

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

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

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

18 **114.151 Union airports and spaceports.** All powers conferred upon any
19 county, city, village or town by ss. 114.11 to 114.15, relating to the acquisition,
20 establishment, construction, ownership, control, lease, equipment, improvement,
21 maintenance, operation and regulation of airports or landing fields, or spaceports or
22 spacecraft launch or landing areas, may be exercised by any 2 or more municipalities
23 in the establishment, acquisition, equipment and operation of joint airports or
24 landing fields, or spaceports or spacecraft launch or landing areas. The governing
25 body of any county, city, village or town participating in the ownership or operation

1 of a joint airport or spaceport as provided in this section may by resolution withdraw
2 from such joint operation or control and may relinquish its interest in the airport or
3 spaceport.

4 **SECTION 69.** 114.31 (1) and (4) of the statutes are amended to read:

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

23 (4) COOPERATION WITH FEDERAL AERONAUTICAL OR ASTRONAUTICAL AGENCY. The
24 secretary shall cooperate with and assist the federal government, the political
25 subdivisions of this state, and others engaged in aeronautics or astronautics or the

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

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

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

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

18 114.37 (title) **Advance land acquisition loan program for airport**
19 **projects**.

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

21 114.375 **Advance land acquisition loan program for spaceport projects.**

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

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

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

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

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

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

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

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

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

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

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

10 SECTION 73. Subchapter II of chapter 114 [precedes 114.60] of the statutes is
11 created to read:

12 **CHAPTER 114**

13 **SUBCHAPTER II**

14 **WISCONSIN AEROSPACE AUTHORITY**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (12) “Wisconsin Space Grant Consortium” means the statewide network of
21 public and private universities and colleges, industries, government agencies,
22 nonprofit associations, and other persons, formed in 1991 following the initiation of
23 the federal National Space Grant College and Fellowship Program, for the purpose
24 of coordinating and improving the state’s future in aerospace science, design, and

1 technology and stimulating aerospace research, education, and outreach activities
2 throughout the state.

3 **114.61 Creation and organization.** (1) There is created a public body
4 corporate and politic to be known as the “Wisconsin Aerospace Authority.” The board
5 of the authority shall consist of the following members:

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

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

11 (c) The director of the Wisconsin Space Grant Consortium. Subject to sub. (3)
12 (a) relating to a temporary vacancy, if the Wisconsin Space Grant Consortium ceases
13 to exist or does not appoint a director, an additional member of the board shall be
14 appointed under par. (a) in lieu of the member under this paragraph.

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

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

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

3 (c) A member appointed under sub. (1) (a) may be removed by the governor for
4 cause. A member appointed under sub. (1) (a) shall be removed by the governor, and
5 a member appointed under sub. (1) (b) shall be removed, as applicable, by the
6 president of the senate or the speaker of the assembly if the member is absent at 2
7 consecutive board meetings without the prior written approval of the executive
8 director. A vacancy on the board created by removal under this paragraph is subject
9 to par. (b).

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

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

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

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

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

24 (6) The members of the board shall annually elect a chairperson and may elect
25 other officers as they consider appropriate. Six members of the board constitute a

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

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

21 **114.62 Powers of authority.** The authority has all of the powers necessary
22 or convenient to carry out the purposes and provisions of this chapter. In addition
23 to all other powers granted by this chapter, the authority may do any of the following:

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

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

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

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

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

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

20 (7) Make and execute contracts and other legal instruments necessary or
21 convenient for the conduct of its business or to the exercise of its powers, including:
22 procurement contracts; lease or rental agreements; lease–purchase, purchase and
23 sale, and option to purchase agreements; consulting agreements; loan agreements;
24 financing agreements; security agreements; contractual services agreements;
25 affiliation agreements; and cooperative agreements with any governmental unit or

1 other person, including agreements for any jointly provided service or jointly
2 developed or operated facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (19) Specify the location of any utility facilities in any spaceport or spaceport
17 territory.

18 (20) Divide any spaceport or spaceport territory into zones or districts of any
19 number or shape.

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

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

1 **114.63 Duties of authority.** The authority shall do all of the following:

2 (1) Establish a spaceport in this state in the city of Sheboygan in Sheboygan
3 County.

4 (2) Promote this state's aerospace industry; analyze trends in the aerospace
5 industry and recommend actions to be taken by this state to compete in the global
6 aerospace industry; and coordinate access to commercial, technical, and general
7 aerospace information and services.

8 (3) Advertise and promote to the public the development and utilization of
9 spaceport facilities, spaceport services, aerospace facilities, and aerospace services
10 of the authority.

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

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

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

23 (7) Furnish leadership in securing adequate funding for spaceports, spaceport
24 facilities, spaceport services, aerospace facilities, and aerospace services in this
25 state.

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

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

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

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

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

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

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

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

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

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

7 **114.64 Annual reports.** (1) The authority shall keep an accurate account of
8 all of its activities and of all of its receipts and expenditures, and shall annually in
9 January make a report of its activities, receipts, expenditures, and financial
10 condition to the governor and the chief clerk of each house of the legislature, for
11 distribution to the legislature under s. 13.172 (2). The reports shall be in a form
12 approved by the state auditor. Subject to sub. (3), the state auditor may investigate
13 the affairs of the authority, may examine the properties and records of the authority,
14 and may prescribe methods of accounting and the rendering of periodical reports in
15 relation to activities undertaken by the authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (6) All state funds provided under this section shall be paid from the
4 appropriation accounts under s. 20.395 (2) (dq), (dv), and (dx).

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

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

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

15 **SECTION 75.** 230.03 (3) of the statutes is amended to read:

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

25 **SECTION 76.** 281.75 (4) (b) 3. of the statutes is amended to read:

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

3 **SECTION 77.** 285.59 (1) (b) of the statutes is amended to read:

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

12 **SECTION 78.** 560.032 (1) of the statutes is amended to read:

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

20 **SECTION 79. Nonstatutory provisions.**

21 (1) DEFINITIONS. In this SECTION:

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

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

