



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

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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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 representatives to the assembly, two 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) and

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; 2 representatives to the assembly and 2 senators,
3 chosen as are the members of standing committees in their respective houses; a
4 member of the board of regents of the University of Wisconsin System; and 3
5 individuals selected by the governor.

6 (c) No earlier than 30 days nor later than 45 days after the operational plan
7 under 1999 Wisconsin Act ... (this act), section 9101 (1)(c) is implemented, the initial
8 board of directors of the corporation submits an application to the federal
9 communications commission to transfer all broadcasting licenses held by the
10 educational communications board and the board of regents of the University of
11 Wisconsin System to the corporation.

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

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

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

23 (c) The board of directors of the corporation honors affiliation agreements for
24 broadcasting purposes entered into by the educational communications board and
25 the board of regents of the University of Wisconsin System.

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

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

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

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

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

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

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

19 230.08 (2) (e) 3m. Educational communications board — 4. If the secretary of
20 administration determines that the federal communications commission has
21 approved the transfer of all broadcasting licenses held by the educational
22 communications board and the board of regents of the University of Wisconsin
23 System to the corporation described under s. 39.81, this subdivision does not apply
24 on and after the effective date of the last license transferred [revisor inserts date].

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

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

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

9 230.08 (2) (we) Professional staff members of the educational communications
10 board authorized under s. 39.13 (2). If the secretary of administration determines
11 that the federal communications commission has approved the transfer of all
12 broadcasting licenses held by the educational communications board and the board
13 of regents of the University of Wisconsin System to the corporation described under
14 s. 39.81, this paragraph does not apply on and after the effective date of the last
15 license transferred [revisor inserts date].

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

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

1 exceeding the number authorized in sub. (2) (e) may be created in the unclassified
2 service.

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

4 230.08 (4) (am) 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 of the
7 University of Wisconsin System to the corporation described under s. 39.81, on and
8 after the effective date of the last license transferred [revisor inserts date], "board"
9 in par. (a) means the investment board, public defender board and technical college
10 system board.

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

12 (1) EDUCATIONAL BROADCASTING.

13 (a) *Transfer of University of Wisconsin System funds.* If the secretary of
14 administration determines that the federal communications commission has
15 approved the transfer of all broadcasting licenses held by the educational
16 communications board and the board of regents of the University of Wisconsin
17 System to the corporation described under section 39.81 of the statutes, as created
18 by this act, on the effective date of the last license transferred, all unencumbered
19 balances appropriated to the board of regents of the University of Wisconsin System
20 under section 20.285 of the statutes for public broadcasting, as determined by the
21 secretary of administration, are transferred to the corporation described under
22 section 39.81 of the statutes, as created by this act.

23 (b) *Transfer of educational communications board funds.* If the secretary of
24 administration determines that the federal communications commission has
25 approved the transfer of all broadcasting licenses held by the educational

1 communications board and the board of regents of the University of Wisconsin
2 System to the corporation described under section 39.81 of the statutes, as created
3 by this act, on the effective date of the last license transferred:

4 1. To the appropriation account under section 20.218 (1) (b) of the statutes, as
5 created by this act, there is transferred the unencumbered balance of the
6 appropriation accounts under section 20.225 (1) (a), (b), (d) to (ka) and (m) of the
7 statutes, and the amounts in the schedule for the appropriation account under
8 section 20.218 (1) (b) of the statutes, as created by this act, are increased by the sum
9 of the amounts transferred from the appropriation accounts under section 20.225 (1)
10 (a), (b), (d) to (ka) and (m) of the statutes.

11 2. To the appropriation account under section 20.505 (5) (i) of the statutes, as
12 created by this act, there is transferred the unencumbered balance of the
13 appropriation account under section 20.225 (1) (kb) of the statutes, and the amounts
14 in the schedule for the appropriation account under section 20.505 (5) (i) of the
15 statutes, as created by this act, are increased by the amount transferred from the
16 appropriation account under section 20.225 (1) (kb) of the statutes.

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

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

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

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

9 4. An estimate of the amount of money necessary to fund the appropriations
10 under sections 20.255 (1) (fw) and 20.285 (1) (fu) of the statutes.

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

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

24 (e) *Positions decrease.* If the secretary of administration determines that the
25 federal communications commission has approved the transfer of all broadcasting

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1 licenses held by the educational communications board and the board of regents of
2 the University of Wisconsin System to the corporation described under section 39.81
3 of the statutes, as created by this act, on the effective date of the last license
4 transferred the authorized FTE positions for the University of Wisconsin System are
5 decreased by the number determined under paragraph (c) 2.

6 (f) *Determination of license transfer date.* If the secretary of administration
7 determines that the federal communications commission has approved the transfer
8 of all broadcasting licenses held by the educational communications commission and
9 the board of regents of the University of Wisconsin System to the corporation
10 described under section 39.81 of the statutes, as created by this act, the secretary
11 shall immediately notify the revisor of statutes in writing of the effective date of the
12 last license transferred.

13

(END)

LRB-1696/6dr

This draft reconciles LRB-1542/1 and LRB-
1696/S. Both LRB-1542 and LRB-1696
should remain in the compiled bill.

MJL

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1696/6dn
MJL:kmg&jlg:lp

February 2, 1999

This draft reconciles LRB-1542/1 and LRB-1696/5. Both LRB-1542 and LRB-1696 should remain in the compiled bill.

Madelon J. Lief
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1696/7⁷dn
MJL:kmg:lp

February 2, 1999

Simply makes a technical change in Section 4.
This draft reconciles ~~LRB-1542/1 and LRB-1696/5~~. Both ~~LRB-1542 and LRB-1696~~
~~should remain in the compiled bill.~~

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1696/9 ⁷
MJL&JTK:kmg&jlg:lp
stays

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

R-M run

See P. 3, line 24

D-N

SOON

Govt
Gen. Act.

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

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 (24) 15.105 (25) (c) ~~Four~~ ^{or if} 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 section 39.81
3 of the statutes, as created by this act, on the effective date of the last license
4 transferred the authorized FTE positions for the University of Wisconsin System are
5 decreased by the number determined under paragraph (c) 2.

6 (f) *Determination of license transfer date.* If the secretary of administration
7 determines that the federal communications commission has approved the transfer
8 of all broadcasting licenses held by the educational communications commission and
9 the board of regents of the University of Wisconsin System to the corporation
10 described under section 39.81 of the statutes, as created by this act, the secretary
11 shall immediately notify the revisor of statutes in writing of the effective date of the
12 last license transferred.

13

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1696/7dn
MJL:kmg:km

February 3, 1999

This draft simply makes a technical change in SECTION 4.

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1696/7
MJL&JTK:kmg&jlg:km

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

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

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 representatives to the assembly, two 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 inscrts date].

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

24 15.105 (25) (c) Four or, 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

SECTION 17

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 (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (aq), (ar),
2 (at), (ba), (ca), (cb), (cc), (cd), (ce), (ea), (eq) and (er), 20.395 (6) (aq) and (ar), 20.410
3 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f)
4 and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (d), (g) and, (h) and (kc) and 20.867 (1) (a)
5 and (b) and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest
6 on public 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; 2 representatives to the assembly and 2 senators,
3 chosen as are the members of standing committees in their respective houses; a
4 member of the board of regents of the University of Wisconsin System; and 3
5 individuals selected by the governor.

6 (c) No earlier than 30 days nor later than 45 days after the operational plan
7 under 1999 Wisconsin Act (this act), section 9101 (1)(c) is implemented, the initial
8 board of directors of the corporation submits an application to the federal
9 communications commission to transfer all broadcasting licenses held by the
10 educational communications board and the board of regents of the University of
11 Wisconsin System to the corporation.

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

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

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

23 (c) The board of directors of the corporation honors affiliation agreements for
24 broadcasting purposes entered into by the educational communications board and
25 the board of regents of the University of Wisconsin System.

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

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

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

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

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

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

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

19 230.08 (2) (e) 3m. Educational communications board — 4. If the secretary of
20 administration determines that the federal communications commission has
21 approved the transfer of all broadcasting licenses held by the educational
22 communications board and the board of regents of the University of Wisconsin
23 System to the corporation described under s. 39.81, this subdivision does not apply
24 on and after the effective date of the last license transferred [revisor inserts date].

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

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

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

9 230.08 (2) (we) Professional staff members of the educational communications
10 board authorized under s. 39.13 (2). If the secretary of administration determines
11 that the federal communications commission has approved the transfer of all
12 broadcasting licenses held by the educational communications board and the board
13 of regents of the University of Wisconsin System to the corporation described under
14 s. 39.81, this paragraph does not apply on and after the effective date of the last
15 license transferred [revisor inserts date].

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

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

1 exceeding the number authorized in sub. (2) (e) may be created in the unclassified
2 service.

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

4 230.08 (4) (am) 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 of the
7 University of Wisconsin System to the corporation described under s. 39.81, on and
8 after the effective date of the last license transferred [revisor inserts date], "board"
9 in par. (a) means the investment board, public defender board and technical college
10 system board.

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

12 (1) EDUCATIONAL BROADCASTING.

13 (a) *Transfer of University of Wisconsin System funds.* If the secretary of
14 administration determines that the federal communications commission has
15 approved the transfer of all broadcasting licenses held by the educational
16 communications board and the board of regents of the University of Wisconsin
17 System to the corporation described under section 39.81 of the statutes, as created
18 by this act, on the effective date of the last license transferred, all unencumbered
19 balances appropriated to the board of regents of the University of Wisconsin System
20 under section 20.285 of the statutes for public broadcasting, as determined by the
21 secretary of administration, are transferred to the corporation described under
22 section 39.81 of the statutes, as created by this act.

23 (b) *Transfer of educational communications board funds.* If the secretary of
24 administration determines that the federal communications commission has
25 approved the transfer of all broadcasting licenses held by the educational

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1 communications board and the board of regents of the University of Wisconsin
2 System to the corporation described under section 39.81 of the statutes, as created
3 by this act, on the effective date of the last license transferred:

4 1. To the appropriation account under section 20.218 (1) (b) of the statutes, as
5 created by this act, there is transferred the unencumbered balance of the
6 appropriation accounts under section 20.225 (1) (a), (b), (d) to (ka) and (m) of the
7 statutes, and the amounts in the schedule for the appropriation account under
8 section 20.218 (1) (b) of the statutes, as created by this act, are increased by the sum
9 of the amounts transferred from the appropriation accounts under section 20.225 (1)
10 (a), (b), (d) to (ka) and (m) of the statutes.

11 2. To the appropriation account under section 20.505 (5) (i) of the statutes, as
12 created by this act, there is transferred the unencumbered balance of the
13 appropriation account under section 20.225 (1) (kb) of the statutes, and the amounts
14 in the schedule for the appropriation account under section 20.505 (5) (i) of the
15 statutes, as created by this act, are increased by the amount transferred from the
16 appropriation account under section 20.225 (1) (kb) of the statutes.

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

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

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

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

9 4. An estimate of the amount of money necessary to fund the appropriations
10 under sections 20.255 (1) (fw) and 20.285 (1) (fu) of the statutes.

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

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

24 (e) *Positions decrease.* If the secretary of administration determines that the
25 federal communications commission has approved the transfer of all broadcasting

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1 licenses held by the educational communications board and the board of regents of
2 the University of Wisconsin System to the corporation described under section 39.81
3 of the statutes, as created by this act, on the effective date of the last license
4 transferred the authorized FTE positions for the University of Wisconsin System are
5 decreased by the number determined under paragraph (c) 2.

6 (f) *Determination of license transfer date.* If the secretary of administration
7 determines that the federal communications commission has approved the transfer
8 of all broadcasting licenses held by the educational communications commission and
9 the board of regents of the University of Wisconsin System to the corporation
10 described under section 39.81 of the statutes, as created by this act, the secretary
11 shall immediately notify the revisor of statutes in writing of the effective date of the
12 last license transferred.

13 (END)