

2007 BILL

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), 40.02 (36), 59.69 (4g), 60.61 (2) (e), 62.23 (6) (am) 1.
3 a., 66.0301 (1) (a), 66.0621 (1) (a), 66.0621 (1) (b), 66.1009 (intro.), 71.26 (1) (bm),
4 71.26 (1m) (g), 71.36 (1m), 71.45 (1t) (g), 79.02 (2) (b), 79.02 (3) (a), 114.105,
5 114.11 (1) to (4) and (5) (intro.), 114.12, 114.13, 114.135 (2), 114.135 (4), 114.135
6 (9), 114.136 (1) (a), 114.136 (2) (a), 114.136 (4) (a), 114.136 (5), 114.14 (1), 114.14
7 (2) (f), 114.151, 114.32, 114.33 (1), 114.33 (2), 114.33 (3), 114.33 (8), 114.33 (9),
8 114.33 (11) and 114.33 (13); **to repeal and recreate** 40.02 (28); and **to create**
9 24.61 (2) (a) 11., 24.61 (3) (a) 13., 25.17 (3) (b) 14., 25.17 (3) (bc), 40.02 (25) (a)
10 7., 40.22 (2) (m), 66.0603 (1m) (a) 3r., 66.0621 (6) (d), 70.11 (45), 71.05 (1) (c) 9.,
11 77.25 (22), 77.54 (9a) (j), 78.01 (2) (g), 78.01 (2m) (h), 79.005 (1j), 79.005 (1k),
12 79.02 (4), 114.002 (13), 219.09 (1) (h) and subchapter VI of chapter 229 [precedes
13 229.860] of the statutes; **relating to:** authorizing the creation of local airport
14 districts; authorizing the Board of Commissioners of Public Lands to make

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- 1 loans to a county that contains a 1st class city; and authorizing the Investment
2 Board to make loans to a county that contains a 1st class city from the state
3 investment fund.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

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

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

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 (LAD) as a separate local unit of government.
2. Provides that a district board (board) will consist of nine members serving staggered four-year terms. Two members of the board will be appointed by the governor; two members will be appointed by the chief elected official of the creating local governmental unit (LGU) or, if more than one LGU creates a district, these two members will be appointed under the terms of an agreement entered into by all participating LGUs; two members will be appointed by the chief elected officials of the surrounding community; two members will be appointed by the chief elected officials of contiguous counties; and one member will be appointed by: (a) the chief elected official of the city having the greatest population in the district, if the creating LGU is a county; or (b) in addition to other appointment authority, the chief elected official of the creating LGU if the creating LGU is a city or village.
3. Provides that an LAD will have general operational authority over an airport, the power to exercise eminent domain, and the power to issue revenue bonds.
4. Authorizes an LAD to establish and enforce rules, regulations, and ordinances and establish civil penalties.
5. Authorizes an LAD to appoint a building inspector, establish a fire department, employ police, or contract for police services with a political subdivision, and hire security personnel.

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6. Authorizes an LAD 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 an LAD 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 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 an LAD 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 1st 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 an LAD Board to the statutory code of ethics for local public officials.

11. Provides that a transfer agreement from a creating LGU to an LAD 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 LGU 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~~
3 V, or 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
7 receiving state appropriations ~~and~~, the position of member of the district board of a
8 local professional baseball park district created under subch. III of ch. 229 ~~and~~, the
9 position of member of the district board of a local cultural arts district created under
10 subch. V of ch. 229, and the position of member of the district board of a local airport
11 district created under subch. VI of ch. 229.

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

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

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

6 24.61 (2) (a) 11. Bonds issued by a local airport district under subch. VI of ch.
7 229.

8 **SECTION 5.** 24.61 (3) (a) 13. of the statutes is created to read:

9 24.61 (3) (a) 13. A county that contains a 1st class city, to be used to fund any
10 shortfall in operating revenues during a fiscal year, for a period not to exceed 120
11 days.

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

13 25.14 (5) The assets of the state investment fund shall be invested as
14 prescribed by s. 25.17 (3) (b), (ba), (bc), and (bd).

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

16 25.17 (3) (b) 14. Bonds issued by a local airport district under subch. VI of ch.
17 229.

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

19 25.17 (3) (bc) Have authority to make a loan from moneys in the state
20 investment fund to a county that contains a 1st class city, to be used to fund any
21 shortfall in operating revenues during a fiscal year, for a period not to exceed 120
22 days.

23 **SECTION 9.** 25.50 (1) (d) of the statutes, as affected by 2007 Wisconsin Act 20,
24 is amended to read:

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1 25.50 (1) (d) “Local government” means any county, town, village, city, power
2 district, sewerage district, drainage district, town sanitary district, public inland
3 lake protection and rehabilitation district, local professional baseball park district
4 created under subch. III of ch. 229, long-term care district under s. 46.2895, local
5 professional football stadium district created under subch. IV of ch. 229, local
6 cultural arts district created under subch. V of ch. 229, local airport district created
7 under subch. VI of ch. 229, public library system, school district or technical college
8 district in this state, any commission, committee, board or officer of any
9 governmental subdivision of this state, any court of this state, other than the court
10 of appeals or the supreme court, or any authority created under s. 114.61, 231.02,
11 233.02 or 234.02.

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

13 32.02 (11) Any housing authority created under ss. 66.1201 to 66.1211;
14 redevelopment authority created under s. 66.1333 community development
15 authority created under s. 66.1335; local cultural arts district created under subch.
16 V of ch. 229, subject to s. 229.844 (4) (c); local airport district created under subch.
17 VI of ch. 229; or local exposition district created under subch. II of ch. 229.

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

19 40.02 (25) (a) 7. Any employee of a local airport district who elects to remain a
20 participant of the employee retirement system of the county of Milwaukee under s.
21 229.863 (5) (b).

22 **SECTION 12.** 40.02 (28) of the statutes, as affected by 2007 Wisconsin Act 20,
23 is amended to read:

24 40.02 (28) “Employer” means the state, including each state agency, any
25 county, city, village, town, school district, other governmental unit or

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1 instrumentality of 2 or more units of government now existing or hereafter created
2 within the state, any federated public library system established under s. 43.19
3 whose territory lies within a single county with a population of 500,000 or more, a
4 local exposition district created under subch. II of ch. 229, an airport district under
5 subch. IV of ch. 229, and a long-term care district created under s. 46.2895, except
6 as provided under ss. 40.51 (7) and 40.61 (3) and subch. X. “Employer” does not
7 include a local cultural arts district created under subch. V of ch. 229. Each employer
8 shall be a separate legal jurisdiction for OASDHI purposes.

9 **SECTION 13.** 40.02 (28) of the statutes, as affected by 1999 Wisconsin Act 65 and
10 2007 Wisconsin Acts 20 and (this act), is repealed and recreated to read:

11 40.02 **(28)** “Employer” means the state, including each state agency, any
12 county, city, village, town, school district, other governmental unit or
13 instrumentality of 2 or more units of government now existing or hereafter created
14 within the state, any federated public library system established under s. 43.19
15 whose territory lies within a single county with a population of 500,000 or more, a
16 local exposition district created under subch. II of ch. 229, an airport district under
17 sub. IV of ch. 229, and a long-term care district created under s. 46.2895, except as
18 provided under ss. 40.51 (7) and 40.61 (3). “Employer” does not include a local
19 cultural arts district created under subch. V of ch. 229. Each employer shall be a
20 separate legal jurisdiction for OASDHI purposes.

21 **SECTION 14.** 40.02 (36) of the statutes, as affected by 2007 Wisconsin Act 20,
22 is amended to read:

23 40.02 **(36)** “Governing body” means the legislature or the head of each state
24 agency with respect to employees of that agency for the state, the common council
25 in cities, the village board in villages, the town board in towns, the county board in

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1 counties, the school board in school districts, or the board, commission or other
2 governing body having the final authority for any other unit of government, for any
3 agency or instrumentality of 2 or more units of government, for any federated public
4 library system established under s. 43.19 whose territory lies within a single county
5 with a population of 500,000 or more, for a local exposition district created under
6 subch. II of ch. 229, an airport district under sub. IV of ch. 229, or for a long-term
7 care district created under s. 46.2895, but does not include a local cultural arts
8 district created under subch. V of ch. 229.

9 **SECTION 15.** 40.22 (2) (m) of the statutes is created to read:

10 40.22 (2) (m) The employee elected to remain a participant of the employee
11 retirement system of the county of Milwaukee under s. 229.863 (5) (b).

12 **SECTION 16.** 59.69 (4g) of the statutes is amended to read:

13 59.69 (4g) AIRPORT AREAS. In a county which has created a county zoning
14 agency under sub. (2) (a), the county's development plan shall include the location
15 of any part of an airport, as defined in s. 62.23 (6) (am) 1. a. or 229.860 (1), that is
16 located in the county and of any part of an airport affected area, as defined in s. 62.23
17 (6) (am) 1. b., that is located in the county.

18 **SECTION 17.** 60.61 (2) (e) of the statutes is amended to read:

19 60.61 (2) (e) Adopt an official map showing areas, outside the limits of villages
20 and cities, suited to carry out the purposes of this section. Any map adopted under
21 this paragraph shall show the location of any part of an airport, as defined in s. 62.23
22 (6) (am) 1. a. or 229.860 (1), located in the town and of any part of an airport affected
23 area, as defined in s. 62.23 (6) (am) 1. b., located in the town.

24 **SECTION 18.** 62.23 (6) (am) 1. a. of the statutes is amended to read:

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1 62.23 **(6)** (am) 1. a. “Airport” means an airport as defined under s. 114.002 (7)
2 which is owned or operated by a county, city, village or town either singly or jointly
3 with one or more counties, cities, villages or towns, or an airport as defined in s.
4 229.860 (1) which is owned or operated by a district, as defined in s. 229.860 (5).

5 **SECTION 19.** 66.0301 (1) (a) of the statutes, as affected by 2007 Wisconsin Act
6 20, is amended to read:

7 66.0301 **(1)** (a) In this section “municipality” means the state or any
8 department or agency thereof, or any city, village, town, county, school district, public
9 library system, public inland lake protection and rehabilitation district, sanitary
10 district, farm drainage district, metropolitan sewerage district, sewer utility district,
11 solid waste management system created under s. 59.70 (2), local exposition district
12 created under subch. II of ch. 229, local professional baseball park district created
13 under subch. III of ch. 229, local professional football stadium district created under
14 subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229,
15 local airport district created under subch. VI of ch. 229, long-term care district under
16 s. 46.2895, water utility district, mosquito control district, municipal electric
17 company, county or city transit commission, commission created by contract under
18 this section, taxation district, regional planning commission, or city-county health
19 department.

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

21 66.0603 **(1m)** (a) 3r. Bonds issued by a local airport district created under
22 subch. VI of ch. 229.

23 **SECTION 21.** 66.0621 (1) (a) of the statutes is amended to read:

24 66.0621 **(1)** (a) “Municipality” means a city, village, town, county, commission
25 created by contract under s. 66.0301, public inland lake protection and rehabilitation

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1 district established under s. 33.23, 33.235 or 33.24, metropolitan sewerage district
2 created under ss. 200.01 to 200.15 and 200.21 to 200.65, town sanitary district under
3 subch. IX of ch. 60, a local professional baseball park district created under subch.
4 III of ch. 229, a local professional football stadium district created under subch. IV
5 of ch. 229, a local cultural arts district created under subch. V of ch. 229, a local
6 airport district created under subch VI of ch. 229, or a municipal water district or
7 power district under ch. 198 and any other public or quasi-public corporation, officer,
8 board or other public body empowered to borrow money and issue obligations to
9 repay the money and obligations out of revenues. “Municipality” does not include the
10 state or a local exposition district created under subch. II of ch. 229.

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

12 66.0621 (1) (b) “Public utility” means any revenue producing facility or
13 enterprise owned by a municipality and operated for a public purpose as defined in
14 s. 67.04 (1) (b) including garbage incinerators, toll bridges, swimming pools, tennis
15 courts, parks, playgrounds, golf links, bathing beaches, bathhouses, street lighting,
16 city halls, village halls, town halls, courthouses, jails, schools, cooperative
17 educational service agencies, hospitals, homes for the aged or indigent, child care
18 centers, as defined in s. 231.01 (3c), regional projects, waste collection and disposal
19 operations, sewerage systems, local professional baseball park facilities, local
20 professional football stadium facilities, local cultural arts facilities, airport facilities
21 as defined in s. 229.860 (2), and any other necessary public works projects
22 undertaken by a municipality.

23 **SECTION 23.** 66.0621 (6) (d) of the statutes is created to read:

24 66.0621 (6) (d) Revenue bonds issued by a local airport district created under
25 subch. VI of ch. 229 are subject to the provisions in ss. 229.866 to 229.868.

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1 **SECTION 24.** 66.1009 (intro.) of the statutes is amended to read:

2 **66.1009 Agreement to establish an airport affected area.** (intro.) Any
3 county, town, city or village may establish by written agreement with an airport, as
4 defined in s. 62.23 (6) (am) 1. a. or 229.860 (1):

5 **SECTION 25.** 70.11 (45) of the statutes is created to read:

6 **70.11 (45) LOCAL AIRPORT DISTRICT.** Property of a local airport district created
7 under subch. VI of ch. 229.

8 **SECTION 26.** 71.05 (1) (c) 9. of the statutes is created to read:

9 **71.05 (1) (c) 9.** A local airport district created under subch. VI of ch. 229.

10 **SECTION 27.** 71.26 (1) (bm) of the statutes is amended to read:

11 **71.26 (1) (bm)** *Certain local districts.* Income of a local exposition district
12 created under subch. II of ch. 229, a local professional baseball park district created
13 under subch. III of ch. 229, a local professional football stadium district created
14 under subch. IV of ch. 229, ~~or~~ a local cultural arts district created under subch. V of
15 ch. 229, or a local airport district created under subch. VI of ch. 229.

16 **SECTION 28.** 71.26 (1m) (g) of the statutes is amended to read:

17 **71.26 (1m) (g)** Those issued under s. 66.0621 by a local professional baseball
18 park district, a local professional football stadium district, ~~or~~ a local cultural arts
19 district, or a local airport district.

20 **SECTION 29.** 71.36 (1m) of the statutes is amended to read:

21 **71.36 (1m)** A tax-option corporation may deduct from its net income all
22 amounts included in the Wisconsin adjusted gross income of its shareholders, the
23 capital gain deduction under s. 71.05 (6) (b) 9. and all amounts not taxable to
24 nonresident shareholders under ss. 71.04 (1) and (4) to (9) and 71.362. For purposes
25 of this subsection, interest on federal obligations, obligations issued under s. 66.0621

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1 by a local professional baseball park district, a local professional football stadium
2 district, ~~or a local cultural arts district, or an airport district,~~ obligations issued
3 under ss. 66.1201, 66.1333, and 66.1335, obligations issued under s. 234.65 to fund
4 an economic development loan to finance construction, renovation or development
5 of property that would be exempt under s. 70.11 (36) and obligations issued under
6 subch. II of ch. 229 is not included in shareholders' income. The proportionate share
7 of the net loss of a tax-option corporation shall be attributed and made available to
8 shareholders on a Wisconsin basis but subject to the limitation and carry-over rules
9 as prescribed by section 1366 (d) of the Internal Revenue Code. Net operating losses
10 of the corporation to the extent attributed or made available to a shareholder may
11 not be used by the corporation for further tax benefit. For purposes of computing the
12 Wisconsin adjusted gross income of shareholders, tax-option items shall be reported
13 by the shareholders and those tax-option items, including capital gains and losses,
14 shall retain the character they would have if attributed to the corporation, including
15 their character as business income. In computing the tax liability of a shareholder,
16 no credit against gross tax that would be available to the tax-option corporation if
17 it were a nontax-option corporation may be claimed.

18 **SECTION 30.** 71.45 (1t) (g) of the statutes is amended to read:

19 71.45 (1t) (g) Those issued under s. 66.0621 by a local professional baseball
20 park district, a local professional football stadium district, ~~or a local cultural arts~~
21 district, or a local airport district.

22 **SECTION 31.** 77.25 (22) of the statutes is created to read:

23 77.25 (22) From a local airport district created under subch. VI of ch. 229.

24 **SECTION 32.** 77.54 (9a) (j) of the statutes is created to read:

25 77.54 (9a) (j) A local airport district created under subch. VI of ch. 229.

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1 **SECTION 33.** 78.01 (2) (g) of the statutes is created to read:

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

4 **SECTION 34.** 78.01 (2m) (h) of the statutes is created to read:

5 78.01 **(2m)** (h) It is sold to and used by a local airport district created under
6 subch. VI of ch. 229.

7 **SECTION 35.** 79.005 (1j) of the statutes is created to read:

8 79.005 **(1j)** “Federal aviation administration approval date” means the earliest
9 date on which all of the following are in effect:

10 (a) The issuance, by the federal aviation administration to a local airport
11 district assuming jurisdiction of an airport, of a certificate under 14 CFR 139 with
12 respect to such airport.

13 (b) The concurrence by the federal aviation administration of the designation
14 of the district as a sponsor of such airport, including the federal aviation
15 administration’s approval of the assignment of existing grant agreements to the
16 district.

17 **SECTION 36.** 79.005 (1k) of the statutes is created to read:

18 79.005 **(1k)** “Local airport district” means a local airport district created under
19 subch. VI of ch. 229, whose jurisdiction is described in s. 229.862.

20 **SECTION 37.** 79.02 (2) (b) of the statutes is amended to read:

21 79.02 **(2)** (b) Subject to ss. 59.605 (4) and 70.995 (14) (b), and except as provided
22 in sub. (4), payments in July shall equal 15% of the municipality’s or county’s
23 estimated payments under ss. 79.03, 79.035, 79.04, 79.058, and 79.06 and 100% of
24 the municipality’s estimated payments under s. 79.05.

25 **SECTION 38.** 79.02 (3) (a) of the statutes is amended to read:

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1 79.02 (3) (a) Subject to s. 59.605 (4), and except as provided in sub. (4).
2 payments to each municipality and county in November shall equal that
3 municipality's or county's entitlement under ss. 79.03, 79.035, 79.04, 79.05, 79.058,
4 and 79.06 for the current year, minus the amount distributed to the municipality or
5 county in July.

6 **SECTION 39.** 79.02 (4) of the statutes is created to read:

7 79.02 (4) Subject to s. 59.605 (4), the department of administration shall
8 distribute in November of each year the total amount of the payments under this
9 subchapter due to a county which contains a 1st class city and in which a local airport
10 district is located, beginning with the first distribution following the local airport
11 district's federal aviation administration approval date.

12 **SECTION 40.** 114.002 (13) of the statutes is created to read:

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

14 **SECTION 41.** 114.105 of the statutes is amended to read:

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

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1 **SECTION 42.** 114.11 (1) to (4) and (5) (intro.) of the statutes are amended to read:

2 114.11 **(1)** The governing body of any ~~county, city, village or town~~ city, village,
3 town, county, or district in this state is hereby authorized to acquire, establish,
4 construct, own, control, lease, equip, improve, maintain and operate airports or
5 landing fields or landing and take-off strips for the use of airplanes and other
6 aircraft, or spaceports or spacecraft launch or landing areas, either within or without
7 the limits of such ~~counties, cities, villages and towns~~ cities, villages, towns, counties,
8 and districts, and may use for such purpose or purposes any property suitable
9 therefor that is now or may at any time hereafter be owned or controlled by such
10 ~~county, city, village or town~~ city, village, town, county, or district, and may regulate
11 the same, provided, such regulation shall not be in conflict with such rules and
12 regulations as may be made by the federal government. The governing body of each
13 ~~and every county and, municipality, and district~~ owning an airport or landing field
14 or landing and take-off strip, or spaceport or spacecraft launch or landing area, in
15 the state of Wisconsin shall cause the surroundings of such airport, landing field or
16 landing and take-off strip, or spaceport or spacecraft launch or landing area, to be
17 marked for aeronautical or astronautical purposes, and maintain such marking,
18 subject to and in accordance with law and such rules and regulations as may from
19 time to time be made by the federal government and in so doing may cooperate with
20 other states and subdivisions thereof and acquire rights and easements in property
21 outside of the state.

22 **(2)** The governing body of any ~~county, city, village or town~~ city, village, town,
23 county, or district of this state is authorized to acquire, establish, construct, own,
24 control, lease, equip, improve, maintain and operate airports or landing fields or
25 landing and take-off strips or other aeronautical facilities, or spaceports or

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1 spacecraft launch or landing areas or other aeronautical facilities, in an adjoining
2 state whose laws permit, subject to the laws of such state, but subject to the laws of
3 this state in all matters relating to financing such aeronautical or aeronautical
4 project.

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

24 (4) The governing body of any ~~county, city, village or town~~ city, village, town,
25 county, or district is authorized to appropriate money to any ~~town, city, village or~~

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1 ~~other county, other city, village, town, county, or district~~ for the operation,
2 improvement or acquisition of an airport or spaceport by such ~~town, city, village or~~
3 ~~other county~~ other city, village, town, county, or district or any combination of such
4 municipalities or districts.

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

10 **SECTION 43.** 114.12 of the statutes is amended to read:

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

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

9 **SECTION 44.** 114.13 of the statutes is amended to read:

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

25 **SECTION 45.** 114.135 (2) of the statutes is amended to read:

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

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1 be recorded by the register of deeds without charge and when so recorded has the
2 same effect as any recorded instrument. If any owner is a minor or is adjudicated
3 incompetent, the notice may be sent by registered mail to the owner's guardian, if he
4 or she has one, and if there is none the circuit court of the county in which the land,
5 or a larger part, is located shall upon application of the commission or other body in
6 charge appoint a guardian to receive the notice, and to protect the rights of the owner.
7 Any funds payable to the owner shall be cared for in the manner provided in ch. 54.
8 If the commission or other body in charge determines that the damages claimed are
9 excessive, it shall so report to the governing body that established the airport,
10 landing field or landing and take-off strip, or spaceport or spacecraft launch or
11 landing area, in question and with its consent may acquire in the name of the
12 governmental body the protection privilege desired in the manner set forth in sub.
13 (1) or it may deposit with the county clerk an award and notify the owner of the land
14 involved in the method specified in this subsection. The landowner may accept the
15 award without prejudice to his or her right to claim and contest for a greater sum.
16 The landowner may, within a period of 6 months after notice of the award, proceed
17 as provided in ch. 32 to have the damages appraised.

18 **SECTION 46.** 114.135 (4) of the statutes is amended to read:

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

BILL**SECTION 46**

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

11 **SECTION 47.** 114.135 (9) of the statutes is amended to read:

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

20 **SECTION 48.** 114.136 (1) (a) of the statutes is amended to read:

21 114.136 **(1)** (a) Any ~~county, city, village or town~~ city, village, town, county, or
22 district that is the owner of a site for an airport or spaceport which has been approved
23 for such purpose by the appropriate agencies of the state and the federal government
24 may protect the aerial approaches to such site by ordinance regulating, restricting
25 and determining the use, location, height, number of stories and size of buildings and

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

15 **SECTION 49.** 114.136 (2) (a) of the statutes is amended to read:

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

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1 **SECTION 50.** 114.136 (4) (a) of the statutes is amended to read:

2 114.136 **(4)** (a) Any ordinance enacted under this section shall provide for a
3 board of appeals. If the ~~county, city, village or town~~ city, village, town, county, or
4 district which is the owner of the airport or spaceport has enacted a zoning ordinance
5 under provision of law other than this section, the board of adjustment or board of
6 appeals set up by that ordinance shall also function as the board of appeals under
7 the ordinance enacted under this section.

8 **SECTION 51.** 114.136 (5) of the statutes is amended to read:

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

15 **SECTION 52.** 114.14 (1) of the statutes is amended to read:

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

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1 board or body of such ~~village, city,~~ village, town or county, or district having
2 jurisdiction to adopt such regulations and establish such fees or charges, subject
3 however to the approval of such governing body before they shall take effect.

4 **SECTION 53.** 114.14 (2) (f) of the statutes is amended to read:

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

13 **SECTION 54.** 114.151 of the statutes is amended to read:

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

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1 **SECTION 55.** 114.32 of the statutes is amended to read:

2 **114.32 Federal aid for airports. (1)** SECRETARY MAY ACCEPT. The secretary
3 may cooperate with the government of the United States, and any agency or
4 department thereof in the acquisition, construction, improvement, maintenance and
5 operation of airports and other air navigation facilities in this state, and comply with
6 the laws of the United States and any regulations made thereunder for the
7 expenditure of federal moneys upon such airports and other air navigation facilities,
8 and may enter into any contracts necessary to accomplish such purpose. The
9 secretary may accept, receive and receipt for federal moneys and other moneys,
10 either public or private, for and in behalf of this state or any municipality or district
11 thereof, for training and education programs, for the acquisition, construction,
12 improvement, maintenance and operation of airports and other aeronautical
13 facilities, whether such work is to be done by the state or by such municipalities or
14 districts, or jointly, aided by grants of aid from the United States, upon such terms
15 and conditions as are or may be prescribed by laws of the United States and any rules
16 or regulations made thereunder, and the secretary may act as agent of any
17 municipality of, or district in, this state or the owner of any public-use airport upon
18 the request of such municipality or district, or the owner of the public-use airport,
19 in accepting, receiving and receipting for such moneys in its behalf for airports, and
20 in contracting for the acquisition, improvement, maintenance or operation of
21 airports financed either in whole or in part by federal moneys, and the governing
22 body of any such municipality or district, or the owner of the public-use airport, may
23 designate the secretary as its agent for such purposes and enter into an agreement
24 with the secretary prescribing the terms and conditions of such agency in accordance
25 with federal laws, rules and regulations and with this chapter. Such moneys as are

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1 paid over by the U.S. government shall be retained by the state or paid over to said
2 municipalities or districts or to the owners of the public-use airports under such
3 terms and conditions as may be imposed by the U.S. government in making such
4 grants.

5 **(3) CONTRACTS.** All contracts for the acquisition, construction, improvement,
6 maintenance and operation of airports and other aeronautical facilities, made by the
7 secretary of transportation either as the agent of this state or as the agent of any
8 municipality or district or as the agent of the owner of a public-use airport, shall be
9 made pursuant to the laws of this state governing the making of like contracts;
10 provided, however, that where the acquisition, construction, improvement,
11 maintenance and operation of any airport or landing strip and other aeronautical
12 facilities is financed or partially financed with federal moneys, the secretary of
13 transportation, as agent of the state or of any municipality or district thereof or of
14 the owner of a public-use airport, may let contracts in the manner prescribed by the
15 federal authorities, acting under the laws of the United States, and any rules or
16 regulations made thereunder, notwithstanding any other state law to the contrary.

17 **(4) DISPOSITION OF FEDERAL FUNDS.** All moneys accepted for disbursement by the
18 secretary of transportation pursuant to this section shall be deposited in the state
19 treasury, and, unless otherwise prescribed by the authority from which the money
20 is received, kept in separate funds, designated according to the purpose for which the
21 moneys were made available, and held by the state in trust for such purposes. All
22 such moneys are appropriated for the purposes for which the same were made
23 available to be expended in accordance with federal laws and regulations and with
24 this chapter. The secretary of transportation, whether acting for this state or as the
25 agent of any of its municipalities or districts or as the agent of the owner of a

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1 public-use airport, or when requested by the U.S. government or any agency or
2 department thereof, may disburse such moneys for the designated purposes, but this
3 shall not preclude any other authorized method of disbursement.

4 **(5) LOCAL PROJECTS AND FUNDS; SECRETARY'S FUNCTIONS.** No ~~county, city, village~~
5 ~~or town~~ city, village, town, county, or district, whether acting singly or jointly with
6 a ~~county, city, village or town~~ city, village, town, county, or district, shall submit to
7 a federal aeronautical agency or department any project application requesting
8 federal assistance, for any airport improvement, aeronautical facility or planning
9 study, unless the project and the project application have been first approved by the
10 secretary. No such ~~county, city, village or town~~ city, village, town, county, or district
11 shall directly accept, receive, receipt for or disburse any funds granted by the United
12 States for the project, but it shall designate the secretary as its agent and in its behalf
13 to accept, receive, receipt for and disburse such funds. It shall enter into an
14 agreement with the secretary prescribing the terms and conditions of the secretary's
15 functions under such agency in accordance with federal laws, rules and regulations
16 and applicable laws of this state.

17 **SECTION 56.** 114.33 (1) of the statutes is amended to read:

18 114.33 **(1)** Any ~~county, city, village or town~~ city, village, town, county, or district,
19 either singly or jointly with one or more ~~counties, cities, villages or towns~~ cities,
20 villages, towns, counties, or districts, or any owner of a public-use airport desiring
21 to sponsor an airport development project to be constructed with federal aid and state
22 aid or with the state aid alone as provided by this chapter, may initiate such project
23 in the manner provided by this section. The department may initiate and sponsor
24 an airport project in the same manner as a local governing body. If the department
25 initiates and sponsors an airport project, it shall hold a hearing in the area affected

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1 by the project. Notice of the hearing shall be given as provided in sub. (2). The
2 department may install, operate and maintain air navigation facilities with or
3 without federal aid and may enter into agreements with sponsors to share the
4 maintenance and operation costs of such facilities.

5 **SECTION 57.** 114.33 (2) of the statutes is amended to read:

6 114.33 (2) Such initiation shall be by a petition filed with the secretary by the
7 governing body or bodies of the ~~counties, cities, villages or towns~~ cities, villages,
8 towns, counties, or districts or by the governing body of a public-use airport not
9 owned by a ~~county, city, village or town~~ city, village, town, county, or district desiring
10 to sponsor the project, or if the project is initiated and sponsored by the department
11 by a statement by the secretary setting forth among other things that the airport
12 project is necessary and the reason therefor; the class of the airport that it is desired
13 to develop, the location of the project in general, and the proposed site tentatively
14 selected; the character, extent and kind of improvement desired under the project,
15 evidence, in the form of a transcript, that the project has received a public hearing
16 in the area affected before adoption by the petitioners, and any other statements that
17 the petitioners or the department may desire to make. At least 10 days' notice of the
18 public hearing shall be given by publication of a class 1 notice, under ch. 985, in the
19 area affected.

20 **SECTION 58.** 114.33 (3) of the statutes is amended to read:

21 114.33 (3) If the project has been sponsored by a local governing body or bodies
22 or by the governing body of a public-use airport not owned by a ~~county, city, village~~
23 ~~or town~~ city, village, town, county, or district, the secretary shall make a finding
24 within a reasonable time after receipt of the petition. If such finding is generally
25 favorable to the development petitioned for, the secretary shall submit the finding

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1 to the governor for approval and no finding favoring an airport development project
2 shall be effective unless the governor's approval is endorsed thereon in writing. If
3 the finding is approved by the governor the secretary shall notify the petitioners to
4 that effect by filing a copy of the finding, which shall include among other things the
5 location of the approved site, the character and extent of the improvements deemed
6 necessary, and an approximate estimate of the costs and the amount to be paid by
7 the sponsor. The finding shall constitute approval of the airport site so specified as
8 a portion of the state airport system. On receipt of the finding the sponsors shall take
9 action at their next meeting toward providing their share of the cost and shall
10 promptly notify the secretary. The sponsors may proceed in accordance with the
11 finding to acquire the site and to make master development plans and project plans,
12 and shall be entitled to receive credit therefor as provided by federal law and by this
13 chapter. On completion and approval of the plans a revised estimate of the project
14 costs shall be made for the purposes of the project application.

15 **SECTION 59.** 114.33 (8) of the statutes is amended to read:

16 114.33 **(8)** (a) The secretary, upon the petition of a sponsoring municipality or
17 district, may provide that all or certain parts of the required land or interests in land
18 may be acquired by the municipality or district named by the secretary. When so
19 provided, the municipality or district and the secretary shall appraise and set the
20 maximum price, including damages, considered reasonable for the lands or interests
21 to be so acquired. The municipality or district shall endeavor to obtain easements
22 or title in fee simple by conveyance of the lands or interests required, as directed in
23 the secretary's order. The instrument of conveyance shall name the municipality or
24 municipalities district as grantee and shall be subject to approval by the secretary,
25 and shall be recorded in the office of the register of deeds and filed with the secretary.

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1 If the needed lands or interests in lands cannot be purchased expeditiously within
2 the appraised price, the municipality or district may acquire them by condemnation,
3 as provided in s. 32.05.

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

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

15 **SECTION 60.** 114.33 (9) of the statutes is amended to read:

16 114.33 (9) The cost of the lands and interests acquired and damages allowed
17 pursuant to this section, incidental expenses and the customary per diem and
18 expenses of the municipality or district incurred in performing duties pursuant to
19 this section, shall be paid out of the available airport improvement funds.

20 **SECTION 61.** 114.33 (11) of the statutes is amended to read:

21 114.33 (11) Subject to the approval of the governor, the secretary may convey
22 lands or interests in lands acquired under this section and improvements installed
23 on those lands to municipalities or districts named in the secretary's order. The
24 conveyance of the lands or interests in lands and improvements shall restrict the use
25 of the premises by the municipality or district to the uses for which they were

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1 acquired, except that the lands or interests in lands declared by the secretary to be
2 excess may be conveyed without restrictions as to use.

3 **SECTION 62.** 114.33 (13) of the statutes is amended to read:

4 114.33 (13) Subsections (6) to (12) do not apply to lands or interests in lands
5 associated with projects for public-use airports which are not owned by a ~~county, city,~~
6 ~~village or town~~ city, village, town, county, or district.

7 **SECTION 63.** 219.09 (1) (h) of the statutes is created to read:

8 219.09 (1) (h) Bonds issued by a local airport district under subch. VI of ch. 229.

9 **SECTION 64.** Subchapter VI of chapter 229 [precedes 229.860] of the statutes
10 is created to read:

11 SUBCHAPTER VI

12 LOCAL AIRPORT DISTRICTS

13 **229.860 Definitions.** In this subchapter:

14 (1) “Airport” means any area of land or water which is used, or intended for use,
15 for the landing and take-off of aircraft, and any appurtenant areas which are used,
16 or intended for use, for airport buildings or other airport facilities or rights-of-way,
17 together with all airport buildings and facilities located thereon.

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

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

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

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

25 (d) Mail service.

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1 (e) Military and national guard units.

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

4 **(3)** “Bond” means any bond, note, or other obligation issued under s. 66.0621
5 by a district.

6 **(4)** “Chief elected official” means the mayor of a city or, if the city is organized
7 under subch. I of ch. 64, the president of the council of that city, the village president
8 of a village, or the county executive of a county or, if the county does not have a county
9 executive, the chairperson of the county board of supervisors.

10 **(5)** “District” means a special purpose district created under this subchapter.

11 **(6)** “District board” means the governing board of a district.

12 **(7)** “Enabling resolution” means a resolution adopted by the governing body of
13 a local governmental unit to create a district.

14 **(8)** “Local governmental unit” means any city, village, or county.

15 **(9)** “Municipality” means any city, village, or town.

16 **(10)** “Passenger facility charge” means a passenger facility charge authorized
17 under 49 USC 40117 and designated as a passenger facility charge under 14 CFR
18 158.

19 **(11)** “Political subdivision” means any city, village, town, or county.

20 **(12)** “Sponsor” means the public agency authorized by 49 USC 47102 (24) to
21 submit requests for financial assistance from the federal aviation administration.

22 **(13)** “Surrounding community” means an area consisting of all cities, villages,
23 or towns that have borders contiguous to a district airport and whose territorial
24 jurisdictions include any part of a district airport, or whose territorial jurisdictions
25 include property that has received funding as a result of the most recently adopted

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1 noise abatement study, completed pursuant to 14 CFR 150, for an airport transferred
2 under s. 229.865 on or before the date of transfer. “Surrounding community” does
3 not include a city or village that creates the district.

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

8 **229.861 Creation, organization, and administration.** **(1)** One or more
9 local governmental units may create a district that is a unit of local government, that
10 is a body corporate and politic, that is separate and distinct from, and independent
11 of, the state and the political subdivisions within its jurisdiction, that has the powers
12 under s. 229.863 and the name of which includes “Airport District,” if all of the
13 following occur:

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

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

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

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

21 **(2)** A district is governed by its district board.

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

24 (a) Two members of the district board shall be appointed by the governor to
25 4-year terms expiring on July 1. The initial appointments under this paragraph

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1 shall expire on July 1 of the 3rd year beginning after the year of creation of the
2 district.

3 (b) Subject to par. (j), 2 members of the district board shall be appointed by the
4 chief elected official of the creating local governmental unit to 4–year terms expiring
5 on July 1. The initial appointments under this paragraph shall expire on July 1 of
6 the 4th year beginning after the year of creation of the district.

7 (c) 1. Except as otherwise provided in this paragraph, 2 members of the district
8 board shall be appointed by a majority of the chief elected officials of the surrounding
9 community to 4–year terms expiring on July 1. The initial appointments under this
10 paragraph shall expire on July 1 of the 5th year after the year of creation of the
11 district.

12 2. If the surrounding community includes only one chief elected official, that
13 person shall make both appointments. If the surrounding community includes only
14 2 chief elected officials, each person shall make one appointment.

15 3. If the surrounding community consists of at least 3 cities, villages, or towns,
16 in any combination, each municipality shall be represented on the district board by
17 one of its residents before any one municipality is represented a 2nd time. This
18 rotational method of representation shall continue throughout the period of the
19 district's existence.

20 (d) 1. Except as otherwise provided in this paragraph, 2 members of the district
21 board shall be appointed, to 4–year terms expiring on July 1, by a majority of the chief
22 elected officials of the counties contiguous to the county containing the greatest
23 portion of the territory under the jurisdiction of the district. The initial
24 appointments under this paragraph shall expire on July 1 of the 5th year after the
25 year of creation of the district.

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1 2. If there is only one contiguous county, the chief elected official of the county
2 shall make both appointments. If there are only 2 contiguous counties, the chief
3 elected official of each county shall make one appointment.

4 3. If there are at least 3 contiguous counties, each county shall be represented
5 on the district board by one of its residents before any one county is represented a
6 2nd time. This rotational method of representation shall continue throughout the
7 period of the district's existence.

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

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

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

14 2. The initial appointment under this paragraph shall expire on July 1 of the
15 4th year after the year of creation of the district.

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

19 2. A member appointed by the chief elected official under par. (b) or (e) may take
20 his or her seat immediately upon appointment and qualification, subject to
21 confirmation or rejection by the legislative body of the local governmental unit
22 represented by the appointing chief elected official.

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

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1 (g) A member appointed under par. (a) may be removed before the expiration
2 of his or her term by the appointing authority but only for cause, as defined in s.
3 17.001.

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

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

- 13 1. The term for which the member was appointed expires.
- 14 2. The member is removed by the appointing authority under par. (g).

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

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

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

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

3 **(5)** The district board shall name the district, and the name shall include
4 “Airport District.”

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

7 **229.862 Jurisdiction. (1)** The initial jurisdiction of a district created under
8 s. 229.861 (1) includes all or part of the territory of a local governmental unit, as
9 specified in the enabling resolution, except that no territory may be within the
10 jurisdiction of more than one district and no local governmental unit may create a
11 district having jurisdiction over an airport owned or operated by another unit of
12 government without the consent of that other unit of government.

13 **(2)** The jurisdiction of any district shall expand beyond its initial jurisdiction
14 to include any additional territory that is owned or leased by the district, and shall
15 contract from its initial jurisdiction to exclude any territory that is no longer owned
16 or leased by the district. The jurisdiction of a district may include territories that are
17 not contiguous or that are located in multiple units of government.

18 **229.863 Powers of a district.** A district has all of the powers necessary or
19 convenient to carry out the purposes and provisions of this subchapter. In addition
20 to all other powers granted by this subchapter, a district may do all of the following:

21 **(1)** Adopt bylaws to govern the district’s activities, subject to this subchapter.

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

23 **(3)** Maintain an office.

24 **(4)** In connection with airport facilities:

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

3 (c) Grant concessions.

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

14 (e) Enter into contracts, leases, franchises, or other agreements with any
15 person for granting the privilege of using, improving, or having access to an airport
16 or any airport facility for commercial airline-related purposes consistent with its
17 obligations under federal law, regulations, and assurances associated with accepting
18 grants from the federal aviation administration or any other agency of the United
19 States or this state.

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

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

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1 (h) Sell or otherwise dispose of unneeded or unwanted property in a manner
2 consistent with its obligations under federal law, regulations, and assurances
3 associated with accepting grants from the federal aviation administration or any
4 other agency of the United States or this state.

5 **(5)** (a) Except as provided in par. (b), employ personnel and fix and regulate
6 their compensation; and provide, either directly or subject to an agreement under s.
7 66.0301 as a participant in a benefit plan of another governmental entity, any
8 employee benefits, including an employee pension plan.

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

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

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

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

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

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

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

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

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

17 **(13)** (a) The district shall have concurrent police power, with other authorized
18 peace officers, in its jurisdiction. Such concurrent police authority shall not be
19 construed to reduce or lessen the authority of the police power of the political
20 subdivision in which an airport may be located. All district police officers shall
21 cooperate with and be responsive to the local police authorities as they meet and
22 exercise their statutory responsibilities. All district police officers may arrest, with
23 or without warrant, any person on or in airport facilities within the district's
24 jurisdiction who the officers have reasonable grounds to believe has violated a state
25 law or any rule promulgated under this subchapter and deliver the person to any

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1 court having jurisdiction over the violation and execute a complaint charging the
2 person with the violation. This subsection does not impair the duty of any other
3 peace officers within their jurisdictions to arrest and take before the proper court
4 persons found violating any state law on or in airport facilities within the district's
5 jurisdiction.

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

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

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

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

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

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

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

10 **(19)** Take any necessary action to comply with the terms and conditions of a
11 federal aviation administration certificate, as described in 14 CFR 139.

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

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

16 **229.864 Powers granted to local governmental units; limitations on**
17 **powers. (1)** In addition to any powers that it may otherwise have, a local
18 governmental unit may do any of the following:

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

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

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

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

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

4 **229.865 Transfer agreements. (1)** A local governmental unit may enter into
5 a transfer agreement with a district created under s. 229.861 (1) to provide the terms
6 and conditions upon which the local governmental unit transfers an airport and
7 airport facilities to the district. A transfer may take the form of a sale, lease, or other
8 conveyance. A transfer agreement shall require the district to do all of the following:

9 (a) To the extent allowed by law, honor the terms of any collective bargaining
10 agreement in force at the time of the transfer with respect to persons employed by
11 the local governmental unit at a transferred airport or airport facilities.

12 (b) Notwithstanding s. 111.70 (2), (3), and (6), recognize and bargain in good
13 faith with unions in existence and whose members are employed at a transferred
14 airport or airport facilities at the time of transfer.

15 (c) Accept an assignment of all contracts with other persons, with respect to
16 transferred 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
18 any related assets, property, licenses, contracts, and revenues to a district created
19 by another local governmental body upon the terms and conditions contained in a
20 transfer agreement that is agreed to by the parties.

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

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1 district. All bonds of the district are declared to be negotiable for all purposes,
2 notwithstanding that their payment may be from a limited source.

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

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

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

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

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

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

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

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

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

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

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

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

21 **(6)** The district may secure any bonds issued under this subchapter by a trust
22 agreement, trust indenture, indenture of mortgage, or deed of trust by and between
23 the district and one or more trust companies or banks having trust powers. The bond
24 resolution providing for the issuance of bonds or a related trust indenture may
25 mortgage, pledge, assign, and grant security interests in any of the revenues and

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1 property of the district and may contain provisions for protecting and enforcing the
2 rights and remedies of the bondholders as are reasonable and proper, and may
3 restrict the individual right of action by bondholders. In addition, any bond
4 resolution or a related trust indenture may contain any other provisions that the
5 district considers reasonable and proper for the security of the bondholders.

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

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

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

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

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

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

10 **SECTION 65. Effective dates.** This act takes effect on the day after publication,
11 except as follows:

12 (1) The repeal and recreation of section 40.02 (28) of the statutes takes effect
13 on January 1, 2010.

14 (END)