the courts, but not
7 including an authority created in subch. II of ch. 114 or ch. 231, 232, 233, 234, 235,
8 or 237.

9 **SECTION 23.** 19.42 (10) (q) of the statutes is created to read:

10 19.42 (10) (q) The executive director and members of the board of directors of
11 the Wisconsin Aerospace Authority.

12 **SECTION 24.** 20.395 (2) (dq) of the statutes is amended to read:

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

22 **SECTION 25.** 20.395 (2) (dv) of the statutes is amended to read:

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

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

6 **SECTION 26.** 20.395 (2) (dx) of the statutes is amended to read:

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

14 **SECTION 27.** 23.175 (1) (b) of the statutes is amended to read:

15 23.175 (1) (b) “State agency” means any office, department, agency, institution
16 of higher education, association, society or other body in state government created
17 or authorized to be created by the constitution or any law which is entitled to expend
18 moneys appropriated by law, including any authority created under subch. II of ch.
19 114 or ch. 231, 233, 234, or 237 but not including the legislature or the courts.

20 **SECTION 28.** 24.61 (2) (a) 10. of the statutes is created to read:

21 24.61 (2) (a) 10. Bonds of the Wisconsin Aerospace Authority.

22 **SECTION 29.** 25.17 (3) (b) 13. of the statutes is created to read:

23 25.17 (3) (b) 13. Bonds issued by the Wisconsin Aerospace Authority.

24 **SECTION 30.** 25.50 (1) (d) of the statutes is amended to read:

1 25.50 (1) (d) “Local government” means any county, town, village, city, power
2 district, sewerage district, drainage district, town sanitary district, public inland
3 lake protection and rehabilitation district, local professional baseball park district
4 created under subch. III of ch. 229, family care district under s. 46.2895, local
5 professional football stadium district created under subch. IV of ch. 229, local
6 cultural arts district created under subch. V of ch. 229, public library system, school
7 district or technical college district in this state, any commission, committee, board
8 or officer of any governmental subdivision of this state, any court of this state, other
9 than the court of appeals or the supreme court, or any authority created under s.
10 114.61, 231.02, 233.02 or 234.02.

11 **SECTION 31.** 32.01 (1) of the statutes is amended to read:

12 32.01 (1) “Person” includes the state, a county, town, village, city, school district
13 or other municipal corporation, a board, commission, including a commission created
14 by contract under s. 66.0301, corporation, or housing authority created under ss.
15 66.1201 to 66.1211 or redevelopment authority created under s. 66.1333 or the
16 Wisconsin Aerospace Authority created under s. 114.61.

17 **SECTION 32.** 32.02 (11m) of the statutes is created to read:

18 32.02 (11m) The Wisconsin Aerospace Authority created under subch. II of ch.
19 114.

20 **SECTION 33.** 32.05 (intro.) of the statutes is amended to read:

21 **32.05 Condemnation for sewers and transportation facilities.** (intro.)
22 In this section, “mass transit facility” includes, without limitation because of
23 enumeration, exclusive or preferential bus lanes if those lanes are limited to
24 abandoned railroad rights-of-way or existing expressways constructed before
25 May 17, 1978, highway control devices, bus passenger loading areas and terminal

1 facilities, including shelters, and fringe and corridor parking facilities to serve bus
2 and other public mass transportation passengers, together with the acquisition,
3 construction, reconstruction and maintenance of lands and facilities for the
4 development, improvement and use of public mass transportation systems for the
5 transportation of passengers. This section does not apply to town highways created
6 or altered under ch. 80 except as to jury trials on appeals under ss. 80.24 and 80.25,
7 nor to proceedings in 1st class cities under subch. II. In any city, condemnation for
8 housing under ss. 66.1201 to 66.1211, for urban renewal under s. 66.1333, or for
9 cultural arts facilities under subch. V of ch. 229, may proceed under this section or
10 under s. 32.06 at the option of the condemning authority. Condemnation by a local
11 exposition district under subch. II of ch. 229 for any exposition center or exposition
12 center facility may proceed under this section or under s. 32.06 at the option of the
13 local exposition district. All other condemnation of property for public alleys, streets,
14 highways, airports, spaceports, mass transit facilities, or other transportation
15 facilities, gas or leachate extraction systems to remedy environmental pollution from
16 a solid waste disposal facility, storm sewers and sanitary sewers, watercourses or
17 water transmission and distribution facilities shall proceed as follows:

18 **SECTION 34.** 40.02 (54) (j) of the statutes is created to read:

19 40.02 (54) (j) The Wisconsin Aerospace Authority.

20 **SECTION 35.** 66.0603 (1m) (a) 3u. of the statutes is created to read:

21 66.0603 (1m) (a) 3u. Bonds issued by the Wisconsin Aerospace Authority.

22 **SECTION 36.** 70.11 (38m) of the statutes is created to read:

23 70.11 (38m) WISCONSIN AEROSPACE AUTHORITY. Notwithstanding the provisions
24 of s. 70.11 (intro.) that relate to leased property or that impose other limitations, all

1 property owned or leased by the Wisconsin Aerospace Authority, provided that use
2 of the property is primarily related to the purposes of the authority.

3 **SECTION 37.** 71.05 (1) (c) 7. of the statutes is created to read:

4 71.05 (1) (c) 7. The Wisconsin Aerospace Authority.

5 **SECTION 38.** 71.26 (1) (be) of the statutes is amended to read:

6 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
7 Hospitals and Clinics Authority or the Wisconsin Aerospace Authority.

8 **SECTION 39.** 71.26 (1m) (h) of the statutes is created to read:

9 71.26 (1m) (h) Those issued under s. 114.70.

10 **SECTION 40.** 71.45 (1t) (h) of the statutes is created to read:

11 71.45 (1t) (h) Those issued under s. 114.70.

12 **SECTION 41.** 77.54 (9a) (a) of the statutes is amended to read:

13 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
14 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, and the Fox
15 River Navigational System Authority.

16 **SECTION 42.** 84.072 (3) of the statutes is amended to read:

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

24 **SECTION 43.** 85.02 of the statutes is amended to read:

1 **85.02 Planning, promotion and protection.** The department may direct,
2 undertake and expend state and federal aid for planning, promotion and protection
3 activities in the areas of highways, motor vehicles, traffic law enforcement,
4 aeronautics and astronautics, railroads, waterways, specialized transportation
5 services, mass transit systems and for any other transportation mode. All state,
6 regional and municipal agencies and commissions created under authority of law
7 shall to the extent practicable, when dealing with transportation, follow the
8 recommendations made by the secretary.

9 **SECTION 44.** 100.45 (1) (dm) of the statutes is amended to read:

10 100.45 (1) (dm) “State agency” means any office, department, 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, the Wisconsin Housing and Economic Development Authority, the Bradley
15 Center Sports and Entertainment Corporation, the University of Wisconsin
16 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
17 Authority, the Wisconsin Aerospace Authority, and the Fox River Navigational
18 System Authority.

19 **SECTION 45.** 101.177 (1) (d) of the statutes is amended to read:

20 101.177 (1) (d) “State agency” means any office, department, 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, the Wisconsin Housing and Economic Development Authority, the Bradley
25 Center Sports and Entertainment Corporation, the University of Wisconsin

1 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, and the
2 Wisconsin Health and Educational Facilities Authority.

3 **SECTION 46.** Chapter 114 (title) of the statutes is amended to read:

4 **CHAPTER 114**

5 **AERONAUTICS AND ASTRONAUTICS** 0

6 **SECTION 47.** Subchapter I (title) of chapter 114 [precedes 114.01] of the statutes
7 is created to read:

8 **CHAPTER 114**

9 **SUBCHAPTER I**

10 **AIR TRANSPORTATION**

11 **SECTION 48.** 114.002 (intro.) of the statutes is amended to read:

12 **114.002 Definitions.** (intro.) As used in this chapter, except as provided in
13 s. 114.60 or unless the context otherwise requires:

14 **SECTION 49.** 114.002 (1) of the statutes is amended to read:

15 ^{114.002}(1) "Aeronautics" means the science and art of aircraft flight and including but
16 not limited to transportation by aircraft; the operation, construction, repair or
17 maintenance of aircraft, aircraft power plants and accessories, including the repair,
18 packing and maintenance of parachutes; the design, establishment, construction,
19 extension, operation, improvement, repair or maintenance of airports or other air
20 navigation facilities; and instruction in flying or ground subjects pertaining thereto.

21 **SECTION 50.** 114.002 (3) of the statutes is amended to read:

22 ^{114.002}(3) "Aircraft" means any contrivance invented, used, or designed for navigation
23 of or flight in the air, but does not include spacecraft.

24 **SECTION 51.** 114.002 (11m) of the statutes is created to read:

114.002

1 (11m) "Astronautics" means the science and art of spacecraft flight and all
2 activities related thereto.

3 SECTION 52. 114.002 (18r), (18s), and (18t) of the statutes ^{is} created to read:

4 114.002 (18r) "Spacecraft" means any contrivance invented, used, or designed for
5 navigation or flight beyond the earth's atmosphere, including rockets, missiles,
6 capsules, modules, and other vehicles, whether with or without passengers.

7 (18s) "Spacecraft launch or landing area" means any area used, or intended for
8 use, for launching or landing spacecraft or for surface maneuvering, positioning, or
9 preparation of spacecraft for imminent launching or immediately after landing,
10 including any launch pad, landing area, or launch or landing control center.

11 (18t) "Spaceport" means any area of land or water that is used, or intended for
12 use, as a spacecraft launch or landing area and any appurtenant areas that are used,
13 or intended for use, for spaceport buildings or other spaceport facilities or
14 rights-of-way, together with all spaceport buildings and facilities located thereon.

15 SECTION 53. 114.04 of the statutes is amended to read:

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

25 SECTION 54. 114.05 of the statutes is amended to read:

1 **114.05 Damages by aircraft or spacecraft.** The liability of the owner, lessee
2 and pilot of every aircraft or spacecraft operating over the lands or waters of this
3 state for injuries or damage to persons or property on the land or water beneath,
4 caused by the ascent, descent or flight of such aircraft or spacecraft, or the dropping
5 or falling of the aircraft or spacecraft or of any object or material therefrom, shall be
6 determined by the law applicable to torts on land, except that there shall be a
7 presumption of liability on the part of the owner, lessee or pilot, as the case may be,
8 where injury or damage is caused by the dropping or falling of the aircraft or
9 spacecraft or of any object or material therefrom, which presumption may be
10 rebutted by proof that the injury or damage was not caused by negligence on the part
11 of the owner, lessee or pilot and the burden of proof in such case shall be upon such
12 owner, lessee or pilot to show absence of negligence on his or her part.

13 **SECTION 55.** 114.07 of the statutes is amended to read:

14 **114.07 Criminal jurisdiction.** All crimes, torts and other wrongs committed
15 by or against an aeronaut, astronaut, or passenger while in flight over this state shall
16 be governed by the laws of this state; and the question whether damage occasioned
17 by or to an aircraft ^{check ok} or spacecraft while in flight over this state constitutes a tort, crime
18 or other wrong by or against the owner of such aircraft or spacecraft, shall be
19 determined by the laws of this state.

20 **SECTION 56.** 114.105 of the statutes is amended to read:

21 **114.105 Local regulation.** Any county, town, city or village may adopt any
22 ordinance in strict conformity with the provisions of this chapter and impose the
23 same penalty for violation of any of its provisions except that such ordinance shall
24 not provide for the suspension or revocation of pilot or aircraft licenses or certificates
25 and shall not provide for imprisonment except for failure to pay any fine which may

1 be imposed. No local authority shall enact any ordinance governing aircraft or
2 aeronautics or spacecraft or astronautics contrary to or inconsistent with the
3 provisions of this chapter or federal law. Every court in which a violation of such
4 ordinance is prosecuted shall make a written report of any conviction (including bail
5 or appearance money forfeiture) to the federal aviation administration.

6 SECTION 57. 114.11 (title) of the statutes is amended to read:

7 114.11 (title) **Local airports and spaceports; interstate reciprocity.**

8 SECTION 58. 114.11 (1) to (5) (intro.) of the statutes are amended to read:

9 ^{no B} 114.11 (1) The governing body of any county, city, village or town in this state
10 is hereby authorized to acquire, establish, construct, own, control, lease, equip,
11 improve, maintain and operate airports or landing fields or landing and take-off
12 strips for the use of airplanes and other aircraft, or spaceports or spacecraft launch
13 or landing areas, either within or without the limits of such counties, cities, villages
14 and towns, and may use for such purpose or purposes any property suitable therefor
15 that is now or may at any time hereafter be owned or controlled by such county, city,
16 village or town, and may regulate the same, provided, such regulation shall not be
17 in conflict with such rules and regulations as may be made by the federal
18 government. The governing body of each and every county and municipality owning
19 an airport or landing field or landing and take-off strip, or spaceport or spacecraft
20 launch or landing area, in the state of Wisconsin shall cause the surroundings of such
21 airport, landing field or landing and take-off strip, or spaceport or spacecraft launch
22 or landing area, to be marked for aeronautical or astronautical purposes, and
23 maintain such marking, subject to and in accordance with law and such rules and
24 regulations as may from time to time be made by the federal government and in so

1 doing may cooperate with other states and subdivisions thereof and acquire rights
2 and easements in property outside of the state.

3 (2) The governing body of any county, city, village or town of this state is
4 authorized to acquire, establish, construct, own, control, lease, equip, improve,
5 maintain and operate airports or landing fields or landing and take-off strips or
6 other aeronautical facilities, or spaceports or spacecraft launch or landing areas or
7 other aeronautical facilities, in an adjoining state whose laws permit, subject to the
8 laws of such state, but subject to the laws of this state in all matters relating to
9 financing such aeronautical or aeronautical project.

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

1 astronautical facilities, therein with all privileges, rights and duties applicable to
2 the municipalities or other political subdivisions of such adjoining state in such
3 aeronautical or astronautical projects.

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

8 (5) ^{(Intro.) ← plain} The governing body of any county, city, village or town in this state may,
9 together with any municipality or other political subdivision of an adjoining state if,
10 under the laws of that state, such municipality or other political subdivision is
11 similarly authorized, jointly sponsor an airport or spaceport project located in this
12 state or in the adjoining state.

13 **SECTION 59.** 114.12 of the statutes is amended to read:

14 **114.12 Condemnation of lands for airports and spaceports.** Any lands
15 acquired, owned, controlled or occupied by such counties, cities, villages and towns
16 for the purposes enumerated in s. 114.11 shall and are hereby declared to be
17 acquired, owned, controlled and occupied for a public purpose, and as a matter of
18 public necessity, and such cities, villages, towns or counties shall have the right to
19 acquire property for such purpose or purposes under the power of eminent domain
20 as and for a public necessity including property owned by other municipal
21 corporations and political subdivisions and including any street, highway, park,
22 parkway or alley, provided that no state trunk highway shall be so acquired without
23 the prior consent of the department. Whenever the county, city, village or town as
24 the case may be shall own all land or access rights on both sides of such street,
25 highway, park, parkway or alley, it may, within the limits where it has ownership or

1 access rights on both sides, notwithstanding any other provisions of law, vacate and
2 close such public way by resolution of the governing body of the county, city, village
3 or town acquiring it and no damages shall be assessed against such county, city,
4 village or town by reason of such closing, except as may be allowed in a particular
5 condemnation action where the lands or rights in lands necessary for such airport
6 or spaceport are so acquired. If such closing shall leave any part of such street,
7 highway, parkway or alley without access to another public street or highway, the
8 county, town, city or village effecting such closing shall immediately provide such
9 access at its expense.

10 **SECTION 60.** 114.13 of the statutes is amended to read:

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

24 **SECTION 61.** 114.134 (title) of the statutes is amended to read:

25 **114.134 (title) Airport and spaceport standards and approval.**

1 **SECTION 62.** 114.134 (1), (2), (3), and (4) (c) of the statutes are amended to read:

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

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

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

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

23 **SECTION 63.** 114.135 (title) of the statutes is amended to read:

24 **114.135 (title) Airport and spaceport protection.**

1 **SECTION 64.** 114.135 (intro.), (1), (2), (3), (4), (6), (7), and (8) of the statutes are
 2 amended to read: Airport protection. (B) (intro.) ← plain

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

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

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

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

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

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

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

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

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

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

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

21 SECTION 65. 114.136 (title) of the statutes is amended to read:

22 114.136 (title) Airport and spaceport approach protection.

23 SECTION 66. 114.136 (1) (a), (b), and (c), (2) (a), (3), (4), and (5) of the statutes

24 are amended to read:

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

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

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

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

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

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

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

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

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

24 (5) ENFORCEMENT. The governing body of the county, city, village or town
25 owning the airport or spaceport site may provide for the enforcement of any

1 ordinance or regulations enacted pursuant to this section. Such enforcement may
2 be by a system of permits or any other appropriate method. The governing body
3 enacting the ordinance may provide for the punishment of a violation of the
4 ordinance by fine or imprisonment, or both.

5 **SECTION 67.** 114.136 (2) (b) of the statutes is renumbered 114.136 (2) (b) 1. and
6 amended to read:

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

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

1 SECTION 68. 114.151 of the statutes is amended to read:

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

13 SECTION 69. 114.31 (1) ^{and (4) are} of the statutes ~~is~~ amended to read:

14 ^{No. 6} **114.31 Powers and duties of the secretary of transportation.** (1)

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

1 state, all regulations pursuant to such laws, and all pending legislation providing for
2 a national airport system, in order that the secretary may recommend to the
3 governor and the legislature such measures as will best enable this state to derive
4 the maximum benefits from such legislation if and when it shall become effective.
5 It shall be the duty of all other state boards, commissions, departments and
6 institutions, especially the appropriate educational institutions and the Wisconsin
7 Aerospace Authority, to cooperate with the secretary.

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

20 SECTION 70. 114.33 (12) of the statutes is amended to read:

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

1 controlling department, board or commission of the agency concerned or by the
2 Wisconsin Aerospace Authority.

3 SECTION 71. 114.37 (title) of the statutes is amended to read:

4 114.37^{ΔΔ} (title) **Advance land acquisition loan program for airport**
5 **projects.**

6 SECTION 72. 114.375 of the statutes is created to read:

7 114.375 **Advance land acquisition loan program for spaceport projects.**

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

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

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

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

23 (c) To establish standards for the approval of loans under this section. No loan
24 may be made for an amount greater than 80%^{percent} of the department's assessment of the
25 value of the property.

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

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

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

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

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

20 SECTION 73. Subchapter II of chapter 114 of the statutes is created to read:

21 CHAPTER 114

22 SUBCHAPTER II

23 WISCONSIN AEROSPACE AUTHORITY

24 114.60 Definitions. In this subchapter:

percent

[precedes 114.60]

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

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

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

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

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

23 (6) “Bond resolution” means a resolution of the board authorizing the issuance
24 of, or providing terms and conditions related to, bonds and includes, when

1 appropriate, any trust agreement, trust indenture, indenture of mortgage, or deed
2 of trust providing terms and conditions for the bonds.

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

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

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

22 (10) "Spaceport services" means any services provided in connection with the
23 operation, management, or control of a spaceport or spaceport facilities, including:
24 the launching or landing of spacecraft; communicating with or navigating or
25 tracking spacecraft; construction, development, assembly, processing, testing, or

1 evaluation of spacecraft or payload; loading spacecraft payload; spaceport security
2 and emergency services; and administrative services.

3 (11) "Spaceport territory" means a spaceport of the authority in this state and
4 any additional aerospace facilities associated with the spaceport that are in the
5 immediate vicinity of the spaceport.

6 (12) "Wisconsin Space Grant Consortium" means the statewide network of
7 public and private universities and colleges, industries, government agencies,
8 nonprofit associations, and other persons, formed in 1991 following the initiation of
9 the federal National Space Grant College and Fellowship Program, for the purpose
10 of coordinating and improving the state's future in aerospace science, design, and
11 technology and stimulating aerospace research, education, and outreach activities
12 throughout the state.

13 **114.61 Creation and organization.** (1) There is created a public body
14 corporate and politic to be known as the "Wisconsin Aerospace Authority." The board
15 of the authority shall consist of the following members:

16 (a) Eight members nominated by the governor, and with the advice and consent
17 of the senate appointed, for 3-year terms.

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

21 (c) The director of the Wisconsin Space Grant Consortium. Subject to sub. (3)

22 (a) relating to a temporary vacancy, if the Wisconsin Space Grant Consortium ceases
23 to exist or does not appoint a director, an additional member of the board shall be
24 appointed under par. (a) in lieu of the member under this paragraph.

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

5 (3) ^{check}(a) The terms of the members appointed under sub. (1) (a) and (b) expire
6 on June 30. Each member's appointment remains in effect until a successor is
7 appointed unless the member vacates or is removed from his or her office. A member
8 who serves as a result of holding another office or position vacates his or her office
9 as a member when he or she vacates the other office or position. A member who
10 ceases to qualify for office vacates his or her office.

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

13 (c) A member appointed under sub. (1) (a) may be removed by the governor for
14 cause. A member appointed under sub. (1) (a) shall be removed by the governor, and
15 a member appointed under sub. (1) (b) shall be removed, as applicable, by the
16 president of the senate or the speaker of the assembly if the member is absent at ²two
17 consecutive board meetings without the prior written approval of the executive
18 director. A vacancy on the board created by removal under this paragraph is subject
19 to par. (b).

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

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

1

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

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

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

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

(7) The board shall appoint an executive director who may not be a member of the board and who shall serve at the pleasure of the board. The authority may delegate by resolution to one or more of its members or its executive director any powers and duties that it considers proper. The board shall determine the compensation of the executive director. The executive director or another person designated by resolution of the board shall keep a record of the proceedings of the authority and shall be custodian of all books, documents, and papers filed with the authority, the minute book or journal of the authority, and its official seal. The

1 executive director, or other person may cause copies to be made of all minutes and
2 other records and documents of the authority and may give certificates under the
3 official seal of the authority to the effect that the copies are true copies, and all
4 persons dealing with the authority may rely upon the certificates. The executive
5 director may call meetings of the board more frequently than the meetings required
6 under sub. (6).

7 **114.62 Powers of authority.** The authority has all of the powers necessary
8 or convenient to carry out the purposes and provisions of this chapter. In addition
9 to all other powers granted by this chapter, the authority may do any of the following:

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

12 (2) Sue and be sued. The authority has a direct right of action against any
13 ^{3rd} ~~third~~-party to enforce any provision of this subchapter or to carry out any power
14 provided to it under this subchapter or to protect its interests as authorized under
15 this subchapter.

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

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

23 (5) Appoint any technical or professional advisory committee that the
24 authority finds necessary to assist the authority in exercising its duties and powers;
25 define the duties of any committee; and provide reimbursement for the expenses of

1 any committee. The amount of reimbursement under this subsection shall be limited
2 to the uniform travel schedule amounts approved under s. 20.916 (8).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **114.63 Duties of authority.** The authority shall do all of the following:

15 (1) Establish a spaceport in this state in the city of Sheboygan in Sheboygan
16 County.

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

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

24 (4) Develop, promote, attract, and maintain space-related businesses in this
25 state, which may include expenditures for travel, entertainment, and hospitality for

1 business clients or guests or other authorized persons, but such expenditures shall
2 be limited to the uniform travel schedule amounts approved under s. 20.916 (8).

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

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

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

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

18 (9) Develop a business plan to promote and facilitate space-related
19 educational and commercial development in this state, and to stimulate and improve
20 aerospace science, design, technology, research, education, and outreach activities
21 in this state, which plan shall include information about the authority and
22 information and analysis about space-related industry, technology, design,
23 manufacturing, marketing, and management.

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

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

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

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

10 (14) To the extent permitted by applicable state and federal law, attempt to
11 involve and utilize, with respect to any facility or service provided by the authority,
12 disadvantaged individuals, disadvantaged businesses, and minority businesses, as
13 defined in s. 84.076 (1) (a) to (c).

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

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

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

20 **114.64 Annual reports.** (1) The authority shall keep an accurate account of
21 all of its activities and of all of its receipts and expenditures, and shall annually in
22 January make a report of its activities, receipts, expenditures, and financial
23 condition to the governor and the chief clerk of each house of the legislature, for
24 distribution to the legislature under s. 13.172 (2). The reports shall be in a form
25 approved by the state auditor. Subject to sub. (3), the state auditor may investigate

1 the affairs of the authority, may examine the properties and records of the authority,
2 and may prescribe methods of accounting and the rendering of periodical reports in
3 relation to activities undertaken by the authority.

4 (2) (a) Within 180 days after the effective date of this paragraph [revisor
5 inserts date], the authority shall submit to the department of administration the
6 business plan specified under s. 114.63 (9) and an estimate of the costs of and funding
7 for any planned projects of the authority described in s. 114.62 (10).

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

10 (3) For each fiscal year, the authority shall submit to the department of
11 administration an audited financial statement, which shall include notes that
12 explain in detail the specific sources of funding contained in the financial statement.

13 **114.65 Maintenance of records.** (1) (a) Subject to rules promulgated by
14 the department of administration under s. 16.611, the authority may transfer to or
15 maintain in optical disk or electronic format any record in its custody and retain the
16 record in that format only.

17 (b) Subject to rules promulgated by the department of administration under s.
18 16.611, the authority shall maintain procedures to ensure the authenticity, accuracy,
19 reliability, and accessibility of records transferred to or maintained in optical disk or
20 electronic format under par. (a).

21 (c) Subject to rules promulgated by the department of administration under s.
22 16.611, if the authority transfers to or maintains in optical disk or electronic format
23 any records in its custody, the authority shall ensure that the records stored in that
24 format are protected from unauthorized destruction.

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

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

7 2. The reproduction is on film which complies with the minimum standards of
8 quality for microfilm reproductions, as established by rule of the public records
9 board, or the optical disk or electronic copy and the copy generated from optical disk
10 or electronic format comply with the minimum standards of quality for such copies,
11 as established by rule of the department of administration under s. 16.611.

12 3. The film is processed and developed in accordance with the minimum
13 standards established by the public records board.

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

17 5. The custodian of the record designated by the authority executes a statement
18 of intent and purpose describing the record to be reproduced or transferred to optical
19 disk or electronic format and the disposition of the original record, and executes a
20 certificate verifying that the record was received or created and microfilmed or
21 transferred to optical disk or electronic format in the normal course of business and
22 files the statement in the offices of the authority.

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