



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1696/Z

MJL&JTK:kmg&jlg:lp

STAYS

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

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

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See p. 9, line 23
p. 10, line 1

p. 20, lines 15 + 16

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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 (UW) 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), the president of the UW System and one person chosen by the governor to draft and file articles of incorporation for a nonstock, nonprofit educational broadcasting corporation and to take all actions necessary to exempt the corporation from taxation under the Internal Revenue Code. In addition, these persons 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

the corporation is to provide educational broadcasting to this state and that, if the corporation dissolves or discontinues educational broadcasting to 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 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.

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 and the 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; 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.

11 **SECTION 2.** 15.07 (1) (a) 5. of the statutes is amended to read:

12 15.07 (1) (a) 5. The members of the educational communications board
13 appointed under s. 15.57 ~~(5) and (7)~~ (1) (e) and (g) shall be appointed as provided in
14 that section.

15 **SECTION 3.** 15.105 (25) (bm) of the statutes is amended to read:

16 15.105 (25) (bm) A member of the educational communications board. If the
17 secretary of administration determines that the federal communications
18 commission has approved the transfer of all broadcasting licenses held by the
19 educational communications board and the board of regents of the University of
20 Wisconsin System to the corporation described under s. 39.81, this paragraph does
21 not apply on and after the effective date of the last license transferred ... [revisor
22 inserts date].

23 **SECTION 4.** 15.105 (25) (c) of the statutes is amended to read:

24 15.105 (25) (c) ~~Four~~ If the secretary of administration determines that the
25 federal communications commission has approved the transfer of all broadcasting

1 licenses held by the educational communications board and the board of regents of
2 the University of Wisconsin System to the corporation described under s. 39.81, on
3 and after the effective date of the last license transferred [revisor inserts date],
4 5 other members.

5 **SECTION 5.** 15.57 of the statutes is renumbered 15.57 (1).

6 **SECTION 6.** 15.57 (2) of the statutes is created to read:

7 15.57 (2) If the secretary of administration determines that the federal
8 communications commission has approved the transfer of all broadcasting licenses
9 held by the educational communications board and the board of regents of the
10 University of Wisconsin System to the corporation described under s. 39.81, this
11 section does not apply on and after the effective date of the last license transferred
12 [revisor inserts date].

13 **SECTION 7.** 16.25 of the statutes is created to read:

14 **16.25 Emergency weather warning system.** If the secretary determines
15 that the federal communications commission has approved the transfer of all
16 broadcasting licenses held by the educational communications board and the board
17 of regents of the University of Wisconsin System to the corporation described under
18 s. 39.81, on and after the effective date of the last license transferred [revisor
19 inserts date], the department shall operate an emergency weather warning system.

20 **SECTION 8.** 20.218 of the statutes is created to read:

21 **20.218 Educational broadcasting corporation.** There is appropriated to
22 the corporation described under s. 39.81 for the following costs:

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

25 (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.

1 **SECTION 9.** 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 10.** 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
17 effective date of the last license transferred [revisor inserts date], no moneys may
18 be encumbered under this paragraph.

19 **SECTION 11.** 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

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

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

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

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

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

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

24 20.225 (1) (er) *Transmitter operation.* The amounts in the schedule to operate
25 the transmitter constructed with moneys appropriated under par. (eg). 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, on and after the effective date of the last license transferred
5 ... [revisor inserts date], no moneys may be encumbered under this paragraph.

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

7 20.225 (1) (f) *Programming.* The amounts in the schedule for programming
8 under s. 39.11. 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, on and after the effective date of the last
12 license transferred ... [revisor inserts date], no moneys may be encumbered under
13 this paragraph.

14 **SECTION 16.** 20.225 (1) (g) of the statutes is amended to read:

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

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

24 20.225 (1) (h) *Instructional material.* The amounts in the schedule for
25 providing instructional materials under s. 39.11 (16). All moneys received from the

1 sale of instructional material under s. 39.11 (16) and all moneys received under s.
2 39.115 (1) shall be credited to this appropriation. If the secretary of administration
3 determines that the federal communications commission has approved the transfer
4 of all broadcasting licenses held by the board and the board of regents of the
5 University of Wisconsin System to the corporation described under s. 39.81, on and
6 after the effective date of the last license transferred [revisor inserts date], no
7 moneys may be encumbered under this paragraph.

8 **SECTION 18.** 20.225 (1) (k) of the statutes is amended to read:

9 20.225 (1) (k) *Funds received from other state agencies.* All moneys received
10 from other state agencies to carry out the purposes for which received. 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, on and after the effective date of the last license transferred
15 [revisor inserts date], no moneys may be encumbered under this paragraph.

16 **SECTION 19.** 20.225 (1) (ka) of the statutes is amended to read:

17 20.225 (1) (ka) *Information technology development projects.* The amounts in
18 the schedule for the purpose of conducting information technology development
19 projects approved under s. 16.971 (5). All moneys transferred from the appropriation
20 account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation
21 account. If the secretary of administration determines that the federal
22 communications commission has approved the transfer of all broadcasting licenses
23 held by the board and the board of regents of the University of Wisconsin System to
24 the corporation described under s. 39.81, on an after the effective date of the last

1 license transferred [revisor inserts date], no moneys may be encumbered under
2 this paragraph.

3 **SECTION 20.** 20.225 (1) (kb) of the statutes is amended to read:

4 20.225 (1) (kb) *Emergency weather warning system operation.* From the
5 moneys received by the department of administration for the provision of state
6 telecommunications and data processing services and sale of telecommunications
7 and data processing inventory items primarily to state agencies, the amounts in the
8 schedule for the operation of the emergency weather warning system under s. 39.11
9 (21). If the 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, on and after the effective date of the last license transferred
13 [revisor inserts date], no moneys may be encumbered under this paragraph.

14 **SECTION 21.** 20.225 (1) (m) of the statutes is amended to read:

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

23 **SECTION 22.** 20.255 (1) (fw) of the statutes is created to read:

1 20.255 (2) (fw) *Educational programming*. The amounts in the schedule for
2 contracting with the corporation described under s. 39.81 for educational
3 programming.

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

4 **SECTION 23.** 20.285 (1) (fu) of the statutes is created to read:

5 20.285 (1) (fu) *Educational programming*. The amounts in the schedule for
6 contracting with the corporation described under s. 39.81 for educational
7 programming.

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

8 **SECTION 24.** 20.505 (5) (d) of the statutes is created to read:

9 20.505 (5) (d) *Former educational communications board principal repayment*
10 *and interest*. A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of
11 principal and interest costs that are not paid under par. (h) and that are incurred in
12 financing the acquisition, construction, development, enlargement or improvement
13 of facilities approved by the building commission for operation by the educational
14 communications board. No moneys may be encumbered under this paragraph unless
15 the secretary of administration first determines that the federal communications
16 commission has approved the transfer of all broadcasting licenses held by the
17 educational communications board and the board of regents of the University of
18 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.

19 **SECTION 25.** 20.505 (5) (h) of the statutes is created to read:

20 20.505 (5) (h) *Lease payments for educational broadcasting facilities*. All lease
21 payments for state-owned educational broadcasting facilities and equipment

1 received from the corporation described under s. 39.81 for the purpose of reimbursing
2 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
3 the acquisition, construction, development, enlargement or improvement of facilities
4 approved by the building commission for operation by the educational
5 communications board.

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

6 **SECTION 26.** 20.505 (5) (i) of the statutes is created to read:

7 20.505 (5) (i) *Emergency weather warning system operation.* The amounts in
8 the schedule for the operation of the emergency weather warning system under s.
9 16.25. All moneys received for the provision of state telecommunications and data
10 processing services and sale of telecommunications and data processing inventory
11 items primarily to state agencies shall be credited to this appropriation account.

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

12 **SECTION 27.** 20.866 (1) (u) of the statutes, as affected by 1997 Wisconsin Act
13 27, section 727, is amended to read:

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

1 and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on public
2 debt contracted under subchs. I and IV of ch. 18.

3 **SECTION 28.** 20.866 (2) (ws) of the statutes is created to read:

4 20.866 (2) (ws) *Administration; educational communications facilities.* From
5 the capital improvement fund, a sum sufficient for the department of administration
6 to acquire, construct, develop, enlarge or improve educational communications
7 facilities. The state may contract public debt in an amount not to exceed \$8,354,100
8 for this purpose. No moneys may be encumbered under this paragraph unless the
9 secretary of administration first 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.

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

13 **SECTION 29.** 20.866 (2) (zd) of the statutes is amended to read:

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

1 of the last license transferred [revisor inserts date], the state may not contract
2 public debt under this paragraph.

3 **SECTION 30.** 20.923 (4) (e) 1e. of the statutes is amended to read:

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

11 **SECTION 31.** 20.923 (6) (b) of the statutes is amended to read:

12 20.923 (6) (b) Educational communications board: unclassified professional
13 staff. If the secretary of administration determines that the federal communications
14 commission has approved the transfer of all broadcasting licenses held by the
15 educational communications board and the board of regents of the University of
16 Wisconsin System to the corporation described under s. 39.81, this paragraph does
17 not apply on and after the effective date of the last license transferred [revisor
18 inserts date].

19 **SECTION 32.** 36.25 (5) (c) of the statutes is created to read:

20 36.25 (5) (c) If the secretary of administration determines that the federal
21 communications commission has approved the transfer of all broadcasting licenses
22 held by the educational communications board and the board of regents to the
23 corporation described under s. 39.81, this subsection does not apply on and after the
24 effective date of the last license transferred [revisor inserts date].

25 **SECTION 33.** 38.125 of the statutes is amended to read:

1 SUBCHAPTER V

2 EDUCATIONAL BROADCASTING

3 **39.81 Educational broadcasting corporation. (1) INCORPORATION.** The
4 secretary of administration, the president of the University of Wisconsin System and
5 one individual chosen by the governor shall jointly draft and file articles of
6 incorporation for a nonstock corporation under ch. 181 and shall take all actions
7 necessary to exempt the corporation from federal taxation under section 501 (c) (3)
8 of the Internal Revenue Code.

9 (2) STATE AID. The corporation may receive state aid for initial costs under s.
10 20.218 (1) (a) if all of the following conditions are satisfied:

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

17 (b) The articles of incorporation name as initial directors of the corporation the
18 secretary of administration; one majority party representative to the assembly and
19 one minority party representative to the assembly, chosen by the speaker of the
20 assembly; one majority party senator and one minority party senator, chosen by the
21 majority leader of the senate; a member of the board of regents of the University of
22 Wisconsin System; and 3 individuals selected by the governor.

23 (c) The initial board of directors of the corporation submits an application to
24 the federal communications commission no earlier than 30 days nor later than 45
25 days after the joint committee on finance approves the operational plan under 1999

1 Wisconsin Act (this act), section 9101 (1) (c) to transfer all broadcasting licenses
2 held by the educational communications board and the board of regents of the
3 University of Wisconsin System to the corporation.

4 (3) BROADCASTING OPERATIONS. The corporation under sub. (1) may receive state
5 aid for operational costs under s. 20.218 (1) (b) if all of the following conditions are
6 satisfied:

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

10 (b) The board of directors of the corporation offers employment beginning on
11 the effective date of the last broadcasting license transferred under par. (a)
12 [revisor inserts date], as determined by the secretary of administration to those
13 individuals designated in the operational plan under 1999 Wisconsin Act (this
14 act), section 9101 (1) (c) 1.

15 (c) The board of directors of the corporation honors affiliation agreements
16 entered into by the educational communications board and the board of regents of
17 the University of Wisconsin System.

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

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

24 (f) The corporation permits public inspection and copying of any record of the
25 corporation, as defined in s. 19.32 (1), to the same extent as required of, and subject

1 to the same terms and enforcement provisions that apply to, an authority under
2 subch. II of ch. 19.

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

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

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

10 **SECTION 37.** 230.08 (2) (e) 3m. of the statutes is amended to read:

11 230.08 (2) (e) 3m. Educational communications board — 4. If the secretary of
12 administration determines that the federal communications commission has
13 approved the transfer of all broadcasting licenses held by the educational
14 communications board and the board of regents of the University of Wisconsin
15 System to the corporation described under s. 39.81, this subdivision does not apply
16 on and after the effective date of the last license transferred ... [revisor inserts date].

17 **SECTION 38.** 230.08 (2) (L) 2. of the statutes is amended to read:

18 230.08 (2) (L) 2. Educational communications board, created under s. 15.57 (1).
19 If the secretary of administration determines that the federal communications
20 commission has approved the transfer of all broadcasting licenses held by the
21 educational communications board and the board of regents of the University of
22 Wisconsin System to the corporation described under s. 39.81, this subdivision does
23 not apply on and after the effective date of the last license transferred ... [revisor
24 inserts date].

25 **SECTION 39.** 230.08 (2) (we) of the statutes is amended to read:

1 230.08 (2) (we) Professional staff members of the educational communications
2 board authorized under s. 39.13 (2). If the secretary of administration determines
3 that the federal communications commission has approved the transfer of all
4 broadcasting licenses held by the educational communications board and the board
5 of regents of the University of Wisconsin System to the corporation described under
6 s. 39.81, this paragraph does not apply on and after the effective date of the last
7 license transferred [revisor inserts date].

8 **SECTION 40.** 230.08 (4) (a) of the statutes is amended to read:

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

19 **SECTION 41.** 230.08 (4) (am) of the statutes is created to read:

20 230.08 (4) (am) If the secretary of administration determines that the federal
21 communications commission has approved the transfer of all broadcasting licenses
22 held by the educational communications board and the board of regents of the
23 University of Wisconsin System to the corporation described under s. 39.81, on and
24 after the effective date of the last license transferred [revisor inserts date], “board”

1 in par. (a) means the investment board, public defender board and technical college
2 system board.

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

4 (1) EDUCATIONAL BROADCASTING.

5 (a) *Transfer of University of Wisconsin System funds.* If the secretary of
6 administration determines that the federal communications commission has
7 approved the transfer of all broadcasting licenses held by the educational
8 communications board and the board of regents of the University of Wisconsin
9 System to the corporation described under section 39.81 of the statutes, as created
10 by this act, on the effective date of the last license transferred, all unencumbered
11 balances appropriated to the board of regents of the University of Wisconsin System
12 under section 20.285 of the statutes for public broadcasting, as determined by the
13 secretary of administration, are transferred to the corporation described under
14 section 39.81 of the statutes, as created by this act.

15 (b) *Transfer of educational communications board funds.* 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 section 39.81 of the statutes, as created
20 by this act, on the effective date of the last license transferred, there is transferred
21 to the appropriation account under section 20.218 (1) (b) of the statutes, as created
22 by this act, the unencumbered balance of the appropriation accounts under section
23 20.225 (1) (a), (b), (d) to (ka) and (m) of the statutes.

24 (c) *Operational plan for educational broadcasting corporation.* The persons
25 under section 39.81 (1) of the statutes, as created by this act, shall prepare an

SECTION 9101

1 operational plan for the corporation described under section 39.81 of the statutes, as
2 created by this act. The plan shall include all of the following:

3 1. A list of those individuals employed by the board of regents of the University
4 of Wisconsin System and the educational communications board who are best-suited
5 to provide educational broadcasting services for the corporation described under
6 section 39.81 of the statutes, as created by this act.

7 2. The number of authorized FTE positions for the board of regents of the
8 University of Wisconsin System that would be eliminated if all broadcasting licenses
9 held by the educational communications board and the board of regents of the
10 University of Wisconsin System were transferred to the corporation described under
11 section 39.81 of the statutes, as created by this act.

12 3. An estimate of the level of funding necessary to cover the annual operating
13 expenses of the corporation described under section 39.81 of the statutes, as created
14 by this act.

15 4. The amount of money to appropriate under sections 20.255 (2) (fw) and
16 20.285 (1) (fu) of the statutes. ✓

17 (d) *Review of operational plan.* The secretary of administration shall submit
18 the operational plan under paragraph (c) to the cochairpersons of the joint committee
19 on finance. If the cochairpersons of the joint committee on finance do not notify the
20 secretary of administration within 14 working days after the date of the submittal
21 of the operational plan that the joint committee on finance has scheduled a meeting
22 to review the operational plan, the operational plan may be implemented as proposed
23 by the secretary of administration. If, within 14 working days after the date of the
24 submittal of the operational plan, the cochairpersons of the joint committee on
25 finance notify the secretary of administration that the joint committee on finance has

1 scheduled a meeting to review the operational plan, the operational plan may be
2 implemented only upon approval of the joint committee on finance.

3 (e) *Positions decrease.* If the secretary of administration determines that the
4 federal communications commission has approved the transfer of all broadcasting
5 licenses held by the educational communications board and the board of regents of
6 the University of Wisconsin System to the corporation described under section 39.81
7 of the statutes, as created by this act, on the effective date of the last license
8 transferred the authorized FTE positions for the University of Wisconsin System by
9 the number determined under paragraph (c) 1.

10

(END)



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

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

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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 (UW) 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), the president of the UW System and one person chosen by the governor to draft and file articles of incorporation for a nonstock, nonprofit educational broadcasting corporation and to take all actions necessary to exempt the corporation from taxation under the Internal Revenue Code. In addition, these persons 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

the corporation is to provide educational broadcasting to this state and that, if the corporation dissolves or discontinues educational broadcasting to 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 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.

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 and the 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; 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.

11 **SECTION 2.** 15.07 (1) (a) 5. of the statutes is amended to read:

12 15.07 (1) (a) 5. The members of the educational communications board
13 appointed under s. 15.57 ~~(5) and (7) (1) (e) and (g)~~ shall be appointed as provided in
14 that section.

15 **SECTION 3.** 15.105 (25) (bm) of the statutes is amended to read:

16 15.105 (25) (bm) A member of the educational communications board. If the
17 secretary of administration determines that the federal communications
18 commission has approved the transfer of all broadcasting licenses held by the
19 educational communications board and the board of regents of the University of
20 Wisconsin System to the corporation described under s. 39.81, this paragraph does
21 not apply on and after the effective date of the last license transferred ... [revisor
22 inserts date].

23 **SECTION 4.** 15.105 (25) (c) of the statutes is amended to read:

24 15.105 (25) (c) ~~Four~~ If the secretary of administration determines that the
25 federal communications commission has approved the transfer of all broadcasting

1 licenses held by the educational communications board and the board of regents of
2 the University of Wisconsin System to the corporation described under s. 39.81, on
3 and after the effective date of the last license transferred [revisor inserts date].
4 5 other members.

5 **SECTION 5.** 15.57 of the statutes is renumbered 15.57 (1).

6 **SECTION 6.** 15.57 (2) of the statutes is created to read:

7 15.57 (2) If the secretary of administration determines that the federal
8 communications commission has approved the transfer of all broadcasting licenses
9 held by the educational communications board and the board of regents of the
10 University of Wisconsin System to the corporation described under s. 39.81, this
11 section does not apply on and after the effective date of the last license transferred
12 [revisor inserts date].

13 **SECTION 7.** 16.25 of the statutes is created to read:

14 **16.25 Emergency weather warning system.** If the secretary determines
15 that the federal communications commission has approved the transfer of all
16 broadcasting licenses held by the educational communications board and the board
17 of regents of the University of Wisconsin System to the corporation described under
18 s. 39.81, on and after the effective date of the last license transferred [revisor
19 inserts date], the department shall operate an emergency weather warning system.

20 **SECTION 8.** 20.218 of the statutes is created to read:

21 **20.218 Educational broadcasting corporation.** There is appropriated to
22 the corporation described under s. 39.81 for the following costs:

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

25 (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.

1 **SECTION 9.** 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 10.** 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
17 effective date of the last license transferred [revisor inserts date], no moneys may
18 be encumbered under this paragraph.

19 **SECTION 11.** 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

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

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

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

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

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

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

24 20.225 (1) (er) *Transmitter operation.* The amounts in the schedule to operate
25 the transmitter constructed with moneys appropriated under par. (eg). 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, on and after the effective date of the last license transferred
5 [revisor inserts date], no moneys may be encumbered under this paragraph.

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

7 20.225 (1) (f) *Programming.* The amounts in the schedule for programming
8 under s. 39.11. 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, on and after the effective date of the last
12 license transferred [revisor inserts date], no moneys may be encumbered under
13 this paragraph.

14 **SECTION 16.** 20.225 (1) (g) of the statutes is amended to read:

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

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

24 20.225 (1) (h) *Instructional material.* The amounts in the schedule for
25 providing instructional materials under s. 39.11 (16). All moneys received from the

1 sale of instructional material under s. 39.11 (16) and all moneys received under s.
2 39.115 (1) shall be credited to this appropriation. If the secretary of administration
3 determines that the federal communications commission has approved the transfer
4 of all broadcasting licenses held by the board and the board of regents of the
5 University of Wisconsin System to the corporation described under s. 39.81, on and
6 after the effective date of the last license transferred [revisor inserts date], no
7 moneys may be encumbered under this paragraph.

8 **SECTION 18.** 20.225 (1) (k) of the statutes is amended to read:

9 20.225 (1) (k) *Funds received from other state agencies.* All moneys received
10 from other state agencies to carry out the purposes for which received. 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, on and after the effective date of the last license transferred
15 [revisor inserts date], no moneys may be encumbered under this paragraph.

16 **SECTION 19.** 20.225 (1) (ka) of the statutes is amended to read:

17 20.225 (1) (ka) *Information technology development projects.* The amounts in
18 the schedule for the purpose of conducting information technology development
19 projects approved under s. 16.971 (5). All moneys transferred from the appropriation
20 account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation
21 account. If the secretary of administration determines that the federal
22 communications commission has approved the transfer of all broadcasting licenses
23 held by the board and the board of regents of the University of Wisconsin System to
24 the corporation described under s. 39.81, on an after the effective date of the last

1 license transferred ... [revisor inserts date], no moneys may be encumbered under
2 this paragraph.

3 **SECTION 20.** 20.225 (1) (kb) of the statutes is amended to read:

4 20.225 (1) (kb) *Emergency weather warning system operation.* From the
5 moneys received by the department of administration for the provision of state
6 telecommunications and data processing services and sale of telecommunications
7 and data processing inventory items primarily to state agencies, the amounts in the
8 schedule for the operation of the emergency weather warning system under s. 39.11
9 (21). If the 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, on and after the effective date of the last license transferred
13 ... [revisor inserts date], no moneys may be encumbered under this paragraph.

14 **SECTION 21.** 20.225 (1) (m) of the statutes is amended to read:

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

23 **SECTION 22.** 20.255 (1) (fw) of the statutes is created to read:

1 20.255 (1) (fw) *Educational programming*. The amounts in the schedule for
2 contracting with the corporation described under s. 39.81 for educational
3 programming.

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

4 **SECTION 23.** 20.285 (1) (fu) of the statutes is created to read:

5 20.285 (1) (fu) *Educational programming*. The amounts in the schedule for
6 contracting with the corporation described under s. 39.81 for educational
7 programming.

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

8 **SECTION 24.** 20.505 (5) (d) of the statutes is created to read:

9 20.505 (5) (d) *Former educational communications board principal repayment*
10 *and interest*. A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of
11 principal and interest costs that are not paid under par. (h) and that are incurred in
12 financing the acquisition, construction, development, enlargement or improvement
13 of facilities approved by the building commission for operation by the educational
14 communications board. No moneys may be encumbered under this paragraph unless
15 the secretary of administration first determines that the federal communications
16 commission has approved the transfer of all broadcasting licenses held by the
17 educational communications board and the board of regents of the University of
18 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.

19 **SECTION 25.** 20.505 (5) (h) of the statutes is created to read:

20 20.505 (5) (h) *Lease payments for educational broadcasting facilities*. All lease
21 payments for state-owned educational broadcasting facilities and equipment

1 received from the corporation described under s. 39.81 for the purpose of reimbursing
2 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
3 the acquisition, construction, development, enlargement or improvement of facilities
4 approved by the building commission for operation by the educational
5 communications board.

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

6 **SECTION 26.** 20.505 (5) (i) of the statutes is created to read:

7 20.505 (5) (i) *Emergency weather warning system operation.* The amounts in
8 the schedule for the operation of the emergency weather warning system under s.
9 16.25. All moneys received for the provision of state telecommunications and data
10 processing services and sale of telecommunications and data processing inventory
11 items primarily to state agencies shall be credited to this appropriation account. ↗

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

12 **SECTION 27.** 20.866 (1) (u) of the statutes, as affected by 1997 Wisconsin Act
13 27, section 727, is amended to read:

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

Insert
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If the secretary of administration determines that the transfer of licenses has been approved, on and after the effective date of the last license transferred
 and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on public debt contracted under subchs. I and IV of ch. 18.

SECTION 28. 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. *for the purpose of this appropriation,* 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, *no moneys may be encumbered or public debt contracted 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.

SECTION 29. 20.866 (2) (zd) of the statutes is amended to read:

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

former
 less any amount contracted on behalf of the educational communications board before the effective date of the last license transferred, ... [revisor inserts date].

1 of the last license transferred [revisor inserts date], the state may not contract
2 public debt under this paragraph.

3 **SECTION 30.** 20.923 (4) (e) 1e. of the statutes is amended to read:

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

11 **SECTION 31.** 20.923 (6) (b) of the statutes is amended to read:

12 20.923 (6) (b) Educational communications board: unclassified professional
13 staff. If the secretary of administration determines that the federal communications
14 commission has approved the transfer of all broadcasting licenses held by the
15 educational communications board and the board of regents of the University of
16 Wisconsin System to the corporation described under s. 39.81, this paragraph does
17 not apply on and after the effective date of the last license transferred [revisor
18 inserts date].

19 **SECTION 32.** 36.25 (5) (c) of the statutes is created to read:

20 36.25 (5) (c) If the secretary of administration determines that the federal
21 communications commission has approved the transfer of all broadcasting licenses
22 held by the educational communications board and the board of regents to the
23 corporation described under s. 39.81, this subsection does not apply on and after the
24 effective date of the last license transferred [revisor inserts date].

25 **SECTION 33.** 38.125 of the statutes is amended to read:

SUBCHAPTER V

EDUCATIONAL BROADCASTING

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39.81 Educational broadcasting corporation. (1) INCORPORATION. The secretary of administration, the president of the University of Wisconsin System and one individual 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.

AS PURPOSE; INITIAL BOARD OF DIRECTORS.

(2) ~~Secretary~~ The corporation may receive state aid for initial costs under s. 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 this state and that, if the corporation dissolves or discontinues educational broadcasting in 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 this state.

(b) The articles of incorporation name as initial directors of the corporation the secretary of administration; one majority party representative to the assembly and one minority party representative to the assembly, chosen by the speaker of the assembly; one majority party senator and one minority party senator, chosen by the majority leader of the senate; a member of the board of regents of the University of Wisconsin System; and 3 individuals selected by the governor.

(c) ~~The~~ initial board of directors of the corporation submits an application to the federal communications commission ~~no earlier than 30 days nor later than 45 days after the date the committee on finance approves the operational plan under 1999~~

auto ref. "KA" auto ref. "KB"
No earlier than 30 days nor later than 45 days after the operational plan under 1999 Wisconsin Act ... (this act), section 9101 (1) (c) is implemented, the

~~IS NOT TO BE REPRODUCED~~

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~~Wisconsin Act (this act), section 9101 (1) (a) 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.

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

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

(b) The board of directors of the corporation offers employment beginning on the effective date of the last broadcasting license transferred under par. (a) ... [revisor inserts date], as determined by the secretary of administration to those individuals designated in the operational plan under 1999 Wisconsin Act ... (this act), section 9101 (1) (c) 1.

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

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

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

(f) The corporation permits 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

1 to the same terms and enforcement provisions that apply to, an authority under
2 subch. II of ch. 19.

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

6 (h) The corporation provides employes of the legislative audit bureau with
7 access to all of the corporation's records.

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

10 SECTION 37. 230.08 (2) (e) 3m. of the statutes is amended to read:

11 230.08 (2) (e) 3m. Educational communications board — 4. If the secretary of
12 administration determines that the federal communications commission has
13 approved the transfer of all broadcasting licenses held by the educational
14 communications board and the board of regents of the University of Wisconsin
15 System to the corporation described under s. 39.81, this subdivision does not apply
16 on and after the effective date of the last license transferred [revisor inserts date].

17 SECTION 38. 230.08 (2) (L) 2. of the statutes is amended to read:

18 230.08 (2) (L) 2. Educational communications board, created under s. 15.57 (1).
19 If the secretary of administration determines that the federal communications
20 commission has approved the transfer of all broadcasting licenses held by the
21 educational communications board and the board of regents of the University of
22 Wisconsin System to the corporation described under s. 39.81, this subdivision does
23 not apply on and after the effective date of the last license transferred [revisor
24 inserts date].

25 SECTION 39. 230.08 (2) (we) of the statutes is amended to read:

1 230.08 (2) (we) Professional staff members of the educational communications
2 board authorized under s. 39.13 (2). If the secretary of administration determines
3 that the federal communications commission has approved the transfer of all
4 broadcasting licenses held by the educational communications board and the board
5 of regents of the University of Wisconsin System to the corporation described under
6 s. 39.81, this paragraph does not apply on and after the effective date of the last
7 license transferred [revisor inserts date].

8 **SECTION 40.** 230.08 (4) (a) of the statutes is amended to read:

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

19 **SECTION 41.** 230.08 (4) (am) of the statutes is created to read:

20 230.08 (4) (am) If the secretary of administration determines that the federal
21 communications commission has approved the transfer of all broadcasting licenses
22 held by the educational communications board and the board of regents of the
23 University of Wisconsin System to the corporation described under s. 39.81, on and
24 after the effective date of the last license transferred [revisor inserts date], “board”

1 in par. (a) means the investment board, public defender board and technical college
2 system board.

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

4 (1) EDUCATIONAL BROADCASTING.

5 *auto*
6 *ref. "KA"*
7 (a) *Transfer of University of Wisconsin System funds.* If the secretary of
8 administration determines that the federal communications commission has
9 approved the transfer of all broadcasting licenses held by the educational
10 communications board and the board of regents of the University of Wisconsin
11 System to the corporation described under section 39.81 of the statutes, as created
12 by this act, on the effective date of the last license transferred, all unencumbered
13 balances appropriated to the board of regents of the University of Wisconsin System
14 under section 20.285 of the statutes for public broadcasting, as determined by the
15 secretary of administration, are transferred to the corporation described under
16 section 39.81 of the statutes, as created by this act.

17 (b) *Transfer of educational communications board funds.* If the secretary of
18 administration determines that the federal communications commission has
19 approved the transfer of all broadcasting licenses held by the educational
20 communications board and the board of regents of the University of Wisconsin
21 System to the corporation described under section 39.81 of the statutes, as created
22 by this act, on the effective date of the last license transferred, there is transferred
23 to the appropriation account under section 20.218 (1) (b) of the statutes, as created
24 by this act, the unencumbered balance of the appropriation accounts under section
25 20.225 (1) (a), (b), (d) to (ka) and (m) of the statutes.

26 *auto*
27 *ref. "KB"*
28 (c) *Operational plan for educational broadcasting corporation.* The persons
29 under section 39.81 (1) of the statutes, as created by this act, shall prepare an

operational

1 operational plan for the corporation described under section 39.81 of the statutes, as
2 created by this act. The plan shall include all of the following:

3 1. A list of those individuals employed by the board of regents of the University
4 of Wisconsin System and the educational communications board who are best-suited
5 to provide educational broadcasting services for the corporation described under
6 section 39.81 of the statutes, as created by this act.

7 → 2. The number of authorized FTE positions for the board of regents of the
8 University of Wisconsin System that would be eliminated if all broadcasting licenses
9 held by the educational communications board and the board of regents of the
10 University of Wisconsin System were transferred to the corporation described under
11 section 39.81 of the statutes, as created by this act.

*auto
ref.
"Ka"*

12 3. An estimate of the level of funding necessary to cover the annual operating
13 expenses of the corporation described under section 39.81 of the statutes, as created
14 by this act.

15 4. The amount of money to appropriate under sections 20.255 (1) (fw) and
16 20.285 (1) (fu) of the statutes.

17 (d) *Review of operational plan.* The secretary of administration shall submit
18 the operational plan under paragraph (c) to the cochairpersons of the joint committee
19 on finance. If the cochairpersons of the joint committee on finance do not notify the
20 secretary of administration within 14 working days after the date of the submittal
21 of the operational plan that the joint committee on finance has scheduled a meeting
22 to review the operational plan, the operational plan may be implemented as proposed
23 by the secretary of administration. If, within 14 working days after the date of the
24 submittal of the operational plan, the cochairpersons of the joint committee on
25 finance notify the secretary of administration that the joint committee on finance has

1 scheduled a meeting to review the operational plan, the operational plan may be
2 implemented only upon approval of the joint committee on finance.

3 (e) *Positions decrease.* If the secretary of administration determines that the
4 federal communications commission has approved the transfer of all broadcasting
5 licenses held by the educational communications board and the board of regents of
6 the University of Wisconsin System to the corporation described under section 39.81
7 of the statutes, as created by this act, on the effective date of the last license
8 transferred the authorized FTE positions for the University of Wisconsin System by
9 the number determined under paragraph (c) ~~is~~.

10

(END)

2
auto
ref
"Kd"

are
decreased

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No moneys may be encumbered under this paragraph unless the secretary of administration first determines^s that the federal communications commission has approved^d 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.



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

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

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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 (UW) 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), the president of the UW System and one person chosen by the governor to draft and file articles of incorporation for a nonstock, nonprofit educational broadcasting corporation and to take all actions necessary to exempt the corporation from taxation under the Internal Revenue Code. In addition, these persons 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

the corporation is to provide educational broadcasting to this state and that, if the corporation dissolves or discontinues educational broadcasting to 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 this state; the articles of incorporation name as initial directors the secretary, two ~~members~~ representatives to the assembly, two ~~members~~ 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 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 and the 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; 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.

11 **SECTION 2.** 15.07 (1) (a) 5. of the statutes is amended to read:

12 15.07 (1) (a) 5. The members of the educational communications board
13 appointed under s. 15.57 ~~(5) and (7)~~ (1) (e) and (g) shall be appointed as provided in
14 that section.

15 **SECTION 3.** 15.105 (25) (bm) of the statutes is amended to read:

16 15.105 (25) (bm) A member of the educational communications board. If the
17 secretary of administration determines that the federal communications
18 commission has approved the transfer of all broadcasting licenses held by the
19 educational communications board and the board of regents of the University of
20 Wisconsin System to the corporation described under s. 39.81, this paragraph does
21 not apply on and after the effective date of the last license transferred [revisor
22 inserts date].

23 **SECTION 4.** 15.105 (25) (c) of the statutes is amended to read:

24 15.105 (25) (c) ~~Four~~ If the secretary of administration determines that the
25 federal communications commission has approved the transfer of all broadcasting

1 licenses held by the educational communications board and the board of regents of
2 the University of Wisconsin System to the corporation described under s. 39.81, on
3 and after the effective date of the last license transferred [revisor inserts date].
4 5 other members.

5 **SECTION 5.** 15.57 of the statutes is renumbered 15.57 (1).

6 **SECTION 6.** 15.57 (2) of the statutes is created to read:

7 15.57 (2) If the secretary of administration determines that the federal
8 communications commission has approved the transfer of all broadcasting licenses
9 held by the educational communications board and the board of regents of the
10 University of Wisconsin System to the corporation described under s. 39.81, this
11 section does not apply on and after the effective date of the last license transferred
12 [revisor inserts date].

13 **SECTION 7.** 16.25 of the statutes is created to read:

14 **16.25 Emergency weather warning system.** If the secretary determines
15 that the federal communications commission has approved the transfer of all
16 broadcasting licenses held by the educational communications board and the board
17 of regents of the University of Wisconsin System to the corporation described under
18 s. 39.81, on and after the effective date of the last license transferred [revisor
19 inserts date], the department shall operate an emergency weather warning system.

20 **SECTION 8.** 20.218 of the statutes is created to read:

21 **20.218 Educational broadcasting corporation.** There is appropriated to
22 the corporation described under s. 39.81 for the following costs:

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

25 (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.

1 **SECTION 9.** 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 10.** 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
17 effective date of the last license transferred [revisor inserts date], no moneys may
18 be encumbered under this paragraph.

19 **SECTION 11.** 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

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

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

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

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

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

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

24 20.225 (1) (er) *Transmitter operation.* The amounts in the schedule to operate
25 the transmitter constructed with moneys appropriated under par. (eg). 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, on and after the effective date of the last license transferred
5 [revisor inserts date], no moneys may be encumbered under this paragraph.

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

7 20.225 (1) (f) *Programming.* The amounts in the schedule for programming
8 under s. 39.11. 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, on and after the effective date of the last
12 license transferred [revisor inserts date], no moneys may be encumbered under
13 this paragraph.

14 **SECTION 16.** 20.225 (1) (g) of the statutes is amended to read:

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

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

24 20.225 (1) (h) *Instructional material.* The amounts in the schedule for
25 providing instructional materials under s. 39.11 (16). All moneys received from the

1 sale of instructional material under s. 39.11 (16) and all moneys received under s.
2 39.115 (1) shall be credited to this appropriation. If the secretary of administration
3 determines that the federal communications commission has approved the transfer
4 of all broadcasting licenses held by the board and the board of regents of the
5 University of Wisconsin System to the corporation described under s. 39.81, on and
6 after the effective date of the last license transferred [revisor inserts date], no
7 moneys may be encumbered under this paragraph.

8 SECTION 18. 20.225 (1) (k) of the statutes is amended to read:

9 20.225 (1) (k) *Funds received from other state agencies.* All moneys received
10 from other state agencies to carry out the purposes for which received. 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, on and after the effective date of the last license transferred
15 [revisor inserts date], no moneys may be encumbered under this paragraph.

16 SECTION 19. 20.225 (1) (ka) of the statutes is amended to read:

17 20.225 (1) (ka) *Information technology development projects.* The amounts in
18 the schedule for the purpose of conducting information technology development
19 projects approved under s. 16.971 (5). All moneys transferred from the appropriation
20 account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation
21 account. If the secretary of administration determines that the federal
22 communications commission has approved the transfer of all broadcasting licenses
23 held by the board and the board of regents of the University of Wisconsin System to
24 the corporation described under s. 39.81, on and after the effective date of the last

1 license transferred ... [revisor inserts date], no moneys may be encumbered under
2 this paragraph.

3 **SECTION 20.** 20.225 (1) (kb) of the statutes is amended to read:

4 20.225 (1) (kb) *Emergency weather warning system operation.* From the
5 moneys received by the department of administration for the provision of state
6 telecommunications and data processing services and sale of telecommunications
7 and data processing inventory items primarily to state agencies, the amounts in the
8 schedule for the operation of the emergency weather warning system under s. 39.11
9 (21). If the 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, on and after the effective date of the last license transferred
13 ... [revisor inserts date], no moneys may be encumbered under this paragraph.

14 **SECTION 21.** 20.225 (1) (m) of the statutes is amended to read:

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

23 **SECTION 22.** 20.255 (1) (fw) of the statutes is created to read:

1 20.255 (1) (fw) *Educational programming*. The amounts in the schedule for
2 contracting with the corporation described under s. 39.81 for educational
3 programming.

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

4 **SECTION 23.** 20.285 (1) (fu) of the statutes is created to read:

5 20.285 (1) (fu) *Educational programming*. The amounts in the schedule for
6 contracting with the corporation described under s. 39.81 for educational
7 programming.

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

8 **SECTION 24.** 20.505 (5) (d) of the statutes is created to read:

9 20.505 (5) (d) *Former educational communications board principal repayment*
10 *and interest*. A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of
11 principal and interest costs that are not paid under par. (h) and that are incurred in
12 financing the acquisition, construction, development, enlargement or improvement
13 of facilities approved by the building commission for operation by the educational
14 communications board. No moneys may be encumbered under this paragraph unless
15 the secretary of administration first determines that the federal communications
16 commission has approved the transfer of all broadcasting licenses held by the
17 educational communications board and the board of regents of the University of
18 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.

19 **SECTION 25.** 20.505 (5) (h) of the statutes is created to read:

20 20.505 (5) (h) *Lease payments for educational broadcasting facilities*. All lease
21 payments for state-owned educational broadcasting facilities and equipment

1 received from the corporation described under s. 39.81 for the purpose of reimbursing
2 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
3 the acquisition, construction, development, enlargement or improvement of facilities
4 approved by the building commission for operation by the educational
5 communications board.

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

6 **SECTION 26.** 20.505 (5) (i) of the statutes is created to read:

7 20.505 (5) (i) *Emergency weather warning system operation.* The amounts in
8 the schedule for the operation of the emergency weather warning system under s.
9 16.25. All moneys received for the provision of state telecommunications and data
10 processing services and sale of telecommunications and data processing inventory
11 items primarily to state agencies shall be credited to this appropriation account. No
12 moneys may be encumbered under this paragraph unless the secretary of
13 administration first determines that the federal communications commission has
14 approved the transfer of all broadcasting licenses held by the educational
15 communications board and the board of regents of the University of Wisconsin
16 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.

17 **SECTION 27.** 20.866 (1) (u) of the statutes, as affected by 1997 Wisconsin Act
18 27, section 727, is amended to read:

19 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
20 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (f), 20.190 (1) (c), (d),
21 (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e),
22 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih) and (kd)

1 and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (aq), (ar), (at), (ba),
2 (ca), (cb), (cc), (cd), (ce), (ea), (eq) and (er), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec)
3 and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (go),
4 (3) (t) and (4) (qm), 20.505 (5) (c), (d), (g) ~~and~~, (h) ~~and~~ (kc) and 20.867 (1) (a) and (b)
5 and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on public
6 debt contracted under subchs. I and IV of ch. 18.

7 **SECTION 28.** 20.866 (2) (ws) of the statutes is created to read:

8 20.866 (2) (ws) *Administration; educational communications facilities.* From
9 the capital improvement fund, a sum sufficient for the department of administration
10 to acquire, construct, develop, enlarge or improve educational communications
11 facilities. Unless the secretary of administration first 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 of the
14 University of Wisconsin System to the corporation described under s. 39.81, no
15 moneys may be encumbered or public debt contracted under this paragraph. If the
16 secretary of administration determines that the transfer of licenses has been
17 approved, on and after the effective date of the last license transferred [revisor
18 inserts date], the state may, for the purpose of this appropriation, contract public
19 debt in an amount not to exceed \$8,354,100 less any amount contracted on behalf of
20 the former educational communications board before the effective date of the last
21 license transferred [revisor inserts date].

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

22 **SECTION 29.** 20.866 (2) (zd) of the statutes is amended to read:

1 20.866 (2) (zd) *Educational communications board; educational*
2 *communications facilities.* From the capital improvement fund, a sum sufficient for
3 the educational communications board to acquire, construct, develop, enlarge or
4 improve educational communications facilities. The state may contract public debt
5 in an amount not to exceed \$8,354,100 for this purpose. If the secretary of
6 administration determines that the federal communications commission has
7 approved the transfer of all broadcasting licenses held by the educational
8 communications board and the board of regents of the University of Wisconsin
9 System to the corporation described under s. 39.81, on and after the effective date
10 of the last license transferred [revisor inserts date], the state may not contract
11 public debt under this paragraph.

12 **SECTION 30.** 20.923 (4) (e) 1e. of the statutes is amended to read:

13 20.923 (4) (e) 1e. Educational communications board: executive director. If the
14 secretary of administration determines that the federal communications
15 commission has approved the transfer of all broadcasting licenses held by the
16 educational communications board and the board of regents of the University of
17 Wisconsin System to the corporation described under s. 39.81, this subdivision does
18 not apply on and after the effective date of the last license transferred [revisor
19 inserts date].

20 **SECTION 31.** 20.923 (6) (b) of the statutes is amended to read:

21 20.923 (6) (b) Educational communications board: unclassified professional
22 staff. If the secretary of administration determines that the federal communications
23 commission has approved the transfer of all broadcasting licenses held by the
24 educational communications board and the board of regents of the University of
25 Wisconsin System to the corporation described under s. 39.81, this paragraph does

1 not apply on and after the effective date of the last license transferred [revisor
2 inserts date].

3 **SECTION 32.** 36.25 (5) (c) of the statutes is created to read:

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

9 **SECTION 33.** 38.125 of the statutes is amended to read:

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

18 **SECTION 34.** 39.10 of the statutes is created to read:

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

25 **SECTION 35.** 39.12 (4) of the statutes is amended to read:

1 (b) The articles of incorporation name as initial directors of the corporation the
 2 secretary of administration; ~~one majority party~~ ^{two} representative to the assembly and
 3 ~~one minority party~~ ^{2 senators} representative to the assembly, chosen by ~~the speaker of the~~ ^{as are the}
 4 ~~assembly~~ ^{members of standing committees in their respective houses;} one majority party senator and one minority party senator, chosen by the
 5 majority leader of the senate, a member of the board of regents of the University of
 6 Wisconsin System; and 3 individuals selected by the governor.

7 (c) No earlier than 30 days nor later than 45 days after the operational plan
 8 under 1999 Wisconsin Act ... (this act), section 9101 (1) (c) is implemented, the initial
 9 board of directors of the corporation submits an application to the federal
 10 communications commission to transfer 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.

13 (3) BROADCASTING OPERATIONS. The corporation under sub. (1) may receive state
 14 aid for operational costs under s. 20.218 (1) (b) if all of the following conditions are
 15 satisfied:

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

19 (b) The board of directors of the corporation offers employment beginning on
 20 the effective date of the last broadcasting license transferred under par. (a) ...
 21 [revisor inserts date], as determined by the secretary of administration, to those
 22 individuals designated in the operational plan under 1999 Wisconsin Act ... (this
 23 act), section 9101 (1) (c) 1.

for broadcasting purposes

1 (c) The board of directors of the corporation honors affiliation agreements
2 entered into by the educational communications board and the board of regents of
3 the University of Wisconsin System.

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

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

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

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

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

19 (4) AID PAYMENTS. The secretary of administration shall pay aid under sub. (3)
20 in instalments, as determined by the secretary.

21 **SECTION 37.** 230.08 (2) (e) 3m. of the statutes is amended to read:

22 230.08 (2) (e) 3m. Educational communications board — 4. If the secretary of
23 administration determines that the federal communications commission has
24 approved the transfer of all broadcasting licenses held by the educational
25 communications board and the board of regents of the University of Wisconsin

1 System to the corporation described under s. 39.81, this subdivision does not apply
2 on and after the effective date of the last license transferred [revisor inserts date].

3 **SECTION 38.** 230.08 (2) (L) 2. of the statutes is amended to read:

4 230.08 (2) (L) 2. Educational communications board, created under s. 15.57 (1).
5 If the secretary of administration determines that the federal communications
6 commission has approved the transfer of all broadcasting licenses held by the
7 educational communications board and the board of regents of the University of
8 Wisconsin System to the corporation described under s. 39.81, this subdivision does
9 not apply on and after the effective date of the last license transferred [revisor
10 inserts date].

11 **SECTION 39.** 230.08 (2) (we) of the statutes is amended to read:

12 230.08 (2) (we) Professional staff members of the educational communications
13 board authorized under s. 39.13 (2). If the secretary of administration determines
14 that the federal communications commission has approved the transfer of all
15 broadcasting licenses held by the educational communications board and the board
16 of regents of the University of Wisconsin System to the corporation described under
17 s. 39.81, this paragraph does not apply on and after the effective date of the last
18 license transferred [revisor inserts date].

19 **SECTION 40.** 230.08 (4) (a) of the statutes is amended to read:

20 230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)
21 includes all administrator positions specifically authorized by law to be employed
22 outside the classified service in each department, board or commission and the
23 historical society. In Except as provided in par. (am), in this paragraph,
24 "department" has the meaning given under s. 15.01 (5), "board" means the
25 educational communications board, investment board, public defender board and

1 technical college system board and "commission" means the public service
2 commission. Notwithstanding sub. (2) (z), no division administrator position
3 exceeding the number authorized in sub. (2) (e) may be created in the unclassified
4 service.

5 **SECTION 41.** 230.08 (4) (am) of the statutes is created to read:

6 230.08 (4) (am) If the secretary of administration determines that the federal
7 communications commission has approved the transfer of all broadcasting licenses
8 held by the educational communications board and the board of regents of the
9 University of Wisconsin System to the corporation described under s. 39.81, on and
10 after the effective date of the last license transferred ... [revisor inserts date], "board"
11 in par. (a) means the investment board, public defender board and technical college
12 system board.

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

14 (1) EDUCATIONAL BROADCASTING.

15 (a) *Transfer of University of Wisconsin System funds.* 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 section 39.81 of the statutes, as created
20 by this act, on the effective date of the last license transferred, all unencumbered
21 balances appropriated to the board of regents of the University of Wisconsin System
22 under section 20.285 of the statutes for public broadcasting, as determined by the
23 secretary of administration, are transferred to the corporation described under
24 section 39.81 of the statutes, as created by this act.

1 (b) *Transfer of educational communications board funds.* If the secretary of
2 administration determines that the federal communications commission has
3 approved the transfer of all broadcasting licenses held by the educational
4 communications board and the board of regents of the University of Wisconsin
5 System to the corporation described under section 39.81 of the statutes, as created
6 by this act, on the effective date of the last license transferred, ~~there is transferred~~

7 ¶ 1. to the appropriation account under section 20.218 (1) (b) of the statutes, as created
8 by this act, ~~the unencumbered balance of the appropriation accounts under section~~
9 20.225 (1) (a), (b), (d) to (ka) and (m) of the statutes.

10 (c) *Operational plan for educational broadcasting corporation.* The persons
11 under section 39.81 (1) of the statutes, as created by this act, shall prepare an
12 operational plan for the corporation described under section 39.81 of the statutes, as
13 created by this act. The operational plan shall include all of the following:

14 1. A list of those individuals employed by the board of regents of the University
15 of Wisconsin System and the educational communications board who are best-suited
16 to provide educational broadcasting services for the corporation described under
17 section 39.81 of the statutes, as created by this act.

18 2. The number of authorized FTE positions for the board of regents of the
19 University of Wisconsin System that would be eliminated if all broadcasting licenses
20 held by the educational communications board and the board of regents of the
21 University of Wisconsin System were transferred to the corporation described under
22 section 39.81 of the statutes, as created by this act.

23 3. An estimate of the level of funding necessary to cover the annual operating
24 expenses of the corporation described under section 39.81 of the statutes, as created
25 by this act.

and the amounts in the schedule for the appropriation account under
section 20.218(1)(b) of the statutes, as created by this act, are increased
by the amount ^d transferred from the appropriation accounts
under section 20.225(1)(a), (b), (d) to (ka) and (m) of the statutes. [INSERT A]

An estimate of the

necessary to fund the appropriations

1 4. ~~the~~ amount of money ~~to appropriate~~ under sections 20.255 (1) (fw) and
2 20.285 (1) (fu) of the statutes.

Insert
213

3 (d) *Review of operational plan.* The secretary of administration shall submit
4 the operational plan under paragraph (c) to the cochairpersons of the joint committee
5 on finance. If the cochairpersons of the joint committee on finance do not notify the
6 secretary of administration within 14 working days after the date of the submittal
7 of the operational plan that the joint committee on finance has scheduled a meeting
8 to review the operational plan, the operational plan may be implemented as proposed
9 by the secretary of administration. If, within 14 working days after the date of the
10 submittal of the operational plan, the cochairpersons of the joint committee on
11 finance notify the secretary of administration that the joint committee on finance has
12 scheduled a meeting to review the operational plan, the operational plan may be
13 implemented only upon approval of the joint committee on finance.

14 (e) *Positions decrease.* If the secretary of administration determines that the
15 federal communications commission has approved the transfer of all broadcasting
16 licenses held by the educational communications board and the board of regents of
17 the University of Wisconsin System to the corporation described under section 39.81
18 of the statutes, as created by this act, on the effective date of the last license
19 transferred the authorized FTE positions for the University of Wisconsin System are
20 decreased by the number determined under paragraph (c) 2.

21 (END)

A recommendation about whether the department of administration should undertake the construction and operation of national weather service transmitters.

(X) ^F Determination of license transfer date. (I)
If the secretary of administration ~~shall~~ determines →
(over)

that
whereas the federal communications
commission has approved the
transfer of all broadcasting licenses
held by the educational communications
commission and the board of regents of
the University of Wisconsin System to the
corporation described under section
39.81 of the statutes, as created by
this act, and the secretary shall
immediately notify the revisor of
statutes in writing of the effective
date of the last license transferred.

INSERT A ✓

④

2. To the appropriation account under section 20.505

(s)(i) ✓ of the statutes, as created by this act, there is transferred the

unencumbered balance of the appropriation account under

section 20.225(1)(kb) ✓ of the statutes, and the

amounts in the schedule for the appropriation account

under section 20.505 (s)(i) ✓ of the statutes, as

created by this act, are increased by the amount

transferred from the appropriation account under

section 20.225(1)(kb) of the statutes.

②

D-N

1696/5dn

Steve:

and, in lieu of creating additional DOA appropriations,

Q 1. At your request, I have drafted a nonstatutory provision directing the incorporators to include in the operational plan a recommendation about whether DOA should undertake the construction and operation of national weather service transmitters.

Q 2. As we discussed, the nonstatutory provision directing the incorporators to include ^{an} ~~an~~ estimate of the amount to appropriate for the programming appropriations may raise a ^{of legislative authority} ~~of legislative authority~~ delegation ^{operational} issue because the ^{operational} plan is implemented upon JFC's approval.

Q 3. At your request, I did not modify s. 20.505 (5)(b); thus, the lease ^p payments may be used to pay principal and interest for existing ECB facilities only.

(MJC)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1696/5dn
MJL:kmg&jlg:km

February 1, 1999

Steve:

1. At your request and in lieu of creating additional DOA appropriations, I have drafted a nonstatutory provision directing the incorporators to include in the operational plan a recommendation about whether DOA should undertake the construction and operation of national weather service transmitters.
2. As we discussed, the nonstatutory provision directing the incorporators to include an estimate of the amount to appropriate for the programming appropriations may raise a delegation of legislative authority issue because the operational plan is implemented upon JFC's approval.
3. At your request, I did not modify s. 20.505 (5) (h); thus, the lease payments may be used to pay principal and interest for existing ECB facilities only.

Madelon J. Lief
Legislative Attorney
Phone: (608) 267-7380