

1 **AN ACT** *to amend* 16.70 (14), 19.42 (13) (a), 19.59 (1) (g) 1. a., 25.14 (5), 25.50 (1)
2 (d), 32.02 (11), 40.02 (28), 59.69 (4g), 60.61 (2) (e), 62.23 (6) (am) 1. a., 66.0301 (1)
3 (a), 66.0621 (1) (a), 66.0621 (1) (b), 66.1009 (intro.), 71.26 (1) (bm), 71.26 (1m) (g),
4 71.36 (1m), 71.45 (1t) (g), 79.02 (2) (b), 79.02 (3) (a), 114.105, 114.11 (1) to (4) and
5 (5) (intro.), 114.12, 114.13, 114.135 (2), 114.135 (4), 114.135 (9), 114.136 (1) (a),
6 114.136 (2) (a), 114.136 (4) (a), 114.136 (5), 114.14 (1), 114.14 (2) (f), 114.151,
7 114.32, 114.33 (1), 114.33 (2), 114.33 (3), 114.33 (8), 114.33 (9), 114.33 (11) and
8 114.33 (13); and *to create* 24.61 (2) (a) 11., 24.61 (3) (a) 12., 25.17 (3) (b) 14., 25.17
9 (3) (bc), 40.02 (25) (a) 7., 40.22 (2) (m), 66.0603 (1m) (a) 3r., 66.0621 (6) (d), 70.11
10 (44), 71.05 (1) (c) 8., 77.25 (22), 77.54 (9a) (i), 78.01 (2) (g), 78.01 (2m) (h), 79.005
11 (1j), 79.005 (1k), 79.02 (4), 114.002 (13), 219.09 (1) (h) and subchapter VI of
12 chapter 229 [precedes 229.860] of the statutes; **relating to:** authorizing the creation
13 of local airport districts; authorizing the Board of Commissioners of Public Lands to
14 make loans to a county that contains a 1st class city; and authorizing the Investment
15 Board to make loans to a county that contains a 1st class city from the state
16 investment fund.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill is recommended by the Joint Legislative Council's Special Committee on Airport Authorities. The special committee was directed to review the possible ownership and operation of airports in this state by independent airport authorities to ensure an efficient transportation system that will foster regional and state economic growth. In addition, if desirable, the special committee was directed to recommend implementing legislation

for independent airport authorities, providing for the regulation of airport authority creation, jurisdiction, governance, and finance and the regulation of airport transfer and transition.

In general, the bill provides the following:

1. Authorizes a city, village, or county, or a combination of them, to create a local airport district as a separate local unit of government.
2. Provides that a district board will consist of 9 members serving staggered 4-year terms. Two members of the board will be appointed by the governor; 2 members of the board will be appointed by the chief elected official of the creating local governmental unit; 2 members of the district board will be appointed by the chief elected officials of the surrounding community; 2 members of the board will be appointed by the chief elected officials of contiguous counties; and one member of the board will be appointed by: (a) the chief elected official of the city having the greatest population in the district, if the creating local governmental unit is a county; or (b) in addition to other appointment authority, the chief elected official of the creating local governmental unit if the creating local governmental unit is a city or village.
3. Provides that a local airport district will have general operational authority over an airport, the power to exercise eminent domain, and the power to issue revenue bonds.
4. Authorizes a local airport district to establish and enforce rules, regulations, and ordinances and establish civil penalties.
5. Authorizes a local airport district to appoint a building inspector, establish a fire department, employ police, or contract for police services with a political subdivision, and hire security personnel.
6. Authorizes a local airport district to exercise the same powers under the aeronautics statutes in ch. 114, stats., that a city, village, town, or county currently may exercise with regard to airports, aircraft, and aeronautics facilities.
7. Authorizes a local airport district to issue revenue bonds that will be paid solely out of revenues of the district. The bonds will not be the personal liability of a district board member or a signatory to the bonds and will not be an obligation of the state or any political subdivision of the state.
8. Provides that a local airport district will not pay property taxes, income taxes, sales and use taxes, motor vehicle fuel taxes, or real estate transfer fees. Also, the income and interest from revenue bonds issued by the district will be exempt from the income and franchise tax.

9. Provides that a county containing a first-class city will receive its entire shared revenue payment in November and may borrow money, for a period not to exceed 120 days, from the board of commissioners of public lands and from the investment board in order to fund any shortfall in operating revenues during a fiscal year.

10. Subjects members of a local airport district board to the statutory code of ethics for local public officials.

11. Provides that a transfer agreement from a creating local governmental unit to a local airport district may provide for the complete assumption of liabilities and obligations of the creating local district and provides that the transfer agreement must require the district to accept an assignment of any collective bargaining agreement in force at the time of the transfer with respect to persons employed by the creating local governmental unit at a transferred airport or airport facilities. Also, the district must recognize and bargain in good faith with existing unions. Finally, the bill provides that a transfer agreement must require the district to accept an assignment of all contracts with other persons, with respect to transferred airport facilities, that are in force at the time of transfer.

1 **SECTION 1.** 16.70 (14) of the statutes is amended to read:

2 16.70 (14) "State" does not include a district created under subch. II, III, IV, ~~or~~ V, or
3 VI of ch. 229.

4 **SECTION 2.** 19.42 (13) (a) of the statutes is amended to read:

5 19.42 (13) (a) All positions to which individuals are regularly appointed by the
6 governor, except the position of trustee of any private higher educational institution receiving
7 state appropriations ~~and~~, the position of member of the district board of a local professional
8 baseball park district created under subch. III of ch. 229 ~~and~~, the position of member of the
9 district board of a local cultural arts district created under subch. V of ch. 229, and the position
10 of member of the district board of a local airport district created under subch. VI of ch. 229.

11 **SECTION 3.** 19.59 (1) (g) 1. a. of the statutes is amended to read:

1 19.59 (1) (g) 1. a. “District” means a local professional baseball park district created
2 under subch. III of ch. 229 ~~or~~, a local professional football stadium district created under
3 subch. IV of ch. 229, or a local airport district created under subch. VI of ch. 229.

4 **SECTION 4.** 24.61 (2) (a) 11. of the statutes is created to read:

5 24.61 (2) (a) 11. Bonds issued by a local airport district under subch. VI of ch. 229.

6 **SECTION 5.** 24.61 (3) (a) 12. of the statutes is created to read:

7 24.61 (3) (a) 12. A county that contains a 1st class city, to be used to fund any shortfall
8 in operating revenues during a fiscal year, for a period not to exceed 120 days.

9 **SECTION 6.** 25.14 (5) of the statutes is amended to read:

10 25.14 (5) The assets of the state investment fund shall be invested as prescribed by s.
11 25.17 (3) (b), (ba), ~~(bc)~~, and (bd).

12 **SECTION 7.** 25.17 (3) (b) 14. of the statutes is created to read:

13 25.17 (3) (b) 14. Bonds issued by a local airport district under subch. VI of ch. 229.

14 **SECTION 8.** 25.17 (3) (bc) of the statutes is created to read:

15 25.17 (3) (bc) Have authority to make a loan from moneys in the state investment fund
16 to a county that contains a 1st class city, to be used to fund any shortfall in operating revenues
17 during a fiscal year, for a period not to exceed 120 days.

18 **SECTION 9.** 25.50 (1) (d) of the statutes is amended to read:

19 25.50 (1) (d) “Local government” means any county, town, village, city, power district,
20 sewerage district, drainage district, town sanitary district, public inland lake protection and
21 rehabilitation district, local professional baseball park district created under subch. III of ch.
22 229, family care district under s. 46.2895, local professional football stadium district created
23 under subch. IV of ch. 229, local cultural arts district created under subch. V of ch. 229, local
24 airport district created under subch. VI of ch. 229, public library system, school district or

1 technical college district in this state, any commission, committee, board or officer of any
2 governmental subdivision of this state, any court of this state, other than the court of appeals
3 or the supreme court, or any authority created under s. 114.61, 231.02, 233.02 or 234.02.

4 **SECTION 10.** 32.02 (11) of the statutes is amended to read:

5 32.02 (11) Any housing authority created under ss. 66.1201 to 66.1211; redevelopment
6 authority created under s. 66.1333 community development authority created under s.
7 66.1335; local cultural arts district created under subch. V of ch. 229, subject to s. 229.844 (4)
8 (c); local airport district created under subch. VI of ch. 229; or local exposition district created
9 under subch. II of ch. 229.

10 **SECTION 11.** 40.02 (25) (a) 7. of the statutes is created to read:

11 40.02 (25) (a) 7. Any employee of a local airport district who elects to remain a
12 participant of the employee retirement system of the county of Milwaukee under s. 229.863
13 (5) (b).

14 **SECTION 12.** 40.02 (28) of the statutes is amended to read:

15 40.02 (28) “Employer” means the state, including each state agency, any county, city,
16 village, town, school district, other governmental unit or instrumentality of 2 or more units of
17 government now existing or hereafter created within the state, any federated public library
18 system established under s. 43.19 whose territory lies within a single county with a population
19 of 500,000 or more, a local exposition district created under subch. II of ch. 229, an airport
20 district under subch. IV of ch. 229, and a family care district created under s. 46.2895, except
21 as provided under ss. 40.51 (7) and 40.61 (3) and subch. X. “Employer” does not include a
22 local cultural arts district created under subch. V of ch. 229. Each employer shall be a separate
23 legal jurisdiction for OASDHI purposes.

24 **SECTION 13.** 40.22 (2) (m) of the statutes is created to read:

1 40.22 (2) (m) The employee elected to remain a participant of the employee retirement
2 system of the county of Milwaukee under s. 229.863 (5) (b).

3 **SECTION 14.** 59.69 (4g) of the statutes is amended to read:

4 59.69 (4g) AIRPORT AREAS. In a county which has created a county zoning agency under
5 sub. (2) (a), the county's development plan shall include the location of any part of an airport,
6 as defined in s. 62.23 (6) (am) 1. a. or s. 229.860 (1), that is located in the county and of any
7 part of an airport affected area, as defined in s. 62.23 (6) (am) 1. b., that is located in the county.

8 **SECTION 15.** 60.61 (2) (e) of the statutes is amended to read:

9 60.61 (2) (e) Adopt an official map showing areas, outside the limits of villages and
10 cities, suited to carry out the purposes of this section. Any map adopted under this paragraph
11 shall show the location of any part of an airport, as defined in s. 62.23 (6) (am) 1. a. or 229.860
12 (1), located in the town and of any part of an airport affected area, as defined in s. 62.23 (6)
13 (am) 1. b., located in the town.

14 **SECTION 16.** 62.23 (6) (am) 1. a. of the statutes is amended to read:

15 62.23 (6) (am) 1. a. "Airport" means an airport as defined under s. 114.002 (7) which
16 is owned or operated by a county, city, village or town either singly or jointly with one or more
17 counties, cities, villages or towns, or an airport as defined in s. 229.860 (1) which is owned
18 or operated by a district, as defined in s. 229.860 (5).

19 **SECTION 17.** 66.0301 (1) (a) of the statutes is amended to read:

20 66.0301 (1) (a) In this section "municipality" means the state or any department or
21 agency thereof, or any city, village, town, county, school district, public library system, public
22 inland lake protection and rehabilitation district, sanitary district, farm drainage district,
23 metropolitan sewerage district, sewer utility district, solid waste management system created
24 under s. 59.70 (2), local exposition district created under subch. II of ch. 229, local

1 professional baseball park district created under subch. III of ch. 229, local professional
2 football stadium district created under subch. IV of ch. 229, a local cultural arts district created
3 under subch. V of ch. 229, local airport district created under subch. VI of ch. 229, family care
4 district under s. 46.2895, water utility district, mosquito control district, municipal electric
5 company, county or city transit commission, commission created by contract under this
6 section, taxation district, regional planning commission, or city–county health department.

7 **SECTION 18.** 66.0603 (1m) (a) 3r. of the statutes is created to read:

8 66.0603 **(1m)** (a) 3r. Bonds issued by a local airport district created under subch. VI of
9 ch. 229.

10 **SECTION 19.** 66.0621 (1) (a) of the statutes is amended to read:

11 66.0621 **(1)** (a) “Municipality” means a city, village, town, county, commission created
12 by contract under s. 66.0301, public inland lake protection and rehabilitation district
13 established under s. 33.23, 33.235 or 33.24, metropolitan sewerage district created under ss.
14 200.01 to 200.15 and 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, a local
15 professional baseball park district created under subch. III of ch. 229, a local professional
16 football stadium district created under subch. IV of ch. 229, a local cultural arts district created
17 under subch. V of ch. 229, a local airport district created under subch VI of ch. 229, or a
18 municipal water district or power district under ch. 198 and any other public or quasi–public
19 corporation, officer, board or other public body empowered to borrow money and issue
20 obligations to repay the money and obligations out of revenues. “Municipality” does not
21 include the state or a local exposition district created under subch. II of ch. 229.

22 **SECTION 20.** 66.0621 (1) (b) of the statutes is amended to read:

23 66.0621 **(1)** (b) “Public utility” means any revenue producing facility or enterprise
24 owned by a municipality and operated for a public purpose as defined in s. 67.04 (1) (b)

1 including garbage incinerators, toll bridges, swimming pools, tennis courts, parks,
2 playgrounds, golf links, bathing beaches, bathhouses, street lighting, city halls, village halls,
3 town halls, courthouses, jails, schools, cooperative educational service agencies, hospitals,
4 homes for the aged or indigent, child care centers, as defined in s. 231.01 (3c), regional
5 projects, waste collection and disposal operations, sewerage systems, local professional
6 baseball park facilities, local professional football stadium facilities, local cultural arts
7 facilities, airport facilities, as defined in s. 229.860 (2), and any other necessary public works
8 projects undertaken by a municipality.

9 **SECTION 21.** 66.0621 (6) (d) of the statutes is created to read:

10 66.0621 (6) (d) Revenue bonds issued by a local airport district created under subch.
11 VI of ch. 229 are subject to the provisions in ss. 229.866 to 229.868.

12 **SECTION 22.** 66.1009 (intro.) of the statutes is amended to read:

13 **66.1009 Agreement to establish an airport affected area.** (intro.) Any county, town,
14 city or village may establish by written agreement with an airport, as defined in s. 62.23 (6)
15 (am) 1. a. or 229.860 (1):

16 **SECTION 23.** 70.11 (44) of the statutes is created to read:

17 70.11 (44) Property of a local airport district created under subch. VI of ch. 229.

18 **SECTION 24.** 71.05 (1) (c) 8. of the statutes is created to read:

19 71.05 (1) (c) 8. A local airport district created under subch. VI of ch. 229.

20 **SECTION 25.** 71.26 (1) (bm) of the statutes is amended to read:

21 71.26 (1) (bm) *Certain local districts.* Income of a local exposition district created
22 under subch. II of ch. 229, a local professional baseball park district created under subch. III
23 of ch. 229, a local professional football stadium district created under subch. IV of ch. 229,

1 ~~or~~ a local cultural arts district created under subch. V of ch. 229, or a local airport district
2 created under subch. VI of ch. 229.

3 **SECTION 26.** 71.26 (1m) (g) of the statutes is amended to read:

4 71.26 **(1m)** (g) Those issued under s. 66.0621 by a local professional baseball park
5 district, a local professional football stadium district, ~~or~~ a local cultural arts district, or a local
6 airport district.

7 **SECTION 27.** 71.36 (1m) of the statutes is amended to read:

8 71.36 **(1m)** A tax-option corporation may deduct from its net income all amounts
9 included in the Wisconsin adjusted gross income of its shareholders, the capital gain deduction
10 under s. 71.05 (6) (b) 9. and all amounts not taxable to nonresident shareholders under ss.
11 71.04 (1) and (4) to (9) and 71.362. For purposes of this subsection, interest on federal
12 obligations, obligations issued under s. 66.0621 by a local professional baseball park district,
13 a local professional football stadium district, ~~or~~ a local cultural arts district, or an airport
14 district, obligations issued under ss. 66.1201, 66.1333, and 66.1335, obligations issued under
15 s. 234.65 to fund an economic development loan to finance construction, renovation or
16 development of property that would be exempt under s. 70.11 (36) and obligations issued
17 under subch. II of ch. 229 is not included in shareholders' income. The proportionate share
18 of the net loss of a tax-option corporation shall be attributed and made available to
19 shareholders on a Wisconsin basis but subject to the limitation and carry-over rules as
20 prescribed by section 1366 (d) of the Internal Revenue Code. Net operating losses of the
21 corporation to the extent attributed or made available to a shareholder may not be used by the
22 corporation for further tax benefit. For purposes of computing the Wisconsin adjusted gross
23 income of shareholders, tax-option items shall be reported by the shareholders and those
24 tax-option items, including capital gains and losses, shall retain the character they would have

1 if attributed to the corporation, including their character as business income. In computing
2 the tax liability of a shareholder, no credit against gross tax that would be available to the
3 tax-option corporation if it were a nontax-option corporation may be claimed.

4 **SECTION 28.** 71.45 (1t) (g) of the statutes is amended to read:

5 71.45 **(1t)** (g) Those issued under s. 66.0621 by a local professional baseball park
6 district, a local professional football stadium district, ~~or~~ a local cultural arts district, or a local
7 airport district.

8 **SECTION 29.** 77.25 (22) of the statutes is created to read:

9 77.25 **(22)** From a local airport district created under subch. VI of ch. 229.

10 **SECTION 30.** 77.54 (9a) (i) of the statutes is created to read:

11 77.54 **(9a)** (i) A local airport district created under subch. VI of ch. 229.

12 **SECTION 31.** 78.01 (2) (g) of the statutes is created to read:

13 78.01 **(2)** (g) Gasoline sold to and used by a local airport district created under subch.
14 VI of ch. 229.

15 **SECTION 32.** 78.01 (2m) (h) of the statutes is created to read:

16 78.01 **(2m)** (h) It is sold to and used by a local airport district created under subch. VI
17 of ch. 229.

18 **SECTION 33.** 79.005 (1j) of the statutes is created to read:

19 79.005 **(1j)** "FAA approval date" means the earliest date on which all of the following
20 are in effect:

21 (a) The issuance, by the FAA to a local airport district assuming jurisdiction of an
22 airport, of a certificate under 14 CFR 139 with respect to such airport.

1 (b) The concurrence by the FAA of the designation of the district as a sponsor of such
2 airport, including the FAA's approval of the assignment of existing grant agreements to the
3 district.

4 **SECTION 34.** 79.005 (1k) of the statutes is created to read:

5 79.005 (1k) "Local airport district" means a local airport district created under subch.
6 VI of ch. 229, whose jurisdiction is described in s. 229.862.

7 **SECTION 35.** 79.02 (2) (b) of the statutes is amended to read:

8 79.02 (2) (b) Subject to ss. 59.605 (4) and 70.995 (14) (b), and except as provided in
9 sub. (4), payments in July shall equal 15% of the municipality's or county's estimated
10 payments under ss. 79.03, 79.035, 79.04, 79.058, and 79.06 and 100% of the municipality's
11 estimated payments under s. 79.05.

12 **SECTION 36.** 79.02 (3) (a) of the statutes is amended to read:

13 79.02 (3) (a) Subject to s. 59.605 (4), and except as provided in sub. (4), payments to
14 each municipality and county in November shall equal that municipality's or county's
15 entitlement under ss. 79.03, 79.035, 79.04, 79.05, 79.058, and 79.06 for the current year,
16 minus the amount distributed to the municipality or county in July.

17 **SECTION 37.** 79.02 (4) of the statutes is created to read:

18 79.02 (4) Subject to s. 59.605 (4), the department of administration shall distribute in
19 November of each year the total amount of the payments under this subchapter due to a county,
20 containing a city of the first class and in which a local airport district is located, beginning with
21 the first distribution following the local airport district's FAA approval date.

22 **SECTION 38.** 114.002 (13) of the statutes is created to read:

23 114.002 (13) "District" has the meaning given in s. 229.860 (5).

24 **SECTION 39.** 114.105 of the statutes is amended to read:

1 **114.105 Local regulation.** Any ~~county, town, city or village~~ city, village, town, county,
2 or district may ~~adopt~~ enact any ordinance that is in strict conformity with the provisions of this
3 chapter and impose the same penalty for violation of any of its provisions except that ~~such~~ the
4 ordinance ~~shall~~ may not provide for the suspension or revocation of pilot or aircraft licenses
5 or certificates and ~~shall~~ may not provide for imprisonment except for failure to pay any fine
6 which may be imposed. No local authority ~~shall~~ may enact any ordinance governing aircraft
7 or aeronautics or spacecraft or astronautics contrary to or inconsistent with the provisions of
8 this chapter or federal law. Every court in which a violation of such ordinance is prosecuted
9 shall make a written report of any conviction (including bail or appearance money forfeiture)
10 to the federal aviation administration.

11 **SECTION 40.** 114.11 (1) to (4) and (5) (intro.) of the statutes are amended to read:

12 114.11 (1) The governing body of any ~~county, city, village or town~~ city, village, town,
13 county, or district in this state is hereby authorized to acquire, establish, construct, own,
14 control, lease, equip, improve, maintain and operate airports or landing fields or landing and
15 take-off strips for the use of airplanes and other aircraft, or spaceports or spacecraft launch
16 or landing areas, either within or without the limits of such ~~counties, cities, villages and towns~~
17 cities, villages, towns, counties, and districts, and may use for such purpose or purposes any
18 property suitable therefor that is now or may at any time hereafter be owned or controlled by
19 such ~~county, city, village or town~~ city, village, town, county, or district, and may regulate the
20 same, provided, such regulation shall not be in conflict with such rules and regulations as may
21 be made by the federal government. The governing body of ~~each and every county and~~
22 municipality, and district owning an airport or landing field or landing and take-off strip, or
23 spaceport or spacecraft launch or landing area, in the state of Wisconsin shall cause the
24 surroundings of such airport, landing field or landing and take-off strip, or spaceport or

1 spacecraft launch or landing area, to be marked for aeronautical or astronautical purposes, and
2 maintain such marking, subject to and in accordance with law and such rules and regulations
3 as may from time to time be made by the federal government and in so doing may cooperate
4 with other states and subdivisions thereof and acquire rights and easements in property outside
5 of the state.

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

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

1 construct, own, control, lease, equip, improve, maintain, operate and otherwise control such
2 airport, landing field or landing and take-off strips or other aeronautical facilities, or
3 spaceports or spacecraft launch or landing areas or other astronomical facilities, therein with
4 all privileges, rights and duties applicable to the municipalities or other political subdivisions
5 of such adjoining state in such aeronautical or astronomical projects.

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

11 (5) (intro.) The governing body of any ~~county, city, village or town~~ city, village, town,
12 county, or district in this state may, together with any municipality or other political
13 subdivision of an adjoining state if, under the laws of that state, such municipality or other
14 political subdivision is similarly authorized, jointly sponsor an airport or spaceport project
15 located in this state or in the adjoining state.

16 **SECTION 41.** 114.12 of the statutes is amended to read:

17 **114.12 Condemnation of lands for airports and spaceports.** Any lands acquired,
18 owned, controlled or occupied by ~~such counties, cities, villages and towns~~ cities, villages,
19 towns, counties, or districts for the purposes enumerated in s. 114.11 shall and are hereby
20 declared to be acquired, owned, controlled and occupied for a public purpose, and as a matter
21 of public necessity, and such cities, villages, towns ~~or~~ counties, or districts shall have the right
22 to acquire property for such purpose or purposes under the power of eminent domain as and
23 for a public necessity including property owned by other municipal corporations and political
24 subdivisions and including any street, highway, park, parkway or alley, provided that no state

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

14 **SECTION 42.** 114.13 of the statutes is amended to read:

15 **114.13 Purchase of land for airports and spaceports.** Private property needed by a
16 ~~county, city, village or town~~ city, village, town, county, or district for an airport or landing field
17 or landing and take-off strip, or for a spaceport or spacecraft launch or landing area, or
18 property or rights for the protection of the aerial approaches thereof, shall be acquired by
19 purchase if the city, village, town ~~or~~ county, or district is able to agree with the owners on the
20 terms thereof, and otherwise by condemnation, as provided in s. 32.05. The purchase price
21 or award for real property acquired for an airport or landing field or landing and take-off strip,
22 or for a spaceport or spacecraft launch or landing area, or property or rights for the protection
23 of the aerial approaches thereof, may be paid for the appropriation of moneys available
24 therefor, or wholly or partly from the proceeds of the sale of bonds of the city, village, town

1 ~~or~~, county, or district, as the governing body of such city, village, town ~~or~~, county, or district
2 determines, subject to ch. 67. Such property or rights may be acquired by gift, which the
3 respective governing bodies are authorized to accept.

4 **SECTION 43.** 114.135 (2) of the statutes is amended to read:

5 114.135 (2) NOTICE; CLAIM FOR DAMAGES. In case of any airport landing field or landing
6 and take-off strip, or spacecraft launch or landing area, owned by any city, village, town ~~or~~,
7 county, or district or any union of them, the commission or other body in charge of the
8 operation and control of the airport, landing field or landing and take-off strip, or spaceport
9 or spacecraft launch or landing area, may prepare and record without charge with the register
10 of deeds plans and specifications showing the protection privileges sought as described in sub.
11 (1). The commission or other body in charge shall send by registered mail with return receipt
12 to each owner at his or her last-known address a notice stating that the plans and specifications
13 have been recorded with the register of deeds' office, stating the county, time of recording, the
14 record number, and a brief description of the parcel of land or interest therein affected. If the
15 address of the owner cannot be ascertained or the registered letter is returned unclaimed, notice
16 shall be sent by registered mail to the person in possession of the premises. If no person is in
17 possession, then the notice shall be posted in a conspicuous place on the land involved and
18 published as a class 3 notice, under ch. 985, in the area affected. The right of the owner to claim
19 for damages for the protection regulations imposed in the plans and specifications, or the
20 removal of obstructions shall be forever barred, unless the owner files a claim for damages
21 with the commission or other body in charge within 6 months from the receipt of the notice
22 from the commission, or other body in charge, or the posting and last publication. The claim
23 shall be verified and shall state the amount of damages claimed. The commission or other
24 body in charge may pay the damages, if it has available funds, and the payment shall operate

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

18 **SECTION 44.** 114.135 (4) of the statutes is amended to read:

19 114.135 (4) ENCROACHMENTS. The duty to prevent encroachments by growth of trees
20 or other vegetation, or otherwise, upon the protection privileges acquired by any airport,
21 landing field, landing and take-off strip, or spaceport or spacecraft launch or landing area,
22 shall be upon the owner or owners of the parcel of land affected by the protection privilege
23 only in cases where the owner or owners have received compensation for the protection
24 privilege. Any such encroachment is declared to be a private nuisance and may be abated in

1 the manner prescribed in ch. 823. In cases where no compensation has been paid for the
2 protection privilege, encroachments shall be removed by the owner or the authority in charge
3 of the airport, landing field, or landing and take-off strip, or spaceport or spacecraft launch
4 or landing area, and shall be, in case of a publicly owned airport, landing field or landing and
5 take-off strip, or spaceport or spacecraft launch or landing area, a city, village, town ~~or~~ county,
6 or district charge as the case may be. In removing such encroachments, the owner or authority
7 in charge of the airport, landing field or landing and take-off strip, or spaceport or spacecraft
8 launch or landing area, in question, may go upon the land and remove the encroachment
9 without being liable for damages in so doing.

10 **SECTION 45.** 114.135 (9) of the statutes is amended to read:

11 114.135 (9) CONFLICTING AUTHORITY. Wherein conflicting jurisdiction arises over the
12 control of the erection of a building, structure, tower or hazard between the secretary of
13 transportation and any political subdivision of or district in, the state, the secretary of
14 transportation may overrule rules and regulations adopted by any political subdivision or
15 district under the laws of this state after a public hearing wherein all parties thereto have been
16 given an opportunity to be heard. The secretary may refer such matters to the division of
17 hearings and appeals which shall hear and decide the matter after notice and hearing.

18 **SECTION 46.** 114.136 (1) (a) of the statutes is amended to read:

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

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

12 **SECTION 47.** 114.136 (2) (a) of the statutes is amended to read:

13 114.136 (2) (a) Except as provided by sub. (1) (b) or (c), the county park commission
14 in the case of any county except any county with a county executive or county administrator
15 in which case the county park manager, the city or village plan commission in the case of a
16 city or village, or if there is no such commission or manager, a committee of the governing
17 body or bodies of the ~~county, city, village or town~~ city, village, town, county, or district which
18 owns the airport or spaceport site shall formulate a tentative ordinance and hold a public
19 hearing or hearings thereon in some public place within the ~~county, city, village or town~~ city,
20 village, town, county, or district. Notice of the hearings shall be given by publication of a class
21 3 notice, under ch. 985, in the area affected by the proposed ordinance.

22 **SECTION 48.** 114.136 (4) (a) of the statutes is amended to read:

23 114.136 (4) (a) Any ordinance enacted under this section shall provide for a board of
24 appeals. If the ~~county, city, village or town~~ city, village, town, county, or district which is the

1 owner of the airport or spaceport has enacted a zoning ordinance under provision of law other
2 than this section, the board of adjustment or board of appeals set up by that ordinance shall
3 also function as the board of appeals under the ordinance enacted under this section.

4 **SECTION 49.** 114.136 (5) of the statutes is amended to read:

5 114.136 (5) ENFORCEMENT. The governing body of the ~~county, city, village or town~~ city,
6 village, town, county, or district owning the airport or spaceport site may provide for the
7 enforcement of any ordinance or regulations enacted pursuant to this section. Such
8 enforcement may be by a system of permits or any other appropriate method. The governing
9 body enacting the ordinance may provide for the punishment of a violation of the ordinance
10 by fine or imprisonment, or both.

11 **SECTION 50.** 114.14 (1) of the statutes is amended to read:

12 114.14 (1) The governing body of a city, village, town ~~or~~, county, or district which has
13 established an airport or landing field, or landing and take-off strip, and acquired, leased or
14 set apart real property for such purpose may construct, improve, equip, maintain and operate
15 the same, or may vest jurisdiction for the construction, improvement, equipment, maintenance
16 and operation thereof in any suitable officer, board or body of such city, village, town ~~or~~,
17 county, or district. The expenses of such construction, improvement, equipment, maintenance
18 and operation shall be a city, village, town ~~or~~, county, or district charge as the case may be.
19 The governing body of a city, village, town ~~or~~, county, or district may adopt regulations, and
20 establish fees or charges for the use of such airport or landing field, or may authorize an officer,
21 board or body of such ~~village, city,~~ village, town or, county, or district having jurisdiction to
22 adopt such regulations and establish such fees or charges, subject however to the approval of
23 such governing body before they shall take effect.

24 **SECTION 51.** 114.14 (2) (f) of the statutes is amended to read:

1 114.14 (2) (f) All moneys appropriated for the construction, improvement, equipment,
2 maintenance or operation of an airport, managed as provided by this subsection, or earned by
3 the airport or made available for its construction, improvement, equipment, maintenance or
4 operation in any manner whatsoever, shall be deposited with the treasurer of the city, village,
5 town ~~or~~ county, or district where it shall be kept in a special fund and paid out only on order
6 of the airport commission, drawn and signed by the secretary and countersigned by the
7 chairperson.

8 **SECTION 52.** 114.151 of the statutes is amended to read:

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

19 **SECTION 53.** 114.32 of the statutes is amended to read:

20 **114.32 Federal aid for airports. (1) SECRETARY MAY ACCEPT.** The secretary may
21 cooperate with the government of the United States, and any agency or department thereof in
22 the acquisition, construction, improvement, maintenance and operation of airports and other
23 air navigation facilities in this state, and comply with the laws of the United States and any
24 regulations made thereunder for the expenditure of federal moneys upon such airports and

1 other air navigation facilities, and may enter into any contracts necessary to accomplish such
2 purpose. The secretary may accept, receive and receipt for federal moneys and other moneys,
3 either public or private, for and in behalf of this state or any municipality or district thereof,
4 for training and education programs, for the acquisition, construction, improvement,
5 maintenance and operation of airports and other aeronautical facilities, whether such work is
6 to be done by the state or by such municipalities or districts, or jointly, aided by grants of aid
7 from the United States, upon such terms and conditions as are or may be prescribed by laws
8 of the United States and any rules or regulations made thereunder, and the secretary may act
9 as agent of any municipality of, or district in, this state or the owner of any public-use airport
10 upon the request of such municipality or district, or the owner of the public-use airport, in
11 accepting, receiving and receipting for such moneys in its behalf for airports, and in
12 contracting for the acquisition, improvement, maintenance or operation of airports financed
13 either in whole or in part by federal moneys, and the governing body of any such municipality
14 or district, or the owner of the public-use airport, may designate the secretary as its agent for
15 such purposes and enter into an agreement with the secretary prescribing the terms and
16 conditions of such agency in accordance with federal laws, rules and regulations and with this
17 chapter. Such moneys as are paid over by the U.S. government shall be retained by the state
18 or paid over to said municipalities or districts or to the owners of the public-use airports under
19 such terms and conditions as may be imposed by the U.S. government in making such grants.

20 (3) CONTRACTS. All contracts for the acquisition, construction, improvement,
21 maintenance and operation of airports and other aeronautical facilities, made by the secretary
22 of transportation either as the agent of this state or as the agent of any municipality or district
23 or as the agent of the owner of a public-use airport, shall be made pursuant to the laws of this
24 state governing the making of like contracts; provided, however, that where the acquisition,

1 construction, improvement, maintenance and operation of any airport or landing strip and
2 other aeronautical facilities is financed or partially financed with federal moneys, the secretary
3 of transportation, as agent of the state or of any municipality or district thereof or of the owner
4 of a public-use airport, may let contracts in the manner prescribed by the federal authorities,
5 acting under the laws of the United States, and any rules or regulations made thereunder,
6 notwithstanding any other state law to the contrary.

7 (4) DISPOSITION OF FEDERAL FUNDS. All moneys accepted for disbursement by the
8 secretary of transportation pursuant to this section shall be deposited in the state treasury, and,
9 unless otherwise prescribed by the authority from which the money is received, kept in
10 separate funds, designated according to the purpose for which the moneys were made
11 available, and held by the state in trust for such purposes. All such moneys are appropriated
12 for the purposes for which the same were made available to be expended in accordance with
13 federal laws and regulations and with this chapter. The secretary of transportation, whether
14 acting for this state or as the agent of any of its municipalities or districts or as the agent of
15 the owner of a public-use airport, or when requested by the U.S. government or any agency
16 or department thereof, may disburse such moneys for the designated purposes, but this shall
17 not preclude any other authorized method of disbursement.

18 (5) LOCAL PROJECTS AND FUNDS; SECRETARY'S FUNCTIONS. No ~~county, city, village or town~~
19 city, village, town, county, or district, whether acting singly or jointly with a ~~county, city,~~
20 ~~village or town~~ city, village, town, county, or district, shall submit to a federal aeronautical
21 agency or department any project application requesting federal assistance, for any airport
22 improvement, aeronautical facility or planning study, unless the project and the project
23 application have been first approved by the secretary. No such ~~county, city, village or town~~
24 city, village, town, county, or district shall directly accept, receive, receipt for or disburse any

1 funds granted by the United States for the project, but it shall designate the secretary as its
2 agent and in its behalf to accept, receive, receipt for and disburse such funds. It shall enter into
3 an agreement with the secretary prescribing the terms and conditions of the secretary's
4 functions under such agency in accordance with federal laws, rules and regulations and
5 applicable laws of this state.

6 **SECTION 54.** 114.33 (1) of the statutes is amended to read:

7 114.33 (1) Any ~~county, city, village or town~~ city, village, town, county, or district, either
8 singly or jointly with one or more ~~counties, cities, villages or towns~~ cities, villages, towns,
9 counties, or districts, or any owner of a public-use airport desiring to sponsor an airport
10 development project to be constructed with federal aid and state aid or with the state aid alone
11 as provided by this chapter, may initiate such project in the manner provided by this section.
12 The department may initiate and sponsor an airport project in the same manner as a local
13 governing body. If the department initiates and sponsors an airport project, it shall hold a
14 hearing in the area affected by the project. Notice of the hearing shall be given as provided
15 in sub. (2). The department may install, operate and maintain air navigation facilities with or
16 without federal aid and may enter into agreements with sponsors to share the maintenance and
17 operation costs of such facilities.

18 **SECTION 55.** 114.33 (2) of the statutes is amended to read:

19 114.33 (2) Such initiation shall be by a petition filed with the secretary by the governing
20 body or bodies of the ~~counties, cities, villages or towns~~ cities, villages, towns, counties, or
21 districts or by the governing body of a public-use airport not owned by a ~~county, city, village~~
22 ~~or town~~ city, village, town, county, or district desiring to sponsor the project, or if the project
23 is initiated and sponsored by the department by a statement by the secretary setting forth
24 among other things that the airport project is necessary and the reason therefor; the class of

1 the airport that it is desired to develop, the location of the project in general, and the proposed
2 site tentatively selected; the character, extent and kind of improvement desired under the
3 project, evidence, in the form of a transcript, that the project has received a public hearing in
4 the area affected before adoption by the petitioners, and any other statements that the
5 petitioners or the department may desire to make. At least 10 days' notice of the public hearing
6 shall be given by publication of a class 1 notice, under ch. 985, in the area affected.

7 **SECTION 56.** 114.33 (3) of the statutes is amended to read:

8 114.33 (3) If the project has been sponsored by a local governing body or bodies or by
9 the governing body of a public-use airport not owned by a ~~county, city, village or town~~ city,
10 village, town, county, or district, the secretary shall make a finding within a reasonable time
11 after receipt of the petition. If such finding is generally favorable to the development
12 petitioned for, the secretary shall submit the finding to the governor for approval and no
13 finding favoring an airport development project shall be effective unless the governor's
14 approval is endorsed thereon in writing. If the finding is approved by the governor the
15 secretary shall notify the petitioners to that effect by filing a copy of the finding, which shall
16 include among other things the location of the approved site, the character and extent of the
17 improvements deemed necessary, and an approximate estimate of the costs and the amount
18 to be paid by the sponsor. The finding shall constitute approval of the airport site so specified
19 as a portion of the state airport system. On receipt of the finding the sponsors shall take action
20 at their next meeting toward providing their share of the cost and shall promptly notify the
21 secretary. The sponsors may proceed in accordance with the finding to acquire the site and
22 to make master development plans and project plans, and shall be entitled to receive credit
23 therefor as provided by federal law and by this chapter. On completion and approval of the

1 plans a revised estimate of the project costs shall be made for the purposes of the project
2 application.

3 **SECTION 57.** 114.33 (8) of the statutes is amended to read:

4 114.33 (8) (a) The secretary, upon the petition of a sponsoring municipality or district,
5 may provide that all or certain parts of the required land or interests in land may be acquired
6 by the municipality or district named by the secretary. When so provided, the municipality
7 or district and the secretary shall appraise and set the maximum price, including damages,
8 considered reasonable for the lands or interests to be so acquired. The municipality or district
9 shall endeavor to obtain easements or title in fee simple by conveyance of the lands or interests
10 required, as directed in the secretary's order. The instrument of conveyance shall name the
11 municipality or ~~municipalities~~ district as grantee and shall be subject to approval by the
12 secretary, and shall be recorded in the office of the register of deeds and filed with the secretary.
13 If the needed lands or interests in lands cannot be purchased expeditiously within the appraised
14 price, the municipality or district may acquire them by condemnation, as provided in s. 32.05.

15 (b) Any property of whatever nature acquired in the name of a city, village ~~or~~, town, or
16 district pursuant to this section or any predecessor shall be conveyed to the state without
17 charge by the city, village ~~or~~, town, or district when so ordered by the secretary.

18 (c) The municipality or district when so ordered by the secretary shall sell at public or
19 private sale, subject to the conditions and terms authorized by the secretary, any and all
20 buildings, structures, or parts thereof, and any other fixtures or personalty acquired in the
21 name of the municipality or district under this section or any predecessor. The proceeds from
22 the sale shall be deposited with the state in the appropriate airport fund and the expense
23 incurred in connection with the sale shall be paid from that fund.

24 **SECTION 58.** 114.33 (9) of the statutes is amended to read:

1 use, for airport buildings or other airport facilities or rights-of-way, together with all airport
2 buildings and facilities located thereon.

3 (2) "Airport facilities" means all district property, tangible or intangible, owned in
4 whole or in part, operated, or leased by a district that is principally related to facilities used,
5 available for use, or designed for use, for or by any of the following:

6 (a) The navigation, landing, or take-off of aircraft.

7 (b) The safety, security, storage, maintenance, servicing, or repair of aircraft.

8 (c) The security, comfort, and convenience of airport personnel and the users of air
9 transportation.

10 (d) Mail service.

11 (e) Military and national guard units.

12 (f) The safe and efficient operation and maintenance of an airport, and all appurtenant
13 areas used for airport facilities, and all appurtenant rights-of-way.

14 (3) "Bond" means any bond, note, or other obligation issued under s. 66.0621 by a
15 district.

16 (4) "Chief elected official" means the mayor of a city or, if the city is organized under
17 subch. I of ch. 64, the president of the council of that city, the village president of a village,
18 or the county executive of a county or, if the county does not have a county executive, the
19 chairperson of the county board of supervisors.

20 (5) "District" means a special purpose district created under this subchapter.

21 (6) "District board" means the governing board of a district.

22 (7) "Enabling resolution" means a resolution adopted by the governing body of a local
23 governmental unit to create a district.

24 (8) "FAA" means the federal aviation administration.

1 (9) “Local governmental unit” means any city, village, or county.

2 (10) “Political subdivision” means any city, village, town, or county.

3 (11) “PFC” means a passenger facility charge authorized under 49 USC 40117 and
4 designated as a passenger facility charge under 14 CFR 158.

5 (12) “Sponsor” means the public agency authorized by 49 USC 47102 (24) to submit
6 requests for financial assistance from the FAA.

7 (13) “Surrounding community” means an area consisting of all cities, villages, or towns
8 that have borders contiguous to a district airport, whose territorial jurisdictions include any
9 part of a district airport, or whose territorial jurisdictions include property that has received
10 funding as a result of the most recently adopted noise abatement study, completed pursuant
11 to Part 150 of FAA regulations, for the airport transferred under s. 229.865 on or before the
12 date of transfer. “Surrounding community” does not include a city or village that creates the
13 district.

COMMENT: It is difficult to define the surrounding community in a manner that will be reliable and consistent statewide. In this case, the intent appears to be to expand the previous definition so that certain communities would be included in the surrounding community of a Mitchell Field Airport District despite the absence of contiguous borders to, or territorial jurisdiction of that airport district. The above definition would add the cities of Milwaukee, St. Francis, Cudahy, and Oak Creek if they were not already included under the previous definition. An alternative drafting method would be to specify the surrounding community for a Mitchell Field Airport District and apply the previous definition to all other districts.

14 (14) “Transfer agreement” means a contract between a district and a local governmental
15 unit that provides the terms and conditions upon which airport facilities and the operation of
16 the facilities are transferred by a local governmental unit to a district.

17 **229.861 Creation, organization, and administration.** (1) One or more local
18 governmental units may create a district that is a unit of local government, that is a body

1 corporate and politic, that is separate and distinct from, and independent of, the state and the
2 political subdivisions within its jurisdiction, that has the powers under s. 229.863 and the name
3 of which includes “Airport District”, if all of the following occur:

4 (a) Each local governmental unit adopts an identical enabling resolution declaring the
5 need for, and establishing, a district and identifying the district’s jurisdiction, as described
6 under s. 229.862 (1).

7 (b) The enabling resolution adopted by each local governmental unit is signed by that
8 unit’s chief elected official.

9 (c) The signed enabling resolution is filed with the secretary of transportation.

10 (d) The members of the district board are appointed and qualified.

11 (2) A district is governed by its district board.

12 (3) The district board consists of the members specified and appointed as follows:

13 (a) Two members of the district board shall be appointed by the governor to 4–year
14 terms expiring on July 1. The initial appointments under this paragraph shall expire on July
15 1 of the 3rd year beginning after the year of creation of a district.

16 (b) Two members of the district board shall be appointed by the chief elected official
17 of the creating local governmental unit to 4–year terms expiring on July 1. The initial
18 appointments under this paragraph shall expire on July 1 of the 4th year beginning after the
19 year of creation of the district.

20 (c) 1. Except as otherwise provided in this paragraph, two members of the district board
21 shall be appointed by a majority of the chief elected officials of the surrounding community
22 to 4–year terms expiring on July 1. The initial appointments under this paragraph shall expire
23 on July 1 of the 5th year after the year of creation of the district.

1 2. If the surrounding community includes only one chief elected official, that person
2 shall make both appointments. If the surrounding community includes only two chief elected
3 officials, each person shall make one appointment.

4 3. If the surrounding community consists of at least 3 cities, villages, or towns, in any
5 combination, each entity shall be represented on the district board by one of its residents before
6 any one entity is represented a second time. This rotational method of representation shall
7 continue throughout the period of the district's existence.

COMMENT: Proposed s. 229.861 (3) (c) 3. and (d) 3. attempt to codify the special committee's request that representation on a district board from communities that do not create an airport district be based on a rotational or sequential basis. The members of the special committee should review this language to see that it meets with the intent of the special committee. Other methods of expressing this intent could be based on the simple expedients of alphabetical order or size of population.

8 (d) 1. Except as otherwise provided in this paragraph, two members of the district board
9 shall be appointed, to 4-year terms expiring on July 1, by a majority of the chief elected
10 officials of the counties contiguous to the county containing the greatest portion of the territory
11 under the jurisdiction of the district. The initial appointments under this paragraph shall expire
12 on July 1 of the 5th year after the year of creation of the district.

13 2. If there is only one contiguous county, the chief elected official of the county shall
14 make both appointments. If there are only two contiguous counties, the chief elected official
15 of each county shall make one appointment.

16 3. If there are at least 3 contiguous counties, each county shall be represented on the
17 district board by one of its residents before any one county is represented a second time. This
18 rotational method of representation shall continue throughout the period of the district's
19 existence.

COMMENT: Proposed s. 229.861 (3) (d) is an approximation of the request of the special committee that the catchment area surrounding an airport be represented on the local airport district board. A member of the special committee has submitted the following definition of the term “airport catchment area”:

“An airport catchment area is the geographic area surrounding an airport from which that airport can reasonably expect to draw passenger traffic. The airport catchment area is sometimes called the service area.”

The difficulty of incorporating the notion of an airport catchment area in the draft is that, in practice, it will be very different as applied to each airport in the state. Inclusion of this descriptive phrase may not clearly identify to the creating local governmental unit exactly what area needs to be represented on the local airport district board. Consequently, this draft attempts to approximate the use of the notion of an airport catchment area by providing that the majority of the chief elected officials of the counties contiguous to the county containing the greatest portion of the territory under the jurisdiction of the district will appoint 2 members to the district board. However, if the special committee would rather make use of an airport catchment area as a basis for determining representation on a local airport district board, this provision could be redrafted to provide that the exact boundaries of an airport catchment area could be determined on a case-by-case basis by an entity such as the department of transportation on a periodic basis.

1 (e) 1. One member of the district board shall be appointed, to a 4-year term expiring
2 on July 1, by the chief elected official of one of the following:

3 a. The city having the greatest population in the district, if the creating local
4 governmental unit is a county.

5 b. In addition to the appointment authority in par. (b), the creating local governmental
6 unit if the creating local governmental unit is a city or village.

7 2. The initial appointment under this paragraph shall expire on July 1 of the 4th year
8 after the year of creation of the district.

9 (f) 1. A member appointed by the governor may take his or her seat immediately upon
10 appointment and qualification, subject to confirmation or rejection by the senate.

1 2. A member appointed by the chief elected official under par. (b) or (e) may take his
2 or her seat immediately upon appointment and qualification, subject to confirmation or
3 rejection by the legislative body of the political subdivision represented by the appointing
4 chief elected official.

5 3. A member appointed under par. (c) or (d) may take his or her seat immediately upon
6 appointment and qualification.

7 (g) A member appointed under par. (a) may be removed before the expiration of his or
8 her term by the appointing authority but only for cause, as defined in s. 17.001.

9 (h) Members of the district board may serve any number of terms, except that no
10 member of the district board may serve more than 2 consecutive terms. Vacancies shall be
11 filled by the appointing authority who appointed the person whose office is vacant. A person
12 appointed to fill a vacancy shall serve for the remainder of the unexpired term to which he or
13 she is appointed, unless removed at an earlier time, and such service shall be considered one
14 term for purposes of determining consecutive terms of office.

15 (i) The term of a member of a district board expires or terminates upon the earliest
16 occurrence of one of the following:

17 1. The term for which the member was appointed expires.

18 2. The member is removed by the appointing authority for cause, as defined in s. 17.001.

19 (j) If a district is created by more than one local governmental unit, the appointment of
20 district board members under pars. (b) and (e) 1. shall be allocated between the participating
21 units based on an agreement entered into by all of the creating local governmental units. The
22 agreement shall be specified in the enabling resolutions.

1 (4) (a) The district board shall elect from its membership a chairperson, a vice
2 chairperson, a secretary, and a treasurer, each of whom shall serve for one-year terms, unless
3 another term is specified in the bylaws.

4 (b) 1. Except as provided in subd. 2., 5 members of the district board constitute a quorum
5 and the affirmative vote of a majority of a quorum is necessary for the district board to take
6 any action.

7 2. The affirmative vote of 6 members of the district board is necessary for the district
8 board to exercise the power of eminent domain under s. 114.12.

9 (5) The district board shall name the district, and the name shall include "Airport
10 District."

11 (6) The members of the district board shall be reimbursed for their actual and necessary
12 expenses incurred in the performance of their duties.

13 **229.862 Jurisdiction.** (1) The initial jurisdiction of a district created under s. 229.861
14 (1) includes all or part of the territory of a local governmental unit, as specified in the enabling
15 resolution, except that no territory may be within the jurisdiction of more than one district and
16 no local governmental unit may create a district having jurisdiction over an airport owned or
17 operated by another unit of government without the consent of that other unit of government.

18 (2) The jurisdiction of any district shall expand beyond its initial jurisdiction to include
19 any additional territory that is owned or leased by the district, and shall contract from its initial
20 jurisdiction to exclude any territory that is no longer owned or leased by the district. The
21 jurisdiction of a district may include territories that are not contiguous or that are located in
22 multiple units of government.

1 **229.863 Powers of a district.** A district has all of the powers necessary or convenient
2 to carry out the purposes and provisions of this subchapter. In addition to all other powers
3 granted by this subchapter, a district may do all of the following:

4 (1) Adopt bylaws to govern the district's activities, subject to this subchapter.

5 (2) Sue and be sued in its own name, plead and be impleaded.

6 (3) Maintain an office.

7 (4) In connection with airport facilities:

8 (a) Acquire, construct, equip, maintain, improve, operate, and manage property,
9 interests, or easements in property.

10 (c) Grant concessions.

11 (d) Enter into contracts, subject to such standards as may be established by the district
12 board. The district board may award any such contract for any combination or division of
13 work it designates and may consider any factors in awarding a contract, including price, time
14 for completion of work, and qualifications and past performance of a contractor. Subject to
15 s. 66.0901, all contracts for the construction, repair, remodeling, and improvement of any
16 public work, the estimated costs of which exceed \$100,000, shall be let by contract to the
17 lowest qualified and competent bidder, except that no professional services contracts are
18 subject to the lowest qualified and competent bidder requirement. The district may reject any
19 bid that is submitted under this paragraph.

20 (e) Enter into contracts, leases, franchises, or other agreements with any person for
21 granting the privilege of using, improving, or having access to an airport or any airport facility
22 for commercial airline-related purposes consistent with its obligations under federal law,
23 regulations, and assurances associated with accepting grants from the FAA or any other
24 agency of the United States or this state.

1 (f) Enter into contracts or agreements, that are necessary or incidental to the
2 performance of its duties and execution of its powers, with any department or agency of the
3 United States, with any state or local governmental agency, or with any other person, including
4 transfer agreements and guarantee agreements.

5 (g) Enter into contracts or agreements to license, regulate, or limit the number of all
6 forms of ground transportation providing services within its jurisdiction.

7 (h) Sell or otherwise dispose of unneeded or unwanted property in a manner consistent
8 with its obligations under federal law, regulations, and assurances associated with accepting
9 grants from the FAA or any other agency of the United States or this state.

10 **(5)** (a) Except as provided in par. (b), employ personnel and fix and regulate their
11 compensation; and provide, either directly or subject to an agreement under s. 66.0301 as a
12 participant in a benefit plan of another governmental entity, any employee benefits, including
13 an employee pension plan.

14 (b) An employee transferred from the county of Milwaukee to a district by means of
15 a transfer agreement under s. 229.865 may elect, in writing, within 10 days of the transfer, to
16 remain a participant in the employee retirement system of the county of Milwaukee. If the
17 employee makes this election, the district shall remit, to the employee retirement system of
18 the county of Milwaukee, any payment necessary to maintain the employee's participation in
19 that system.

20 (c) Unless the transfer agreement specifies otherwise, if an employee does not elect to
21 remain a participant of the employee retirement system of the county of Milwaukee under par.
22 (b), he or she may not receive retirement benefits under that system during his or her
23 employment with a district created under this subchapter.

1 **(6)** Purchase insurance, establish and administer a plan of self-insurance or, subject to
2 an agreement with another governmental entity under s. 66.0301, participate in a
3 governmental plan of insurance or self-insurance.

4 **(7)** Subject to ss. 229.866 and 229.867, issue bonds under s. 66.0621, and mortgage,
5 pledge, or otherwise encumber the district's property or funds to secure the bonds.

6 **(8)** Maintain funds and invest the funds in any investment that the district board
7 considers appropriate.

8 **(9)** Enter into interest rate exchange transactions or transactions to provide, currently
9 or prospectively, a maximum or minimum interest rate on all or a portion of the indebtedness
10 of the district and grant mortgages and other liens to secure the indebtedness.

11 **(10)** Promote, advertise, and publicize the airport, airport facilities, and the district, and
12 provide information to persons with an interest in air transportation and other district
13 activities.

14 **(11)** Appear before rate-making and rule-making authorities to represent and promote
15 the interests of the district.

16 **(12)** Adopt and enforce reasonable rules, regulations, and ordinances governing the use
17 of its airport facilities, and the conduct of its employees and the public, in order to promote
18 public safety and convenience and to maintain order. The district may establish civil penalties
19 for the violations of rules, regulations, and ordinances authorized under this subchapter.

20 **(13)** (a) The district shall have concurrent police power, with other authorized peace
21 officers, in its jurisdiction. Such concurrent police authority shall not be construed to reduce
22 or lessen the authority of the police power of the political subdivision in which an airport may
23 be located. All district police officers shall cooperate with and be responsive to the local police
24 authorities as they meet and exercise their statutory responsibilities. All district police officers

1 may arrest, with or without warrant, any person on or in airport facilities within the district's
2 jurisdiction who the officers have reasonable grounds to believe has violated a state law or any
3 rule promulgated under this subchapter and deliver the person to any court having jurisdiction
4 over the violation and execute a complaint charging the person with the violation. This
5 subsection does not impair the duty of any other peace officers within their jurisdictions to
6 arrest and take before the proper court persons found violating any state law on or in airport
7 facilities within the district's jurisdiction.

8 (b) The district may employ police for the airport facilities and chiefs to head such
9 police, or contract for police with a political subdivision, all of whom shall be considered
10 peace officers under s. 939.22 (22) under the supervision and control of the district. The police
11 officers shall meet the minimum standards established for other police officers by the law
12 enforcement standards board or a comparable agency. The police shall preserve the peace in
13 the jurisdiction of the district and enforce all rules promulgated under this subchapter and all
14 other laws. The district may, subject to s. 66.0313, request of any other law enforcement
15 agency assistance within the district's jurisdiction, notwithstanding any other jurisdictional
16 provision.

17 (c) The district may employ security personnel, or contract for the provision of security
18 personnel, to provide routine patrol functions. The security personnel are not subject to the
19 minimum standards established for other police officers by the law enforcement standards
20 board or a comparable agency.

21 **(14)** Establish and collect rates and charges for the use of airport facilities or for services
22 provided by the district, including PFCs under the Federal Aviation Act of 1958, as amended.

23 **(15)** Engage accountants, attorneys, consultants, and other professionals or service
24 providers.

1 (16) Enter into partnerships, joint ventures, common ownership, or other arrangements
2 with other persons to further the district's purposes.

3 (17) Enter into an agreement with a political subdivision to establish an airport affected
4 area under s. 66.1009.

5 (18) Act as a sponsor and submit requests for, accept, and be responsible to perform all
6 of the assurances associated with accepting grants from the FAA or any other agency of the
7 United States or of this state, with respect to an airport that is owned by the district, and to
8 perform the duties and responsibilities previously assumed by the municipality or
9 municipalities which have transferred an airport to the district under s. 229.865 by virtue of
10 its acceptance of grants from the FAA or any other agency of the United States or this state.

11 (19) Take any necessary action to comply with the terms and conditions of a FAA
12 certificate, as described in 14 CFR 139.

13 (20) Appoint a building inspector to enforce all ordinances, rules, and regulations
14 adopted under sub. (12) that relate to any construction, remodeling, or renovation of airport
15 facilities.

16 (21) Establish a fire department to provide service to airport facilities.

17 **229.864 Powers granted to local governmental units; limitations on powers. (1)**

18 In addition to any powers that it may otherwise have, a local governmental unit may do any
19 of the following:

20 (a) Make grants or loans to a district upon terms that the local governmental unit
21 considers appropriate.

22 (b) Expend public funds to subsidize a district.

23 (c) Borrow money under ss. 67.04 and 67.12 (12) for airport facilities or to fund grants,
24 loans, or subsidies to a district.

1 (d) Lease or transfer property to a district upon terms that the local governmental unit
2 considers appropriate.

3 (2) Notwithstanding ss. 59.69, 60.61, 60.62, 61.35, and 62.23, a political subdivision
4 may not enact or enforce a zoning ordinance within the jurisdiction of a district.

5 **229.865 Transfer agreements. (1)** A local governmental unit may enter into a transfer
6 agreement with a district created under s. 229.861 (1) to provide the terms and conditions upon
7 which the local governmental unit transfers an airport and airport facilities to the district. A
8 transfer may take the form of a sale, lease, or other conveyance. A transfer agreement shall
9 require the district to do all of the following:

10 1. Accept an assignment of any collective bargaining agreement in force at the time of
11 the transfer with respect to persons employed by the local governmental unit at a transferred
12 airport or airport facilities.

13 2. Recognize and bargain in good faith with unions in existence and whose members
14 are employed at a transferred airport or airport facilities at the time of transfer.

15 3. Accept an assignment of all contracts with other persons, with respect to transferred
16 airport facilities, that are in force at the time of transfer.

17 (2) A local governmental unit may transfer an airport and airport facilities, and any
18 related assets, property, licenses, contracts, and revenues to a district created by another local
19 governmental body upon the terms and conditions contained in a transfer agreement that is
20 agreed to by the parties.

21 **229.866 Issuance of bonds. (1)** A district may issue bonds under s. 66.0621 for any
22 corporate purpose related to airport facilities, the operation of an airport, or the impact of an
23 airport on surrounding areas and properties. The district may issue bonds to fund, refund,
24 advance refund, or purchase any outstanding bond of the district. All bonds of the district are

1 declared to be negotiable for all purposes, notwithstanding that their payment may be from
2 a limited source.

3 (2) The bonds shall be payable solely out of revenues of the district that are specified
4 in the bond resolution of the district or in a related trust indenture.

5 (3) The bonds shall be authorized by a bond resolution of the district and shall bear
6 dates, mature at times not exceeding 40 years from their respective dates of issue, bear interest
7 at fixed or variable rates, be payable at times, be in denominations, be in certificated or book
8 entry or other form, either coupon or fully registered, carry registration and conversion
9 privileges, be executed in such a manner, be payable in lawful money of the United States at
10 places, and be subject to any terms of redemption as provided in the bond resolution or the
11 related trust indenture. The bonds shall be executed by the manual or facsimile signatures of
12 such officers of the district as the district designates. The bonds may be sold at public or
13 private sale at a price and in such a manner as the district determines. Pending preparation
14 of the definitive bonds, the district may issue interim receipts or certificates that shall be
15 exchanged for the definitive bonds.

16 (4) A bond resolution or a related trust indenture may contain provisions, which shall
17 be a part of the contract with the bondholders under the resolution, relating to any of the
18 following:

19 (a) Pledging or assigning the revenues of the project with respect to which the bonds
20 are to be issued or other specified revenues or properties of the district.

21 (b) The rentals, fees, and any other amounts to be charged, and the sums to be raised
22 in each year from the rentals, fees, and any other amounts to be charged, and the use,
23 investment, and disposition of the sums.

1 (c) Limitations on the issuance of additional bonds, the terms upon which additional
2 bonds may be issued and secured, and the terms upon which additional bonds may rank on a
3 parity with, or be subordinate or superior to, other bonds.

4 (d) Limitations on the purpose to which, or the investments in which, the proceeds from
5 the sale of any issue of bonds may be applied.

6 (e) The setting aside of reserves or sinking funds, and their regulation, investment, and
7 disposition.

8 (f) The funding, refunding, advance refunding, or purchase of outstanding bonds.

9 (g) The procedure, if any, by which the terms of any contract with bondholders may be
10 amended or abrogated, the amount of bonds the holders of which must consent thereto, and
11 the manner in which this consent may be given.

12 (h) Defining the acts or omissions to act that shall constitute a default in the duties of
13 the district to the holders of its obligations, and providing the rights and remedies of the
14 holders in the event of a default.

15 (i) Any other matters relating to the bonds that the district considers appropriate.

16 (5) Neither the members of the district board nor any person executing the bonds are
17 liable personally on the bonds or subject to any personal liability or accountability by reason
18 of the issuance of the bonds.

19 (6) The district may secure any bonds by a trust agreement, trust indenture, indenture
20 of mortgage, or deed of trust by and between the district and one or more trust companies or
21 banks having trust powers. The bond resolution providing for the issuance of bonds or a
22 related trust indenture may mortgage, pledge, assign, and grant security interests in any of the
23 revenues and property of the district and may contain provisions for protecting and enforcing
24 the rights and remedies of the bondholders as are reasonable and proper, and may restrict the

1 individual right of action by bondholders. In addition, any bond resolution or a related trust
2 indenture may contain any other provisions that the district considers reasonable and proper
3 for the security of the bondholders.

4 (7) The district may purchase bond insurance, letters of credit, or other forms of credit
5 enhancement to secure the bonds and may enter into reimbursement agreements with the
6 providers thereof and may secure the same with mortgages, liens, and pledges of the district's
7 properties and revenues.

8 (8) Neither the state nor any political subdivision of the state is liable on bonds of the
9 district. All bonds of the district shall contain a statement to that effect. The issuance of bonds
10 by the district shall not, directly or indirectly or contingently, obligate the state or any political
11 subdivision of the state to levy any form of taxation therefor or to make any appropriation for
12 their payment.

13 **229.867 State pledge.** The state pledges to and agrees with the bondholders, and
14 persons that enter into contracts with a district, that the state will not limit or alter the rights
15 and powers vested in a district before the district has fully met and discharged the bonds, and
16 any interest due on the bonds, and has fully performed its contracts, unless adequate provision
17 is made by law for the protection of the bondholders or those entering into contracts with the
18 district.

19 **229.868 Budgets; rates and charges; audit.** A district shall adopt a calendar year as
20 its fiscal year for accounting purposes. The district board shall annually prepare a budget for
21 the district. Rates and other charges received by the district shall be used for the general
22 expenses and capital expenditures of the district and to pay interest, amortization, and
23 retirement charges on bonds. The district shall maintain an accounting system in accordance

1 with generally accepted accounting principles and shall have its financial statements and debt
2 covenants audited annually by an independent certified public accountant.

3 **229.869 Dissolution of a district.** Subject to providing for the payment of its bonds,
4 including interest on the bonds, and the performance of its other contractual obligations, a
5 district may be dissolved by the district board and the airport, airport facilities, and other
6 property of the district shall be transferred to a political subdivision, other district, or other
7 public body that agrees to accept the transfer.

8 (END)