

1999 DRAFTING REQUEST

Bill

Received: **01/11/99**

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-1103**

By/Representing: **Milioto**

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Alt. Drafters: **kuesejt**

Subject: **Higher Education - miscellaneous
Higher Education - UW System**

Extra Copies: **PG, MDK**

Topic:

DOA:.....Milioto - Public broadcasting nonprofit corporation

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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Higher Education - UW System

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15-24-99
Kmg
Km 2/1
JH 2/1
Km 1

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FE Sent For:

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Higher Education - UW System**

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KNG**

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FE Sent For:

1/29/99
1/29/99
JK

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Higher Education - UW System**

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1?	kunkemd 01/13/99 mlief	1-1-28-99 <i>Kmg</i>	<i>IS</i> 1/26/99	<i>2S/HH</i> 1/26/99			
		12/27 <i>JLG</i>	1/1-28	1/1-28			
FE Sent For:		1/3-1/28-Kmg	<i>Km</i> 1/28	<i>HP</i> <END> <i>HP</i> <i>2A</i> <i>Km</i> 1/28			

1) The budget bill creates a nonprofit, tax-exempt corporation to provide public broadcasting services on a privatized basis.

2) The ECB and the UW-Extension public broadcasting unit will remain intact until such time as the FCC and the IRS give their approval to the transfer of the licenses and the tax-exempt format, respectively. Upon the effective approval date of these two entities (whichever is later):

- The ECB and the UW-Extension broadcasting division will cease to exist.
- ~~All licenses will transfer to the nonprofit corporation.~~
- Unencumbered funds at the ECB and the UW-Extension will be transferred to the nonprofit corporation's appropriations.
- Employees will either terminate as employees of the ECB and the UW-Extension, or will become employees of other state agencies. (This will be dependent on the report submitted to the joint committee on finance. See 3) below.)
- Appropriations at the UW and (DPI) will be activated.

[Note: The nonprofit corporation will need a number in the Ch. 20 schedule. It will also require appropriations. We've discussed 265 as the Ch. 20 number but we have not discussed the number of appropriations the nonprofit will need. One appropriation that will definitely be needed is one that will allow the board of directors to incur start-up costs.]

3) The budget will designate the Secretary of the Department of Administration (DOA) and two others appointed by the Governor to serve as a transition board. (DOA will provide all necessary staff services to the transition board.) The transition board will have the following responsibilities:

- Drafting the articles of incorporation.
- Preparing a report, in conjunction with DOA, that will specify how many employees and what level of state funding is needed to continue providing public broadcasting services upon transfer of the licenses to the nonprofit corporation. The report will also address how the nonprofit corporation can fund the conversion to digital television.

[In essence, the report will specify which employees will go where once the FCC and the IRS have given their approval.]

4) The transition board and DOA will submit the report to the joint committee on finance for its approval. If approval is given, the approved plan will become effective upon transfer of the licenses or IRS approval of tax-exempt status, whichever is later.

5) Once the transition board has articles of incorporation and an approved employee/funding plan, the transition board members will call for the first meeting of

the board of directors of the nonprofit corporation. Once the first meeting is completed, the transition board will disband and their role will be completed.

6) The board of directors:

- Will consist of nine members appointed by the Governor.
- Will draft by-laws for the nonprofit corporation, apply to the IRS for tax-exempt status and apply to the FCC for the transfer of the licenses.
- Will negotiate a lease arrangement with the owners of existing public broadcasting towers (and related structures, equipment and property) for their continued use.

[Note #1: If the Governor appoints the board of directors on Day 1, how do we compel the board on Day 2 to maintain its current size and structure given that state aid for the nonprofit corporation will not start flowing until the licenses are transferred?]

[Note#2: In our discussions regarding bullet point #2, we (or I) suggested putting all this in statute. Isn't this redundant and unnecessary, as the board will have to do all of this just to move forward?]

[Note#3: In bullet point #3, I deliberately did not say that the state would be the owners of transmitters, etc. as we may be selling everything off. This may also be redundant and unnecessary to put in statute as the nonprofit corporation will have to do this anyway to broadcast.]

7) When the nonprofit corporation receives FCC and IRS effective approval dates, the “trigger mechanism” described in 2) on the previous page will take effect. Three things will occur:

- Licenses and unencumbered funding will transfer to the nonprofit corporation’s appropriations (which will be “activated” by the effective date of approval). Employees will either terminate or be transferred to other agencies (as specified in the report to joint finance). As a condition of continued state aid, the nonprofit corporation will implement the joint finance-approved report on employes and funding.
- ✓ • A single public broadcasting appropriation at the UW, created in the budget bill, will be activated. This appropriation will be used by the UW to “buy” programming and airtime from the nonprofit corporation.
- ✓ • A single public broadcasting appropriation at DPI, created in the budget bill, will be activated. This appropriation will be used by DPI to “buy” programming and airtime from the nonprofit corporation.

8) As a condition of continued state aid, the nonprofit corporation will honor all existing public broadcasting contracts.

9) As a condition of continued state aid, the nonprofit corporation will be subject to open records laws, open meetings laws and audits by the Legislative Reference Bureau.

* 10) As a condition of continued state aid, the nonprofit corporation will negotiate with Milwaukee Area Public Television for its entry into the nonprofit corporation, if it so desires.

11) If the nonprofit corporation fails to win FCC or IRS approval, no change would occur in the way in which public broadcasting is provided.

Don't add TC w/ Steve 1/22
FE

MATC transfer the licenses to nonprofit

9101 (2)(a)

Lief, Madelon

From: Milioto, Steve
Sent: Monday, January 25, 1999 8:57 AM
To: Lief, Madelon
Subject: Changes to nonprofit corporation draft

I have two changes to make to the nonprofit corporation draft:

- 1) The operating report prepared by the DOA secretary and the two gubernatorial appointees will have to go to joint finance for approval.
- 2) The board of directors will consist of the DOA Secretary, two Assembly reps, two Senate reps, a UW Board of Regents member and 3 appointees made by the Governor. This is a change from nine appointments by the Governor.

Let me know if you have any questions! Best, Steve Milioto

~~joint committee~~
~~positions eliminated~~
~~4 representatives~~

installments



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1696/1

MIL & JTK
King

DOA:.....Milioto - Public broadcasting nonprofit corporation

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

WPO:
check auto refs.

D-N

ASAP - no later
than 1/26/99 5 pm

By [initials] 11 a.m.
Tues.

Don't
conced.

1 AN ACT...; relating to: the budget.

Analysis by the Legislative Reference Bureau

and to take
all actions
necessary to
implement

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the educational communications board (ECB) is responsible for overseeing and coordinating the provision of public broadcasting to Wisconsin. In addition, the board of regents of the University of Wisconsin System (board), as licensee, must manage, operate and maintain a radio and television station and provide the ECB part-time use of equipment and space necessary for the operations of the state educational radio and television networks.

This bill directs the secretary of administration (secretary) and two persons chosen by the governor to draft and file articles of incorporation for a nonstock educational broadcasting corporation that qualify the corporation for tax-exempt status under the Internal Revenue Code. In addition, the secretary and two persons chosen by the governor must prepare and submit to the joint committee on finance for its approval an operational plan for the corporation that includes a list of those persons employed by the board and the ECB who are best-suited to provide educational broadcasting services for the corporation and an estimate of the level of funding necessary to cover the corporation's annual operating expenses.

two
from
taxation

(JCF)

JCF's

The corporation is entitled to receive state aid for initial administrative expenses if the articles of incorporation of the corporation state that the purpose of the corporation is to provide educational broadcasting to Wisconsin and that, if the

1 ✓

corporation dissolves or discontinues educational broadcasting to Wisconsin, ^{must} the corporation ~~shall~~ in good faith take all reasonable measures to transfer or assign the corporation's assets, licenses and rights to an entity whose purpose is to advance educational broadcasting in Wisconsin; the articles of incorporation name as initial directors the secretary, two state representatives to the assembly, two state senators, a member of the board and three individuals selected by the governor; ^{and} the initial board of directors of the corporation submits an application to the federal communications commission (FCC) to transfer all broadcasting licenses held by ECB and the board to the corporation.

If the FCC approves the transfer of all broadcasting licenses held by the ECB and the board to the corporation, the ECB is eliminated on the effective date of the transfer of the broadcasting licenses. In addition, the corporation is entitled to receive additional state aid for operational expenses if the board of directors of the corporation offers employment beginning on the effective date of the transfer of all the broadcasting licenses to those individuals designated in the operational plan; the board of directors of the corporation honors affiliation agreements entered into by the ~~educational communications board~~; the board of directors of the corporation negotiates with the board and the secretary for the use of state-owned equipment and space necessary for the operations of educational radio and television networks; the secretary approves any amendment to the corporation's articles of incorporation or bylaws; **INSERT A**

Finally, the **INSERT AA**

For further information see the *state* 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:

INSERT B

SECTION 1. 15.105 (25) (bm) of the statutes is amended to read:

15.105 (25) (bm) A member of the educational communications board. If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board and the board of regents of the University of Wisconsin System to the corporation described under s. 39.81, this paragraph does not apply on the effective date of the last license transferred.

... [revisor inserts date]

History: 1971 c. 40, 164, 270; 1973 c. 90, 333; 1975 c. 397; 1977 c. 29 s. 1649; 1977 c. 196 ss. 9, 10; 1977 c. 325, 392, 396, 418, 447; 1981 c. 20, 62, 182, 350, 374; 1983 a. 27, 91; 1983 a. 192 s. 303 (7); 1983 a. 371; 1985 a. 29 ss. 68 to 70, 87, 3202 (27); 1985 a. 180 s. 30m; 1987 a. 27, 142; 1987 a. 147 s. 25; 1987 a. 204, 342; 1989 a. 31, 56, 107, 345; 1991 a. 212, 269; 1993 a. 75, 246, 349, 437, 465, 491; 1995 a. 27 ss. 79 to 118p, 9116 (5), 9126 (19); 1995 a. 221, 225; 1997 a. 3, 27, 247.

1 SECTION 2. 15.57 ~~of the statutes~~ of the statutes is renumbered 15.57(1) ~~of the statutes~~.

2 SECTION 3. 15.57 (2) of the statutes is created to read:

3 15.57 (2) If the secretary of administration determines that the federal
4 communications commission has approved the transfer of all broadcasting licenses
5 held by the educational communications board and the board of regents of the
6 University of Wisconsin System to the corporation described under s. 39.81, this
7 section does not apply on the effective date of the last license transferred.

8 SECTION 4. 20.225 (1) (a) of the statutes is amended to read:

9 20.225 (1) (a) *General program operations.* The amounts in the schedule to
10 carry out its functions other than programming under ss. 39.11 and 39.13. If the
11 secretary of administration determines that the federal communications
12 commission has approved the transfer of all broadcasting licenses held by the board
13 and the board of regents of the University of Wisconsin System to the corporation
14 described under s. 39.81, after the effective date of the last license transferred,
15 no moneys may be encumbered under this paragraph.

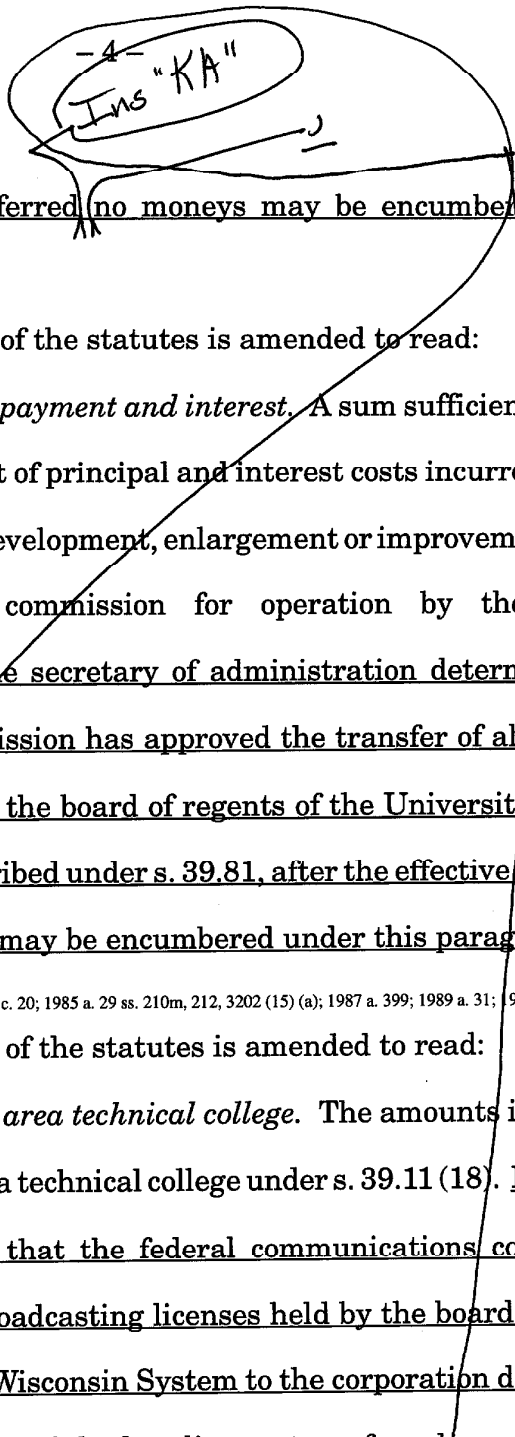
.....
[revisor
inserts
date]

Insert "KA"

History: 1971 c. 125; 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1981 c. 20; 1985 a. 29 ss. 210m, 212, 3202 (15) (a); 1987 a. 399; 1989 a. 31; 1993 a. 16; 1995 a. 27; 1997 a. 27.

16 SECTION 5. 20.225 (1) (b) of the statutes is amended to read:

17 20.225 (1) (b) *Energy costs.* The amounts in the schedule to pay for utilities and
18 for fuel, heat and air conditioning, and to pay costs incurred under ss. 16.858 and
19 16.895, by or on behalf of the board, and to repay to the energy efficiency fund loans
20 made to the board under s. 16.847 (6). If the secretary of administration determines
21 that the federal communications commission has approved the transfer of all
22 broadcasting licenses held by the board and the board of regents of the University
23 of Wisconsin System to the corporation described under s. 39.81, after the effective



1 date of the last license transferred no moneys may be encumbered under this
2 paragraph.

3 SECTION 6. 20.225 (1) (c) of the statutes is amended to read:

4 20.225 (1) (c) *Principal repayment and interest.* A sum sufficient to reimburse
5 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
6 the acquisition, construction, development, enlargement or improvement of facilities
7 approved by the building commission for operation by the educational
8 communications board. If the secretary of administration determines that the
9 federal communications commission has approved the transfer of all broadcasting
10 licenses held by the board and the board of regents of the University of Wisconsin
11 System to the corporation described under s. 39.81, after the effective date of the last
12 license transferred, no moneys may be encumbered under this paragraph.

History: 1971 c. 125; 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1981 c. 20; 1985 a. 29 ss. 210m, 212, 3202 (15) (a); 1987 a. 399; 1989 a. 31; 1993 a. 16; 1995 a. 27; 1997 a.
27.

13 SECTION 7. 20.225 (1) (d) of the statutes is amended to read:

14 20.225 (1) (d) *Milwaukee area technical college.* The amounts in the schedule
15 to contract with Milwaukee area technical college under s. 39.11 (18). If the secretary
16 of administration determines that the federal communications commission has
17 approved the transfer of all broadcasting licenses held by the board and the board
18 of regents of the University of Wisconsin System to the corporation described under
19 s. 39.81, after the effective date of the last license transferred, no moneys may be
20 encumbered under this paragraph.

History: 1971 c. 125; 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1981 c. 20; 1985 a. 29 ss. 210m, 212, 3202 (15) (a); 1987 a. 399; 1989 a. 31; 1993 a. 16; 1995 a. 27; 1997 a.
27.

21 SECTION 8. 20.225 (1) (eg) of the statutes is amended to read:

22 20.225 (1) (eg) *Transmitter construction.* As a continuing appropriation, the
23 amounts in the schedule to construct national weather service transmitters. If the

1 secretary of administration determines that the federal communications
 2 commission has approved the transfer of all broadcasting licenses held by the board
 3 and the board of regents of the University of Wisconsin System to the corporation
 4 described under s. 39.81, after the effective date of the last license transferred no
 5 moneys may be encumbered under this paragraph.

History: 1971 c. 125; 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1981 c. 20; 1985 a. 29 ss. 210m, 212, 3202 (15) (a); 1987 a. 399; 1989 a. 31; 1993 a. 16; 1995 a. 27; 1997 a.

27.
 History: 1971 c. 125; 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1981 c. 20; 1985 a. 29 ss. 210m, 212, 3202 (15) (a); 1987 a. 399; 1989 a. 31; 1993 a. 16; 1995 a. 27; 1997 a.

6 SECTION 9. 20.225 (1) (er) of the statutes is amended to read:

7 20.225 (1) (er) *Transmitter operation.* The amounts in the schedule to operate
 8 the transmitter constructed with moneys appropriated under par. (eg). If the
 9 secretary of administration determines that the federal communications
 10 commission has approved the transfer of all broadcasting licenses held by the board
 11 and the board of regents of the University of Wisconsin System to the corporation
 12 described under s. 39.81, after the effective date of the last license transferred no
 13 moneys may be encumbered under this paragraph.

History: 1971 c. 125; 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1981 c. 20; 1985 a. 29 ss. 210m, 212, 3202 (15) (a); 1987 a. 399; 1989 a. 31; 1993 a. 16; 1995 a. 27; 1997 a.

27.
 SECTION 10. 20.225 (1) (f) of the statutes is amended to read:

15 20.225 (1) (f) *Programming.* The amounts in the schedule for programming
 16 under s. 39.11. If the secretary of administration determines that the federal
 17 communications commission has approved the transfer of all broadcasting licenses
 18 held by the board and the board of regents of the University of Wisconsin System to
 19 the corporation described under s. 39.81, after the effective date of the last license
 20 transferred no moneys may be encumbered under this paragraph.

History: 1971 c. 125; 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1981 c. 20; 1985 a. 29 ss. 210m, 212, 3202 (15) (a); 1987 a. 399; 1989 a. 31; 1993 a. 16; 1995 a. 27; 1997 a.

27.
 SECTION 11. 20.225 (1) (g) of the statutes is amended to read:

21

INS. "KA" =

- 6 -
Ins "KA"
(2)

1 20.225 (1) (g) *Gifts, grants, contracts and leases.* All moneys received from
2 gifts, grants, contracts and the lease of excess capacity to carry out the purposes for
3 which received. If the secretary of administration determines that the federal
4 communications commission has approved the transfer of all broadcasting licenses
5 held by the board and the board of regents of the University of Wisconsin System to
6 the corporation described under s. 39.81, after the effective date of the last license
7 transferred no moneys may be encumbered under this paragraph.

History: 1971 c. 125; 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1981 c. 20; 1985 a. 29 ss. 210m, 212, 3202 (15) (a); 1987 a. 399; 1989 a. 31; 1993 a. 16; 1995 a. 27; 1997 a.

27. **SECTION 12.** 20.225 (1) (h) of the statutes is amended to read:

9 20.225 (1) (h) *Instructional material.* The amounts in the schedule for
10 providing instructional materials under s. 39.11 (16). All moneys received from the
11 sale of instructional material under s. 39.11 (16) and all moneys received under s.
12 39.115 (1) shall be credited to this appropriation. If the secretary of administration
13 determines that the federal communications commission has approved the transfer
14 of all broadcasting licenses held by the board and the board of regents of the
15 University of Wisconsin System to the corporation described under s. 39.81, after the
16 effective date of the last license transferred no moneys may be encumbered under
17 this paragraph.

History: 1971 c. 125; 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1981 c. 20; 1985 a. 29 ss. 210m, 212, 3202 (15) (a); 1987 a. 399; 1989 a. 31; 1993 a. 16; 1995 a. 27; 1997 a.

27. **SECTION 13.** 20.225 (1) (k) of the statutes is amended to read:

19 20.225 (1) (k) *Funds received from other state agencies.* All moneys received
20 from other state agencies to carry out the purposes for which received. If the
21 secretary of administration determines that the federal communications
22 commission has approved the transfer of all broadcasting licenses held by the board
23 and the board of regents of the University of Wisconsin System to the corporation

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1 described under s. 39.81, after the effective date of the last license transferred no
2 moneys may be encumbered under this paragraph.

History: 1971 c. 125; 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1981 c. 20; 1985 a. 29 ss. 210m, 212, 3202 (15) (a); 1987 a. 399; 1989 a. 31; 1993 a. 16; 1995 a. 27; 1997 a.

3 **SECTION 14.** 20.225 (1) (ka) of the statutes is amended to read:

4 20.225 (1) (ka) *Information technology development projects.* The amounts in
5 the schedule for the purpose of conducting information technology development
6 projects approved under s. 16.971 (5). All moneys transferred from the appropriation
7 account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation
8 account. If the secretary of administration determines that the federal
9 communications commission has approved the transfer of all broadcasting licenses
10 held by the board and the board of regents of the University of Wisconsin System to
11 the corporation described under s. 39.81, after the effective date of the last license
12 transferred no moneys may be encumbered under this paragraph.

History: 1971 c. 125; 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1981 c. 20; 1985 a. 29 ss. 210m, 212, 3202 (15) (a); 1987 a. 399; 1989 a. 31; 1993 a. 16; 1995 a. 27; 1997 a.

13 **SECTION 15.** 20.225 (1) (kb) of the statutes is amended to read:

14 20.225 (1) (kb) *Emergency weather warning system operation.* From the
15 moneys received by the department of administration for the provision of state
16 telecommunications and data processing services and sale of telecommunications
17 and data processing inventory items primarily to state agencies, the amounts in the
18 schedule for the operation of the emergency weather warning system under s. 39.11
19 (21). If the secretary of administration determines that the federal communications
20 commission has approved the transfer of all broadcasting licenses held by the board
21 and the board of regents of the University of Wisconsin System to the corporation

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1 described under s. 39.81, after the effective date of the last license transferred no
2 moneys may be encumbered under this paragraph.

History: 1971 c. 125; 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1981 c. 20; 1985 a. 29 ss. 210m, 212, 3202 (15) (a); 1987 a. 399; 1989 a. 31; 1993 a. 16; 1995 a. 27; 1997 a. 27.

3 SECTION 16. 20.225 (1) (m) of the statutes is amended to read:

4 20.225 (1) (m) *Federal grants.* All moneys received from the federal
5 government as authorized by the governor under s. 16.54 for the purposes for which
6 made and received. If the secretary of administration determines that the federal
7 communications commission has approved the transfer of all broadcasting licenses
8 held by the board and the board of regents of the University of Wisconsin System to
9 the corporation described under s. 39.81, after the effective date of the last license
10 transferred no moneys may be encumbered under this paragraph.

History: 1971 c. 125; 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1981 c. 20; 1985 a. 29 ss. 210m, 212, 3202 (15) (a); 1987 a. 399; 1989 a. 31; 1993 a. 16; 1995 a. 27; 1997 a. 27.

11 SECTION 17. 20.255 (2) (fw) of the statutes is created to read:

12 20.255 (2) (fw) *Educational programming.* The amounts in the schedule for
13 contracting with the corporation described under s. 39.81 for educational
14 programming.

NOTE: BUD

15 SECTION 18. 20.265 of the statutes is created to read:

16 20.265 *Educational broadcasting.* There is appropriated to the corporation
17 described under s. 39.81 for the following ~~activities~~ programs:

18 (1) EDUCATIONAL BROADCASTING. (a) *Initial costs.* The amounts in the schedule
19 for initial administrative costs.

20 (b) *Operational costs.* The amounts in the schedule for operational costs.

NOTE: BUD

21 SECTION 19. 20.285 (1) (fu) of the statutes is created to read:

1 20.285 (1) (fu) *Educational programming*. The amounts in the schedule for
2 contracting with the corporation described under s. 39.81 for educational
3 programming.

→ NOTE: BUD

4 SECTION 20. 20.505 (5) (d) of the statutes is created to read:

5 20.505 (5) (d) *Former educational communications board principal repayment*
6 *and interest*. A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of
7 principal and interest costs that are not paid under par. (h) and that are incurred in
8 financing the acquisition, construction, development, enlargement or improvement
9 of facilities approved by the building commission for operation by the educational
10 communications board. If the secretary of administration determines that the
11 federal communications commission has approved the transfer of all broadcasting
12 licenses held by the educational communications board and the board of regents of
13 the University of Wisconsin System to the corporation described under s. 39.81,
14 before the effective date of the last license transferred, no moneys may be encumbered
15 from the appropriation account under this paragraph.

→ NOTE: BUD

16 SECTION 21. 20.505 (5) (h) of the statutes is created to read:

17 20.505 (5) (h) *Lease payments for educational broadcasting facilities*. All lease
18 payments for state-owned educational broadcasting facilities and equipment
19 received from the corporation described under s. 39.81 for the purpose of reimbursing
20 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
21 the acquisition, construction, development, enlargement or improvement of facilities
22 approved by the building commission for operation by the educational
23 communications board.

→ NOTE: BUD

24 SECTION 22. 20.866 (1) (u) of the statutes, as affected by 1997 Wisconsin Act

25 27, is amended to read:

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20.866

1 (1)(u) *Principal repayment and interest.* A sum sufficient from moneys appropriated under sub.
 2 (2) (zp) and ss. 20.115 (2) (d) and (7) (f), 20.190 (1) (c), (d), (i) and (j), 20.225 (1) (c), 20.245 (1) (e),
 3 (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb),
 4 20.285 (1) (d), (db), (fh), (ih) and (kd) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa),
 5 (ac), (aq), (ar), (at), (ba), (ca), (ch), (cc), (cd), (ce), (ea), (eq) and (er), 20.395 (6) (aq) and (ar), 20.410
 6 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (go),
 7 (3) (t) and (4) (qm), 20.505 (5) (c), (d), (g) and (h) and (kc) and 20.867 (1) (a) and (b) and (3) (a),
 8 (b), (g), (h), (i) and (q) for the payment of principal and interest on public debt contracted under
 9 subchs. I and IV of ch. 18.

History: 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1656 (43); 1977 c. 418; 1979 c. 4; 1979 c. 34 ss. 675a to 677v, 2102 (6) (a), (39) (a), (52) (a); 1979 c. 107, 221; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1983 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 to 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246, 372, 388, 416, 452; 1997 a. 27, 35, 61, 164, 237, 252.

10 SECTION 23. 20.866 (2) (zd) of the statutes is amended to read:

11 20.866 (2) (zd) *Educational communications board; educational*
 12 *communications facilities.* From the capital improvement fund, a sum sufficient for
 13 the educational communications board to acquire, construct, develop, enlarge or
 14 improve educational communications facilities. The state may contract public debt
 15 in an amount not to exceed \$8,354,100 for this purpose. If the secretary of
 16 administration determines that the federal communications commission has
 17 approved the transfer of all broadcasting licenses held by the educational
 18 communications board and the board of regents of the University of Wisconsin
 19 System to the corporation described under s. 39.81, after the effective date of the last
 20 license transferred the state may not contract public debt under this paragraph.

History: 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1656 (43); 1977 c. 418; 1979 c. 4; 1979 c. 34 ss. 675a to 677v, 2102 (6) (a), (39) (a), (52) (a); 1979 c. 107, 221; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1983 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 to 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246, 372, 388, 416, 452; 1997 a. 27, 35, 61, 164, 237, 252.

21 SECTION 24. 20.923 (4) (e) 1e. of the statutes is amended to read:

1 20.923 (4) (e) 1e. Educational communications board: executive director. If the
 2 secretary of administration determines that the federal communications
 3 commission has approved the transfer of all broadcasting licenses held by the
 4 educational communications board and the board of regents of the University of
 5 Wisconsin System to the corporation described under s. 39.81, this subdivision does
 6 not apply on the effective date of the last license transferred. Ins "KA"

History: 1971 c. 18, 125, 164; 1971 c. 270 ss. 98, 104; 1971 c. 307, 321; 1973 c. 90, 156, 243, 333; 1975 c. 28; 1975 c. 39 ss. 236c to 247, 735 (5); 1975 Ex. Order No. 24; 1975 c. 189, 199, 224, 422; 1977 c. 29 ss. 399g to 406d, 1649, 1650m, 1654 (8) (e), 1656 (43); 1977 c. 44; 1977 c. 187 ss. 29, 30, 31, 135; 1977 c. 196 ss. 74 to 76m, 131; 1977 c. 203, 272, 277, 418, 447, 449; Sup. Ct. Order, 88 W (2d) xiii (1979); 1979 c. 32 s. 92 (1); 1979 c. 34, 89, 189; 1979 c. 221 ss. 201m to 218, 2202 (13); 1979 c. 361; 1981 c. 20 ss. 587 to 592g, 2202 (33) (b), (c), (56) (a); 1981 c. 96 ss. 16, 67; 1981 c. 121, 127, 347, 353; 1981 c. 390 s. 252; 1983 a. 27, 46, 121, 192, 371, 378; 1985 a. 18, 23; 1985 a. 29 ss. 603 to 607, 3202 (22) (a); 1985 a. 34, 332; 1987 a. 6, 27, 82, 119, 306, 340, 354, 399, 403; 1989 a. 31, 56, 107, 208, 219, 336; 1991 a. 39, 269; 1993 a. 12, 16, 75, 123, 144, 184, 294, 349, 399, 490; 1995 a. 27 ss. 1193 to 1217m, 9130 (4), 9216 (19); 1995 a. 37, 216, 225; 1997 a. 2, 3, 27, 29, 41, 194, 237.

7 **SECTION 25.** 20.923 (6) (b) of the statutes is amended to read:

8 20.923 (6) (b) Educational communications board: unclassified professional
 9 staff. If the secretary of administration determines that the federal communications
 10 commission has approved the transfer of all broadcasting licenses held by the
 11 educational communications board and the board of regents of the University of
 12 Wisconsin System to the corporation described under s. 39.81, this subdivision does
 13 not apply on the effective date of the last license transferred. Ins. "KA" paragraph

History: 1971 c. 18, 125, 164; 1971 c. 270 ss. 98, 104; 1971 c. 307, 321; 1973 c. 90, 156, 243, 333; 1975 c. 28; 1975 c. 39 ss. 236c to 247, 735 (5); 1975 Ex. Order No. 24; 1975 c. 189, 199, 224, 422; 1977 c. 29 ss. 399g to 406d, 1649, 1650m, 1654 (8) (e), 1656 (43); 1977 c. 44; 1977 c. 187 ss. 29, 30, 31, 135; 1977 c. 196 ss. 74 to 76m, 131; 1977 c. 203, 272, 277, 418, 447, 449; Sup. Ct. Order, 88 W (2d) xiii (1979); 1979 c. 32 s. 92 (1); 1979 c. 34, 89, 189; 1979 c. 221 ss. 201m to 218, 2202 (13); 1979 c. 361; 1981 c. 20 ss. 587 to 592g, 2202 (33) (b), (c), (56) (a); 1981 c. 96 ss. 16, 67; 1981 c. 121, 127, 347, 353; 1981 c. 390 s. 252; 1983 a. 27, 46, 121, 192, 371, 378; 1985 a. 18, 23; 1985 a. 29 ss. 603 to 607, 3202 (22) (a); 1985 a. 34, 332; 1987 a. 6, 27, 82, 119, 306, 340, 354, 399, 403; 1989 a. 31, 56, 107, 208, 219, 336; 1991 a. 39, 269; 1993 a. 12, 16, 75, 123, 144, 184, 294, 349, 399, 490; 1995 a. 27 ss. 1193 to 1217m, 9130 (4), 9216 (19); 1995 a. 37, 216, 225; 1997 a. 2, 3, 27, 29, 41, 194, 237.

14 **SECTION 26.** 38.125 of the statutes is amended to read:

15 **38.125 Public broadcasting stations.** If the district board governing the
 16 Milwaukee area technical college determines to relinquish its public broadcasting
 17 licenses, it shall, subject to the approval of the federal communications commission,
 18 offer to assign the licenses to the educational communications board, subject to
 19 approval of the federal communications commission or, if all broadcasting licenses
 20 held by the educational communications board and the board of regents of the

1 University of Wisconsin System have been transferred to the corporation described
2 under s. 39.81, to the corporation.

educational communications

History: 1985 a. 29; 1987 a. 399.

3 SECTION 27. 39.10 of the statutes is created to read:

4 (B) 39.10 **Applicability.** If the secretary of administration determines that the
5 federal communications commission has approved the transfer of all broadcasting
6 licenses held by the board and the board of regents of the University of Wisconsin
7 System to the corporation described under s. 39.81, this subchapter does not apply
8 on the effective date of the last license transferred. *Ins. "KB"*

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SECTION 28. 36.25 (5) (c) of the statutes is created to read:

11 36.25 (5) (c) If the secretary of administration determines that the federal
12 communications commission has approved the transfer of all broadcasting licenses
13 held by the educational communications board and the board of regents to the
14 corporation described under s. 39.81, this subsection does not apply on the effective
15 date of the last license transferred. *Ins "KB"*

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SECTION 29. Subchapter V of chapter 39 [precedes 39.81] of the statutes is
16 created to read:

→ CHAPTER 39
SUBCHAPTER V

EDUCATIONAL BROADCASTING

19 **39.81 Educational broadcasting corporation.** (1) INCORPORATION. The
20 secretary of administration and 2 individuals chosen by the governor shall jointly
21 draft and file articles of incorporation for a nonstock corporation under ch. 181 and
22 shall take all actions necessary to exempt the corporation from federal taxation
23 under section 501(c) (3) of the Internal Revenue Code.

Internal Revenue Code

1 (2) STATE AID. The corporation may receive state aid under s. 20.265 (1) (a) if
2 all of the following conditions are satisfied :

3 (a) The articles of incorporation state that the purpose of the corporation is to
4 provide educational broadcasting to Wisconsin and that if the corporation dissolves
5 or discontinues educational broadcasting in Wisconsin, the corporation shall in good
6 faith take all reasonable measures to transfer or assign the corporation's assets,
7 licenses and rights to an entity whose purpose is to advance educational
8 broadcasting in Wisconsin.

9 (b) The articles of incorporation name as initial directors of the corporation the
10 secretary of administration, 2 representatives to the assembly, 2 senators, a member
11 of the board of regents of the University of Wisconsin System and 3 individuals
12 selected by the governor.

13 (c) The initial board of directors of the corporation submits an application to
14 the federal communications commission to transfer all broadcasting licenses held by
15 the educational communications board and the board of regents of the University of
16 Wisconsin System to the corporation.

17 (3) BROADCASTING OPERATIONS. (a) The corporation under sub. (1) may receive
18 state aid under s. 20.265 (1) (b) if all of the following conditions are satisfied:

19 (1) The federal communications commission approves the application for the
20 transfer of all broadcasting licenses under sub. (1) (c), as determined by the secretary
21 of administration.

22 (b) The board of directors of the corporation offers employment beginning on
23 the effective date of the transfer of all the broadcasting licenses under par. (a), as
24 determined by the secretary of administration to those individuals designated in the
25 operational plan under 1999 Wisconsin Act ... (this act), Section 9101 (2) (a).

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1 (c) The board of directors of the corporation honors affiliation agreements
2 entered into by the educational communications board.

3 (d) The board of directors of the corporation negotiates with the board of regents
4 of the University of Wisconsin System and the secretary of administration for the use
5 of state-owned equipment and space necessary for the operations of educational
6 radio and television networks.

7 (e) The secretary of administration approves any amendment to the
8 corporation's articles of incorporation or bylaws.

9 ~~(B)~~ (4) (CS) Aid payments. ✓ }
The secretary of administration shall pay aid under sub. (2) in instalments,
10 as determined by the secretary.

11 INSERT C

12 SECTION 30. 230.08 (2) (e) 3m. of the statutes is amended to read:

13 230.08 (2) (e) 3m. Educational communications board — 4. If the secretary of
14 administration determines that the federal communications commission has
15 approved the transfer of all broadcasting licenses held by the educational
16 communications board and the board of regents of the University of Wisconsin
17 System to the corporation described under s. 39.81, this subdivision does not apply
18 on the effective date of the last license transferred. Thus. "KA"

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237.

19 SECTION 31. 230.08 (2) (L) 2. of the statutes is amended to read:

20 230.08 (2) (L) 2. Educational communications board, created under s. 15.57. ✓
21 If the secretary of administration determines that the federal communications
22 commission has approved the transfer of all broadcasting licenses held by the
23 educational communications board and the board of regents of the University of

1 Wisconsin System to the corporation described under s. 39.81, this subdivision does
 2 not apply on the effective date of the last license transferred. *INS "KA"*

3 SECTION 32. 230.08 (2) (we) of the statutes is amended to read:

4 230.08 (2) (we) Professional staff members of the educational communications
 5 board authorized under s. 39.13 (2). If the secretary of administration determines
 6 that the federal communications commission has approved the transfer of all
 7 broadcasting licenses held by the educational communications board and the board
 8 of regents of the University of Wisconsin System to the corporation described under
 9 s. 39.81, this paragraph does not apply on the effective date of the last license
 10 transferred. *INS. "KA"*

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237.

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237.

11 SECTION 33. 230.08 (4) (a) of the statutes is amended to read:

12 230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)
 13 includes all administrator positions specifically authorized by law to be employed
 14 outside the classified service in each department, board or commission and the
 15 historical society. [✓] In Except as provided in par. (am), in this paragraph,
 16 “department” has the meaning given under s. 15.01 (5), “board” means the
 17 educational communications board, investment board, public defender board and
 18 technical college system board and “commission” means the public service
 19 commission. Notwithstanding sub. (2) (z), no division administrator position
 20 exceeding the number authorized in sub. (2) (e) may be created in the unclassified
 21 service.

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237.

22 SECTION 34. 230.08 (4) (am) of the statutes is created to read:

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1 230.08 (4) (am) If the secretary of administration determines that the federal
 2 communications commission has approved the transfer of all broadcasting licenses
 3 held by the educational communications board and the board of regents of the
 4 University of Wisconsin System to the corporation described under s. 39.81, on the
 5 effective date of the last license transferred, "board" in par. (a) means the investment
 6 board, public defender board and technical college system board.

7 **SECTION 9101. Nonstatutory provisions; administration.**

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8

(1) TRANSFER OF FUNDS APPROPRIATED FOR PUBLIC BROADCASTING. (a) If the
 9 secretary of administration determines that the federal communications
 10 commission has approved the transfer of all broadcasting licenses held by the
 11 educational communications board and the board of regents of the University of
 12 Wisconsin System to the corporation described under section 39.81 of the statutes,
 13 as created by this act, on the effective date of the last license transferred, all
 14 unencumbered balances appropriated to the board of regents of the University of
 15 Wisconsin System under section 20.285 of the statutes for public broadcasting, as
 16 determined by the secretary of administration, are transferred to the corporation
 17 described under section 39.81 of the statutes, as created by this act.

18 (b) If the secretary of administration determines that the federal
 19 communications commission has approved the transfer of all broadcasting licenses
 20 held by the educational communications board and the board of regents of the
 21 University of Wisconsin System to the corporation described under section 39.81 of
 22 the statutes, as created by this act, on the effective date of the last license
 23 transferred, there is transferred to the appropriation account under section 20.265

24 (1) (b) of the statutes, as created by this act, the unencumbered balance of the

1 appropriation accounts under section 20.225 (1) (a) and (b) and (d) to (m) of the
2 statutes.

3 (2) OPERATIONAL PLAN FOR EDUCATIONAL BROADCASTING CORPORATION. (a) The
4 secretary of administration and ~~two~~ individuals chosen by the governor shall prepare
5 an operational plan for the corporation described under section 39.81 of the statutes,
6 as created by this act. The plan shall include all of the following:

7 (a) A list of those individuals employed by the board of regents of the University
8 of Wisconsin System and the educational communications board best-suited to
9 provide educational broadcasting services for the corporation described under
10 section 39.81 of the statutes, as created by this act.

11 (b) The number of authorized FTE positions at the University of Wisconsin
12 System that would be eliminated if all broadcasting licenses held by the educational
13 communications board and the board of regents of the University of Wisconsin
14 System were transferred to the corporation described under section 39.81 of the
15 statutes, as created by this act.

16 (c) An estimate of the level of funding necessary to cover the annual operating
17 expenses of the corporation described under section 39.81 of the statutes, as created
18 by this act.

19 (3) REVIEW OF OPERATIONAL PLAN. The secretary of administration shall submit
20 the operational plan under subsection (2) to the cochairpersons of the joint
21 committee on finance. If the cochairpersons of the joint committee on finance do not
22 notify the secretary of administration within 14 working days after the date of the
23 submittal of the operational plan that the joint committee on finance has scheduled
24 a meeting to review the operational plan, the operational plan may be implemented
25 as proposed by the secretary of administration. If, within 14 working days after the

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1 date of the submittal of the operational plan, the cochairpersons of the joint
2 committee on finance notify the secretary of administration that the joint committee
3 on finance has scheduled a meeting to review the operational plan, the operational
4 plan may be implemented only upon approval of the joint committee on finance.

5 (4) ~~FTE~~ POSITIONS. ^{DECREASE} If the secretary of administration determines that the
6 federal communications commission has approved the transfer of all broadcasting
7 licenses held by the educational communications board and the board of regents of
8 the University of Wisconsin System to the corporation described under section 39.81
9 of the statutes, as created by this act, on the effective date of the last license
10 transferred the secretary of administration shall decrease the authorized FTE
11 positions for the University of Wisconsin System by the number determined under
12 subsection (2) (b).

13 (END)

a.v.

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB
.....

Insert "KA"

.... [revisor inserts date]

*Not in
electronic
file*

Insert "KB"

.... [revisor inserts date]

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1696/lins3

.....

Insert Analysis
A

NoA; The corporation ~~must~~ permit public access to its records to the same extent as required of a state agency;

w The corporation ~~must~~ provide public notice of and permit public access to its meetings to the same extent as required of a state agency; and

w The corporation ~~must~~ provide employees of the legislative audit bureau with access to all of its records.

Insert AA Analysis

The bill directs the legislative audit bureau to audit the records of the corporation at least once every five years.

Section #. 13.94 (1) (b) of the statutes is amended to read:

Insert ~~A~~ B
→ 39.81

13.94 (1) (b) Audit the records of every state department, board, commission, independent agency or authority ~~and the corporation described under s. 39.15~~ at least once each 5 years and audit the records of other departments as defined in sub. (4) when the state auditor deems it advisable or when he or she is so directed and, in conjunction therewith, reconcile the records of the department audited with those of the department of administration. Audits of the records of a county, city, village, town or school district may be performed only as provided in par. (m). Within 30 days after completion of any such audit, the bureau shall file with the chief clerk of each house of the legislature, the governor, the department of administration, the legislative reference bureau, the joint committee on finance, the legislative fiscal bureau and the department audited, a detailed report thereof, including its recommendations for improvement and efficiency and including specific instances, if any, of illegal or improper expenditures. The chief clerks shall distribute the report to the joint legislative audit committee, the appropriate standing committees of the legislature and the joint committee on legislative organization.

History: ~~1971 c. 270 s. 104; 1971 c. 307; 1973 c. 334; 1975 c. 39, 199, 224, 421; 1977 c. 26, 29; 1977 c. 196 s. 131; 1977 c. 418; 1979 c. 34, 314, 324; 1981 c. 20, 335; 1983 a. 27, 36, 96, 381; 1985 a. 29, 57, 120, 176; 1987 a. 27, 119, 186, 320, 328, 354, 399, 403; 1989 a. 31, 122; 1991 a. 39, 269, 316; 1993 a. 16, 27, 107, 263, 399, 491; 1995 a. 27 ss. 43g to 47n, 9116 (5); 1995 a. 56, 216, 225, 274, 289; 1997 a. 27, 252.~~

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1696/lins2

.....

Insert C

g (h) f
(7) The corporation ~~shall~~ permit ^(public) inspection and copying of any record of the corporation, as defined in s. 19.32 (1), to the same extent as required of, and subject to the same terms and enforcement provisions that apply to, an authority under subch. II of ch. 19.

g (h) g
(8) The corporation ~~shall~~ provide ^{cs} public access to its meetings to the same extent as is required of, and subject to the same terms and enforcement provisions that apply to, a governmental body under subch. V of ch. 19.

g (h) h
(9) The corporation ~~shall~~ provide ^s employees of the legislative audit bureau with access to all of ~~its~~ records.

the corporation's

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1696/dn

king

Steve:

1. As we discussed, transferring the unencumbered balance in s. 20.225 (1) (m) to the corporation may raise legal problems if the federal communications commission does not designate the corporation as the beneficiary of the federal grant moneys.

2. Are the two individuals chosen by the governor to prepare the operational plan be the same as the incorporators chosen by the governor?

3. Please review the treatment of s. 20.225 (1) (c) and the creation of s. 20.505 (5) (d) carefully. Are these acceptable?

4. I have DOA to pay the corporation in installments, OK?

required

Madelon J. Lief
Legislative Attorney
267-7380

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1696/1dn

MJL:kmg:ijs

January 26, 1999

Steve:

1. As we discussed, transferring the unencumbered balance in s. 20.225 (1) (m) to the corporation may raise legal problems if the federal communications commission does not designate the corporation as the beneficiary of the federal grant moneys.
2. Are the two individuals chosen by the governor to prepare the operational plan to be the same as the incorporators chosen by the governor?
3. Please review the treatment of s. 20.225 (1) (c) and the creation of s. 20.505 (5) (d) carefully. Are these acceptable?
4. I have required DOA to pay the corporation in instalments, OK?

Madelon J. Lief
Legislative Attorney
267-7380



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1696/1
MJL&JTK:kmg:ijs
2
1/19

DOA:.....Milioto - Public broadcasting nonprofit corporation
FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

Search
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the president of
the University
of Wisconsin
UW System

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1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the educational communications board (ECB) is responsible for overseeing and coordinating the provision of public broadcasting to Wisconsin. In addition, the board of regents of the University of Wisconsin System (board), as licensee, must manage, operate and maintain a radio and television station and provide the ECB part-time use of equipment and space necessary for the operations of the state educational radio and television networks.

This bill directs the secretary of administration (secretary), and ^{one} ~~two~~ person chosen by the governor to draft and file articles of incorporation for a nonstock educational broadcasting corporation and to take all actions necessary to exempt the corporation from taxation under the Internal Revenue Code. In addition, ~~the secretary and two~~ ^{these} persons chosen by the governor must prepare and submit to the joint committee on finance (JCF) for JCF's approval an operational plan for the corporation that includes a list of those persons employed by the board and the ECB who are best-suited to provide educational broadcasting services for the corporation and an estimate of the level of funding necessary to cover the corporation's annual operating expenses.

The corporation is entitled to receive state aid for initial administrative expenses if the articles of incorporation of the corporation state that the purpose of

nonprofit

(UW)

these

one

X

the corporation is to provide educational broadcasting to ~~Wisconsin~~ ^{this state} and that, if the corporation dissolves or discontinues educational broadcasting to ~~Wisconsin~~ ^{this state}, the corporation must in good faith take all reasonable measures to transfer or assign the corporation's assets, licenses and rights to an entity whose purpose is to advance educational broadcasting in ~~Wisconsin~~ ^{this state}; the articles of incorporation name as initial directors the secretary, two state representatives to the assembly, two state senators, a member of the board and three individuals selected by the governor; and the initial board of directors of the corporation submits an application to the federal communications commission (FCC) to transfer all broadcasting licenses held by ECB and the board to the corporation.

and the board

If the FCC approves the transfer of all broadcasting licenses held by the ECB and the board to the corporation, the ECB is eliminated on the effective date of the transfer of the broadcasting licenses. In addition, the corporation is entitled to receive additional state aid for operational expenses if the board of directors of the corporation offers employment beginning on the effective date of the transfer of all of the broadcasting licenses to those individuals designated in the operational plan; the board of directors of the corporation honors affiliation agreements entered into by the ECB; the board of directors of the corporation negotiates with the board and the secretary for the use of state-owned equipment and space necessary for the operations of educational radio and television networks; the secretary approves any amendment to the corporation's articles of incorporation or bylaws; the corporation permits public access to its records to the same extent as required of a state agency; the corporation provides public notice of and permits public access to its meetings to the same extent as required of a state agency; and the corporation provides employees of the legislative audit bureau with access to all of its records.

Finally, the bill directs the legislative audit bureau to audit the records of the corporation at least once every five years.

For further information see the *state* 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:

- 1 **SECTION 1.** 13.94 (1) (b) of the statutes is amended to read:
- 2 13.94 (1) (b) Audit the records of every state department, board, commission,
- 3 independent agency or authority and the corporation described under s. 39.81 at
- 4 least once each 5 years and audit the records of other departments as defined in sub.
- 5 (4) when the state auditor deems it advisable or when he or she is so directed and,
- 6 in conjunction therewith, reconcile the records of the department audited with those

1 of the department of administration. Audits of the records of a county, city, village,
 2 town or school district may be performed only as provided in par. (m). Within 30 days
 3 after completion of any such audit, the bureau shall file with the chief clerk of each
 4 house of the legislature, the governor, the department of administration, the
 5 legislative reference bureau, the joint committee on finance, the legislative fiscal
 6 bureau and the department audited, a detailed report thereof, including its
 7 recommendations for improvement and efficiency and including specific instances,
 8 if any, of illegal or improper expenditures. The chief clerks shall distribute the report
 9 to the joint legislative audit committee, the appropriate standing committees of the
 10 legislature and the joint committee on legislative organization.

Insert 3-11 (11) SECTION 2. 15.105 (25) (bm) of the statutes is amended to read:

(12) 15.105 (25) (bm) A member of the educational communications board. If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board and the board of regents of the University of Wisconsin System to the corporation described under s. 39.81, this paragraph does not apply on ^{and after} the effective date of the last license transferred [revisor inserts date].

Insert 3-18 (18) SECTION 3. 15.57 of the statutes is renumbered 15.57 (1).

SECTION 4. 15.57 (2) of the statutes is created to read:

15.57 (2) If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board and the board of regents of the University of Wisconsin System to the corporation described under s. 39.81, this section does not apply on ^{and after} the effective date of the last license transferred [revisor inserts date].

Insert 3-25 (25) inserts date].

INS from p. 9 ✓

1 SECTION 5. 20.225 (1) (a) of the statutes is amended to read:

2 20.225 (1) (a) *General program operations.* The amounts in the schedule to
3 carry out its functions other than programming under ss. 39.11 and 39.13. If the
4 secretary of administration determines that the federal communications
5 commission has approved the transfer of all broadcasting licenses held by the board
6 and the board of regents of the University of Wisconsin System to the corporation
7 described under s. 39.81, ^{on and} after the effective date of the last license transferred
8 [revisor inserts date], no moneys may be encumbered under this paragraph.

9 SECTION 6. 20.225 (1) (b) of the statutes is amended to read:

10 20.225 (1) (b) *Energy costs.* The amounts in the schedule to pay for utilities and
11 for fuel, heat and air conditioning, and to pay costs incurred under ss. 16.858 and
12 16.895, by or on behalf of the board, and to repay to the energy efficiency fund loans
13 made to the board under s. 16.847 (6). If the secretary of administration determines
14 that the federal communications commission has approved the transfer of all
15 broadcasting licenses held by the board and the board of regents of the University
16 of Wisconsin System to the corporation described under s. 39.81, ^{on and} after the effective
17 date of the last license transferred [revisor inserts date], no moneys may be
18 encumbered under this paragraph.

19 SECTION 7. 20.225 (1) (c) of the statutes is amended to read:

20 20.225 (1) (c) *Principal repayment and interest.* A sum sufficient to reimburse
21 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
22 the acquisition, construction, development, enlargement or improvement of facilities
23 approved by the building commission for operation by the educational
24 communications board. If the secretary of administration determines that the
25 federal communications commission has approved the transfer of all broadcasting

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1 licenses held by the board and the board of regents of the University of Wisconsin
2 System to the corporation described under s. 39.81, after the effective date of the last
3 license transferred [revisor inserts date], no moneys may be encumbered under
4 this paragraph.

5 SECTION 8. 20.225 (1) (d) of the statutes is amended to read:

6 20.225 (1) (d) *Milwaukee area technical college.* The amounts in the schedule
7 to contract with Milwaukee area technical college under s. 39.11 (18). If the secretary
8 of administration determines that the federal communications commission has
9 approved the transfer of all broadcasting licenses held by the board and the board
10 of regents of the University of Wisconsin System to the corporation described under
11 s. 39.81, after the effective date of the last license transferred [revisor inserts
12 date], no moneys may be encumbered under this paragraph.

13 SECTION 9. 20.225 (1) (eg) of the statutes is amended to read:

14 20.225 (1) (eg) *Transmitter construction.* As a continuing appropriation, the
15 amounts in the schedule to construct national weather service transmitters. If the
16 secretary of administration determines that the federal communications
17 commission has approved the transfer of all broadcasting licenses held by the board
18 and the board of regents of the University of Wisconsin System to the corporation
19 described under s. 39.81, after the effective date of the last license transferred
20 [revisor inserts date], no moneys may be encumbered under this paragraph.

21 SECTION 10. 20.225 (1) (er) of the statutes is amended to read:

22 20.225 (1) (er) *Transmitter operation.* The amounts in the schedule to operate
23 the transmitter constructed with moneys appropriated under par. (eg). If the
24 secretary of administration determines that the federal communications
25 commission has approved the transfer of all broadcasting licenses held by the board

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1 and the board of regents of the University of Wisconsin System to the corporation
2 described under s. 39.81, after the effective date of the last license transferred
3 [revisor inserts date], no moneys may be encumbered under this paragraph.

4 SECTION 11. 20.225 (1) (f) of the statutes is amended to read:

5 20.225 (1) (f) *Programming.* The amounts in the schedule for programming
6 under s. 39.11. If the secretary of administration determines that the federal
7 communications commission has approved the transfer of all broadcasting licenses
8 held by the board and the board of regents of the University of Wisconsin System to
9 the corporation described under s. 39.81, after the effective date of the last license
10 transferred [revisor inserts date], no moneys may be encumbered under this
11 paragraph.

12 SECTION 12. 20.225 (1) (g) of the statutes is amended to read:

13 20.225 (1) (g) *Gifts, grants, contracts and leases.* All moneys received from
14 gifts, grants, contracts and the lease of excess capacity to carry out the purposes for
15 which received. If the secretary of administration determines that the federal
16 communications commission has approved the transfer of all broadcasting licenses
17 held by the board and the board of regents of the University of Wisconsin System to
18 the corporation described under s. 39.81, after the effective date of the last license
19 transferred [revisor inserts date], no moneys may be encumbered under this
20 paragraph.

21 SECTION 13. 20.225 (1) (h) of the statutes is amended to read:

22 20.225 (1) (h) *Instructional material.* The amounts in the schedule for
23 providing instructional materials under s. 39.11 (16). All moneys received from the
24 sale of instructional material under s. 39.11 (16) and all moneys received under s.
25 39.115 (1) shall be credited to this appropriation. If the secretary of administration

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1 determines that the federal communications commission has approved the transfer
 2 of all broadcasting licenses held by the board and the board of regents of the
 3 University of Wisconsin System to the corporation described under s. 39.81, after the
 4 effective date of the last license transferred [revisor inserts date], no moneys may
 5 be encumbered under this paragraph.

6 SECTION 14. 20.225 (1) (k) of the statutes is amended to read:

7 20.225 (1) (k) *Funds received from other state agencies.* All moneys received
 8 from other state agencies to carry out the purposes for which received. If the
 9 secretary of administration determines that the federal communications
 10 commission has approved the transfer of all broadcasting licenses held by the board
 11 and the board of regents of the University of Wisconsin System to the corporation
 12 described under s. 39.81, after the effective date of the last license transferred
 13 [revisor inserts date], no moneys may be encumbered under this paragraph.

14 SECTION 15. 20.225 (1) (ka) of the statutes is amended to read:

15 20.225 (1) (ka) *Information technology development projects.* The amounts in
 16 the schedule for the purpose of conducting information technology development
 17 projects approved under s. 16.971 (5). All moneys transferred from the appropriation
 18 account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation
 19 account. If the secretary of administration determines that the federal
 20 communications commission has approved the transfer of all broadcasting licenses
 21 held by the board and the board of regents of the University of Wisconsin System to
 22 the corporation described under s. 39.81, after the effective date of the last license
 23 transferred [revisor inserts date], no moneys may be encumbered under this
 24 paragraph.

25 SECTION 16. 20.225 (1) (kb) of the statutes is amended to read:

571 amended ✓

1 20.225 (1) (kb) *Emergency weather warning system operation.* From the
2 moneys received by the department of administration for the provision of state
3 telecommunications and data processing services and sale of telecommunications
4 and data processing inventory items primarily to state agencies, the amounts in the
5 schedule for the operation of the emergency weather warning system under s. 39.11
6 (21). If the secretary of administration determines that the federal communications
7 commission has approved the transfer of all broadcasting licenses held by the board
8 and the board of regents of the University of Wisconsin System to the corporation
9 described under s. 39.81, after the effective date of the last license transferred
10 [revisor inserts date], no moneys may be encumbered under this paragraph.

11 **SECTION 17.** 20.225 (1) (m) of the statutes is amended to read:

12 20.225 (1) (m) *Federal grants.* All moneys received from the federal
13 government as authorized by the governor under s. 16.54 for the purposes for which
14 made and received. If the secretary of administration determines that the federal
15 communications commission has approved the transfer of all broadcasting licenses
16 held by the board and the board of regents of the University of Wisconsin System to
17 the corporation described under s. 39.81, after the effective date of the last license
18 transferred [revisor inserts date], no moneys may be encumbered under this
19 paragraph.

20 **SECTION 18.** 20.255 (2) (fw) of the statutes is created to read:

21 20.255 (2) (fw) *Educational programming.* The amounts in the schedule for
22 contracting with the corporation described under s. 39.81 for educational
23 programming.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

Move to Page 4, line 1 (S&T)

1

SECTION 19. ^{20.218}~~20.285~~ of the statutes is created to read:

2

^{218 ← (B)} ~~20.285~~ Educational broadcasting. There is appropriated to the corporation

3

described under s. 39.81 for the following ^{costs} ~~programs~~:

4

(1) EDUCATIONAL BROADCASTING. (a) *Initial costs*. The amounts in the schedule

5

for initial administrative costs.

6

(b) *Operational costs*. The amounts in the schedule for operational costs.

✓ **NOTE:** This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7

SECTION 20. ~~20.285~~ (1) (fu) of the statutes is created to read:

8

~~20.285~~ (1) (fu) *Educational programming*. The amounts in the schedule for

9

contracting with the corporation described under s. 39.81 for educational

10

programming.

NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11

SECTION 21. ~~20.505~~ (5) (d) of the statutes is created to read:

12

~~20.505~~ (5) (d) *Former educational communications board principal repayment*

13

and interest. A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of

14

principal and interest costs that are not paid under par. (h) and that are incurred in

15

financing the acquisition, construction, development, enlargement or improvement

16

of facilities approved by the building commission for operation by the educational

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communications board. ^{No moneys may be encumbered under this paragraph unless} ~~the~~ secretary of administration ^{first} determines that the

18

federal communications commission has approved the transfer of all broadcasting

19

licenses held by the educational communications board and the board of regents of

20

the University of Wisconsin System to the corporation described under s. 39.81

21

~~before the effective date of the last license transferred ... [revisor inserts date], no~~

22

~~moneys may be encumbered from the appropriation account under this paragraph.~~

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 **SECTION 22.** 20.505 (5) (h) of the statutes is created to read:

2 20.505 (5) (h) *Lease payments for educational broadcasting facilities.* All lease
3 payments for state-owned educational broadcasting facilities and equipment
4 received from the corporation described under s. 39.81 for the purpose of reimbursing
5 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
6 the acquisition, construction, development, enlargement or improvement of facilities
7 approved by the building commission for operation by the educational
8 communications board.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

Insert
90-9 9 **SECTION 23.** 20.866 (1) (u) of the statutes, as affected by 1997 Wisconsin Act
10 27, section 727, is amended to read:

11 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
12 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (f), 20.190 (1) (c), (d),
13 (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e),
14 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih) and (kd)
15 and (5) (i), 20.320 (1) (c) and (l) and (2) (c), 20.370 (7) (aa), (ac), (aq), (ar), (at), (ba),
16 (ca), (cb), (cc), (cd), (ce), (ea), (eq) and (er), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec)
17 and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (go),
18 (3) (t) and (4) (qm), 20.505 (5) (c), (d), (g) and (h) and (kc) and 20.867 (1) (a) and (b)
19 and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on public
20 debt contracted under subchs. I and IV of ch. 18.

INS
0-20 21 **SECTION 24.** 20.866 (2) (zd) of the statutes is amended to read:

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and after ✓

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20.866 (2) (zd) *Educational communications board; educational communications facilities.* From the capital improvement fund, a sum sufficient for the educational communications board to acquire, construct, develop, enlarge or improve educational communications facilities. The state may contract public debt in an amount not to exceed \$8,354,100 for this purpose. If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board and the board of regents of the University of Wisconsin System to the corporation described under s. 39.81, ^{on and} after the effective date of the last license transferred [revisor inserts date], the state may not contract public debt under this paragraph.

SECTION 25. 20.923 (4) (e) 1e. of the statutes is amended to read:

20.923 (4) (e) 1e. Educational communications board: executive director. If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board and the board of regents of the University of Wisconsin System to the corporation described under s. 39.81, this subdivision does not apply on the effective date of the last license transferred [revisor inserts date].

SECTION 26. 20.923 (6) (b) of the statutes is amended to read:

20.923 (6) (b) Educational communications board: unclassified professional staff. If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board and the board of regents of the University of Wisconsin System to the corporation described under s. 39.81, this paragraph does not apply on the effective date of the last license transferred [revisor inserts date].

SECTION 27

and after

1 **SECTION 27.** 36.25 (5) (c) of the statutes is created to read:

2 36.25 (5) (c) If the secretary of administration determines that the federal
3 communications commission has approved the transfer of all broadcasting licenses
4 held by the educational communications board and the board of regents to the
5 corporation described under s. 39.81, this subsection does not apply on the effective
6 date of the last license transferred [revisor inserts date].

7 **SECTION 28.** 38.125 of the statutes is amended to read:

8 **38.125 Public broadcasting stations.** If the district board governing the
9 Milwaukee area technical college determines to relinquish its public broadcasting
10 licenses, it shall, subject to the approval of the federal communications commission,
11 offer to assign the licenses to the educational communications board, ~~subject to~~
12 ~~approval of the federal communications commission~~ or, if all broadcasting licenses
13 held by the educational communications board and the board of regents of the
14 University of Wisconsin System have been transferred to the corporation described
15 under s. 39.81, to the corporation.

16 **SECTION 29.** 39.10 of the statutes is created to read:

17 **39.10 Applicability.** If the secretary of administration determines that the
18 federal communications commission has approved the transfer of all broadcasting
19 licenses held by the educational communications board and the board of regents of
20 the University of Wisconsin System to the corporation described under s. 39.81, this
21 subchapter does not apply on the effective date of the last license transferred
22 [revisor inserts date].

Insert
12-23
23

23 **SECTION 30.** Subchapter V of chapter 39 [precedes 39.81] of the statutes is
24 created to read:

25

CHAPTER 39

- 13 -
president of the *plan*

the University of Wisconsin System
SUBCHAPTER V *and one*

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EDUCATIONAL BROADCASTING

39.81 Educational broadcasting corporation. (1) INCORPORATION. The

secretary of administration ~~and~~ *individuals* chosen by the governor shall jointly draft and file articles of incorporation for a nonstock corporation under ch. 181 and shall take all actions necessary to exempt the corporation from federal taxation under section 501 (c) (3) of the Internal Revenue Code.

for initial costs

(2) STATE AID. The corporation may receive state aid under s. ~~20.205~~ *20.218* (1) (a) if all of the following conditions are satisfied:

(a) The articles of incorporation state that the purpose of the corporation is to provide educational broadcasting to ~~Wisconsin~~ *this State* and that, if the corporation dissolves or discontinues educational broadcasting in ~~Wisconsin~~ *this State*, the corporation shall in good faith take all reasonable measures to transfer or assign the corporation's assets, licenses and rights to an entity whose purpose is to advance educational broadcasting in ~~Wisconsin~~ *this state*.

one majority party

and one minority party representative to the assembly, chosen by the speaker of the assembly

(b) The articles of incorporation name as initial directors of the corporation the secretary of administration, ~~one~~ *semicolan* representative to the assembly, ~~one~~ *earlier* senator, a member of the board of regents of the University of Wisconsin System, and 3 individuals selected by the governor.

no earlier than 30 days nor later than 45 days after the joint committee on finance approves the operational

(c) The initial board of directors of the corporation submits an application to the federal communications commission to transfer all broadcasting licenses held by the educational communications board and the board of regents of the University of Wisconsin System to the corporation.

for operational costs

(3) BROADCASTING OPERATIONS. The corporation under sub. (1) may receive state aid under s. ~~20.205~~ *20.218* (1) (b) if all of the following conditions are satisfied:

auto ref A *auto ref B*

one or two majority party senator and one minority party senator chosen by the majority leader of the senate

plan under 1997 Wisconsin Act ... (this act), section 9101(1)(c)

1 (a) The federal communications commission approves the application for the
2 transfer of all broadcasting licenses under sub. (2)(c), as determined by the secretary
3 of administration.

last broadcasting license transferred

4 (b) The board of directors of the corporation offers employment beginning on
5 the effective date of the ~~transfer of all the broadcasting licenses~~ under par. (a)

6 [revisor inserts date], as determined by the secretary of administration to those
7 individuals designated in the operational plan under 1999 Wisconsin Act (this

8 act), section 9101 ~~(1)(c) 1.~~ *auto ref A* **auto ref C** *auto ref B*

9 (c) The board of directors of the corporation honors affiliation agreements
10 entered into by the educational communications board *and the board of regents of the University of Wisconsin System*

11 (d) The board of directors of the corporation negotiates with the board of regents
12 of the University of Wisconsin System and the secretary of administration for the use
13 of state-owned equipment and space necessary for the operations of educational
14 radio and television networks.

15 (e) The secretary of administration approves any amendment to the
16 corporation's articles of incorporation or bylaws.

17 (f) The corporation permits public inspection and copying of any record of the
18 corporation, as defined in s. 19.32 (1), to the same extent as required of, and subject
19 to the same terms and enforcement provisions that apply to, an authority under
20 subch. II of ch. 19.

21 (g) The corporation provides public access to its meetings to the same extent
22 as is required of, and subject to the same terms and enforcement provisions that
23 apply to, a governmental body under subch. V of ch. 19.

24 (h) The corporation provides employees of the legislative audit bureau with
25 access to all of the corporation's records.

and after ✓

1 (4) AID PAYMENTS. The secretary of administration shall pay aid under sub. (2)
2 in instalments, as determined by the secretary.

3 SECTION 31. 230.08 (2) (e) 3m. of the statutes is amended to read:

4 230.08 (2) (e) 3m. Educational communications board — 4. If the secretary of
5 administration determines that the federal communications commission has
6 approved the transfer of all broadcasting licenses held by the educational
7 communications board and the board of regents of the University of Wisconsin
8 System to the corporation described under s. 39.81, this subdivision does not apply
9 on the effective date of the last license transferred [revisor inserts date].

10 SECTION 32. 230.08 (2) (L) 2. of the statutes is amended to read:

11 230.08 (2) (L) 2. Educational communications board, created under s. 15.57.
12 If the secretary of administration determines that the federal communications
13 commission has approved the transfer of all broadcasting licenses held by the
14 educational communications board and the board of regents of the University of
15 Wisconsin System to the corporation described under s. 39.81, this subdivision does
16 not apply on the effective date of the last license transferred [revisor inserts date].

17 SECTION 33. 230.08 (2) (we) of the statutes is amended to read:

18 230.08 (2) (we) Professional staff members of the educational communications
19 board authorized under s. 39.13 (2). If the secretary of administration determines
20 that the federal communications commission has approved the transfer of all
21 broadcasting licenses held by the educational communications board and the board
22 of regents of the University of Wisconsin System to the corporation described under
23 s. 39.81, this paragraph does not apply on the effective date of the last license
24 transferred [revisor inserts date].

25 SECTION 34. 230.08 (4) (a) of the statutes is amended to read:

1 230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)
 2 includes all administrator positions specifically authorized by law to be employed
 3 outside the classified service in each department, board or commission and the
 4 historical society. ~~In~~ Except as provided in par. (am), in this paragraph,
 5 “department” has the meaning given under s. 15.01 (5), “board” means the
 6 educational communications board, investment board, public defender board and
 7 technical college system board and “commission” means the public service
 8 commission. Notwithstanding sub. (2) (z), no division administrator position
 9 exceeding the number authorized in sub. (2) (e) may be created in the unclassified
 10 service.

11 **SECTION 35.** 230.08 (4) (am) of the statutes is created to read:

12 230.08 (4) (am) If the secretary of administration determines that the federal
 13 communications commission has approved the transfer of all broadcasting licenses
 14 held by the educational communications board and the board of regents of the
 15 University of Wisconsin System to the corporation described under s. 39.81, on ^{and after} the
 16 effective date of the last license transferred [revisor inserts date], “board” in par.
 17 (a) means the investment board, public defender board and technical college system
 18 board.

19 **SECTION 9101. Nonstatutory provisions; administration.**

20 (1) ~~TRANSFER OF FUNDS APPROPRIATED FOR USE TO BROADCASTING.~~ ^{EDUCATIONAL CS} (I)
 21 (a) ~~If the secretary of administration determines that the federal~~
 22 communications commission has approved the transfer of all broadcasting licenses
 23 held by the educational communications board and the board of regents of the
 24 University of Wisconsin System to the corporation described under section 39.81 of
 25 the statutes, as created by this act, on the effective date of the last license

auto
ref
A

System

Transfer of educational communications board funds.

1 transferred, all unencumbered balances appropriated to the board of regents of the
2 University of Wisconsin System under section 20.285 of the statutes for public
3 broadcasting, as determined by the secretary of administration, are transferred to
4 the corporation described under section 39.81 of the statutes, as created by this act.

5 (b) If the secretary of administration determines that the federal
6 communications commission has approved the transfer of all broadcasting licenses
7 held by the educational communications board and the board of regents of the
8 University of Wisconsin System to the corporation described under section 39.81 of
9 the statutes, as created by this act, on the effective date of the last license
10 transferred, there is transferred to the appropriation account under section ~~20.225~~ ^{20.218}

11 (1) (b) of the statutes, as created by this act, the unencumbered balance of the
12 appropriation accounts under section 20.225 (1) (a) ~~and~~ (b) ~~and~~ (d) to (m) of the
13 statutes. *L.C. → NO C+S; Italics →*

14 *auto ref B* *(C)* OPERATIONAL PLAN FOR EDUCATIONAL BROADCASTING CORPORATION The
15 ~~secretary of administration and 2 individuals chosen by the governor~~ shall prepare
16 an operational plan for the corporation described under section 39.81 of the statutes,
17 as created by this act. The plan shall include all of the following: *section 39.81*

18 *auto ref C* *(1)* A list of those individuals employed by the board of regents of the University
19 of Wisconsin System and the educational communications board who are best-suited
20 to provide educational broadcasting services for the corporation described under
21 section 39.81 of the statutes, as created by this act. *for board of regents of the*

22 *2.* The number of authorized FTE positions *for* the University of Wisconsin
23 System that would be eliminated if all broadcasting licenses held by the educational
24 communications board and the board of regents of the University of Wisconsin

SECTION 9101

914. The amount of money to appropriate under sections 20.255 (2)(fw) and 20.285 (1)(fw) of the statutes

1 System were transferred to the corporation described under section 39.81 of the
2 statutes, as created by this act.

3 3. An estimate of the level of funding necessary to cover the annual operating
4 expenses of the corporation described under section 39.81 of the statutes, as created
5 by this act. L.C. 2 (NO C+S; studies)

6 (A) REVIEW OF OPERATIONAL PLAN. The secretary of administration shall submit
7 the operational plan under paragraph (c) (auto ref B) to the cochairpersons of the joint
8 committee on finance. If the cochairpersons of the joint committee on finance do not
9 notify the secretary of administration within 14 working days after the date of the
10 submittal of the operational plan that the joint committee on finance has scheduled
11 a meeting to review the operational plan, the operational plan may be implemented
12 as proposed by the secretary of administration. If, within 14 working days after the
13 date of the submittal of the operational plan, the cochairpersons of the joint
14 committee on finance notify the secretary of administration that the joint committee
15 on finance has scheduled a meeting to review the operational plan, the operational
16 plan may be implemented only upon approval of the joint committee on finance.

17 (A) POSITIONS DECREASE. (L.C. 1, NO CAPS SMALL) If the secretary of administration determines that the
18 federal communications commission has approved the transfer of all broadcasting
19 licenses held by the educational communications board and the board of regents of
20 the University of Wisconsin System to the corporation described under section 39.81
21 of the statutes, as created by this act, on the effective date of the last license
22 transferred the secretary of administration shall decrease the authorized FTE

23 positions for the University of Wisconsin System by the number determined under
24 paragraph (c) 1. (auto ref C) (are decreased)

25 (END)

(auto ref B)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB

.....

(e) and (g)

INSERT 3-11

SECTION 1. 15.07 (1) (a) 5. [✓]~~X~~ of the statutes is amended to read:

15.07 (1) (a) 5. The members of the educational communications board appointed under s. 15.57 ~~(5) and (7)~~ [✓](1) shall be appointed as provided in that section.

History: 1971 c. 100 s. 23; 1971 c. 125, 261, 270, 323; 1973 c. 90, 156, 299, 334; 1975 c. 39, 41, 422; 1977 c. 29 ss. 24, 26, 1650m (3); 1977 c. 203, 277, 418, 427; 1979 c. 34, 110, 221, 346; 1981 c. 20, 62, 94, 96, 156, 314, 346, 374, 391; 1983 a. 27, 282, 403; 1985 a. 20, 29, 316, 1987 a. 27, 119, 142, 354, 399, 403; 1989 a. 31, 102, 114, 219, 299, 340; 1991 a. 25, 39, 116, 221, 269, 316; 1993 a. 16, 75, 102, 184, 349, 399, 490; 1995 a. 27, 216, 247; 1997 a. 27.

INSERT 3-18

SECTION 2. 15.105 (25) (c) [✓]~~X~~ of the statutes is amended to read:

15.105 (25) (c) ~~Four~~ If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board and the board of regents of the University of Wisconsin System to the corporation described under s. 39.81, on and after the effective date of the last license transferred [revisor inserts date],

⁵~~five~~ other members.

History: 1971 c. 40, 164, 270; 1973 c. 90, 333; 1975 c. 397; 1977 c. 29 s. 1649; 1977 c. 196 ss. 9, 10; 1977 c. 325, 392, 396, 418, 447; 1981 c. 20, 62, 182, 350, 374; 1983 a. 27, 91; 1983 a. 192 s. 303 (7); 1983 a. 371; 1985 a. 29 ss. 68 to 70, 87, 3202 (27); 1985 a. 180 s. 30m; 1987 a. 27, 142; 1987 a. 147 s. 25; 1987 a. 204, 342; 1989 a. 31, 56, 107, 345; 1991 a. 212, 269; 1993 a. 75, 216, 349, 437, 465, 491; 1995 a. 27 ss. 79 to 118p, 9116 (5), 9126 (19); 1995 a. 221, 225; 1997 a. 3, 27, 247.

INSERT 3-25

SECTION 3. 16.25 [✓]~~X~~ of the statutes is created to read:

16.25 Emergency weather warning system. [✓]If the secretary [✓]determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board and the board of regents of the University of Wisconsin System [✓]to the corporation described under s. 39.81, [✓]on and after the effective date of the last license transferred [revisor inserts date], the department [✓]shall operate an emergency weather warning system [✓].

INSERT 10-9

SECTION 4. 20.505 (5) [✓]~~X~~ (i) of the statutes is created to read:

Shall be credited to this appropriation account.

20.505
20.225 (2) (i) 5

All

(i) Emergency weather warning system operation. From the moneys received for the provision of state telecommunications and data processing services and sale of telecommunications and data processing inventory items primarily to state agencies, the amounts in the schedule for the operation of the emergency weather warning system under s. 16.25.

History: 1971 c. 125; 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1981 c. 20; 1985 a. 29 ss. 210m, 212, 3202 (15) (a); 1987 a. 399; 1989 a. 31; 1993 a. 16; 1995 a. 27; 1997 a. 27.

NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10-20
INSERT 11-1

SECTION 5. 20.866 (2) (ws) of the statutes is created to read:

20.866 (2) (ws) Administration; educational communications facilities. From the capital improvement fund, a sum sufficient for the department of administration to acquire, construct, develop, enlarge or improve educational communications facilities. The state may contract public debt in an amount not to exceed \$8,354,100 for this purpose. No moneys may be encumbered under this paragraph unless the secretary of administration first determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board and the board of regents of the University of Wisconsin System to the corporation described under s. 39.81.

NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

INSERT 12-23

SECTION 6. 39.12 (4) of the statutes is amended to read:

39.12 (4) The board of directors of any corporation established under this section shall consist of 5 members, including the executive director of the educational communications board and 4 members of the educational communications board, elected by the educational communications board, of which one shall be a legislator.

No 2 members of the board of directors may be from the same category of educational communications board members under s. 15.57 (1) [✓] to ~~(7)~~.

History: 1983 a. 27; 1987 a. 27; 1987 a. 312 s. 17; 1991 a. 39, 269.