

**1999 DRAFTING REQUEST**

**Bill**

Received: **06/11/99**

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Reference Bureau**

By/Representing:

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

Drafter: **kunkemd**

May Contact:

Alt. Drafters:

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

Extra Copies: **PG, JTK, RAC, MJL**

**E-Mail to Ruth Hardy + Dave Loppnow  
LFB**

**Pre Topic:**

No specific pre topic given

**Topic:**

Public broadcasting transitional board and nonprofit corporation

**Instructions:**

See Attached

*File Contents  
moved to  
99 b 0682*

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	kunkemd 06/13/99	jgeller 06/13/99	mclark 06/13/99	_____	lrb_docadmin 06/14/99		S&L
	kunkemd 06/14/99	chanaman 06/14/99		_____			
/P2	lrb_docadminchanaman 06/14/99	06/14/99	haueca 06/14/99	_____	lrb_docadmin 06/14/99		S&L
	kunkemd 06/14/99			_____			
/P3			haueca 06/14/99	_____	lrb_docadmin 06/14/99		S&L

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Dave Lopnow  
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/P1	kunkemd 06/13/99	kgeller 06/13/99	mclark 06/13/99	_____	lrb_docadmin 06/14/99		S&L
	kunkemd 06/14/99	chanaman 06/14/99		_____			
/P2		cmh 6/14 /P3	haugca 06/14/99	_____	lrb_docadmin 06/14/99		S&L

FE Sent For:

CH  
6-14  
RM 6-14

<END>

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FE Sent For:		cmH /P2	CH 6-14	<END>			

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/?	kunkemd	PI 6/12 Jg	MRC 6/13	MRC/CH 6/13			S&L

FE Sent For:

<END>

60682 ?

**Kunkel, Mark**

---

**From:** Hardy, Ruth  
**Sent:** Wednesday, June 09, 1999 3:37 PM  
**To:** Grant, Peter; Lief, Madelon; Kunkel, Mark; Kuesel, Jeffery  
**Cc:** Loppnow, Dave  
**Subject:** Restructuring Public Broadcasting

Attached is the motion which passed on a 9-7 vote to restructure public broadcasting. So, delete the stuff in the budget that the Governor recommended and replace it with motion #1341. There was also a subsequent motion which deleted a sentence of this motion, which I'll show in the motion. I know that lots of you guys will be working on this, take a look at the motion, begin drafting and let's talk. If it would help, I could come over there tomorrow or Friday to meet with you guys and see if we can work through it. It will be a hell of a draft and much of it, I'm not sure how to work out... Let me know how I can help.

Ruth



1341.doc

*delete*

*- Judge LRB-1938/1*

*LRB-1696/7*

EDUCATIONAL COMMUNICATIONS BOARD

Restructure Public Broadcasting and Fund Digital Television Transition

Motion:

Move to restructure public broadcasting as follows:

**Transition Process**

television

WMVS-  
WMVT

1. Create a 15-member transition team that would write the bylaws of a new Wisconsin Public Broadcasting Corporation (WPBC), apply for incorporation of the WPBC and status as a 501(c)(3), apply to the appropriate federal agencies for the transfer of all of ECB licenses, and administer all aspects of the restructuring of public broadcasting in Wisconsin.

2. Provide that the 15 individuals would include the following, or their designees: (a) Secretary of the Department of Administration (DOA); (b) the State Superintendent of Public Instruction; (c) the President of the University of Wisconsin System; (d) the Director of the Wisconsin Technical College System (WTCS); (e) the President of the Wisconsin Association of Independent Colleges and Universities (WAICU); (f) one legislator from the minority and majority party of each house of the Legislature; (g) two members from the Wisconsin Public Radio Association (WPRO); (h) one member from the Friends of WHA-TV and one member from the Friends of Channels 10/36 in Milwaukee; (i) the President of Milwaukee Area Technical College (MATC). If MATC does not enter into an memorandum of understanding (MOU) agreement within one year of the passage of the budget bill with the WPBC as described below, the President of MATC would be replaced with one at-large member appointed by the Governor; and (j) one representative of K-12 education, appointed by the Governor.

3. Provide that these members would be appointed to a three-year term, subject to Senate confirmation and would be subject to the state ethics code for the term of their appointment. Provide that the bylaws written by this transition board would outline a permanent board for the WPBC.

no dues nor y because  
13.62(2) "agency"  
appnt -  
"bd" ?

4. Provide that the current ECB and UW public broadcasting staff would provide staff, technical and administrative assistance to this 15-member transition team. Create a new, continuing GPR appropriation under ECB and provide \$50,000 GPR in 1999-00 for the costs of legal and administrative services associated with this transition process.

5. Require the transition team to report to the Governor and the Chief Clerk of each House of the Legislature by March 15, 2000, on the bylaws of the WPBC.

no approval  
role

6. Following incorporation of the WPBC and prior to license transfer, permit ECB to contract with the WPBC for the operation of its current public broadcasting duties.

*allow ECB to K.*

7. Upon FCC approval of the transfer of ECB's licenses to WPBC, eliminate ECB. Provide that if the ECB is not eliminated prior to June 30, 2001, ECB's 2000-01 base budget for the purpose of budgeting for the 2001-03 biennial budget would be considered \$0 for all of its appropriations, except the debt service appropriations, and the agency would be subject to zero-based budgeting for 2001-03.

*IF*

8. Require the WPBC and DOA to submit a request to JFC under a 14-day passive review process for the transfer of funding and state bonding authority to the WPBC from ECB, the transfer of funding and positions to DOA from ECB, and the transfer of physical and other assets from the state to the WPBC, prior to the elimination of ECB.

*state guaranteed take - GRP-supported bonding*

*original assets to ECB*

*funding, bonding, position - assets - 1 year prep to foundation*  
Contract

*sub finance 2001*

*Ch 20 - sub board work*

**UW and MATC Memoranda of Understanding with WPBC**

1. <sup>Allow</sup> Permit the UW Board of Regents to enter into a memorandum of understanding with the WPBC for the operation of the UW public broadcasting licenses. Provide that the MOU would: (a) guarantee UW equal or greater access to the public broadcasting system as under the current organization; (b) provide that UW would retain all of its public broadcasting licenses; (c) provide that the UW would maintain its existing facilities and physical assets, but would outline an agreement for providing the WPBC with operational authority over certain public broadcasting facilities and assets; (d) require UW to provide ~~making~~ administrative services, such as purchasing and legal services; and (e) require UW to provide assistance in developing and delivering K-12 programming, at no cost to K-12 school districts or private schools.

*MOU: main spec, include cop party UW*

*facilities are fine*

2. <sup>Allow</sup> Permit the MATC to enter into a memorandum of understanding with the WPBC for the operation of the MATC public television licenses. Provide that the MOU would: (a) guarantee MATC equal or greater access to the public broadcasting system as under the current organization; (b) provide that MATC would retain all of its public broadcasting licenses; (c) provide that the MATC would maintain its existing facilities and physical assets, but would outline an agreement for providing the WPBC with operational authority over certain public broadcasting facilities and assets; and (d) require MATC to provide assistance in developing and delivering K-12 programming, at no cost to K-12 school districts or private schools.

3. Provide that these MOU's must be completed within one year of the effective date of the budget bill and must be in effect for the life of bonds provided for the conversion to digital television, as described below. Provide that the Secretary of DOA would be required to review and approve these MOU's before they take effect.

*OR NO UW or MATC bonds*

**Wisconsin Public Radio Association and Friends of Public Television**

1. <sup>request</sup> Require the Wisconsin Public Radio Association to enter into an MOU which would outline an agreement to transfer funding generated for the radio licenses held or operated

by the WPBC to the WPBC; and

2. Require that any friends of public television organizations that support television stations with licenses held or operated by the WPBC to enter into an MOU which would outline an agreement to transfer funding generated for the television licenses held or operated by the WPBC to the WPBC.

**Current State Employees and Benefits**

1. Provide that upon the elimination of ECB, the current ECB positions and incumbent employees would be transferred to DOA where they would continue as state employees. Such employees would retain all state benefits, seniority and eligibility for the Wisconsin Retirement System.

2. Create an annual, sum certain GPR appropriation under a separate program within the DOA appropriation schedule. Upon elimination of the ECB, provide that funding sufficient to support the salary, fringe benefits, and supplies and services costs of the current ECB employees would be transferred to this appropriation. Provide that as employees retire, transfer, resign or otherwise terminate their employment with DOA, funding and position authority associated with the relevant employee would be lapsed from the appropriation. Prohibit DOA from filling vacant positions. Provide that the appropriation would be eliminated following the departure of the last employee.

3. Provide that all UW or MATC employees assigned public broadcasting duties would continue to be UW or MATC employees and the WPBC could contract with the UW or MATC for their services.

4. Provide that any new employees hired for WPBC public broadcasting duties would be hired by WPBC as non-state employees. Provide that the UW or MATC would not be prohibited from hiring new employees to meet UW or MATC public broadcasting duties.

**Transfer of Physical Assets and Contracts with State**

1. Provide that all physical assets currently solely owned by the ECB would be transferred to the WPBC, upon ECB's elimination. Provide that assets shared by ECB and other state entities would be leased from the state.

2. Require DOA to enter into a lease with WPBC for tower, transmitter, transmission facilities or any other related structures, equipment and property, not transferred to the WPBC or covered by UW contracts with WPBC. Permit the lease to include terms that would lead to eventual ownership of such facilities by WPBC.

3. Require DOA to enter into a contract agreement with WPBC for the operation of the state's emergency weather transmission system.

gpr.

ME/MAC

still in use - what do appropriations go to? - ask what do they go to?

DOA - can't say no  
fig. if we cap it  
nothing

same E&B status

\*

NO  
prohibitions

ME

not to  
used for public  
broadcasting  
grant to  
state  
act

state

See below



4. Permit WPBC to contract with the state for the use of the state's BadgerNet telecommunications network for the transmission of digital television and radio.

Comme **State Funding for WPBC Operations**

1. Create an annual, sum certain GPR appropriation, a sum sufficient GPR debt service appropriation and a continuing program revenue appropriation for the WPBC, under a new section of the Chapter 20 appropriation schedule.

2. Create the sum certain GPR appropriation for the following purposes:

- a. K-12 educational programming for use by school districts and private schools;
- b. Transmission to remote and underserved areas of the state; and
- c. Emergency weather warning system.

3. Provide that GPR funding from ECB would be transferred to this appropriation, which would represent base-level state funding for WPBC, upon elimination of ECB.

4. Provide that the PR appropriation would be for revenue received from the UW, DOA or other state agency for contracted services, not covered by the GPR funding.

5. Transfer federal funding received by ECB to WPBC, if permitted by the federal agency. No state appropriation would be required.

6. Transfer relevant program revenue, gifts and grants to WPBC, if permitted by the grantor. No state appropriation would be required.

RAC **State Funding for the Conversion to Digital Television**

1. Provide \$9,713,700 BR of general fund supported borrowing and \$1,350,000 FED in 1999-00 to ECB, which would transfer to the WPBC upon elimination of the ECB for phase one of the conversion to digital television. Provide that this funding could be utilized for transmission towers and related equipment. Prohibit the use of this funding for the conversion or construction of any production or broadcast network facilities. Require ECB/WPBC to generate private donations equivalent to 10% of this state bonding and federal funding (\$1,106,400) as a matching requirement for the funds, prior to issuance of these bonds. Require that these donations be generated and utilized for the equipment or construction costs of the transition to digital television.

2. Provide \$2,800,000 BR of general fund supported borrowing in 1999-00 to the UW. Provide that this funding could be utilized for transmission towers and related equipment, including production equipment. Prohibit the use of this funding for the conversion or

*add to current provisions*

*don't do*

*funding rec'd through state to (PR, etc)*

*don't need*

*See Medical College*

*to do - to transfer to  
can't do -  
do -  
finds -  
12/10*

*don't need*

*of unrec'd balance*

*create FED-PR-C  
all notes rec'd from sub; to jlt finance*

*process within*

*give us total as grant  
unrec'd balance  
PR appropriation - s  
woman for mon - UW & MAPP*

*credit -  
may be spent  
at present to  
transact  
rec'd by  
ECB*

*UW can't build it's own broadcast facility*

construction of any production or broadcast network facilities. Prior to release of this digital television funding, require the UW to enter into an MOU as outlined above with the ECB, and upon creation of the WPBC, with the WPBC, for the operation of its WHA-TV television license. Require that this MOU would provide for the joint use of one broadcast network facility and shared production facilities. Require the UW to generate private donations equivalent to 10% of this state bonding (\$280,000) as a matching requirement for the state funds, prior to issuance of these bonds. Require that these donations be generated and utilized for the equipment or construction costs of the transition to digital television.

*if just  
well  
tv,  
etc  
good  
enough  
for  
bonds*

3. Provide \$3,500,000 BR of general fund supported borrowing in 1999-00 to the MATC. Provide that this funding could be utilized for transmission towers and related equipment, including production equipment. Prohibit the use of this funding for the conversion or construction of any production or broadcast network facilities. Prior to release of this digital television funding, require the MATC to enter into an MOU as outlined above with the ECB, and upon creation of the WPBC, with the WPBC, for the operation of its television licenses. Require that this MOU would provide for the joint use of one broadcast network facility and shared production facilities. Require the MATC to generate private donations equivalent to 10% of this state bonding (\$350,000) as a matching requirement for the state funds, prior to issuance of these bonds. Require that these donations be generated and utilized for the equipment or construction costs of the transition to digital television. Provide that if the MATC meets the requirements under this paragraph and under the MOU provisions outlined above, the Building Commission would be authorized to release planning monies for the construction of a broadcast network center in Milwaukee, which would be owned and operated by the WPBC to provide shared, equitable access to all entities involved in public broadcasting in the state.

*all  
produced  
&  
one  
broadcast  
network  
facility*

4. Provide that no digital television funding would be provided to the UW or MATC for any purpose in future years if these entities do not maintain a contract with WPBC for the operation of their television stations and the joint use of production and broadcast facilities.

*handwritten note*

### Statement of Legislative Intent and WPBC Responsibilities

1. Create a statement of legislative intent that would outline the following:
  - a. Commitment to educational broadcasting because it enriches the cultural, civic and educational well-being of the people of Wisconsin;
  - b. Commitment to ensure statewide access to educational broadcasting for all populations and geographic areas of the state; and
  - c. Commitment to provide continued state funding for educational broadcasting in the state for the purpose of providing quality educational programming for the state's K-12 schools, technical colleges, universities and other higher education institutions.

*don't include this*

2. Create a statement of WPBC duties, based on current ECB duties, that would outline the following:

a. Maintain a state system of radio broadcasting for the presentation of educational, informational and public service programs, and formulate policies regulating the operation of such a state system, and coordinate the Wisconsin Public Radio radio activities of the various educational and informational agencies, civic groups, and citizens having contributions to make to the public interest and welfare;

b. Protect the public interest in educational television by maintaining educational television channels reserved for Wisconsin, and take such action as is necessary to preserve such channels in Wisconsin for educational use;

c. Maintain a comprehensive state plan for the orderly operation of a statewide television system for the presentation of noncommercial instructional programs which will serve the best interests of the people of the state now and in the future;

d. Work with the educational agencies and institutions of the state as a reviewer, adviser and coordinator of their joint efforts to meet the educational needs of the state through radio and television;

e. Furnish leadership in securing adequate funding for statewide joint use of radio and television for educational and cultural purposes, including funding for media programming for broadcast over the state networks;

f. Lease, purchase or construct radio and television facilities for joint use with state and local agencies, such as broadcast network and production facilities, network interconnection or relay equipment, mobile units, or other equipment available for statewide use;

g. Maintain radio and television transmission equipment in order to provide broadcast service to all areas of this state;

h. Establish and maintain a continuing evaluation of the effectiveness of the joint efforts of all participating educational institutions in terms of jointly-established goals in the area of educational radio and television; and

i. Act as a central clearing house and source of information concerning educational radio and television activities in this state, including the furnishing of such information to legislators, offices of government, educational institutions and the general public.

### Applicable State Laws, Policies and Procedures

1. Require that the WPBC Board be subject to state open meetings laws.
2. Require that all WPBC records be subject to state open records laws.
3. Provide that the Secretary of DOA, the LAB and the LFB would have access to any books, records, electronic files or other documents relating to WPBC contracts or agreements

with any public entities, including the UW and MATC, and to all of its records relating to expenditures, revenues, operations or structure, excluding records that list the names of private donors.

4. ~~Require WPBC to submit a biennial budget request to DOA and LFB, as required of state agencies and to follow the applicable state budgeting procedures in the use of state funds.~~

5. ~~Require WPBC to submit a report annually by December 1, to the Governor and the Chief Clerks of each house of the Legislature regarding:~~

a. ~~Use of state funding for serving educational communities, diverse populations, and rural and remote areas of the state, including a detailed itemization of the use of state funds;~~

b. ~~Progress in advancing the transition to digital television and radio, distance education and other technological innovations;~~

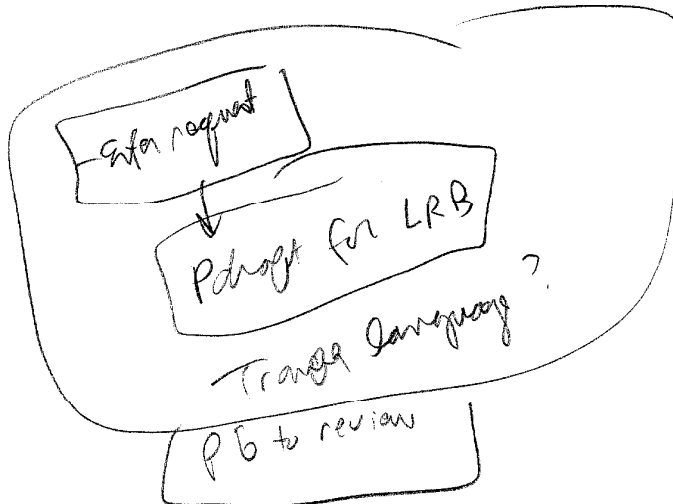
c. ~~The status of federal funding, private donations and other fundraising and financially beneficial partnerships; and~~

d. ~~Its success in meeting the statutory duties outlined above.~~

*request to state  
in to  
for  
belong  
Adm*

Note:

[Change to Base: \$50,000 GPR, \$16,013,700 BR and \$1,350,000 FED]



EDUCATIONAL COMMUNICATIONS BOARD

Restructure Public Broadcasting and Fund Digital Television Transition

Motion:

Move to restructure public broadcasting as follows:

**Transition Process**

1. Create a 15-member transition team that would write the bylaws of a new Wisconsin Public Broadcasting Corporation (WPBC), apply for incorporation of the WPBC and status as a 501(c)(3), apply to the appropriate federal agencies for the transfer of all of ECB licenses, and administer all aspects of the restructuring of public broadcasting in Wisconsin.

2. Provide that the 15 individuals would include the following, or their designees: (a) Secretary of the Department of Administration (DOA); (b) the State Superintendent of Public Instruction; (c) the President of the University of Wisconsin System; (d) the Director of the Wisconsin Technical College System (WTCS); (e) the President of the Wisconsin Association of Independent Colleges and Universities (WAICU) (f) one legislator from the minority and majority party of each house of the Legislature; (g) two members from the Wisconsin Public Radio Association (WPRA); (h) one member from the Friends of WHA-TV and one member from the Friends of Channels 10/36 in Milwaukee; (i) the President of Milwaukee Area Technical College (MATC). If MATC does not enter into an memorandum of understanding (MOU) agreement within one year of the passage of the budget bill with the WPBC as described below, the President of MATC would be replaced with one at-large member appointed by the Governor; and (j) one representative of K-12 education, appointed by the Governor.

3. Provide that these members would be appointed to a three-year term, subject to Senate confirmation and would be subject to the state ethics code for the term of their appointment. ~~Provide that the bylaws written by this transition board would outline a permanent board for the WPBC.~~

4. Provide that the current ECB and UW public broadcasting staff would provide staff, technical and administrative assistance to this 15-member transition team. Create a new, continuing GPR appropriation under ECB and provide \$50,000 GPR in 1999-00 for the costs of legal and administrative services associated with this transition process.

5. Require the transition team to report to the Governor and the Chief Clerk of each House of the Legislature by March 15, 2000, on the bylaws of the WPBC.

*team incorporates then writes bylaws*

*(h)-(g)  
all mtd  
by gov.  
of univ.*

*as one  
standing  
clerk*

*i.e. terminates  
after  
3 years*

*let ppl  
know  
new  
#*

*we approve*

6. Following incorporation of the WPBC and prior to license transfer, permit ECB to contract with the WPBC for the operation of its current public broadcasting duties.

7. Upon FCC approval of the transfer of ECB's licenses to WPBC, eliminate ECB.

Provide that if the ECB is not eliminated prior to June 30, 2001, ECB's 2000-01 base budget for the purpose of budgeting for the 2001-03 biennial budget would be considered \$0 for all of its appropriations, except the debt service appropriations, and the agency would be subject to zero-based budgeting for 2001-03.

8. Require the WPBC and DOA to submit a request to JFC under a 14-day passive review process for the transfer of funding and state bonding authority to the WPBC from ECB, the transfer of funding and positions to DOA from ECB, and the transfer of physical and other assets from the state to the WPBC, prior to the elimination of ECB.

## II UW and MATC Memoranda of Understanding with WPBC

1. Permit the UW Board of Regents to enter into a memorandum of understanding with the WPBC for the operation of the UW public broadcasting licenses. Provide that the MOU would: (a) guarantee UW equal or greater access to the public broadcasting system as under the current organization; (b) provide that UW would retain all of its public broadcasting licenses; (c) provide that the UW would maintain its existing facilities and physical assets, but would outline an agreement for providing the WPBC with operational authority over certain public broadcasting facilities and assets; (d) require UW to provide ~~in kind~~ administrative services, such as purchasing and legal services; and (e) require UW to provide assistance in developing and delivering K-12 programming, at no cost to K-12 school districts or private schools.

2. Permit the MATC to enter into a memorandum of understanding with the WPBC for the operation of the MATC public television licenses. Provide that the MOU would: (a) guarantee MATC equal or greater access to the public broadcasting system as under the current organization; (b) provide that MATC would retain all of its public broadcasting licenses; (c) provide that the MATC would maintain its existing facilities and physical assets, but would outline an agreement for providing the WPBC with operational authority over certain public broadcasting facilities and assets; and (d) require MATC to provide assistance in developing and delivering K-12 programming, at no cost to K-12 school districts or private schools.

3. Provide that these MOU's must be completed within one year of the effective date of the budget bill and must be in effect for the life of bonds provided for the conversion to digital television, as described below. Provide that the Secretary of DOA would be required to review and approve these MOU's before they take effect.

## III Wisconsin Public Radio Association and Friends of Public Television

1. Require the Wisconsin Public Radio Association to enter into an MOU which would outline an agreement to transfer funding generated for the radio licenses held or operated

may require corp to pay for no vms

u.w. require corp to pay MATC no vms

SEC P Tech now RAC will talk to Dave Lippman

request

physical air time

to corp.

if it don't get one don't banking authority (p. 4)

by the WPBC to the WPBC; and *request*

2. Require that any friends of public television organizations that support television stations with licenses held or operated by the WPBC to enter into an MOU which would outline an agreement to transfer funding generated for the television licenses held or operated by the WPBC to the WPBC.

*the DOA will be  
w/le's will be  
to permit services  
(at the change  
to corp)*

*RAC*

#### **IV Current State Employees and Benefits**

1. Provide that upon the elimination of ECB, the current ECB positions and incumbent employes would be transferred to DOA where they would continue as state employes. Such employes would retain all state benefits, seniority and eligibility for the Wisconsin Retirement System.

2. Create an annual, sum certain GPR appropriation under a separate program within the DOA appropriation schedule. Upon elimination of the ECB, provide that funding sufficient to support the salary, fringe benefits, and supplies and services costs of the current ECB employes would be transferred to this appropriation. Provide that as employes retire, transfer, resign or otherwise terminate their employment with DOA, funding and position authority associated with the relevant employe would be lapsed from the appropriation. Prohibit DOA from filling vacant positions. ~~Provide that the appropriation would be eliminated following the departure of the last employe.~~

*no  
drafting*

3. Provide that all UW or MATC employes assigned public broadcasting duties would continue to be UW or MATC employes and the WPBC could contract with the UW or MATC for their services.

4. Provide that any new employes hired for WPBC public broadcasting duties would be hired by WPBC as non-state employes. Provide that the UW or MATC would not be prohibited from hiring new employes to meet UW or MATC public broadcasting duties.

#### **V Transfer of Physical Assets and Contracts with State**

1. Provide that all physical assets currently solely owned by the ECB would be transferred to the WPBC, upon ECB's elimination. Provide that assets shared by ECB and other state entities would be leased from the state.

*+ revision to allow if ever used to use  
public broadcasting*

2. Require DOA to enter into a lease with WPBC for tower, transmitter, transmission facilities or any other related structures, equipment and property, not transferred to the WPBC or covered by UW contracts with WPBC. Permit the lease to include terms that would lead to eventual ownership of such facilities by WPBC.

3. Require DOA to enter into a contract agreement with WPBC for the operation of the state's emergency weather transmission system.

*(PPC  
not  
state)*

4. Permit WPBC to contract with the state for the use of the state's BadgerNet telecommunications network for the transmission of digital television and radio.

Ch. 16  
"municipal"  
add this

VI

**State Funding for WPBC Operations**

1. Create an annual, sum certain GPR appropriation, a sum sufficient GPR debt service appropriation ~~and a continuing program revenue appropriation~~ for the WPBC, under a new section of the Chapter 20 appropriation schedule.

to be paid from the 611

full Budget #15

2. Create the sum certain GPR appropriation for the following purposes:

- a. K-12 educational programming for use by school districts and private schools;
- b. Transmission to remote and underserved areas of the state; and
- c. Emergency weather warning system.

3. Provide that GPR funding from ECB would be transferred to this appropriation, which would represent base-level state funding for WPBC, upon elimination of ECB.

4. Provide that the PR appropriation would be for revenue received from the UW DOA or other state agency for contracted services, not covered by the GPR funding.

PR-5

5. Transfer federal funding received by ECB to WPBC, if permitted by the federal agency. No state appropriation would be required.

6. Transfer relevant program revenue, gifts and grants to WPBC, if permitted by the grantor. No state appropriation would be required.

RAC VII

**State Funding for the Conversion to Digital Television**

1. Provide \$9,713,700 BR of general fund supported borrowing and \$1,350,000 FED in 1999-00 to ECB, which would transfer to the WPBC upon elimination of the ECB for phase one of the conversion to digital television. Provide that this funding could be utilized for transmission towers and related equipment. Prohibit the use of this funding for the conversion or construction of any production or broadcast network facilities. Require ECB/WPBC to generate private donations equivalent to 10% of this state bonding and federal funding (\$1,106,400) as a matching requirement for the funds, prior to issuance of these bonds. Require that these donations be generated and utilized for the equipment or construction costs of the transition to digital television.

2. Provide \$2,800,000 BR of general fund supported borrowing in 1999-00 to the UW. Provide that this funding could be utilized for transmission towers and related equipment, including production equipment. Prohibit the use of this funding for the conversion or

only if mon



construction of any production or broadcast network facilities. Prior to release of this digital television funding, require the UW to enter into an MOU as outlined above with the ECB, and upon creation of the WPBC, with the WPBC, for the operation of its WHA-TV television license. Require that this MOU would provide for the joint use of one broadcast network facility and shared production facilities. Require the UW to generate private donations equivalent to 10% of this state bonding (\$280,000) as a matching requirement for the state funds, prior to issuance of these bonds. Require that these donations be generated and utilized for the equipment or construction costs of the transition to digital television.

3. Provide \$3,500,000 BR of general fund supported borrowing in 1999-00 to the MATC. Provide that this funding could be utilized for transmission towers and related equipment, including production equipment. Prohibit the use of this funding for the conversion or construction of any production or broadcast network facilities. Prior to release of this digital television funding, require the MATC to enter into an MOU as outlined above with the ECB, and upon creation of the WPBC, with the WPBC, for the operation of its television licenses. Require that this MOU would provide for the joint use of one broadcast network facility and shared production facilities. Require the MATC to generate private donations equivalent to 10% of this state bonding (\$350,000) as a matching requirement for the state funds, prior to issuance of these bonds. Require that these donations be generated and utilized for the equipment or construction costs of the transition to digital television. Provide that if the MATC meets the requirements under this paragraph and under the MOU provisions outlined above, the Building Commission would be authorized to release planning monies for the construction of a broadcast network center in Milwaukee, which would be owned and operated by the WPBC to provide shared, equitable access to all entities involved in public broadcasting in the state.

*only if mon*

4. Provide that no digital television funding would be provided to the UW or MATC for any purpose in future years if these entities do not maintain a contract with WPBC for the operation of their television stations and the joint use of production and broadcast facilities.

### Statement of Legislative Intent and WPBC Responsibilities

**VIII**

1. Create a statement of legislative intent that would outline the following:
  - a. Commitment to educational broadcasting because it enriches the cultural, civic and educational well-being of the people of Wisconsin;
  - b. Commitment to ensure statewide access to educational broadcasting for all populations and geographic areas of the state; and
  - c. Commitment to provide continued state funding for educational broadcasting in the state for the purpose of providing quality educational programming for the state's K-12 schools, technical colleges, universities and other higher education institutions.

2. Create a statement of WPBC duties, based on current ECB duties, that would outline the following:

*→ completion of state funding*

a. Maintain a state system of radio broadcasting for the presentation of educational, informational and public service programs, and formulate policies regulating the operation of such a state system, and coordinate the Wisconsin Public Radio radio activities of the various educational and informational agencies, civic groups, and citizens having contributions to make to the public interest and welfare;

b. Protect the public interest in educational television by maintaining educational television channels reserved for Wisconsin, and take such action as is necessary to preserve such channels in Wisconsin for educational use;

c. Maintain a comprehensive state plan for the orderly operation of a statewide television system for the presentation of noncommercial instructional programs which will serve the best interests of the people of the state now and in the future;

d. Work with the educational agencies and institutions of the state as a reviewer, adviser and coordinator of their joint efforts to meet the educational needs of the state through radio and television;

e. Furnish leadership in securing adequate funding for statewide joint use of radio and television for educational and cultural purposes, including funding for media programming for broadcast over the state networks;

f. Lease, purchase or construct radio and television facilities for joint use with state and local agencies, such as broadcast network and production facilities, network interconnection or relay equipment, mobile units, or other equipment available for statewide use;

g. Maintain radio and television transmission equipment in order to provide broadcast service to all areas of this state;

h. Establish and maintain a continuing evaluation of the effectiveness of the joint efforts of all participating educational institutions in terms of jointly-established goals in the area of educational radio and television; and

i. Act as a central clearing house and source of information concerning educational radio and television activities in this state, including the furnishing of such information to legislators, offices of government, educational institutions and the general public.

**Applicable State Laws, Policies and Procedures**

- JTK } IV
1. Require that the WPBC Board be subject to state open meetings laws.
  2. Require that all WPBC records be subject to state open records laws.
  3. Provide that the Secretary of DOA, the LAB and the LFB would have access to any books, records, electronic files or other documents relating to WPBC contracts or agreements
- as come of getting \$

with any public entities, including the UW and MATC, and to all of its records relating to expenditures, revenues, operations or structure, excluding records that list the names of private donors.

4. Require WPBC to submit a biennial budget request to DOA and LFB, as required of state agencies and to follow the applicable state budgeting procedures in the use of state funds. (only)

5. Require WPBC to submit a report annually by December 1, to the Governor and the Chief Clerks of each house of the Legislature regarding:

a. Use of state funding for serving educational communities, diverse populations, and rural and remote areas of the state, including a detailed itemization of the use of state funds;

b. Progress in advancing the transition to digital television and radio, distance education and other technological innovations;

c. The status of federal funding, private donations and other fundraising and financially beneficial partnerships; and

d. Its success in meeting the statutory duties outlined above.

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Note:

[Change to Base: \$50,000 GPR, \$16,013,700 BR and \$1,350,000 FED]



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
SENATE AMENDMENT,  
TO 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

INSERT 2-2

2 1. Page 122, line 11: delete the material beginning with that line and ending  
3 with page 123, line 2, <sup>comma</sup> and substitute:

4 ~~2. Page 125, line 18: delete lines 18 to 21.~~

5 ~~3. Page 127, line 19: delete the material beginning with that line and ending~~  
6 ~~with page 128, line 9.~~

7 ~~4. Page 131, line 7: delete lines 7 to 14.~~

8 ~~5. Page 140, line 5: delete lines 5 to 11.~~

9 ~~6. Page 384, line 24: delete the material beginning with that line and ending~~  
10 ~~with page 390, line 2.~~

11 ~~7. Page 391, line 10: delete lines 10 to 13.~~

(END OF INSERT)

8-8

# Page 141, line 11: delete "All" and  
substitute "All except as provided in  
sub. (3), all".

# Page 141, line 15: after that line  
insert:

(END OF INSERT)

16-2

# Page 391, line 10: delete lines 10 to 13.

# Page 398, line 8: delete lines 8 to 11.

# - Page 400, line 5: after that line insert:

(END OF INSERT)

18-7

# Page 474, line 8: delete "and",  
(h) and " and substitute " and " .

# Page 474, line 9: delete "(b),"  
and substitute "(b), (bm)," .

# Page 474, line 10: after the line  
insert

(END OF INSERT)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3203/P1

MDK:.....

TODAY

J9

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

do not gen

- 1 AN ACT ...; **relating to:** providing state aid to a public broadcasting corporation,  
2 eliminating the educational communications board and creating a transitional  
3 public broadcasting board.

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***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis may be prepared if the draft is revised for introduction.

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

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

- 4 SECTION 1. 13.48 (14) (e) of the statutes is amended to read:  
5 13.48 (14) (e) If the state office building located at 3319 West Beltline highway  
6 in Dane county is sold by the state, the building commission shall ensure that the  
7 transferee pays \$476,228 from the proceeds of the sale to the Wisconsin Public  
8 Broadcasting Foundation, if the foundation exists at the time of the transfer and if



1 the secretary of administration ✓ does not transfer title to the building under s. 39.87 ✓

2 (2) (a) 2.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237.

3 **SECTION 2. 13.48 (31)** of the statutes is created to read:

4 **13.48 (31) DIGITAL TELEVISION CONVERSION.** (a) In this subsection, "broadcasting  
5 corporation" has the meaning given in s. 39.81 (2).

6 (b) 1. The building commission may authorize up to \$9,713,700 in general fund  
7 supported borrowing and up to \$1,350,000 in federal grants to aid in the acquisition,  
8 construction, development, enlargement or improvement of facilities and equipment  
9 related to the conversion to digital television for the educational communications  
10 board or, if the federal communications commission has approved the transfer of all  
11 broadcasting licenses held by the educational communications board to the  
12 broadcasting corporation, for the broadcasting corporation. If the federal  
13 communications commission has approved the transfer of all broadcasting licenses  
14 held by the educational communications board to the broadcasting corporation, the  
15 state funding commitment and the awarding of federal grants under this ✓ paragraph  
16 shall be in the form of a grant to the broadcasting corporation. Before approving any  
17 such state funding commitment or federal grants, the building commission shall  
18 determine that the educational communications board or, if the federal  
19 communications commission has approved the transfer of all broadcasting licenses  
20 held by the educational communications board to the broadcasting corporation, the  
21 broadcasting corporation has secured additional funding at least equal to \$1,106,400  
22 from nonstate donations for the purpose of digital television conversion.

23 2. If the building commission authorizes a grant to the broadcasting  
24 corporation under subd. 1. ✓ and if, for any reason, the facility or equipment that is

1 acquired, constructed, developed, enlarged or improved with funds from the grant  
2 is not used for the purpose of public broadcasting, the broadcasting corporation or,  
3 if ownership of the facility or equipment is sold or otherwise conveyed to another  
4 person, the person shall transfer to the state an ownership interest in the facility or  
5 equipment equal to the amount of the state's grant.

6 (c) The building commission may authorize up to \$2,800,000<sup>✓</sup> in general fund  
7 supported borrowing to aid in the acquisition, construction, development,  
8 enlargement or improvement of facilities and equipment related to the conversion  
9 to digital television for the<sup>✓</sup> University of Wisconsin System. Before approving any  
10 such state funding commitment, the building commission shall determine that the  
11<sup>✓</sup> board of regents of the University of Wisconsin System<sup>✓</sup> has entered into an  
12 agreement under s. 36.25 (5) (c) 2.<sup>✓</sup> and that the board has secured additional funding  
13 at least equal to \$280,000 from nonstate donations for the purpose of digital  
14 television conversion.

15 (d) 1. The building commission may authorize up to \$3,500,000 in general fund  
16 supported borrowing to aid in the acquisition, construction, development,  
17 enlargement or improvement of facilities and equipment related to the conversion  
18 to digital television for the<sup>✓</sup> Milwaukee Area Technical College. The state funding  
19 commitment under this<sup>✓</sup> paragraph shall be in the form of a grant to the Milwaukee  
20 Area Technical College. Before approving any such state funding commitment, the  
21 building commission shall determine that the district board of the Milwaukee Area  
22 Technical College has entered into an agreement under s. 38.125 (2) (a)<sup>✓</sup> and that the  
23 board has secured additional funding at least equal to \$350,000 from nonstate  
24 donations for the purpose of digital television conversion.

1           2. If the building commission authorizes a grant to the Milwaukee Area  
 2 Technical College under subd. 1. ✓ and if, for any reason, the facility or equipment that  
 3 is acquired, constructed, developed, enlarged or improved with funds from the grant  
 4 is not used for the purpose of public broadcasting, Milwaukee Area Technical College  
 5 or, if ownership of the facility or equipment is sold or otherwise conveyed to another  
 6 person, the person shall transfer to the state an ownership interest in the facility or  
 7 equipment equal to the amount of the state's grant.

8           **SECTION 3.** 15.07 (1) (a) 5. of the statutes is amended to read:

9           15.07 (1) (a) 5. The members of the educational communications board  
 10 appointed under s. 15.57 (5) and (7) (1) (e) and (f) shall be appointed as provided in  
 11 that section.

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

12           **SECTION 4.** 15.07 (1) (b) 21. of the statutes is created to read:

13           15.07 (1) (b) 21. The public broadcasting transitional board. ✓ This subdivision  
 14 does not apply after the first day of the 36th ✓ month beginning after the effective date  
 15 of this subdivision ✓.... [revisor inserts date].

16           **SECTION 5.** 15.105 (25) (bm) of the statutes is amended to read:

17           15.105 (25) (bm) A member of the educational communications board. If the  
 18 secretary of administration ✓ determines that the federal communications  
 19 commission has approved the transfer of all broadcasting licenses held by the  
 20 educational communications board to the broadcasting corporation, as defined in s.  
 21 39.81 (2), ✓ this paragraph does not apply on and after the effective date of the last

1 license transferred as determined by the secretary of administration under s. 39.88

2 (2) ✓

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

3 **SECTION 6. 15.105 (25) (c) of the statutes is amended to read:**

4 15.105 (25) (c) Four or, if the secretary of administration determines that the  
5 federal communications commission has approved the transfer of all broadcasting  
6 licenses held by the educational communications board to the broadcasting  
7 corporation, as defined in s. 39.81 (2), on and after the effective date of the last license  
8 transferred as determined by the secretary of administration under s. 39.88 (2), ✓  
9 other members.

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

10 **SECTION 7. 15.57 of the statutes is renumbered 15.57 (1).** ✓

11 **SECTION 8. 15.57 (2) of the statutes is created to read:**

12 **15.57 (2) If the secretary of administration determines that the federal**  
13 **communications commission has approved the transfer of all broadcasting licenses**  
14 **held by the educational communications board to the broadcasting corporation, as**  
15 **defined in s. 39.81 (2),** ✓ **this section does not apply on and after the effective date of**  
16 **the last license transferred as determined by the secretary of administration under**  
17 **s. 39.88 (2).** ✓

18 **SECTION 9. 15.98** ✓ **of the statutes is created to read:**

19 **15.98 Public broadcasting transitional board; creation. (1) In this**  
20 **section:** ✓

21 (a) "Broadcasting corporation" has the meaning given in s. 39.81 (2). ✓

22 (b) "Friends group" has the meaning given in s. 39.81 (5). ✓

1           (2) There is created a public broadcasting transitional<sup>✓</sup> board consisting of the  
2 following members:

3           (a) The secretary of administration or his or her designee.

4           (b) The state superintendent of public instruction or his or her designee.

5           (c) The president of the board of regents of the<sup>✓</sup> University of Wisconsin System  
6 or his or her designee.

7           (d) The director of the technical college system board or his or her designee.

8           (e) The president of the Wisconsin Association of Independent Colleges and  
9 Universities or his or her designee.

10          (f) Except as provided in sub. (4), the director of the district board governing  
11 the Milwaukee Area Technical College or his or her designee.

12          (g) One member of each house of the legislature from the political party with  
13 the most members in that house, appointed as are members of standing committees.

14          (h) One member of each house of the legislature from the political party with  
15 the 2nd most members in that house, appointed as are members of standing  
16 committees.

17          (i) Two<sup>✓</sup> members appointed by the governor from a list of nominees submitted  
18 by the Wisconsin Public Radio Association for a<sup>✓</sup> 3-year term.

19          (j) One member appointed by the governor from a list of nominees submitted  
20 by a friends group organized to raise funds for television station WHA for a 3-year  
21 term.

22          (k) One member appointed by the governor from a list of nominees submitted  
23 by a friends group organized to raise funds for television stations WMVS and WMVT  
24 for a 3-year term.

1 (L) One member appointed by the governor who is a representative of public  
2 elementary and secondary schools for a 3-year term.

3 (3) The appointment of the members specified in sub. (2) is subject to senate  
4 confirmation, except for the appointment of a member who holds an office specified  
5 in sub. (2) that is subject to senate confirmation.

6 (4) If the district board governing the Milwaukee Area Technical College does  
7 not enter into an agreement with the broadcasting corporation under s. 38.125 (2)  
8 (a) by the date specified in s. 38.125 (a) (intro.), the member specified under sub.  
9 (2) shall vacate his or her membership and the governor shall appoint, subject to  
10 senate confirmation, an individual to serve as a member for a 3-year term.

11 (5) This section does not apply after the first day of the 36th month beginning  
12 after the effective date of this subsection.... [revisor inserts date].

13 SECTION 10. 16.25 of the statutes is created to read:

14 16.25 Emergency weather warning system. (1) In this section,  
15 "broadcasting corporation" has the meaning given in s. 39.81 (2).

16 (2) If the secretary determines that the federal communications commission  
17 has approved the transfer of all broadcasting licenses held by the educational  
18 communications board to the broadcasting corporation, on and after the effective  
19 date of the last license transferred as determined by the secretary under s. 39.88 (2),  
20 the department shall contract with the broadcasting corporation for the operation of  
21 an emergency weather warning system.

22 SECTION 11. 16.26 of the statutes is created to read:

23 16.26 Public broadcasting assets. (1) In this section:

24 (a) "Broadcasting corporation" has the meaning given under s. 39.81 (2).

1 (b) “Shared asset” means an asset of the state that, as determined by the  
2 secretary, is used by the educational communications board for the purpose of  
3 providing public broadcasting, including a tower, transmitter, transmission facility  
4 or other related structure, equipment or property, and that is also used by another  
5 agency, as defined in s. 16.70 (1). ✓

6 (2) 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 to the broadcasting corporation, the  
9 secretary shall negotiate and enter into an agreement to lease each shared asset to  
10 the broadcasting corporation. An agreement under this subsection may include an  
11 option for the broadcasting corporation to purchase any shared asset.

12 SECTION 12. 16.42 (1) (intro.) of the statutes is amended to read:

13 16.42 (1) (intro.) ~~All~~ Except as provided in sub. (3), ✓ all agencies, other than the  
14 legislature and the courts, no later than September 15 of each even-numbered year,  
15 in the form and content prescribed by the department shall prepare and forward to  
16 the department and to the legislative fiscal bureau the following program and  
17 financial information:

18 History: 1971 c. 125, 215; 1973 c. 12, 333; 1975 c. 388; 1977 c. 29; 1977 c. 196 s. 130 (3), (4); 1977 c. 272; 1979 c. 34, 221; 1981 c. 20; 1987 a. 4; 1993 a. 16.

19 SECTION 13. 16.42 (3) of the statutes is created to read:

20 16.42 (3) (a) In this ✓ subsection, “zero-based budgeting” means compilation of  
21 a budget in which each component is justified on the basis of cost, need and relation  
22 to the statutory responsibilities of the educational communications board.

23 (b) Beginning with the ✓ 2001–03 fiscal biennium, the ✓ department shall require  
the educational communications board to submit budget requests, except requests

1 regarding the appropriation under s. 20.225 (1) (c), that are prepared using the  
2 principles of zero-based budgeting for each of its activities, units and programs.

3 (c) If the secretary ~~of administration~~ determines that the federal  
4 communications commission has approved the transfer of all broadcasting licenses  
5 held by the educational communications board to the broadcasting corporation, as  
6 defined in s. 39.81 (2), this subsection does not apply after the effective date of the  
7 last license transferred as determined by the secretary ~~of administration~~ under s.  
8 39.88 (2).

9 SECTION 14. 16.973 (1) (a) of the statutes is renumbered 16.973 (1) (ar).

10 SECTION 15. 16.973 (1) (ag) of the statutes is created to read:

11 16.973 (1) (ag) "Broadcasting corporation" has the meaning given under s.  
12 39.81 (2).

13 SECTION 16. 16.973 (2) (b) of the statutes is amended to read:

14 16.973 (2) (b) Provide such computer services and telecommunications services  
15 to local governmental units and the broadcasting corporation and provide such  
16 telecommunications services to qualified private schools, postsecondary  
17 institutions, museums and zoos as the division considers to be appropriate and as the  
18 division can efficiently and economically provide. The division may exercise this  
19 power only if in doing so it maintains the services it provides at least at the same  
20 levels that it provides prior to exercising this power and it does not increase the rates  
21 chargeable to users served prior to exercise of this power as a result of exercising this  
22 power. The division may charge local governmental units, the broadcasting  
23 corporation and qualified private schools, postsecondary institutions, museums and  
24 zoos for services provided to them under this paragraph in accordance with a  
25 methodology determined by the secretary. Use of telecommunications services by a



1 qualified private school or postsecondary institution shall be subject to the same  
2 terms and conditions that apply to a municipality using the same services. The  
3 division shall prescribe eligibility requirements for qualified museums and zoos to  
4 receive telecommunications services under this paragraph.

History: 1991 a. 39; 1993 a. 16; 1995 a. 27; 1997 a. 27, 252.

5 **SECTION 17.** 18.04 (2) of the statutes is renumbered 18.04 (2) (a) and amended  
6 to read:

7 18.04 (2) (a) The Except as provided in par. (b), commission shall authorize  
8 public debt to be contracted and evidences of indebtedness to be issued therefor up  
9 to the amounts specified by the legislature to acquire, construct, develop, extend,  
10 enlarge or improve land, waters, property, highways, buildings, equipment or  
11 facilities or to make funds available for veterans' housing loans for the classes of  
12 public purposes specified by the legislature as the funds are required. Said  
13 requirements for funds shall be established by that department or agency head  
14 having program responsibilities for which public debt has been authorized by the  
15 legislature.

History: 1973 c. 90 s. 555m (2); 1975 c. 26; 1977 c. 29 s. 1652; 1977 c. 317; 1985 a. 6; 1987 a. 27; 1989 a. 31, 46.

16 **SECTION 18.** 18.04 (2) (b) of the statutes is created to read:

17 18.04 (2) (b) 1. In this paragraph, "broadcasting corporation" has the meaning  
18 given in s. 39.81 (2).

19 2. If the secretary of administration determines that the federal  
20 communications commission has approved the transfer of all broadcasting licenses  
21 held by the educational communications board to the broadcasting corporation and  
22 if the board of regents of the University of Wisconsin System has not contracted with  
23 the broadcasting corporation for the operation of television stations and for the joint  
24 use of production and broadcast facilities owned by the board, the commission may

1 not authorize public debt to be contracted to aid in the acquisition, construction,  
2 development, enlargement or improvement of facilities and equipment related to the  
3 conversion to digital television for the University of Wisconsin System.

4 3. If the <sup>✓</sup>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 to the broadcasting corporation and  
7 if the district board of the Milwaukee Area Technical College has not contracted with  
8 the broadcasting corporation for the operation of television stations and for the joint  
9 use of production and broadcast facilities owned by the board, the commission may  
10 not authorize public debt to be contracted to aid in the acquisition, construction,  
11 development, enlargement or improvement of facilities and equipment related to the  
12 conversion to digital television for the Milwaukee Area Technical College.

13 SECTION 19. 19.42<sup>42</sup> (13) (n) of the statutes is created to read:

14 42 19.42 (13) (n) The members of the public broadcasting transitional board. ✓

15 SECTION 20. 20.218<sup>✓</sup> of the statutes is created to read:

16 20.218 **Public broadcasting corporation.** There is appropriated to the  
17 broadcasting corporation, as defined in s. 39.81 (2), for the following costs:

18 (1) <sup>✓</sup>EDUCATIONAL BROADCASTING AND TRANSMISSIONS. (a) <sup>✓</sup>The amounts in the  
19 schedule for educational broadcasting for schools and for transmissions to remote  
20 and underserved areas of the state.

(I) General program operations. (ital)

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

22 20.225 (1) (a) *General program operations.* The amounts in the schedule to  
23 carry out its functions other than programming under ss. 39.11 and 39.13. If the  
24 secretary of administration <sup>✓</sup>determines that the federal communications  
25 commission has approved the transfer of all broadcasting licenses held by the board

1 to the broadcasting corporation, as defined in s. 39.81 (2), ✓  
 2 on and after the effective  
 3 date of the last license transferred as determined by the secretary of administration  
 4 under s. 39.88 (2), ✓  
 5 no moneys may be encumbered under this paragraph.

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

27. SECTION 22. 20.225 (1) (b) of the statutes is amended to read:

5 20.225 (1) (b) *Energy costs.* The amounts in the schedule to pay for utilities and  
 6 for fuel, heat and air conditioning, and to pay costs incurred under ss. 16.858 and  
 7 16.895, by or on behalf of the board, and to repay to the energy efficiency fund loans  
 8 made to the board under s. 16.847 (6). If the secretary of administration determines  
 9 that the federal communications commission has approved the transfer of all  
 10 broadcasting licenses held by the board to the broadcasting corporation, as defined  
 11 in s. 39.81 (2), ✓  
 12 on and after the effective date of the last license transferred as  
 13 determined by the secretary of administration under s. 39.88 (2), no moneys may be  
 14 encumbered under this paragraph. ✓

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

27. SECTION 23. 20.225 (1) (c) of the statutes is amended to read:

15 20.225 (1) (c) *Principal repayment and interest.* A sum sufficient to reimburse  
 16 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing  
 17 the acquisition, construction, development, enlargement or improvement of facilities  
 18 approved by the building commission for operation by the educational  
 19 communications board. If the secretary of administration determines that the  
 20 federal communications commission has approved the transfer of all broadcasting  
 21 licenses held by the board to the broadcasting corporation, as defined in s. 39.81 (2), ✓  
 22 on and after the effective date of the last license transferred as determined by the

1 secretary of administration under s. 39.88 (2), no moneys may be encumbered under  
2 this paragraph.

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

3 **SECTION 24.** 20.225 (1) (d) of the statutes is amended to read:

4 20.225 (1) (d) ~~Milwaukee area technical college~~<sup>✓</sup> Area Technical College. The  
5 amounts in the schedule to contract with Milwaukee<sup>✓</sup>~~area technical college~~ Area  
6 Technical College under s. 39.11 (18). If the secretary of administration determines  
7 that the federal communications commission has approved the transfer of all  
8 broadcasting licenses held by the board to the broadcasting corporation, as defined  
9 ins s. 39.81 (2), on and after the effective date of the last license transferred as  
10 determined by the secretary of administration under s. 39.88 (2), no moneys may be  
11 encumbered under this paragraph.

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

12 **SECTION 25.** 20.225 (1) (eg) of the statutes is amended to read:

13 20.225 (1) (eg) *Transmitter construction.* As a continuing appropriation, the  
14 amounts in the schedule to construct national weather service transmitters. If the  
15 secretary of administration determines that the federal communications  
16 commission has approved the transfer of all broadcasting licenses held by the board  
17 to the broadcasting corporation, as defined ins. 39.81 (2), on and after the effective  
18 date of the last license transferred as determined by the secretary of administration  
19 under s. 39.88 (2), no moneys may be encumbered under this paragraph.

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

20 **SECTION 26.** 20.225 (1) (er) of the statutes is amended to read:

21 20.225 (1) (er) *Transmitter operation.* The amounts in the schedule to operate  
22 the transmitter constructed with moneys appropriated under par. (eg). If the  
23 secretary of administration determines that the federal communications

1 commission has approved the transfer of all broadcasting licenses held by the board  
2 to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective  
3 date of the last license transferred as determined by the secretary of administration  
4 under s. 39.88 (2), no moneys may be encumbered under this paragraph.

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

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

6 20.225 (1) (f) *Programming.* The amounts in the schedule for programming  
7 under s. 39.11. If the secretary of administration determines that the federal  
8 communications commission has approved the transfer of all broadcasting licenses  
9 held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and  
10 after the effective date of the last license transferred as determined by the secretary  
11 of administration under s. 39.88 (2), no moneys may be encumbered under this  
12 paragraph.

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

13 SECTION 28. 20.225 (1) (g) of the statutes is amended to read:

14 20.225 (1) (g) *Gifts, grants, contracts and leases.* All moneys received from  
15 gifts, grants, contracts and the lease of excess capacity to carry out the purposes for  
16 which received. If the secretary of administration determines that the federal  
17 communications commission has approved the transfer of all broadcasting licenses  
18 held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and  
19 after the effective date of the last license transferred as determined by the secretary  
20 of administration under s. 39.88 (2), no moneys may be encumbered under this  
21 paragraph.

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

22 SECTION 29. 20.225 (1) (h) of the statutes is amended to read:

1           20.225 (1) (h) *Instructional material*. The amounts in the schedule for  
2           providing instructional materials under s. 39.11 (16). All moneys received from the  
3           sale of instructional material under s. 39.11 (16) and all moneys received under s.  
4           39.115 (1) shall be credited to this appropriation. If the secretary of administration  
5           determines that the federal communications commission has approved the transfer  
6           of all broadcasting licenses held by the board to the broadcasting corporation, as  
7           defined in s. 39.81 (2), on and after the effective date of the last license transferred  
8           as determined by the secretary of administration under s. 39.88 (2), no moneys may  
9           be encumbered under this paragraph.

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

10           **SECTION 30.** 20.225 (1) (k) of the statutes is amended to read:

11           20.225 (1) (k) *Funds received from other state agencies*. All moneys received  
12           from other state agencies to carry out the purposes for which received. If the  
13           secretary of administration determines that the federal communications  
14           commission has approved the transfer of all broadcasting licenses held by the board  
15           to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective  
16           date of the last license transferred as determined by the secretary of administration  
17           under s. 39.88 (2), no moneys may be encumbered under this paragraph.

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

18           **SECTION 31.** 20.225 (1) (ka) of the statutes is amended to read:

19           20.225 (1) (ka) *Information technology development projects*. The amounts in  
20           the schedule for the purpose of conducting information technology development  
21           projects approved under s. 16.971 (5). All moneys transferred from the appropriation  
22           account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation  
23           account. If the secretary of administration ✓ determines that the federal

1 communications commission has approved the transfer of all broadcasting licenses  
2 held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and  
3 after the effective date of the last license transferred as determined by the secretary  
4 of administration under s. 39.88 (2), no moneys may be encumbered under this  
5 paragraph.

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

6 **SECTION 32.** 20.225 (1) (kb) of the statutes is amended to read:

7 20.225 (1) (kb) *Emergency weather warning system operation.* From the  
8 moneys received by the department of administration for the provision of state  
9 telecommunications and data processing services and sale of telecommunications  
10 and data processing inventory items primarily to state agencies, the amounts in the  
11 schedule for the operation of the emergency weather warning system under s. 39.11  
12 (21). If the secretary of administration determines that the federal communications  
13 commission has approved the transfer of all broadcasting licenses held by the board  
14 to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective  
15 date of the last license transferred as determined by the secretary of administration  
16 under s. 39.88 (2), no moneys may be encumbered under this paragraph.

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

17 **SECTION 33.** 20.225 (1) (m) of the statutes is amended to read:

18 20.225 (1) (m) *Federal grants.* All moneys received from the federal  
19 government as authorized by the governor under s. 16.54 for the purposes for which  
20 made and received. If the secretary of administration determines that the federal  
21 communications commission has approved the transfer of all broadcasting licenses  
22 held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and  
23 after the effective date of the last license transferred as determined by the secretary

1 of administration under s. 39.88 (2), no moneys may be encumbered under this  
2 paragraph.

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

3 **SECTION 34.** 20.285 (1) (p) of the statutes is created to read:

4 20.285 (1) (p) *Public broadcasting.* All moneys received from the broadcasting  
5 corporation, as defined in s. 39.81 (2), for the purpose of providing services to such  
6 corporation under an agreement under s. 36.25 (5) (c) 2.

7 **SECTION 35.** 20.505 (1) (aw) of the statutes is created to read:

8 20.505 (1) (aw) *Emergency weather warning system operation.* The amounts  
9 in the schedule to make payments under a contract for the operation of the  
10 emergency weather warning system under s. 16.25 (2).

11 **SECTION 36.** 20.505 (1) (c) of the statutes is created to read:

12 20.505 (1) (c) *Salaries, fringe benefits, supplies and services for certain*  
13 *employees.* The amounts in the schedule for salaries and fringe benefits of employees  
14 of the department of administration who were transferred to the department of  
15 administration under s. 39.87 (4) and for the provision of supplies and services for  
16 these employees.

17 **SECTION 37.** 20.505 (1) (kv) of the statutes is created to read:

18 20.505 (1) (kv) *Public broadcasting corporation grant.* All moneys received  
19 from the educational communications board to be paid as a grant to the broadcasting  
20 corporation, as defined in s. 39.81 (2), if the secretary of administration determines  
21 under s. 39.88 (1) that the federal communications commission has approved the  
22 transfer of all broadcasting licenses held by the educational communications board  
23 to the corporation.

24 **SECTION 38.** 20.505 (5) (d) of the statutes is created to read:



1           20.505 (5) (d) *Principal repayment and interest for former educational*  
2 *communications board and certain grants made for digital television conversion.* A  
3 sum sufficient to reimburse s. 20.866 (1) (u)✓ for the payment of principal and interest  
4 costs that are incurred in financing the acquisition, construction, development,  
5 enlargement or improvement of facilities approved by the building commission for  
6 operation by the educational communications board and in financing any grants  
7 under s. 13.48 (31)✓ that are made to the broadcasting corporation, as defined in s.  
8 39.81 (2)✓. No moneys may be encumbered under this paragraph unless the secretary  
9 of administration first determines under s. 39.88 (1)✓ that the federal communications  
10 commission has approved the transfer of all broadcasting licenses held by the  
11 educational communications board to the broadcasting corporation, as defined in s.  
12 39.81 (2)✓.

13           **SECTION 39.** 20.506 of the statutes is created to read:

14           **20.506 Public broadcasting transitional board.** There is appropriated to  
15 the public broadcasting transitional board for the following programs:

16           (1) TRANSITIONAL SERVICES. (a) *General program operations.*✓ The amounts in  
17 the schedule for general program operations related to carrying out the duties under  
18 s. 39.82.✓

19           **SECTION 40.** 20.506✓ of the statutes, as affected by 1999 Wisconsin Act .... [this  
20 act], is repealed.

21           **SECTION 41.** 20.866 (1) (u) of the statutes, as affected by 1997 Wisconsin Act  
22 27, section 727,✓ is amended to read:

23           20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys  
24 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (f), 20.190 (1) (c), (d),  
25 (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e),

1 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih) and (kd)  
2 and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (aq), (ar), (at), (ba),  
3 (ca), (cb), (cc), (cd), (ce), (ea), (eq) and (er), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec)  
4 and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (go),  
5 (3) (t) and (4) (qm), 20.505 (5) (c), (d)✓(g) and (kc) and 20.867 (1) (a) and (b) and (3)  
6 (a), (b), (bm)✓(g), (h), (i) and (q) for the payment of principal and interest on public  
7 debt contracted under subchs. I and IV of ch. 18.

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

8 **SECTION 42.** 20.866 (2) (s) of the statutes, as affected by 1997 Wisconsin Act 27, <sup>section</sup> <sub>1727m,</sub>

9 is amended to read:

10 20.866 (2) (s) *University of Wisconsin; academic facilities.* From the capital  
11 improvement fund, a sum sufficient for the board of regents of the university of  
12 Wisconsin system to acquire, construct, develop, enlarge or improve university  
13 academic educational facilities and facilities to support such facilities. The state may  
14 contract public debt in an amount not to exceed ~~\$791,009,100~~ \$793,809,100✓ for this  
15 purpose.

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

16 **SECTION 43.** 20.866 (2) (ws)✓ of the statutes is created to read:

17 20.866 (2) (ws) *Administration; educational communications facilities.* From  
18 the capital improvement fund,✓ a sum sufficient for the building commission to  
19 provide grants to the broadcasting corporation, as defined in s. 39.81 (2), to acquire,  
20 construct, develop, enlarge or improve educational communications facilities.  
21 Unless the✓ secretary of administration first determines under s. ~~39.81(1)~~ that the

39.88(1)✓

1 federal communications commission has approved the transfer of all broadcasting  
2 licenses held by the educational communications board to the broadcasting  
3 corporation, as defined in s. 39.81 (2), no moneys may be encumbered or public debt  
4 contracted under this <sup>✓</sup>paragraph. If the secretary of administration determines that  
5 the transfer of licenses has been approved, on and after the effective date of the last  
6 license transferred as determined by the secretary of administration under s. 39.88  
7 (2), the state may, for the purpose of this appropriation, contract public debt in an  
8 amount not to exceed \$18,067,800 less any amount contracted on behalf of the former  
9 educational communications board before the effective date of the last license  
10 transferred as determined by the secretary of administration under s. 39.88 (2).

11 **SECTION 44.** 20.866 (2) (zbm) of the statutes is created to read:

12 20.866 (2) (zbm) <sup>✓</sup>*Milwaukee Area Technical College; digital television*  
13 *conversion.* From the capital improvement fund, a sum sufficient for the building  
14 commission to provide grants to the Milwaukee Area Technical College to aid in the  
15 acquisition, construction, development, enlargement or improvement of facilities  
16 and equipment related to the conversion to digital television. The state may contract  
17 public debt in an amount not to exceed <sup>✓</sup>\$3,500,000 for this purpose.

18 **SECTION 45.** 20.866 (2) (zd) of the statutes is amended to read:

19 20.866 (2) (zd) *Educational communications board; educational*  
20 *communications facilities.* From the capital improvement fund, a sum sufficient for  
21 the educational communications board to acquire, construct, develop, enlarge or  
22 improve educational communications facilities. The state may contract public debt  
23 in an amount not to exceed ~~\$8,354,100~~ \$18,067,800 for this purpose. If the secretary  
24 of administration determines that the federal communications commission has  
25 approved the transfer of all broadcasting licenses held by the educational

1

communications board to the broadcasting corporation, as defined in s. 39.81 (1), on  
and after the effective date of the last license transferred as determined by the  
secretary of administration under s. 39.88 (2), the state may not contract public debt  
under paragraph.

History: 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1636 (43); 1977 c. 418; 1979 c. 4; 1979 c. 34 ss. 675a to 677v, 2102 (6) (a), (39) (a), (32) (a); 1979 c. 107, 221; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1985 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 to 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246, 372, 388, 416, 452; 1997 a. 27, 35, 61, 164, 237, 252.

5 SECTION 46. 20.867 (3) (bm) of the statutes is created to read:

20.867 (3) (bm) *Principal repayment, interest and rebates.* A sum sufficient to  
reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred  
in financing the acquisition, construction, development, enlargement or  
improvement of facilities and equipment related to the conversion to digital  
television at Milwaukee Area Technical College, and to make the payments  
determined by the building commission under s. 13.488 (1) (m) that are attributable  
to the proceeds of obligations incurred in financing the acquisition, construction,  
development, enlargement or improvement of facilities and equipment related to the  
conversion to digital television at Milwaukee Area Technical College.

15 SECTION 47. 20.923 (4) (e) 1e. of the statutes is amended to read:

20.923 (4) (e) 1e. Educational communications board: executive director. If the  
secretary of administration determines that the federal communications  
commission has approved the transfer of all broadcasting licenses held by the  
educational communications board to the broadcasting corporation, as defined in s.  
39.81 (2), this subdivision does not apply on and after the effective date of the last  
license transferred as determined by the secretary of administration under s. 39.88  
(2).

History: 1971 c. 18, 125, 164; 1971 c. 270 ss. 98, 104; 1971 c. 307, 321; 1973 c. 90, 156, 243, 333; 1975 c. 28; 1975 c. 39 ss. 236c to 247, 735 (5); 1975 Ex. Order No. 24; 1975 c. 189, 199, 224, 422; 1977 c. 29 ss. 399g to 406d, 1649, 1650m, 1654 (8) (e), 1656 (43); 1977 c. 44; 1977 c. 187 ss. 29, 30, 31, 135; 1977 c. 196 ss. 74 to 76m, 131; 1977 c. 203, 272, 277, 418, 447, 449; Sup. Ct. Order, 88 W (2d) xiii (1979); 1979 c. 32 s. 92 (1); 1979 c. 34, 89, 189; 1979 c. 221 ss. 201m to 218, 2202 (13); 1979 c. 361; 1981 c.

20 ss. 587 to 592g, 2202 (33) (b), (c), (56) (a); 1981 c. 96 ss. 16, 67; 1981 c. 121, 127, 347, 353; 1981 c. 390 s. 252; 1983 a. 27, 46, 121, 192, 371, 378; 1985 a. 18, 23; 1985 a. 29 ss. 603 to 607, 3202 (22) (a); 1985 a. 34, 332; 1987 a. 6, 27, 82, 119, 306, 340, 354, 399, 403; 1989 a. 31, 56, 107, 208, 219, 336; 1991 a. 39, 269; 1993 a. 12, 16, 75, 123, 144, 184, 294, 349, 399, 490; 1995 a. 27 ss. 1193 to 1217m, 9130 (4), 9216 (19); 1995 a. 37, 216, 225; 1997 a. 2, 3, 27, 29, 41, 194, 237.

1 **SECTION 48.** 20.923 (6) (aj) of the statutes is created to read:

2 20.923 (6) (aj) Administration, department of: all positions specified in s.  
3 230.08 (2) (km).<sup>✓</sup>

4 **SECTION 49.** 20.923 (6) (b) of the statutes is amended to read:

5 20.923 (6) (b) Educational communications board: unclassified professional  
6 staff. If the secretary of administration determines that the federal communications  
7 commission has approved the transfer of all broadcasting licenses held by the  
8 educational communications board to the broadcasting corporation, as defined in s.  
9 39.81 (2), this paragraph<sup>✓</sup> does not apply on and after the effective date of the last  
10 license transferred as determined by the secretary of administration under s. 39.88  
11 (2).<sup>✓</sup>

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

12 **SECTION 50.** 36.25 (5) (a) of the statutes is amended to read:

13 36.25 (5) (a) The board of regents, as licensee, shall, except as provided in an  
14 agreement entered into under par. (c) 2.,<sup>✓</sup> manage, operate and maintain  
15 broadcasting station WHA and WHA-TV and shall enter into an affiliation  
16 agreement with the educational communications board pursuant to s. 39.14. Except  
17 as provided under par. (b), the an affiliation agreement under this paragraph<sup>✓</sup> shall  
18 provide that the board of regents shall grant the educational communications board  
19 the part-time use of equipment and space necessary for the operations of the state  
20 educational radio and television networks. The board of regents shall maintain a  
21 separate account for each revenue source for broadcasting station WHA and for  
22 WHA-TV which permits identification of the functions or activities for which

1 expenditures are made. The board of regents shall maintain annual records of its  
2 expenditures for programming purposes by type of programming and by source of  
3 revenue.

History: 1973 c. 333 ss. 68, 201f (2); 1973 c. 335; 1975 c. 39, 339, 408 Supp.; 1975 c. 430 s. 80; 1977 c. 26, 29; 1977 c. 418 ss. 271 to 273, 924 (18) (e), (50); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34; 1979 c. 90 s. 23; 1979 c. 177; 1981 c. 20, 93, 237, 314, 346; 1983 a. 27, 387, 524; 1983 a. 538 s. 271; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 332 s. 251 (1); 1987 a. 27, 186, 399, 403; 1989 a. 31, 56, 249, 299, 325, 335, 353, 359; 1991 a. 32, 39, 167, 269; 1993 a. 16, 27, 399, 455; 1995 a. 27 ss. 1767 to 1775k, 9116 (5), 9126 (19), 9145 (1); 1995 a. 54, 101, 216, 225, 227, 378, 404, 417; 1997 a. 27, 164, 178; 1997 a. 237 ss. 82v, 722s; 1997 a. 283.

4 SECTION 51. 36.25 (5) (c) of the statutes is created to read:

5 36.25 (5) (c) 1. In this paragraph:

6 a. "Broadcasting corporation" has the meaning given in s. 39.81 (2).

7 b. "Broadcasting station" means any broadcast station for which the board of  
8 regents holds a license.

9 2. No later than the first day of the 12th month beginning after the effective  
10 date of this <sup>subdivision</sup> paragraph.... [revisor inserts date], the board of regents may enter into

11 an agreement with the broadcasting corporation that requires the board of regents  
12 to do each of the following:

13 a. Allow the broadcasting corporation to operate any broadcasting station that  
14 is specified in the agreement.

15 b. Grant the broadcasting corporation operational control over any facility or  
16 asset of the board of regents that is necessary for the operation of a broadcasting  
17 station specified in subd. 2. a., except that the agreement may provide for joint use  
18 by the board of regents and the broadcasting corporation of any production facility  
19 and the agreement shall provide for the joint use by the board of regents and the  
20 broadcasting corporation of one and only one television broadcasting network  
21 facility.

22 c. Maintain the facilities and assets that are necessary for the operation of each  
23 broadcasting station, including a broadcasting station specified in subd. 2. a.

1 d. Retain the license for each broadcasting station.

2 e. Provide administrative services to the broadcasting corporation that are  
3 necessary for the broadcasting corporation to operate the broadcasting stations  
4 specified in subd. 2. a. ✓

5 f. Provide assistance in developing and delivering elementary and secondary  
6 school programming. Any assistance provided under this subd. 2. f. ✓ shall be provided  
7 at no cost to private schools or public elementary and secondary schools.

8 3. An agreement under subd. 2. ✓ shall satisfy each of the following:

9 a. The agreement shall remain in effect until the maturity date of any public  
10 debt issued under s. 13.48 (31) (c). ✓

11 b. The agreement shall ensure that the board of regents has access to  
12 broadcasting facilities and air time that is equal or greater to the access of the board  
13 of regents prior to the effective date of this <sup>subdivision</sup> ~~subd.~~ 3. b. .... [revisor inserts date].

14 4. An agreement under subd. ✓ 2. may specify the terms, if any, for the  
15 broadcasting corporation to compensate the board of regents for taking an action  
16 specified in subd. ✓ 2. a. to ~~2.~~ e.

17 5. An agreement under subd. 2. may not take effect without the approval of the  
18 secretary of administration.

19 6. This paragraph ✓ does not apply unless the secretary of administration  
20 determines under s. 39.88 (1) that the federal communications commission has  
21 approved the transfer of all broadcasting licenses held by the educational  
22 communications board ✓ to the broadcasting corporation.

23 SECTION 52. 36.25 (5) (d) of the statutes is created to read:

1           36.25 (5) (d) At the request of the transitional board, as defined in s. 39.81 (7),  
2 the board of regents shall provide staff and legal, administrative and technical  
3 assistance for the transitional board to carry out the duties under s. 39.82.

4           **SECTION 53.** 38.125 of the statutes is renumbered 38.125 (3) and amended to  
5 read:

6           38.125 (3) If the district board governing the Milwaukee area technical college  
7 determines to relinquish its public broadcasting licenses, it shall, subject to the  
8 approval of the federal communications commission, offer to assign the licenses to  
9 the educational communications board, ~~subject to approval of the federal~~  
10 ~~communications commission or, if the secretary of administration determines under~~  
11 s. 39.88 (1) that all the broadcasting licenses held by the educational  
12 communications board have been transferred to the broadcasting corporation, to the  
13 broadcasting corporation.

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

14           **SECTION 54.** 38.125 (1) of the statutes is created to read:

15           38.125 (1) In this section:

16           (a) “District board” means the district board governing the Milwaukee Area  
17 Technical College.

18           (b) “Broadcasting corporation” has the meaning given in s. 39.81 (2).

19           (c) “Broadcasting station” means any broadcast station for which the district  
20 board holds a license.

21           **SECTION 55.** 38.125 (2) of the statutes is created to read:

22           38.125 (2) (a) No later than the first day of the 12th month beginning after the  
23 effective date of this paragraph .... [revisor inserts date], the district board may enter



1 into an agreement with the broadcasting corporation<sup>✓</sup> that requires the district board  
2 to do each of the following:

3 1. Allow the broadcasting corporation to operate any broadcasting station that  
4 is specified in the agreement.

5 2. Grant the broadcasting corporation operational control over any facility or  
6 asset of the district board that is necessary for the operation of a broadcasting station  
7 specified in subd.<sup>✓</sup> 1., except that the agreement may provide for joint use by the  
8 district board and the broadcasting corporation of any production facility and the  
9 agreement shall provide for the joint use by the district board and the broadcasting  
10 corporation of one and only one television broadcasting network facility.

11 3. Maintain the facilities and assets that are necessary for the operation of each  
12 broadcasting station, including a broadcasting station specified in<sup>✓</sup> subd. 1.

13 4. Retain the license for each broadcasting station.

14 (b) An agreement under par.<sup>✓</sup> (a) shall satisfy each of the following:

15 1. The agreement shall remain in effect until the maturity date of any public  
16 debt issued under s. 13.48 (31) (d).<sup>✓</sup>

17 2. The agreement shall ensure that the district board has access to  
18 broadcasting facilities and air time that is equal or greater to the access of the district  
19 board prior to the effective date of this subdivision ....<sup>✓</sup> [revisor inserts date].

20 (c) An agreement under par. (a)<sup>✓</sup> may specify the terms, if any, for the  
21 broadcasting corporation to compensate the district board for taking an action  
22 specified in par. (a).

23 (d) An agreement under par. (a) may not take effect without the approval of the  
24 secretary of administration.

1 (e) This subsection does not apply unless the secretary of administration  
2 determines under s. 39.88 (1) that the federal communications commission has  
3 approved the transfer of all broadcasting licenses held by the educational  
4 communications board to the broadcasting corporation.

5 **SECTION 56.** 39.10 of the statutes is created to read:

6 **39.10 Definitions.** In this<sup>✓</sup> subchapter:

7 (1) “Broadcasting corporation” has the meaning given in s. 39.81 (2).<sup>✓</sup>

8 (2) “Fund-raising corporation” means the corporation organized under s. 39.12

9 (1).<sup>✓</sup>

10 (3) “Transitional board” has the meaning given in s. 39.81 (7).<sup>✓</sup>

11 **SECTION 57.** 39.11 (intro.) of the statutes is amended to read:

12 **39.11 Educational communications board; duties.** (intro.) The Except as  
13 provided in a contract entered into under s. 39.115 (5), the educational  
14 communications board shall do each of the following:

15 History: 1971 c. 211; 1973 c. 90, 333; 1975 c. 39; 1981 c. 20; 1985 a. 29; 1987 a. 186, 399; 1991 a. 39, 269; 1993 a. 16, 213, 437; 1997 a. 27.

15 **SECTION 58.** 39.11 (22) of the statutes is created to read:

16 39.11 (22) At the request of the<sup>✓</sup> transitional board, provide staff and legal,  
17 administrative and technical assistance for the transitional board to carry out the  
18 duties under s. 39.82.<sup>✓</sup>

19 **SECTION 59.** 39.115 (4) of the statutes is created to read:

20 39.115 (4) Contract with the broadcasting corporation to manage, operate and  
21 maintain any public broadcasting station for which the educational communications  
22 board holds a license.

23 **SECTION 60.** 39.12 of the statutes is amended to read:

1           **39.12 Nonstock Fund-raising corporation.** (1) The educational  
2 communications board may organize and maintain a nonstock nonprofit corporation  
3 under ch. 181 for the exclusive purpose of raising funds for the educational  
4 communications board to support the activities of the educational communications  
5 board. Any funds raised by the fund-raising corporation shall be expended to carry  
6 out the purposes for which received.

7           (2) The educational communications board shall enter into a contract with the  
8 fund-raising corporation ~~under sub. (1).~~ The contract shall provide that the  
9 educational communications board may make use of the services of the fund-raising  
10 corporation and that the educational communications board may provide  
11 administrative services to the fund-raising corporation. The type and scope of any  
12 administrative services provided by the educational communications board to the  
13 fund-raising corporation and the educational communications board employes  
14 assigned to perform the services shall be determined by the educational  
15 communications board. The fund-raising corporation may neither employ staff nor  
16 engage in political activities.

17           (2m) The fund-raising corporation ~~under sub. (1)~~ shall donate any real  
18 property to the state within 5 years after acquiring the property unless holding the  
19 property for more than 5 years is consistent with sound business and financial  
20 practices and is approved by the joint committee on finance.

21           (3) The educational communications board, the department of administration,  
22 the legislative fiscal bureau, the legislative audit bureau and the appropriate  
23 committee of each house of the legislature, as determined by the presiding officer,  
24 may examine all records of the fund-raising corporation.

1 (4) The board of directors of ~~any~~ the fund-raising corporation established  
 2 ~~under this section~~ shall consist of 5 members, including the executive director of the  
 3 educational communications board and 4 members of the educational  
 4 communications board, elected by the educational communications board, of which  
 5 one shall be a legislator. No 2 members of the board of directors may be from the same  
 6 category of educational communications board members under s. 15.57 ~~(1) to (7)~~ <sup>plain (a) (h)</sup>

7 (5) ~~Any~~ The fund-raising corporation established ~~under this section~~ shall be  
 8 organized so that contributions to it will be deductible from adjusted gross income  
 9 under section 170 of the internal revenue code and so that the fund-raising  
 10 corporation will be exempt from taxation under section 501 of the internal revenue  
 11 code and ss. 71.26 (1) (a) and 71.45 (1).

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

12 SECTION 61. 39.15 of the statutes is created to read:

13 39.15 <sup>✓</sup> **Applicability.** If the secretary of administration determines that the  
 14 federal communications commission has approved the transfer of all broadcasting  
 15 licenses held by the educational communications board to the broadcasting  
 16 corporation, this subchapter does not apply on and after the effective date of the last  
 17 license transferred as determined by the secretary under s. 39.88 (2).<sup>✓</sup>

18 SECTION 62. Subchapter V of chapter 39 <sup>✓</sup> [precedes 39.81] of the statutes is  
 19 created to read:

20 CHAPTER 39

21 SUBCHAPTER V

22 <sup>✓</sup> PUBLIC BROADCASTING

23 39.81 **Definitions.** In this <sup>✓</sup> subchapter:

24 (1) "Association" means the Wisconsin Public Radio Association.

1 (2) "Broadcasting corporation" means the corporation specified in s. 39.82 (1).

2 (3) "Corporate board" means the board of directors of the broadcasting  
3 corporation.

4 (4) "Foundation" means the Wisconsin Public Broadcasting Foundation.

5 (5) "Friends group" means a nonstock, nonprofit corporation described under  
6 section 501 (c) (3) or (4) of the Internal Revenue Code and exempt from taxation  
7 under section 501 (a) of the Internal Revenue Code that is organized to raise funds  
8 for a public broadcasting television station in this state.

9 (6) "Secretary" means the secretary of administration.

10 (7) "Transitional board" means the public broadcasting transitional board.

11 **39.82 Transitional board duties.** The transitional board shall do each of the  
12 following:

13 (1) Draft and file articles of incorporation for a nonstock corporation under ch.  
14 181 and take all actions necessary to exempt the corporation from federal taxation  
15 under section 501 (c) (3) of the Internal Revenue Code.

16 (2) Draft bylaws for adoption by the corporate board under s. 181.0206 (2). The  
17 bylaws shall specify the method for designating or appointing the directors of the  
18 corporate board. No later than March 15, 2000, the transitional board shall submit  
19 a report to the governor and to the chief clerk of each house of the legislature for  
20 distribution to the legislature under s. 13.172 (2) that describes the bylaws drafted  
21 under this subsection.

22 (3) Prepare an application for submission by the corporate board to the federal  
23 communications commission to transfer all broadcasting licenses held by the  
24 educational communications board to the broadcasting corporation.

1           (4) Negotiate an agreement with the association for the transfer to the  
2 broadcasting corporation of funds raised by the association.

3           (5) Negotiate an agreement with each friends group in this state for the  
4 transfer to the broadcasting corporation of funds raised by the friends group.

5           (6) If the transitional board requests the staff or legal, administrative or  
6 technical assistance under s. 36.25 (5) (d) or 39.11 (22), pay the board of regents of  
7 the University of Wisconsin System or the educational communications board an  
8 amount equal to the reasonable cost of the staff or assistance that is provided.

9           **39.83 Transitional plan.** (1) The secretary of administration shall, after  
10 consulting with the corporate board, prepare a plan for submission to the joint  
11 committee on finance that specifies each of the following:

12           (a) The transfer of the unencumbered balances of the appropriations to the  
13 educational communications board to the broadcasting corporation.

14           (b) The transfer of positions from the educational communications board to the  
15 department of administration.

16           (c) The transfer of assets under s. 39.87 (2) to the broadcasting corporation.

17           (2) If the cochairpersons of the joint committee on finance do not notify the  
18 secretary of administration within 14 working days after the date of submittal of the  
19 plan under sub. (1) that the committee has scheduled a meeting for the purpose of  
20 reviewing the plan, the plan may be implemented as proposed. If, within 14 working  
21 days after the date of submittal of the plan under sub. (1), the cochairpersons of the  
22 committee notify the secretary of administration that the committee has scheduled  
23 a meeting for the purpose of reviewing the proposed plan, the plan may implemented  
24 only upon approval of the committee.

1

(3) If <sup>the</sup> joint committee on finance approves a transfer of unencumbered balances

2

specified in sub. <sup>1</sup>(2) (a), the joint committee on finance shall transfer the

3

unencumbered balances to the appropriation account under s. <sup>✓</sup>20.505 (1) (kv).

4

**39.84 Duties of <sup>✓</sup>broadcasting corporation.** If the secretary of

5

administration determines that the federal communications commission has

6

approved the transfer of all broadcasting licenses held by the educational

7

communications board to the broadcasting corporation, the broadcasting corporation

8

shall do each of the following as a condition for receiving state aid under s. 20.218

9

<sup>✓</sup>(1) (a):

10

(1) Maintain a state system of radio broadcasting for the presentation of

11

educational, informational and public service programs, formulate policies

12

regulating the operation of such a state system and coordinate the public radio

13

activities of the various educational and informational agencies, civic groups, and

14

citizens having contributions to make to the public interest and welfare.

15

(2) Protect the public interest in educational television by maintaining

16

educational television channels reserved for <sup>this state</sup> Wisconsin and take such action as is

17

necessary to preserve such channels in ~~Wisconsin~~ for educational use.

18

(3) Maintain a comprehensive state plan for the orderly operation of a

19

statewide television system for the presentation of noncommercial instructional

20

programs <sup>that</sup> ~~which~~ will serve the best interests of the people of the state now and in the

21

future.

22

(4) Work with the educational agencies and institutions of the state as

23

reviewer, adviser and coordinator of their joint efforts to meet the educational needs

24

of the state through radio and television.

1           (5) Furnish leadership in securing adequate funding for statewide joint use of  
2 radio and television for educational and cultural purposes, including funding for  
3 media programming for broadcast over the state networks.

4           (6) Lease, purchase or construct radio and television facilities for joint use with  
5 state and local agencies, including facilities such as broadcast network and  
6 production facilities, network interconnection or relay equipment, mobile units, and  
7 other equipment available for statewide use.

8           (7) Maintain radio and television transmission equipment in order to provide  
9 broadcast service to all areas of this state.

10          (8) Establish and maintain a continuing evaluation of the effectiveness of the  
11 joint efforts of all participating educational institutions in terms of  
12 jointly established goals in the area of educational radio and television.

13          (9) Act as a central clearing house and source of information concerning  
14 educational radio and television activities in this state, including the furnishing of  
15 such information to legislators, offices of government, educational institutions and  
16 the general public.

17          **39.85 State aid.** (1) The broadcasting corporation may receive state aid under  
18 s. 20.218 (1) (a) if each of the following is satisfied:

19           (a) The articles of incorporation state that the purpose of the broadcasting  
20 corporation is to provide public broadcasting to this state and that, if the  
21 broadcasting corporation dissolves or discontinues public broadcasting in this state,  
22 the broadcasting corporation shall in good faith take all reasonable measures to  
23 transfer or assign the broadcasting corporation's assets, licenses and rights to an  
24 entity whose purpose is to advance public broadcasting in this state.



1 (b) The broadcasting corporation initially adopts the bylaws drafted by the  
2 transitional board under s. 39.82 (2).

3 (c) The broadcasting corporation permits public inspection and copying of any  
4 record of the corporation, as defined in s. 19.32 (1), to the same extent as required  
5 of, and subject to the same terms and enforcement provisions that apply to, an  
6 authority under subch. II of ch. 19.

7 (d) The broadcasting corporation provides public access to its meetings to the  
8 same extent as is required of, and subject to the same terms and enforcement  
9 provisions that apply to, a governmental body under subch. V of ch. 19.

10 (e) The broadcasting corporation provides the secretary of administration or  
11 his or her designee and the employes of the legislative audit bureau and the  
12 legislative fiscal bureau with access to all of the broadcasting corporation's records,  
13 as defined in s. 19.32 (2), except records indentifying the names of private donors.

14 (f) The broadcasting corporation carries out any obligation of the educational  
15 communications board under any contract entered into by the educational  
16 communications board that relates to the provision of public broadcasting in this  
17 state until the contract is modified or rescinded by the broadcasting corporation to  
18 the extent allowed under the contract.

19 (2) The secretary of administration shall pay aid under sub. (1) to the  
20 broadcasting corporation in instalments, as determined by the secretary.

21 **39.86 Broadcasting corporation reports.** (1) No later than September 15  
22 of each even-numbered year, in the form and content prescribed by the department  
23 of administration, the broadcasting corporation shall, as a condition of receiving  
24 state aid under s. 20.218 (1) (a), prepare and forward to the department of

1 administration and to the legislative fiscal bureau all of the following information  
2 regarding each program administered by the broadcasting corporation:

3 (a) A clear statement of the purpose or goal for each program.

4 (b) Clear statements of specific objectives to be accomplished and, as  
5 appropriate, the performance measures used by the broadcasting corporation to  
6 assess progress toward achievement of these objectives.

7 (c) Proposed plans to implement the objectives specified in par. (a) and the  
8 estimated resources needed to carry out the proposed plans.

9 (d) A statement of legislation required to implement proposed programmatic  
10 and financial plans.

11 (e) Any other fiscal or other information that the secretary of administration  
12 or the governor requires on forms prescribed by the secretary of administration.

13 (2) No later than December 1 of each year, the broadcasting corporation shall  
14 submit a report to the governor and to the chief clerk of each house of the legislature  
15 for distribution to the legislature under s. 13.172 (2) that describes each of the  
16 following:

17 (a) Any use of state aid received by the broadcasting corporation for serving  
18 educational communities, diverse populations and rural and remote areas of the  
19 state, including a detailed itemization of the use of state aid.

20 (b) Any progress in advancing the transition to digital television and radio,  
21 distance education and other technological innovations.

22 (c) The status of federal funding, private donations, other private fund raising  
23 and any financially beneficial partnerships.

24 (d) The status of the broadcasting corporation's efforts to satisfy the duties  
25 specified in this subchapter.

1 (3) This section<sup>✓</sup> does not apply unless the secretary of administration  
2 determines that the federal communications commission has approved the transfer  
3 of all broadcasting licenses held by the educational communications board to the  
4 broadcasting corporation.

5 **39.87 Transfer provisions.** (1) DEFINITIONS.<sup>✓</sup> In this section,<sup>✓</sup> "state office  
6 building" means the state office building located at 3319 West Beltline highway in  
7 Dane County.<sup>✓</sup>

8 (2) ASSETS.<sup>✓</sup>(a) If the secretary of administration determines that the federal  
9 communications commission has approved the transfer of all broadcasting licenses  
10 held by the educational communications board to the broadcasting corporation, each  
11 of the following applies:

12 1. Any asset of the state, other than the state office building and the assets  
13 specified in subd. 3.,<sup>✓</sup> that is used by the educational communications board and that,  
14 as determined by the secretary of administration, is not a shared asset, as defined  
15 in s. 16.25<sup>6</sup> (1) (b), is transferred, subject to the approval of the joint committee on  
16 finance under s. 39.83 (2),<sup>✓</sup> to the broadcasting corporation. A transfer under this  
17 subdivision<sup>✓</sup> shall take effect on on the effective date of the last license transferred as  
18 determined by the secretary of administration under s. 39.88 (2).<sup>✓</sup>

19 2. Subject to the approval of the joint committee on finance under s. 39.83 (2),<sup>✓</sup>  
20 the secretary of administration shall transfer title to the state office building from  
21 the state to the broadcasting corporation if the broadcasting corporation pays  
22 \$476,228<sup>✓</sup> to the foundation or the foundation waives such payment.

23 3. The assets of the state that, as determined by the secretary of  
24 administration, are used by educational communications board for the operation of

1 an emergency weather warning system are transferred to the department of  
2 administration.

3 (b) Any asset transferred under par. (a) 1. or 2. shall revert to the state if the  
4 asset is not used for the purpose of providing public broadcasting.

5 (3) EDUCATIONAL COMMUNICATIONS BOARD 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 to the broadcasting corporation, each of the following applies  
9 on the effective date of the last license transferred as determined by the secretary of  
10 administration under s. 39.88 (2):

11 (a) To the appropriation account under s. 20.218 (1) (a), there is transferred the  
12 unencumbered balance of the appropriation accounts under s. 20.225 (1) (a), (b), (d)  
13 to (ka) and (m), and the amounts in the schedule for the appropriation account under  
14 s. 20.218 (1) (a) are increased by the sum of the amounts transferred from the  
15 appropriation accounts under s. 20.225 (1) (a), (b), (d) to (ka) and (m).

16 (b) To the appropriation account under s. 20.505 (5) (i), there is transferred the  
17 unencumbered balance of the appropriation account under s. 20.225 (1) (kb) and the  
18 amounts in the schedule for the appropriation account under s. 20.505 (5) (i) are  
19 increased by the amount transferred from the appropriation account under s. 20.225  
20 (1) (kb).

21 (4) POSITIONS. If the secretary of administration determines that the federal  
22 communications commission has approved the transfer of all broadcasting licenses  
23 held by the educational communications board to the broadcasting corporation, all  
24 incumbent employes holding positions in the educational communications board are  
25 transferred to the department of administration. Employes transferred under this

1 ~~paragraph~~ <sup>subsection</sup> have all rights and the same status under subchapter V of chapter 111 and  
 2 chapter 230 of the statutes that they enjoyed in the gaming board. Notwithstanding  
 3 ~~section~~ 230.28 (4) ~~of the statutes~~, no employe so transferred who has attained  
 4 permanent status in class may be required to serve a probationary period.

5 **39.88 License transfer determination.** The secretary of administration  
 6 shall determine each of the following:

7 (1) Whether the federal communications commission has approved the  
 8 transfer of all broadcasting licenses held by the educational communications  
 9 commission to the broadcasting corporation.

10 (2) If the secretary <sup>✓</sup>determines that the federal communications commission  
 11 has approved the transfer of all the broadcasting licences specified in sub. (1), the  
 12 effective date of the transfer of the last license transferred to the broadcasting  
 13 corporation.

14 **SECTION 63.** 230.08 (2) (e) 3m. of the statutes is amended to read:

15 230.08 (2) (e) 3m. Educational communications board — 4. If the secretary of  
 16 administration <sup>✓</sup>determines that the federal communications commission has  
 17 approved the transfer of all broadcasting licenses held by the educational  
 18 communications board to the broadcasting corporation as defined in s. 39.81 (2), this  
 19 subdivision <sup>✓</sup>does not apply on and after the effective date of the last license  
 20 transferred as determined by the secretary of administration under s. 39.88 (2).

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

21 **SECTION 64.** 230.08 (2) (km) of the statutes is created to read:

22 230.08 (2) (km) Persons employed by the <sup>✓</sup>department of administration who  
 23 were transferred to the department of administration under s. 39.87 (4) <sup>✓</sup>and who

1 immediately before their transfer occupied a position described under par. (e) 3m.,  
2 (L) 2. or (we).

3 **SECTION 65.** 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 to the broadcasting corporation, as defined in s.

8 39.81 (2), this subdivision does not apply on and after the effective date of the last

9 license transferred as determined by the secretary of administration under s. 39.88

10 (2).

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

11 **SECTION 66.** 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 to the

16 broadcasting corporation, as defined in s. 39.81 (2), this paragraph does not apply on

17 and after the effective date of the last license transferred as determined by the

18 secretary of administration under s. 39.88 (2).

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

19 **SECTION 67.** 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,

1 “department” has the meaning given under s. 15.01 (5), “board” means the  
2 educational communications board, investment board, public defender board and  
3 technical college system board and “commission” means the public service  
4 commission. Notwithstanding sub. (2) (z), no division administrator position  
5 exceeding the number authorized in sub. (2) (e) may be created in the unclassified  
6 service.

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

7 **SECTION 68.** 230.08 (4) (am) of the statutes is created to read:

8 230.08 (4) (am) If the secretary of administration determines that the federal  
9 communications commission has approved the transfer of all broadcasting licenses  
10 held by the educational communications board to the broadcasting corporation, as  
11 defined in s. 39.81 (2), on and after the effective date of the last license transferred  
12 as determined by the secretary of administration under s. 39.88 (2), “board” in par.  
13 (a) means the investment board, public defender board and technical college system  
14 board.

15 **SECTION 69. Effective dates.** This act takes effect on the day after publication,  
16 except as follows:

17 (1) The repeal of section 20.506 of the statutes takes effect on the first day of  
18 the 36th month beginning after publication.

19 (END)

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

LRB-3203/?dn  
.....

*Faxed to  
Ruth Hardy on 6/13*

*38.12(3)*

*director of the MATC district*

Ruth Hardy:

Please review this draft very carefully to make sure that it achieves your intent. Please be aware that we have not yet completed editing the draft and that we may have changes to the draft when the editing is complete. In addition, please note the following:

1. Under the draft, the director of the district board governing MATC serves on the transitional board. Is this okay, or do you want the chairperson of the district board to serve on the transitional board?

2. Under this draft, it is theoretically possible for the FCC to approve the license transfers to the broadcasting corporation *and* for the joint committee on finance to not approve a transfer of unencumbered appropriation balances, assets or positions. Should the draft be revised to resolve this issue? *OKays*

3. The draft provides for the transfer of ECB employes to DOA. Do you want the draft to be revised to specify that DOA must assign the transferred employes to perform services for the broadcasting corporation? *YES - DOA must assign to perform service for BC at no charge*

4. Depending on the nature of assistance that is provided under proposed s. 36.25 (5) (c) 2. f., there may be a constitutional problem in providing assistance to a sectarian school at no charge. *so noted*

5. Under the draft, the transitional board may pay compensation to the UW board of regents or the ECB for services requested under proposed. s. 36.25 (5) (d) or 39.11 (22). If you want the UW board of regents of the ECB to provide these services at no charge, then the draft should be revised to specify that there is no charge. *TR may request, if s. 36.25 requested, shall provide at no charge*

6. The draft may raise improper delegation concerns because the member of the transitional board under proposed s. 15.98 (2) (e) (i.e., the president of the Wisconsin Association of Independent Colleges and Universities) is appointed without senate confirmation by virtue of his or her role in a private entity.

*delete*

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