

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/23/99**

Received By: **champra**

Wanted: **Soon**

Identical to LRB:

For: **Assembly Republican Caucus**

By/Representing: **Kratochwill**

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

Drafter: **kunkemd**

May Contact:

Alt. Drafters: **champra
grantpr
kuesejt
mlief**

Subject: **Higher Education - miscellaneous
Bonding - state
Employ Pub - miscellaneous**

Extra Copies:

Pre Topic:

ARC:.....Kratochwill - No amdt. #,

Topic:

Wisconsin public broadcasting

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	kunkemd 06/25/99	chanaman 06/26/99	hhagen 06/26/99	_____			
	kunkemd 06/26/99	chanaman 06/26/99		_____			
/1			hhagen 06/26/99	_____	lrb_docadmin 06/26/99		

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1?	kunkemd	cm w 6/24 /p1		J&K sm 6/26			

FE Sent For:

<END>

Budget Amendments 1999-

Statement of Intent Educational Communications Board. Makes changes to the Joint Finance Committee's action relating to the restructure of Public Broadcasting.

Legislator Hutchison **Amendment#**
Staff contact Mike **Status**
Agency DPI **Tax Cut**

Summary Under current law, the Educational Communications Board (ECB) hold the licenses for five public television stations and the University of Wisconsin (UW) Board of Regents holds the license for one public television station, which together compromise Wisconsin Public Television. The Milwaukee Area Technical College (MATC) holds the licenses for two public television stations, which make up Milwaukee Public Television (MPT).

The Governor proposed consolidating the public broadcasting functions of the board and the University of Wisconsin-Extension into a nonprofit corporation (Educational Broadcasting Corporation).

The Joint Finance Committee passed an omnibus motion that transfers all of ECB broadcasting licenses to a new Wisconsin Public Broadcasting Corporation (WPBC). The motion also permits the UW Board of Regents and MATC to enter into a memorandum of understanding (MOU) with WPBC for the operation of their respective public broadcasting licenses, but the both entities would retain all of their respective broadcasting licenses.

This amendment makes several changes to the Joint Finance motion regarding the restructure of public broadcasting:

① Changes the creation of a 15-member transition board that would write the bylaws of the WPBC to a 20-member board.

2. Changes the make-up of the board to the following:

from one (1) member to three (3) members from the friends of WHA-TV

from one (1) member to five (5) members from the friends of Channels 10/36 in Milwaukee

Eliminate the WTCS position on the board.

*The Governor will select 10 members to the above transition board from a submitted list of 6 from

WHA, a list of 10 from Channels 10/36 and a list of 4 from Wisconsin Public Radio. The Governor does *transit*

reserve the right to select Friends outside the submitted list. Upon the installation of the permanent

board, the board will be self-perpetuating. All board members will serve staggered terms, and, upon

~~expiration of their terms, the board members will elect their successors.~~

3. Change the requirement for the WPBC and DOA to submit a request to JFC for the transfer of funding, bonding authority, positions, and assets relating to the creation of WPBC to require WPBC to submit the request to DOA.

~~4. Joint Finance provided that upon elimination of ECB, the ECB positions and employees would be transferred to DOA and created a GPR appropriation within DOA. Upon elimination of the ECB, the funding sufficient to support the salary, fringe benefits, and supplies and services costs of the current ECB employees would be transferred to the appropriation. Joint Finance also provided that as employees terminate their employment with DOA, the funding and position authority associated with the employee would be lapsed from the appropriation. This amendment provides that upon elimination of ECB, the ECB position and employees would be transferred to the UW and create a GPR appropriation within the UW. This amendment would change the language so that as former ECB employees retire, resign, or transfer to WPBC, the authority and funding for the positions will transfer from UW to WPBC.~~

Request# 3679

5. Under the Joint Finance motion, a sum certain GPR appropriation was created for K-12 educational programming, transmission to remote and underserved areas of the state and emergency weather warning system. This amendment adds DOA funding for employees of the WPBC.

6. Joint Finance provided a funding mechanism for private matching funds to be paid for by the various friends groups. This motion changes that mechanism to be the responsibility of the ECB/WPBC in all instances. The amendment also changes the amount of those matching funds from 10% to 50%. None.

Fiscal Impact

7. Joint Finance provided a "statement of legislative intent and WPBC responsibilities." This amendment would add the following: "Commitment to provide editorial integrity in all aspects of broadcasting free from the influence of politics and special interest groups."

ARC Analyst

Kelly Rindfleisch

Grant, Peter

From: Taylor, Mike
Sent: Wednesday, June 23, 1999 4:47 PM
To: Grant, Peter
Subject: PBS restructuring



6.21.99 release.doc

This release will help with the "spirit" of the document.



ECB amend.doc

Peter:

Feel free to call me at anytime: I can be reached at (920) 495-1378 after today - through the weekend!

Take care and thanks for all your work at LRB!

Mike Taylor
Rep. Hutch. Office

Budget Amendments 1999-

Statement of Intent Educational Communications Board. Makes changes to the Joint Finance Committee's action relating to the restructure of Public Broadcasting.

Legislator	Hutchison	Amendment#
Staff contact	Mike	Status
Agency	DPI	Tax Cut

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Eliminate the WTCS position on the board. ✓

*The Governor will select 10 members to the above transition board from a submitted list of 6 from WHA, a list of 10 from Channels 10/36 and a list of 4 from Wisconsin Public Radio. The Governor does reserve the right to select Friends outside the submitted list. Upon the installation of the permanent board, the board will be self-perpetuating. All board members will serve staggered terms, and, upon expiration of their terms, the board members will elect their successors.

3. Change the requirement for the WPBC and DOA to submit a request to JFC for the transfer of funding, bonding authority, positions, and assets relating to the creation of WPBC to require WPBC to submit the request to DOA.

4. Joint Finance provided that upon elimination of ECB, the ECB positions and employees would be transferred to DOA and created a GPR appropriation within DOA. Upon elimination of the ECB, the funding sufficient to support the salary, fringe benefits, and supplies and services costs of the current ECB employees would be transferred to the appropriation. Joint Finance also provided that as employees terminate their employment with DOA, the funding and position authority associated with the employee would be lapsed from the appropriation. This amendment provides that upon elimination of ECB, the ECB position and employees would be transferred to the UW and create a GPR appropriation within the UW. This amendment would change the language so that as former ECB employees retire, resign, or transfer to WPBC, the authority and funding for the positions will transfer from UW to WPBC.

Request# 3679

5. Under the Joint Finance motion, a sum certain GPR appropriation was created for K-12 educational programming, transmission to remote and underserved areas of the state and emergency weather warning system. This amendment adds DOA funding for employees of the WPBC.

6. Joint Finance provided a funding mechanism for private matching funds to be paid for by the various friends groups. This motion changes that mechanism to be the responsibility of the ECB/WPBC in all

Fiscal Impact instances. The amendment also changes the amount of those matching funds from 10% to 50%. None.

7. Joint Finance provided a "statement of legislative intent and WPBC responsibilities." This amendment would add the following: "Commitment to provide editorial integrity in all aspects of broadcasting free from the influence of politics and special interest groups."

ARC Analyst Kelly Rindfleisch

FOR IMMEDIATE RELEASE:

DATE: JUNE 22, 1999

**CONTACT: STATE REPRESENTATIVE DAVE HUTCHISON 608/266-5350 or
888-482-0001**

GOP FORMS NEW CORP. FOR PBS

Hutchison says PBS will be better and stronger entering 21st Century

MADISON - The Wisconsin State Assembly Republicans voted unanimously in caucus Tuesday to support an amendment which would include all Wisconsin Public Broadcasting entities into a new non-profit corporation.

Under the plan, authored by State Representative Dave Hutchison (R - Dyckesville), all Wisconsin Public television and radio would be united through a new private non-profit corporation called Wisconsin Public Broadcasting Corporation (WPBC). The new corporation would consist of the three public broadcasting institutions: Milwaukee Area Technical College (MATC), University of Wisconsin and the Education Communications Board (ECB). ECB would cease to exist with the formation of the new corporation and both MATC and UW would maintain ownership of their broadcast licenses.

"There are two driving forces behind the creation of the new non-profit corporation," according to Hutchison," according to Hutchison. "The first \$60 million Federal mandate for high definition television by the year 2006. "The second, is the need for a streamlined and more effective approach to administration," said Hutchison.

"This process to form a new and improved public broadcasting corporation is the result of months of negotiations between various interest groups. No one is a bigger fan of public broadcasting in Wisconsin than me; nevertheless, all parties involved felt there was a need for a better governance structure and overall approach to how public broadcasting is delivered in Wisconsin," Hutchison said.

Earlier this month the Joint Finance Committee passed a version regarding restructuring Wisconsin Public Broadcasting. Though the bill passed the Joint Finance Committee by a 9-7 vote, Hutchison said he felt a need to address issues not included in the Joint Finance

motion. “The Joint Finance motion was a good start, but I strongly felt the need to reinstate the bi-partisan language originally in the motion.”

The amendment, also features a new approach to funding and governance. Under the plan the new corporation would feature a governance board comprised of 10 members from the private sector and 10 members from state government.

The new board structure is a radical departure from the existing form of board governance. Presently, the private sector is represented by a small handful of members made up of the fundraising arms supporting public broadcasting. The new governance plan would give the fundraising arms of public broadcasting not only greater representation on the governance board, but also a greater financial responsibility.

Hutchison said that over the months of negotiations – one group (the “friends” groups) in particular was heard loud and clear. The friends groups – representing WHA – TV, Channels 10 & 36 and Wisconsin Public Radio Association strongly requested greater representation on the new board of governance.

This new governance structure recognizes not only the request of the fundraising arms of public broadcasting, but also the greater responsibility private funds will be counted on for the new corporation. It only makes sense that a request for greater representation on the new public broadcasting corporate board, goes hand in hand with a greater financial responsibility,” said Hutchison.

The current budget amendment passed by the Assembly Republican Caucus requires a private funding match – equaling approximately \$8 million over the next two years. The State government will match the private \$8 million match for high definition technology (HDTV). Only those public broadcasting entities choosing to partnership with the new corporation will be eligible for digital funding – which equals \$60 million.

MDK
MSL
PG
JTK
RAC

Passed
RAC

Proposed Governance Structure for Wisconsin Public Broadcasting (Summary of Sen. Panzer/Jauch JFC motion #1341 and Hutchison Amendment #209)

1. Governing Board

- A 20 member board would oversee a new Wisconsin Public Broadcasting Corporation (WPBC), a 501 (c) (3) that would hold the licenses transferred by the Educational Communications Board (ECB). ECB would transfer all assets to new non-profit corporation.
- Board members would include
 - Secretary of DOA
 - President of the UW System
 - Superintendent of DPI
 - President of WAICU
 - Four lawmakers: Members of the majority and minority parties of the Senate and Assembly
 - Two members from the Wisconsin Public Radio Association
 - Three members from the Friends of WHA
 - Five members from the Friends of Channels 10/36
 - President of MATC
 - A representative of K-12
- Method of appointment
 - Members would be appointed to a three-year term, subject to Senate confirmation and would be subject to state ethics code for the term of their appointment. Friends members (WPRA, WHA and Channels 10-36) would be appointed by the governor. Each group would recommend 10 members from which the governor may make his selection (or he may choose to name from outside the lists).
- Board Function
 - The board would hire an executive director to run the day-to-day operation of Wisconsin Public Broadcasting.
 - Wisconsin Public Television (WPT), Wisconsin Public Radio (WPR) and Wisconsin Distance Education (WDE) would remain separate subdivisions under Wisconsin Public Broadcasting.
 - The current ECB, UW and MPTV staff would provide technical and administrative assistance to this 20 member transition board.

-The transition board would report to the Governor and Chief Clerk of each house of the legislature by March 15, 2000 regarding the by-laws of the WPBC.

-Requires WPBC to submit request to DOA under a 14-day passive review process for the transfer of funding, bonding authority, positions and assets relating to creating the new corporation.

-WPBC would also enter into memorandums of understanding with the University of Wisconsin-Extension and Milwaukee Public Television.

2. Operation of Wisconsin Public Broadcasting (MOU's)

- The University of Wisconsin-Extension and Milwaukee Public Television would enter into a memorandum of understanding with the WPBC for the operation of public broadcasting in the state of Wisconsin. The MOUs would guarantee UW-Extension, MPTV and K-12 access to the public broadcasting system that is equal to or greater than currently exists for each entity. The MOU would make it clear that WPBC makes all day-to-day operating decision regarding the corporation
- The MOU would provide that the UW-Extension:
 - Keep its license.
 - Maintain guaranteed access to the system.
 - Maintain existing facilities and physical assets but reach agreement with WPBC giving it operational authority over facilities and assets.
 - Upon signing the MOU, receive general-revenue supported bonding for Digital Television conversion over the next two bienniums on a cost-share basis.
- The MOU would require the UW-Extension to provide the WPBC:
 - In-kind administrative services, such as purchasing, legal, access to facilities.
 - Resources generated by its Friends groups (Friends of Public Radio and Friends of Wisconsin Public Television/Friends of WHA) would transfer to WPBC for development and programming.
 - A 50 percent match between UW and WPBC to the state for digital television conversion.)
 - Assistance to the K-12 system in developing and delivering education programming for the public school system in the state. There would be no charge to K-12 for delivery of programming. etc, unless otherwise determined by WPBC.
 - Assistance to the technical college system in developing and delivering educational programming.
- The MOU would provide that Milwaukee Public Television

Per RJ,
considered w/
next 2
bienniums

- Keep its license at MATC.
- Maintain access to the system.
- Maintain existing facilities and physical assets but reach agreement with WPBC giving it operational authority over facilities and assets.
- Upon signing the MOU, receive \$3.5 million in GPR in the next biennium. (50% match required)
- The state would use GPR-supported bonding for construction of a WPBC broadcast network center in Milwaukee, operated by WPBC and which would guarantee equitable use by all entities involved in the WPBC.

Do not mention this in draft? keep SFC action on plus, per RJ

- The MOU would require Milwaukee Public Television to provide:
 - Assist in development and delivery of programming and services to K-12 system at no cost to WPBC.
 - A 50 percent match to the state for digital television conversion.'

3. Personnel

- Current ECB employees would transfer to the UW so they can maintain current state benefits. Current UW employees would remain with the UW and MPTV employees would remain with MPTV.
- New employees hired by WPBC would be non-state employees. UW or MATC would not be prohibited from hiring new employees to meet UW or MATC public broadcasting needs. Current public broadcasting employees from any of the three entities (UW, ECB or MPTV) have the option of transferring to the new WPBC system if they choose but would not be required to do so.

Need no drafting

4. State Funding for WPBC Operations

- Creates 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.
- Creates a sum certain appropriation for the following purposes:
 - K-12 distance education.
 - Transmission to remote and under served areas
 - Emergency weather warning system
- Provides GPR funding from ECB would be transferred to this appropriation, which would represent base-level state funding for WPBC, upon elimination of ECB
- Provide that the PR appropriation would be for revenue received from the UW, DOA or any other state agency for contracted services, not covered by GPR funding.
- Transfer federal funding received by ECB to WPBC.
- Transfer relevant program revenue, gifts and grants to WPBC, if permitted by the grantor. No state appropriation would be required.

5. Bonding

- The 50 percent match for WPBC would be based on \$16 million, (plus an additional \$1.3 federal) for transmission towers, equipment and plans for a broadcast network center. The match would total \$8 million for the next biennium.
- The 50 percent match would continue into the next biennium to pay for the conversion to digital television.

6. Legislative Intent/WPBC Responsibilities (Main points only)

- Commitment to provide editorial integrity in all aspects of public broadcasting free from the influence of politics and/or special interest groups.
- Commitment to educational broadcasting because it enriches the cultural, civic and educational well-being of the people of Wisconsin
- Statewide access to all populations and geographic areas
- Provide quality educational programming for the state's K-12 schools, technical colleges, universities and other higher education institutions.
- Maintain a state radio system for the presentation of educational, informational and public service programs.
- Maintain and preserve educational television channels.
- Furnish leadership to secure adequate funding for a statewide system.
- Lease, purchase or construct radio and television facilities for joint use with state and local agencies.
- Maintain radio and television transmission equipment.
- Establish and maintain a continuing evaluation process of the effectiveness of public broadcasting in Wisconsin.

7. State Laws, Policies, Procedures

- WPBC subject to open meetings and record laws.
- Provide that the Secretary of DOA, LAB and LFB would have access to all records, files and documents relating to WPBC, including all records relating to expenditures, revenues, operations or structure, excluding records that list the names of private donors.
- Require WPBC to submit a biennial budget request as required of other state agencies.
- Require WPBC to submit a detailed annual report by Dec. 1 each year to the Governor and the Chief Clerks of each house of the Legislature.

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• Board members would include

- Secretary of DOA ✓ (a)
- President of the UW System ✓ (c)
- Superintendent of DPI ✓ (b)
- President of WAICU ✓ (e)
- Four lawmakers: Members of the majority and minority parties of the Senate and Assembly ✓ (g), (h)
- Two members from the Wisconsin Public Radio Association (i)
- Three members from the Friends of WHA (j)
- Five members from the Friends of Channels 10/36 → WMSV, WMT
- President of MATC (f)
- A representative of K-12 (L)

• Method of appointment

-Members would be appointed to a three-year term, subject to Senate confirmation and would be subject to state ethics code for the term of their appointment. Friends members (WPR, WHA and Channels 10-36) would be appointed by the governor. Each group would recommend 10 members from which the governor may make his selection (or he may choose to name from outside the lists). 19.42 (13)(n) ✓

• Board Function

✓ -The board would hire an executive director to run the day-to-day operation of Wisconsin Public Broadcasting.

O-NOTE → -Wisconsin Public Television (WPT), Wisconsin Public Radio (WPR) and Wisconsin Distance Education (WDE) would remain separate subdivisions under Wisconsin Public Broadcasting.

-The current ECB, UW and MPIW staff would provide technical and administrative assistance to this 20 member transition board.

✓ -The transition board would report to the Governor and Chief Clerk of each house of the legislature by March 15, 2000 regarding the by-laws of the WPBC.

✓ -Requires WPBC to submit request to DOA under a 14-day passive review process for the transfer of funding, bonding authority, positions and assets relating to creating the new corporation.

✓ -WPBC would also enter into memorandums of understanding with the University of Wisconsin-Extension and Milwaukee Public Television.

O-NOTE

? O-NOTE

2. Operation of Wisconsin Public Broadcasting (MOU's)

O-NOTE approval by DOA

• The University of Wisconsin-Extension and Milwaukee Public Television would enter into a memorandum of understanding with the WPBC for the operation of public broadcasting in the state of Wisconsin. The MOUs would guarantee UW-Extension, MPTV and K-12 access to the public broadcasting system that is equal to or greater than currently exists for each entity. ✓ The MOU would make it clear that WPBC makes all day-to-day operating decision regarding the corporation

• The MOU would provide that the UW-Extension:
-Keep its license. ✓
-Maintain guaranteed access to the system. ✓
-Maintain existing facilities and physical assets but reach agreement with WPBC giving it operational authority over facilities and assets. ✓
-Upon signing the MOU, receive general-revenue supported bonding for Digital Television conversion over the next two bienniums on a cost-share basis.

• The MOU would require the UW-Extension to provide the WPBC:
-In-kind administrative services, such as purchasing, legal, access to facilities.
-Resources generated by its Friends groups (Friends of Public Radio and Friends of Wisconsin Public Television/Friends of WHA) would transfer to WPBC for development and programming.

O-NOTE

✓ -A 50 percent match between UW and WPBC to the state for digital television conversion.

✓ -Assistance to the K-12 system in developing and delivering education programming for the public school system in the state. There would be no charge to K-12 for delivery of programming, etc, unless otherwise determined by WPBC. ✓

O-NOTE (12)?

✓ -Assistance to the technical college system in developing and delivering educational programming.

• The MOU would provide that Milwaukee Public Television

per RJ same treatment as K12 assistance

- Keep its license at MATC. ✓
- Maintain access to the system. ✓
- Maintain existing facilities and physical assets but reach and agreement with WPBC giving it operational authority over facilities and assets. ✓
- ✓ Upon signing the MOU, receive \$3.5 million in GPR in the next biennium. (50% match required)
- The state would use GPR-supported bonding for construction of a WPBC broadcast network center in Milwaukee, operated by WPBC and which would guarantee equitable use by all entities involved in the WPBC.

don't drop per PS

- The MOU would require Milwaukee Public Television to provide:
 - ✓ -Assist in development and delivery of programming and services to K-12 system at no cost to WPBC.
 - ✓ -A 50 percent match to the state for digital television conversion.

3. Personnel

✓ Current ECB employees would transfer to the UW so they can maintain current state benefits. Current UW employees would remain with the UW and MPTV employees would remain with MPTV.

don't do

• New employees hired by WPBC would be non-state employees. UW or MATC would not be prohibited from hiring new employees to meet UW or MATC public broadcasting needs. Current public broadcasting employees from any of the three entities (UW, ECB or MPTV) have the option of transferring to the new WPBC system if they choose but would not be required to do so.

4. State Funding for WPBC Operations

- Creates 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.
- Creates a sum certain appropriation for the following purposes:
 - K-12 distance education. ✓
 - Transmission to remote and under served areas
 - Emergency weather warning system
- Provides GPR funding from ECB would be transferred to this appropriation, which would represent base-level state funding for WPBC, upon elimination of ECB
- Provide that the PR appropriation would be for revenue received from the UW, DOA or any other state agency for contracted services, not covered by GPR funding.
- Transfer federal funding received by ECB to WPBC.
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*don't do
 agree on pay to
 coop directly for contracted services.*

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- The 50 percent match would continue into the next biennium to pay for the conversion to digital television.

6. Legislative Intent/WPBC Responsibilities (Main points only)

- Commitment to provide editorial integrity in all aspects of public broadcasting free from the influence of politics and/or special interest groups.
- Commitment to educational broadcasting because it enriches the cultural, civic and educational well-being of the people of Wisconsin
- Statewide access to all populations and geographic areas
- Provide quality educational programming for the state's K-12 schools, technical colleges, universities and other higher education institutions.
- Maintain a state radio system for the presentation of educational, informational and public service programs. (1)
- Maintain and preserve educational television channels. (2)
- Furnish leadership to secure adequate funding for a statewide system. (3)
- Lease, purchase or construct radio and television facilities for joint use with state and local agencies. (6)
- Maintain radio and television transmission equipment. (7)
- Establish and maintain a continuing evaluation process of the effectiveness of public broadcasting in Wisconsin. (8)

7. State Laws, Policies, Procedures

- WPBC subject to open meetings and record laws.
- Provide that the Secretary of DOA, LAB and LFB would have access to all records, files and documents relating to WPBC, including all records relating to expenditures, revenues, operations or structure, excluding records that list the names of private donors.
- Require WPBC to submit a biennial budget request as required of other state agencies.
- Require WPBC to submit a detailed annual report by Dec. 1 each year to the Governor and the Chief Clerks of each house of the Legislature.

Per RJ Pilot

(A) Do not draft provision dealing w/ Broadcast facility in Milwaukee;

Keep JFC RESTRICTED.

(B) ONLY DO BONDING FOR NEXT BIENNIAL; NOT YEARS AFTER

(C) Have 50% match calculated on basis of State funding.

① Ruth Hardy from LFB can
verify bonding amounts &
match amount for UW, MATC
& ECB/new capstone.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1169/P1
MK/RC/JK/ML/PG:.....

cmf

ARC:.....Kratochwill – No amdt. #, Wisconsin public broadcasting
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION
CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 12, line 7: delete “\$1,106,400” and substitute “\$5,531,900”.

3 **2.** Page 12, line 21: delete “\$280,000” and substitute “\$1,400,000”.

4 **3.** Page 13, line 7: delete “\$350,000” and substitute “\$1,750,000”.

5 **4.** Page 28, line 24: delete the material beginning with that line and ending

6 with page 30, line 13 and substitute:

7 **“15.98 Public broadcasting transitional board; creation. (1) In this**

8 section:

9 (a) “Broadcasting corporation” has the meaning given in s. 39.81 (2).

10 (b) “Friends group” has the meaning given in s. 39.81 (5).

1 (2) There is created a public broadcasting transitional 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 University of Wisconsin System or his or her designee.

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

8 (f) The district [✓]director specified in s. 38.12 (3) (a) 1. of the Milwaukee Area
9 Technical College district or his or her designee.

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

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

15 (i) Two members appointed by the governor. The Wisconsin Public Radio
16 Association may submit a list of 4 nominees for the governor to consider in making
17 the appointments under this [✓]paragraph. The governor may not appoint a member
18 under this [✓]paragraph unless the member's name is on the list or the member is a
19 member of the Wisconsin Public Radio [✓]Association.

20 (j) Three members appointed by the governor. A friends group organized to
21 raise funds for Wisconsin Public Television may submit a list of 6 nominees for the
22 governor to consider in making the appointments under this [✓]paragraph. The
23 governor may not appoint a member under this [✓]paragraph unless the member's
24 name is on the list or the member is a member of such a friends group.

1 (k) Five members appointed by the governor. A friends group organized to raise
2 funds for Milwaukee Public Television may submit a list of 10 nominees for the
3 governor to consider in making the appointments under this paragraph. The
4 governor may not appoint a member under this paragraph unless the member's
5 name is on the list or unless the member is a member of such a friends group.

6 (L) One member appointed by the governor who is a representative of public
7 elementary and secondary schools.

8 (3) The appointment of the members specified in sub. (2) is subject to senate
9 confirmation, except for the appointment of a member who holds an office specified
10 in sub. (2) that is subject to senate confirmation and except for the members specified
11 in sub. (2) (b), (g) and (h).

12 (5) This section does not apply beginning on the date determined by the
13 secretary of administration under s. 39.88 (3).".

14 5. Page 44, line 1: delete lines 1 to 19.

15 6. Page 83, line 11: delete that line and substitute:

16 "19.42 (13) (n) The members of the public broadcasting transitional board and
17 the members of the board of directors of the broadcasting corporation, as defined in
18 s. 39.81 (2).".

19 7. Page 118, line 1: delete "Educational" and substitute "Public".

20 8. Page 118, line 2: delete "CORPORATION".

21 9. Page 118, line 3: delete the material beginning with "Educational" and
22 ending with "transmissions" on page 118, line 4, and substitute "General program
23 operations".

24 10. Page 118, line 4: after that line insert:

1 “(b) Public broadcasting services GPR A -0- -0-”.

2 **11.** Page 135, line 5: after that line insert:

3 “(cc) Salaries, fringe benefits, supplies
4 and services for certain employes GPR A -0- -0-”.

5 **12.** Page 235, line 9: delete lines 9 and 10.

6 **13.** Page 294, line 9: delete lines 9 to 12 and substitute:

7 “(1) PUBLIC BROADCASTING. (a) *General program operations.* As a continuing
8 appropriation, the amounts in the schedule for general program operations for public
9 broadcasting.

10 (b) *Public broadcasting services.* The amounts in the schedule for distance
11 education for elementary and secondary schools, transmission to remote and
12 underserved areas of the state and an emergency weather warning system.”.

13 **14.** Page 307, line 19: after that line insert:

14 “SECTION 285d. 20.285 (1) (cc) of the statutes is created to read:

15 20.285 (1) (cc) *Salaries, fringe benefits, supplies and services for certain*
16 *employes.* The amounts in the schedule for salaries and fringe benefits of former
17 employes of the educational communications board who were transferred to the
18 University of Wisconsin System under s. 39.87 (4) and for the provision of supplies
19 and services for these employes. If an employe vacates any position that is funded
20 under this appropriation account, there is transferred to the appropriation account
21 under s. 20.218 (1) (a) an amount equal to the unused money in the appropriation
22 account for the current fiscal biennium that was to be used to pay the employe’s
23 salary and fringe benefits and the cost of supplies and services for the employe.”.

24 **15.** Page 371, line 4: delete lines 4 to 9.

1 **16.** Page 415, line 8: delete lines 8 to 10.

2 **17.** Page 415, line 18: after that line insert:

3 “**SECTION 648r.** 20.923 (6) (mm) of the statutes is created to read:

4 20.923 (6) (mm) University of Wisconsin System: all positions specified in s.
5 230.08 (2) (km).”.

6 **18.** Page 504, line 5: delete the material beginning with that line and ending

7 with page 505, line 23 and substitute:

8 “36.25 (5) (c) 1. In this paragraph:

9 a. “Broadcasting corporation” has the meaning given in s. 39.81 (2).

10 b. “Broadcasting station” means any broadcasting station for which the board
11 of regents holds a license.

12 c. “Friends group” has the meaning given in s. 39.81 (5).

13 2. The board of regents shall enter into an agreement with the broadcasting
14 corporation that requires the board of regents to do each of the following:

15 a. Allow the broadcasting corporation to operate each broadcasting station.

16 b. Grant the broadcasting corporation operational control over any facility or
17 asset of the board of regents that is necessary for the operation of each broadcasting
18 station.

19 c. Maintain the facilities and assets that are necessary for the operation of each
20 broadcasting station.

21 d. Retain the license for each broadcasting station.

22 e. Provide administrative services to the broadcasting corporation that are
23 necessary for the broadcasting corporation to operate the each broadcasting station.

1 f. Provide assistance in developing and delivering elementary and secondary
2 school educational programming. Any assistance provided under this subd. 2. f.
3 shall be provided at no cost to private and public elementary and secondary schools,
4 unless the broadcasting corporation determines that the assistance shall be provided
5 at cost.

6 g. Provide assistance to the technical college system in developing and
7 delivering educational programming. Any assistance provided under this subd. 2.
8 g. shall be provided at no cost to the technical college system, unless the broadcasting
9 corporation determines that the assistance shall be provided at cost.

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

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

13 b. The agreement shall ensure that the board of regents has access to
14 broadcasting facilities and air time that is equal to or greater than the access of the
15 board of regents prior to the effective date of this subdivision 3. b. [revisor inserts
16 date].

17 c. The agreement shall provide for transferring to the broadcasting corporation
18 any funds raised by each friends group that is organized to raise funds for a
19 broadcasting station for which the board of regents holds a license.

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

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

1 **19.** Page 509, line 7: delete “(3)” and substitute “(4)”. ✓ ✓

2 **20.** Page 509, line 9: delete “(3)” and substitute “(4)”. ✓ ✓ ✓ ✓

3 **21.** Page 509, line 23: after that line insert: ✓

4 “(d) “Friends group” has the meaning given in s. 39.81 (5).” ✓ ✓

5 **22.** Page 510, line 1: delete the material beginning with that line and ending

6 with page 511, line 6, and substitute: ↓

7 “38.125 (2) (a) The district board shall enter into an agreement with the
8 broadcasting corporation that requires the district board to do each of the following:

9 1. Allow the broadcasting corporation to operate each broadcasting station.

10 2. Grant the broadcasting corporation operational control over any facility or
11 asset of the district board that is necessary for the operation of each broadcasting
12 station.

13 3. Maintain the facilities and assets that are necessary for the operation of each
14 broadcasting station.

15 4. Retain the license for each broadcasting station.

16 5. Provide assistance to the broadcasting corporation in developing and
17 delivering elementary and secondary school educational programming at no cost to
18 the broadcasting corporation.

19 (b) An agreement under par. (a) shall satisfy each of the following: ✓

20 1. The agreement shall remain in effect until the maturity date of any public
21 debt issued under s. 13.48 (31) (d). ✓

22 2. The agreement shall ensure that the district board has access to
23 broadcasting facilities and air time that is equal to or greater than the access of the
24 district board prior to the effective date of this subdivision [revisor inserts date]. ✓ ✓

1 3. The agreement shall provide for transferring to the broadcasting corporation
2 any funds raised by each friends group that is organized to raise funds for a
3 broadcasting station for which the district board holds a license.

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

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

10 **23.** Page 511, line 6: after that line insert:

11 “SECTION 897dm. 38.125 (3) of the statutes is created to read:

12 38.125 (3) At the request of the transitional board and at no charge to the
13 transitional board, the district board shall direct Milwaukee Public Television to
14 provide staff and legal, administrative and technical assistance for the transitional
15 board to carry out the duties under s. 39.82.”

16 **24.** Page 523, line 6: delete the material beginning with that line and ending
17 with page 532, line 2, and substitute:

18 “**39.81 Definitions.** In this subchapter:

19 (1) “Association” means the Wisconsin Public Radio Association.

20 (2) “Broadcasting corporation” means the corporation specified in s. 39.82 (1).

21 (3) “Corporate board” means the board of directors of the broadcasting
22 corporation.

23 (4) “Foundation” means the Wisconsin Public Broadcasting Foundation.

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

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

7 **39.82 Transitional board duties.** The transitional board shall do each of the
8 following:

9 (1) Draft and file articles of incorporation for a nonstock corporation under ch.
10 181, including a provision that the corporation will not have members, and take all
11 actions necessary to exempt the corporation from federal taxation under section 501
12 (c) (3) of the Internal Revenue Code.

13 (2) Draft bylaws for adoption by the corporate board under s. 181.0206 (2). The
14 bylaws shall specify each of the following:

15 (a) That the members of the transitional board shall serve as the directors of
16 the corporate board.

17 (b) That a director specified in s. 15.98 (1) (i), (j) or (k) shall serve a staggered
18 3-year staggered term and that, upon expiration of the term or a vacancy in the office
19 of director, the directors of the corporate board shall elect a successor who is a
20 member of the same friends group.

21 (c) That a director specified in s. 15.98 (1) (L) shall serve a staggered 3-year
22 staggered term and that, upon expiration of the term or a vacancy in the office of
23 director, the directors of the corporate board shall elect a successor who is a
24 representative of public elementary and secondary schools.

1 (d) That a director specified in s. 15.98 (2) (a), (b), (c), (e) or (f) shall vacate the
2 office of director if he or she ceases to hold the office specified in s. 15.98 (1) (a), (b),
3 (c), (e) or (f) and that the corporate board shall appoint as a successor the individual
4 who is the successor to the office.

5 (e) That the term of a director specified in s. 15.98 (2) (g) or (h) shall expire on
6 the date specified in s. 13.02 (1) and that the corporate board shall appoint a
7 successor who is an individual appointed as is a member of a standing committee.

8 (2m) No later than March 15, 2000, the transitional board shall submit a report
9 to the governor and to the chief clerk of each house of the legislature for distribution
10 to the legislature under s. 13.172 (2) that includes and describes the bylaws drafted
11 under sub. (2).

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

15 **39.83 Transitional plan.** (1) The corporate board shall prepare a plan for
16 submission to the secretary of administration that specifies each of the following:

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

19 (b) The transfer of positions and related funding from the educational
20 communications board to the University of Wisconsin System.

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

22 (2) If the secretary of administration does not notify the corporate board within
23 14 working days after the date of submittal of the plan under sub. (1) that the
24 secretary intends to modify the plan, the plan may be implemented as proposed. If,
25 within 14 working days after the date of submittal of the plan under sub. (1), the

20.285(1) (cc)

1 secretary of administration notifies the corporate board that the secretary intends
2 to modify the proposed plan, the plan may be implemented only upon approval of the
3 secretary.

4 (3) If the secretary of administration approves a transfer of unencumbered
5 balances specified in sub. (1) (a) and (b), the unencumbered balances shall be
6 transferred to the appropriation accounts under ss. 20.218 (1) (a) and 20.505 (1) ~~(k)~~
7 ~~(kv)~~ (kv).

8 **39.84 Duties of broadcasting corporation.** The broadcasting corporation
9 shall do each of the following as a condition for receiving state aid under s. 20.218
10 (1) (a):

11 (1) Commit to provide editorial integrity in all aspects of public broadcasting
12 that is free from the influence of politics or special interest groups.

13 (2) Provide educational broadcasting that enriches the cultural, civic and
14 educational well-being of the people of this state.

15 (3) Provide access to public broadcasting to all populations and geographic
16 areas of this state.

17 (4) Maintain a state system of radio broadcasting for the presentation of
18 educational, informational and public service programs.

19 (5) Maintain educational television channels reserved for this state and take
20 such action as is necessary to preserve such channels in this state for educational
21 use.

22 (6) Furnish leadership in securing adequate funding for a statewide system of
23 public broadcasting.

24 (7) Lease, purchase or construct radio and television facilities for joint use with
25 state and local agencies.

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

3 (9) Establish and maintain a continuing evaluation of the effectiveness of
4 public broadcasting in this state.

5 (10) Act as a central clearinghouse and source of information concerning
6 educational radio and television activities in this state, including the furnishing of
7 such information to legislators, offices of government, educational institutions and
8 the general public.

9 (11) Provide educational programming for elementary and secondary schools
10 in this state and transmit public radio and television to remote and underserved
11 areas of the state.

12 (12) Hire an executive director in charge of the daily operations of the
13 broadcasting corporation. ✓ ✓

14 (13) Enter into the agreements specified in ss. 36.25 (5) (c) 2. and 38.125 (2) (a).

15 **39.85 State aid.** (1) The broadcasting corporation may receive state aid under
16 s. 20.218 (1) (a) if each of the following is satisfied:

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

23 (b) The broadcasting corporation initially adopts the bylaws drafted by the
24 transitional board under s. 39.82 (2) and does not amend the bylaws regarding
25 election, appointment and terms of the members of the board of directors.

corporate

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

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

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

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

17 (g) The broadcasting corporation maintains public television, public radio and
18 distance education as separate operating divisions within the broadcasting
19 corporation.

20 (2) The secretary of administration shall pay aid under s. 20.218 (1) (a) to the
21 broadcasting corporation in instalments, as determined by the secretary.

22 **39.86 Broadcasting corporation reports.** (1) No later than September 15
23 of each even-numbered year, in the form and content prescribed by the department
24 of administration, the broadcasting corporation shall, as a condition of receiving
25 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 for which the
3 broadcasting corporation is requesting state aid:

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

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

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

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

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

14 (2) No later than December 1 of each year, the broadcasting corporation shall,
15 as a condition of receiving state aid under s. 20.218 (1) (a), submit a report to the
16 governor and to the chief clerk of each house of the legislature for distribution to the
17 legislature under s. 13.172 (2) that describes each of the following:

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

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

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

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

3 (3) This section does not apply unless the secretary of administration
4 determines that the federal communications commission has approved the transfer
5 of all broadcasting licenses held by the educational communications board to the
6 broadcasting corporation.

7 **39.87 Transfer provisions. (1) DEFINITIONS.** ⁹¹ In this section, "state office
8 building" means the state office building located at 3319 West Beltline Highway in
9 Dane County.

10 (2) ASSETS. (a) If the secretary of administration determines that the federal
11 communications commission has approved the transfer of all broadcasting licenses
12 held by the educational communications board to the broadcasting corporation, each
13 of the following applies:

14 1. Any asset of the state, other than the state office building and the assets
15 specified in subd. 3., that is used by the educational communications board and that,
16 as determined by the secretary of administration, is not a shared asset, as defined
17 in s. 16.26 (1) (b), is transferred, subject to the approval of the joint committee on
18 finance under s. 39.83 (2), to the broadcasting corporation. A transfer under this
19 subdivision shall take effect on on the effective date of the last license transferred as
20 determined by the secretary of administration under s. 39.88 (2).

21 2. Subject to the approval of the joint committee on finance under s. 39.83 (2),
22 the secretary of administration shall transfer title to the state office building from
23 the state to the broadcasting corporation if the broadcasting corporation pays
24 \$476,228 to the foundation or the foundation waives such payment.

1 3. The assets of the state that, as determined by the secretary of
2 administration, are used by educational communications board for the operation of
3 an emergency weather warning system are transferred to the department of
4 administration.

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

7 **(3) EDUCATIONAL COMMUNICATIONS BOARD FUNDS.** Subject to the approval of the
8 joint committee on finance under s. 39.83, if the secretary of administration
9 determines that the federal communications commission has approved the transfer
10 of all broadcasting licenses held by the educational communications board to the
11 broadcasting corporation, each of the following applies on the effective date of the
12 last license transferred as determined by the secretary of administration under s.
13 39.88 (2):

14 (a) To the appropriation account under s. 20.218 (1) (a), there is transferred the
15 unencumbered balance of the appropriation accounts under s. 20.225 (1) (a), (b), (d),
16 (eg), (er) and (f), except for the unencumbered balance of the appropriation accounts
17 that are otherwise transferred under sub. (4).

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

23 (c) To the appropriation account under s. 20.505 (1) (kv), there is transferred
24 the unencumbered balance of the appropriation accounts under s. 20.225 (1) (g), (h),
25 (k), (ka) and (m), and, to the extent allowed under federal law, the secretary of

1 administration shall pay the broadcasting corporation a grant equal to the amount
2 of the unencumbered balance of the appropriation account under s. 20.505 (1) (kv).

3 (4) POSITIONS. 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, all
6 positions authorized for the educational communications board and the incumbent
7 employes holding the positions are transferred to the University of Wisconsin
8 System. Employes transferred under this subsection have all rights and the same
9 status under subchapter V of chapter 111 and chapter 230 of the statutes that they
10 enjoyed in the educational communications board. Notwithstanding s. 230.28 (4), no
11 employe so transferred who has attained permanent status in class may be required
12 to serve a probationary period.

13 (5) DUTIES OF FORMER EDUCATIONAL COMMUNICATIONS BOARD EMPLOYEES. All
14 employes transferred to the University of Wisconsin System under sub. (4) shall
15 provide broadcasting services to the broadcasting corporation under a contract
16 between the University of Wisconsin System and the broadcasting corporation for
17 such services. The contract shall provide that the services are to be provided to the
18 broadcasting corporation at no charge to the broadcasting corporation.

19 **39.88 Determinations by secretary of administration.** The secretary of
20 administration shall determine each of the following:

21 (1) Whether the federal communications commission has approved the
22 transfer of all broadcasting licenses held by the educational communications board
23 to the broadcasting corporation.

24 (2) If the secretary of administration determines that the federal
25 communications commission has approved the transfer of all the broadcasting

1 licences specified in sub. (1), the effective date of the transfer of the last license
2 transferred to the broadcasting corporation.

3 (3) Determine the date on which the articles of incorporation of the
4 broadcasting corporation become effective under s. 180.0123.”.

5

(END)
INSERT 18-4

INSERT
18-4:

JM

Page 1485, line 4: increase the dollar amount by \$5,531,900 and adjust the appropriate totals accordingly.

Page 1492, line 6: increase the dollar amount by \$1,400,000 and adjust the appropriate totals accordingly.

Page 1494, line 19: increase the dollar amount by \$1,750,000 and adjust the appropriate totals accordingly. ✓

END of INSERT



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1169/P1
MK/RC/JK/ML/PG:cmh:ksh

O-NOTE

1

ARC:.....Kratochwill – No amdt. #, Wisconsin public broadcasting

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

*RM
NOT
RMN*

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 12, line 7: delete “\$1,106,400” and substitute “\$5,531,900”.
- 3 **2.** Page 12, line 21: delete “\$280,000” and substitute “\$1,400,000”.
- 4 **3.** Page 13, line 7: delete “\$350,000” and substitute “\$1,750,000”.
- 5 **4.** Page 28, line 24: delete the material beginning with that line and ending
- 6 with page 30, line 13, and substitute:
- 7 **“15.98 Public broadcasting transitional board; creation. (1) In this**
- 8 **section:**
- 9 (a) “Broadcasting corporation” has the meaning given in s. 39.81 (2).
- 10 (b) “Friends group” has the meaning given in s. 39.81 (5).

1 (2) There is created a public broadcasting transitional 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 University of Wisconsin System or his or her designee.

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

8 (f) The district director specified in s. 38.12 (3) (a) 1. of the Milwaukee Area
9 Technical College district or his or her designee.

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

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

15 (i) Two members appointed by the governor. The Wisconsin Public Radio
16 Association may submit a list of 4 nominees for the governor to consider in making
17 the appointments under this paragraph. The governor may not appoint a member
18 under this paragraph unless the member's name is on the list or the member is a
19 member of the Wisconsin Public Radio Association.

20 (j) Three members appointed by the governor. A friends group organized to
21 raise funds for Wisconsin Public Television may submit a list of 6 nominees for the
22 governor to consider in making the appointments under this paragraph. The
23 governor may not appoint a member under this paragraph unless the member's
24 name is on the list or the member is a member of such a friends group.

1 (k) Five members appointed by the governor. A friends group organized to raise
2 funds for Milwaukee Public Television may submit a list of 10 nominees for the
3 governor to consider in making the appointments under this paragraph. The
4 governor may not appoint a member under this paragraph unless the member's
5 name is on the list or unless the member is a member of such a friends group.

6 (L) One member appointed by the governor who is a representative of public
7 elementary and secondary schools.

8 (3) The appointment of the members specified in sub. (2) is subject to senate
9 confirmation, except for the appointment of a member who holds an office specified
10 in sub. (2) that is subject to senate confirmation and except for the members specified
11 in sub. (2) (b), (g) and (h).

12 (5) This section does not apply beginning on the date determined by the
13 secretary of administration under s. 39.88 (3)."

14 **5.** Page 44, line 1: delete lines 1 to 19.

15 **6.** Page 83, line 11: delete that line and substitute:

16 "19.42 (13) (n) The members of the public broadcasting transitional board and
17 the members of the board of directors of the broadcasting corporation, as defined in
18 s. 39.81 (2)."

19 **7.** Page 118, line 1: delete "Educational" and substitute "Public".

20 **8.** Page 118, line 2: delete "CORPORATION".

21 **9.** Page 118, line 3: delete the material beginning with "Educational" and
22 ending with "transmissions" on page 118, line 4, and substitute "General program
23 operations".

24 **10.** Page 118, line 4: after that line insert:

1 “(b) Public broadcasting services GPR A -0- -0-”.

2 **11.** Page 135, line 5: after that line insert:

3 “(cc) Salaries, fringe benefits, supplies
4 and services for certain employes GPR A -0- -0-”.

5 **12.** Page 235, line 9: delete lines 9 and 10.

6 **13.** Page 294, line 9: delete lines 9 to 12 and substitute:

7 “(1) PUBLIC BROADCASTING. (a) *General program operations.* As a continuing
8 appropriation, the amounts in the schedule for general program operations for public
9 broadcasting.

10 (b) *Public broadcasting services.* The amounts in the schedule for distance
11 education for elementary and secondary schools, transmission to remote and
12 underserved areas of the state and an emergency weather warning system.”.

13 **14.** Page 307, line 19: after that line insert:

14 “SECTION 285d. 20.285 (1) (cc) of the statutes is created to read:

15 20.285 (1) (cc) *Salaries, fringe benefits, supplies and services for certain*
16 *employes.* The amounts in the schedule for salaries and fringe benefits of former
17 employes of the educational communications board who were transferred to the
18 University of Wisconsin System under s. 39.87 (4) and for the provision of supplies
19 and services for these employes. If an employe vacates any position that is funded
20 under this appropriation account, there is transferred to the appropriation account
21 under s. 20.218 (1) (a) an amount equal to the unused money in the appropriation
22 account for the current fiscal biennium that was to be used to pay the employe’s
23 salary and fringe benefits and the cost of supplies and services for the employe.”.

24 **15.** Page 371, line 4: delete lines 4 to 9.

1 **16.** Page 415, line 8: delete lines 8 to 10.

2 **17.** Page 415, line 18: after that line insert:

3 “**SECTION 648r.** 20.923 (6) (mm) of the statutes is created to read:

4 20.923 (6) (mm) University of Wisconsin System: all positions specified in s.
5 230.08 (2) (km).”

6 **18.** Page 504, line 5: delete the material beginning with that line and ending
7 with page 505, line 23, and substitute:

8 “36.25 (5) (c) 1. In this paragraph:

9 a. “Broadcasting corporation” has the meaning given in s. 39.81 (2).

10 b. “Broadcasting station” means any broadcasting station for which the board
11 of regents holds a license.

12 c. “Friends group” has the meaning given in s. 39.81 (5).

13 2. The board of regents shall enter into an agreement with the broadcasting
14 corporation that requires the board of regents to do each of the following:

15 a. Allow the broadcasting corporation to operate each broadcasting station.

16 b. Grant the broadcasting corporation operational control over any facility or
17 asset of the board of regents that is necessary for the operation of each broadcasting
18 station.

19 c. Maintain the facilities and assets that are necessary for the operation of each
20 broadcasting station.

21 d. Retain the license for each broadcasting station.

22 e. Provide administrative services to the broadcasting corporation that are
23 necessary for the broadcasting corporation to operate the each broadcasting station.

1 f. Provide assistance in developing and delivering elementary and secondary
2 school educational programming. Any assistance provided under this subd. 2. f.
3 shall be provided at no cost to private and public elementary and secondary schools,
4 unless the broadcasting corporation determines that the assistance shall be provided
5 at cost.

6 g. Provide assistance to the technical college system in developing and
7 delivering educational programming. Any assistance provided under this subd. 2.
8 g. shall be provided at no cost to the technical college system, unless the broadcasting
9 corporation determines that the assistance shall be provided at cost.

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

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

13 b. The agreement shall ensure that the board of regents has access to
14 broadcasting facilities and air time that is equal to or greater then the access of the
15 board of regents prior to the effective date of this subdivision 3. b. [revisor inserts
16 date].

17 c. The agreement shall provide for transferring to the broadcasting corporation
18 any funds raised by each friends group that is organized to raise funds for a
19 broadcasting station for which the board of regents holds a license.

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

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

1 **19.** Page 509, line 7: delete “(3)” and substitute “(4)”.

2 **20.** Page 509, line 9: delete “(3)” and substitute “(4)”.

3 **21.** Page 509, line 23: after that line insert:

4 “(d) “Friends group” has the meaning given in s. 39.81 (5).”.

5 **22.** Page 510, line 1: delete the material beginning with that line and ending
6 with page 511, line 6, and substitute:

7 “38.125 (2) (a) The district board shall enter into an agreement with the
8 broadcasting corporation that requires the district board to do each of the following:

9 1. Allow the broadcasting corporation to operate each broadcasting station.

10 2. Grant the broadcasting corporation operational control over any facility or
11 asset of the district board that is necessary for the operation of each broadcasting
12 station.

13 3. Maintain the facilities and assets that are necessary for the operation of each
14 broadcasting station.

15 4. Retain the license for each broadcasting station.

16 5. Provide assistance to the broadcasting corporation in developing and
17 delivering elementary and secondary school educational programming at no cost to
18 the broadcasting corporation.

19 (b) An agreement under par. (a) shall satisfy each of the following:

20 1. The agreement shall remain in effect until the maturity date of any public
21 debt issued under s. 13.48 (31) (d).

22 2. The agreement shall ensure that the district board has access to
23 broadcasting facilities and air time that is equal to or greater than the access of the
24 district board prior to the effective date of this subdivision [revisor inserts date].

1 3. The agreement shall provide for transferring to the broadcasting corporation
2 any funds raised by each friends group that is organized to raise funds for a
3 broadcasting station for which the district board holds a license.

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

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

10 **23.** Page 511, line 6: after that line insert:

11 “**SECTION 897dm.** 38.125 (3) of the statutes is created to read:

12 38.125 (3) At the request of the transitional board and at no charge to the
13 transitional board, the district board shall direct Milwaukee Public Television to
14 provide staff and legal, administrative and technical assistance for the transitional
15 board to carry out the duties under s. 39.82.”.

16 **24.** Page 523, line 6: delete the material beginning with that line and ending
17 with page 532, line 2, and substitute:

18 “**39.81 Definitions.** In this subchapter:

19 (1) “Association” means the Wisconsin Public Radio Association.

20 (2) “Broadcasting corporation” means the corporation specified in s. 39.82 (1).

21 (3) “Corporate board” means the board of directors of the broadcasting
22 corporation.

23 (4) “Foundation” means the Wisconsin Public Broadcasting Foundation.

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

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

7 **39.82 Transitional board duties.** The transitional board shall do each of the
8 following:

9 (1) Draft and file articles of incorporation for a nonstock corporation under ch.
10 181, including a provision that the corporation will not have members, and take all
11 actions necessary to exempt the corporation from federal taxation under section 501
12 (c) (3) of the Internal Revenue Code.

13 (2) Draft bylaws for adoption by the corporate board under s. 181.0206 (2). The
14 bylaws shall specify each of the following:

15 (a) That the members of the transitional board shall serve as the directors of
16 the corporate board.

17 (b) That ~~a~~ director specified in s. 15.98 (2) (i), (j) or (k) shall serve ~~a~~ staggered
18 3-year ~~staggered~~ term and that, upon expiration of the term or a vacancy in the office
19 of director, the ^{remaining} directors of the corporate board shall elect a successor who is a
20 member of the same friends group.

21 (c) That a director specified in s. 15.98 (2) (L) shall serve a ~~staggered~~ 3-year
22 ~~staggered~~ term and that, upon expiration of the term or a vacancy in the office of
23 director, the ^{remaining} directors of the corporate board shall elect a successor who is a
24 representative of public elementary and secondary schools.

1 (d) That a director specified in s. 15.98 (2) (a), (b), (c), (e) or (f) shall vacate the
2 office of director if he or she ceases to hold the office specified in s. 15.98 (2) (a), (b),
3 (c), (e) or (f) and that the *remaining directors of the* corporate board shall appoint as a successor the individual
4 who is the successor to the office.

5 (e) That the term of a director specified in s. 15.98 (2) (g) or (h) shall expire on
6 the date specified in s. 13.02 (1) and that the *remaining directors of the* corporate board shall appoint a
7 successor who is an individual appointed as is a member of a standing committee.

INS.
10-7

8 (2m) No later than March 15, 2000, the transitional board shall submit a report
9 to the governor and to the chief clerk of each house of the legislature for distribution
10 to the legislature under s. 13.172 (2) that includes and describes the bylaws drafted
11 under sub. (2).

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

15 **39.83 Transitional plan.** (1) The corporate board shall prepare a plan for
16 submission to the secretary of administration that specifies each of the following:

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

19 (b) The transfer of positions and related funding from the educational
20 communications board to the University of Wisconsin System.

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

22 (2) If the secretary of administration does not notify the corporate board within
23 14 working days after the date of submittal of the plan under sub. (1) that the
24 secretary intends to modify the plan, the plan may be implemented as proposed. If,
25 within 14 working days after the date of submittal of the plan under sub. (1), the

1 secretary of administration notifies the corporate board that the secretary intends
2 to modify the proposed plan, the plan may be implemented only upon approval of the
3 secretary.

4 (3) If the secretary of administration approves a transfer of unencumbered
5 balances specified in sub. (1) (a) and (b), the unencumbered balances shall be
6 transferred to the appropriation accounts under ss. 20.218 (1) (a), 20.285 (1) (cc) and
7 20.505 (1) (kv).

8 **39.84 Duties of broadcasting corporation.** The broadcasting corporation
9 shall do each of the following as a condition for receiving state aid under s. 20.218
10 (1) (a):

11 (1) Commit to provide editorial integrity in all aspects of public broadcasting
12 that is free from the influence of politics or special interest groups.

13 (2) Provide educational broadcasting that enriches the cultural, civic and
14 educational well-being of the people of this state.

15 (3) Provide access to public broadcasting to all populations and geographic
16 areas of this state.

17 (4) Maintain a state system of radio broadcasting for the presentation of
18 educational, informational and public service programs.

19 (5) Maintain educational television channels reserved for this state and take
20 such action as is necessary to preserve such channels in this state for educational
21 use.

22 (6) Furnish leadership in securing adequate funding for a statewide system of
23 public broadcasting.

24 (7) Lease, purchase or construct radio and television facilities for joint use with
25 state and local agencies.

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

3 (9) Establish and maintain a continuing evaluation of the effectiveness of
4 public broadcasting in this state.

5 (10) Act as a central clearinghouse and source of information concerning
6 educational radio and television activities in this state, including the furnishing of
7 such information to legislators, offices of government, educational institutions and
8 the general public.

9 (11) Provide educational programming for elementary and secondary schools
10 in this state and transmit public radio and television to remote and underserved
11 areas of the state.

12 (12) Hire an executive director in charge of the daily operations of the
13 broadcasting corporation.

14 (13) Enter into the agreements specified in ss. 36.25 (5) (c) 2. and 38.125 (2) (a).

15 **39.85 State aid.** (1) The broadcasting corporation may receive state aid under
16 s. 20.218 (1) (a) if each of the following is satisfied:

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

23 (b) The broadcasting corporation initially adopts the bylaws drafted by the
24 transitional board under s. 39.82 (2) and does not amend the bylaws regarding
25 election, appointment and terms of the members of the corporate board.

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

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

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

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

17 (g) The broadcasting corporation maintains public television, public radio and
18 distance education as separate operating divisions within the broadcasting
19 corporation.

20 (2) The secretary of administration shall pay aid under s. 20.218 (1) (a) to the
21 broadcasting corporation in instalments, as determined by the secretary.

22 **39.86 Broadcasting corporation reports.** (1) No later than September 15
23 of each even-numbered year, in the form and content prescribed by the department
24 of administration, the broadcasting corporation shall, as a condition of receiving
25 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 for which the
3 broadcasting corporation is requesting state aid:

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

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

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

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

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

14 (2) No later than December 1 of each year, the broadcasting corporation shall,
15 as a condition of receiving state aid under s. 20.218 (1) (a), submit a report to the
16 governor and to the chief clerk of each house of the legislature for distribution to the
17 legislature under s. 13.172 (2) that describes each of the following:

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

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

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

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

3 (3) This section does not apply unless the secretary of administration
4 determines that the federal communications commission has approved the transfer
5 of all broadcasting licenses held by the educational communications board to the
6 broadcasting corporation.

7 **39.87 Transfer provisions. (1) DEFINITION.** In this section, "state office
8 building" means the state office building located at 3319 West Beltline Highway in
9 Dane County.

10 (2) ASSETS. (a) If the secretary of administration determines that the federal
11 communications commission has approved the transfer of all broadcasting licenses
12 held by the educational communications board to the broadcasting corporation, each
13 of the following applies:

14 1. Any asset of the state, other than the state office building and the assets
15 specified in subd. 3., that is used by the educational communications board and that,
16 as determined by the secretary of administration, is not a shared asset, as defined
17 in s. 16.26 (1) (b), is transferred, subject to the approval of the *secretary of administration*
joint committee on
18 *finance* under s. 39.83 (2), to the broadcasting corporation. A transfer under this
19 subdivision shall take effect on on the effective date of the last license transferred as
20 determined by the secretary of administration under s. 39.88 (2). *secretary of administration*

21 2. Subject to the approval of the *secretary of administration*
joint committee on finance under s. 39.83 (2),
22 the secretary of administration shall transfer title to the state office building from
23 the state to the broadcasting corporation if the broadcasting corporation pays
24 \$476,228 to the foundation or the foundation waives such payment.

1 3. The assets of the state that, as determined by the secretary of
2 administration, are used by educational communications board for the operation of
3 an emergency weather warning system are transferred to the department of
4 administration.

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

7 (3) EDUCATIONAL COMMUNICATIONS BOARD FUNDS. Subject to the approval of the
8 ~~joint committee on finance~~ ^{Secretary of administration} under s. 39.83, if the secretary of administration
9 determines that the federal communications commission has approved the transfer
10 of all broadcasting licenses held by the educational communications board to the
11 broadcasting corporation, each of the following applies on the effective date of the
12 last license transferred as determined by the secretary of administration under s.
13 39.88 (2):

14 (a) To the appropriation account under s. 20.218 (1) (a), there is transferred the
15 unencumbered balance of the appropriation accounts under s. 20.225 (1) (a), (b), (d),
16 (eg), (er) and (f), except for the unencumbered balance of the appropriation accounts
17 that are otherwise transferred under sub. (4).

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

23 (c) To the appropriation account under s. 20.505 (1) (kv), there is transferred
24 the unencumbered balance of the appropriation accounts under s. 20.225 (1) (g), (h),
25 (k), (ka) and (m), and, to the extent allowed under federal law, the secretary of

1 administration shall pay the broadcasting corporation a grant equal to the amount
2 of the unencumbered balance of the appropriation account under s. 20.505 (1) (kv).

3 (4) POSITIONS. 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, all
6 positions authorized for the educational communications board and the incumbent
7 employes holding the positions are transferred to the University of Wisconsin
8 System. Employes transferred under this subsection have all rights and the same
9 status under subchapter V of chapter 111 and chapter 230 of the statutes that they
10 enjoyed in the educational communications board. Notwithstanding s. 230.28 (4), no
11 employe so transferred who has attained permanent status in class may be required
12 to serve a probationary period.

13 (5) DUTIES OF FORMER EDUCATIONAL COMMUNICATIONS BOARD EMPLOYES. All
14 employes transferred to the University of Wisconsin System under sub. (4) shall
15 provide broadcasting services to the broadcasting corporation under a contract
16 between the University of Wisconsin System and the broadcasting corporation for
17 such services. The contract shall provide that the services are to be provided to the
18 broadcasting corporation at no charge to the broadcasting corporation.

19 **39.88 Determinations by secretary of administration.** The secretary of
20 administration shall determine each of the following:

21 (1) Whether the federal communications commission has approved the
22 transfer of all broadcasting licenses held by the educational communications board
23 to the broadcasting corporation.

24 (2) If the secretary of administration determines that the federal
25 communications commission has approved the transfer of all the broadcasting

1 licences specified in sub. (1), the effective date of the transfer of the last license
2 transferred to the broadcasting corporation.

3 (3) Determine the date on which the articles of incorporation of the
4 broadcasting corporation become effective under s. 180.0123.”.

5 **25.** Page 1485, line 4: increase the dollar amount by \$5,531,900 and adjust the
6 appropriate totals accordingly.

7 **26.** Page 1492, line 16: increase the dollar amount by \$1,400,000 and adjust
8 the appropriate totals accordingly.

9 **27.** Page 1494, line 19: increase the dollar amount by \$1,750,000 and adjust
10 the appropriate totals accordingly.

11 (END)

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1169/lins
MDK:.....

1

INSERT 10-7:

2 (9)

(f) That a director specified in s. 15.98 (2) (i), (j) or (k) shall vacate the office of

3 director if he or she ceases to be a member of the friends group specified in s. 15.98

4 (2) (i), (j) or (k) and that the remaining directors of the corporate board shall elect as

5 a successor an individual who is a member of the same friends group.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1169/1dn
MK/RC/JK/ML/PG:.....

cmf

Jason Kratochwill:

Please review this amendment very carefully to make sure that it achieves your intent. In particular, please note the following:

1. We do not know whether you want to eliminate proposed s. 16.26, regarding leasing of shared assets by DOA to the broadcasting corporation. Therefore, the amendment does *not* eliminate this provision. Okay?

2. We assumed that you want to delete proposed s. 16.42 (3), regarding zero-based budgeting. Is this correct?

3. As requested, the amendment requires the agreements between the UW board of regents and the MATC district board to provide for the transfer of funds raised by the friends groups to the broadcasting corporation. This requirement may be problematic because the friends groups are separate entities from the board of regents and the district board. Also note that the amendment requires agreements with the UW board of regents and the MATC district board, rather than with UW-Extension and Milwaukee Public Television, because the board of regents and the district board actually hold the broadcasting licenses.

4. Like the joint finance version, the amendment requires the secretary of administration to approve the agreements between the broadcasting corporation and the UW board of regents and MATC district board. Is this okay?

5. Please note that art. XI, s. 1, of the Wisconsin Constitution prohibits the creation of special corporations. While this amendment does not create a special corporation, the amendment does impose numerous requirements on the broadcasting corporation as a condition for receiving state aid. It is uncertain whether a court would interpret these conditions as amounting to the creation of a special corporation. However, we thought that you should at least be aware of this issue.

6. The instructions include creating a PR appropriation for revenue received by the broadcasting corporation from UW, DOA and other agencies. Note that this appropriation is not included in the amendment because it is not necessary as these agencies may pay the broadcasting corporation directly for any contracted services.

7. As requested, the amendment includes a GPR appropriation to the broadcasting corporation for distance education, remote transmission and an emergency weather

warning system. However, with respect to the emergency weather warning system, the amendment does not affect any of the following joint finance provisions: the requirement that DOA contract with the broadcasting corporation to operate the emergency weather system; the GPR appropriation to DOA to make payments to the broadcasting corporation under such a contract; and the requirement to transfer the ECB's emergency weather warning system assets to DOA. Should any of these provisions be changed?

Mark D. Kunkel
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1169/1dn
MK/RC/JK/ML/PG:cmh:ksh

June 26, 1999

Jason Kratochwill:

Please review this amendment very carefully to make sure that it achieves your intent. In particular, please note the following:

1. We do not know whether you want to eliminate proposed s. 16.26, regarding leasing of shared assets by DOA to the broadcasting corporation. Therefore, the amendment does *not* eliminate this provision. Okay?

2. We assumed that you want to delete proposed s. 16.42 (3), regarding zero-based budgeting. Is this correct?

3. As requested, the amendment requires the agreements between the UW board of regents and the MATC district board to provide for the transfer of funds raised by the friends groups to the broadcasting corporation. This requirement may be problematic because the friends groups are separate entities from the board of regents and the district board. Also note that the amendment requires agreements with the UW board of regents and the MATC district board, rather than with UW-Extension and Milwaukee Public Television, because the board of regents and the district board actually hold the broadcasting licenses.

4. Like the joint finance version, the amendment requires the secretary of administration to approve the agreements between the broadcasting corporation and the UW board of regents and MATC district board. Is this okay?

5. Please note that art. XI, s. 1 of the Wisconsin Constitution prohibits the creation of special corporations. While this amendment does not create a special corporation, the amendment does impose numerous requirements on the broadcasting corporation as a condition for receiving state aid. It is uncertain whether a court would interpret these conditions as amounting to the creation of a special corporation. However, we thought that you should at least be aware of this issue.

6. The instructions include creating a PR appropriation for revenue received by the broadcasting corporation from UW, DOA and other agencies. Note that this appropriation is not included in the amendment because it is not necessary as these agencies may pay the broadcasting corporation directly for any contracted services.

7. As requested, the amendment includes a GPR appropriation to the broadcasting corporation for distance education, remote transmission and an emergency weather

warning system. However, with respect to the emergency weather warning system, the amendment does not affect any of the following joint finance provisions: the requirement that DOA contract with the broadcasting corporation to operate the emergency weather system; the GPR appropriation to DOA to make payments to the broadcasting corporation under such a contract; and the requirement to transfer the ECB's emergency weather warning system assets to DOA. Should any of these provisions be changed?

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1169/1
MK/RC/JK/ML/PG:cmh:ksh

ARC:.....Kratochwill – No amdt. #, Wisconsin public broadcasting
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION
CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 12, line 7: delete “\$1,106,400” and substitute “\$5,531,900”.
- 3 **2.** Page 12, line 21: delete “\$280,000” and substitute “\$1,400,000”.
- 4 **3.** Page 13, line 7: delete “\$350,000” and substitute “\$1,750,000”.
- 5 **4.** Page 28, line 24: delete the material beginning with that line and ending
- 6 with page 30, line 13, and substitute:
- 7 **“15.98 Public broadcasting transitional board; creation. (1) In this**
- 8 **section:**
- 9 (a) “Broadcasting corporation” has the meaning given in s. 39.81 (2).
- 10 (b) “Friends group” has the meaning given in s. 39.81 (5).

1 (2) There is created a public broadcasting transitional 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 University of Wisconsin System or his or her designee.

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

8 (f) The district director specified in s. 38.12 (3) (a) 1. of the Milwaukee Area
9 Technical College district or his or her designee.

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

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

15 (i) Two members appointed by the governor. The Wisconsin Public Radio
16 Association may submit a list of 4 nominees for the governor to consider in making
17 the appointments under this paragraph. The governor may not appoint a member
18 under this paragraph unless the member's name is on the list or the member is a
19 member of the Wisconsin Public Radio Association.

20 (j) Three members appointed by the governor. A friends group organized to
21 raise funds for Wisconsin Public Television may submit a list of 6 nominees for the
22 governor to consider in making the appointments under this paragraph. The
23 governor may not appoint a member under this paragraph unless the member's
24 name is on the list or the member is a member of such a friends group.

1 (k) Five members appointed by the governor. A friends group organized to raise
2 funds for Milwaukee Public Television may submit a list of 10 nominees for the
3 governor to consider in making the appointments under this paragraph. The
4 governor may not appoint a member under this paragraph unless the member's
5 name is on the list or unless the member is a member of such a friends group.

6 (L) One member appointed by the governor who is a representative of public
7 elementary and secondary schools.

8 (3) The appointment of the members specified in sub. (2) is subject to senate
9 confirmation, except for the appointment of a member who holds an office specified
10 in sub. (2) that is subject to senate confirmation and except for the members specified
11 in sub. (2) (b), (g) and (h).

12 (5) This section does not apply beginning on the date determined by the
13 secretary of administration under s. 39.88 (3)."

14 **5.** Page 44, line 1: delete lines 1 to 19.

15 **6.** Page 83, line 11: delete that line and substitute:

16 "19.42 (13) (n) The members of the public broadcasting transitional board and
17 the members of the board of directors of the broadcasting corporation, as defined in
18 s. 39.81 (2)."

19 **7.** Page 118, line 1: delete "Educational" and substitute "Public".

20 **8.** Page 118, line 2: delete "CORPORATION".

21 **9.** Page 118, line 3: delete the material beginning with "Educational" and
22 ending with "transmissions" on page 118, line 4, and substitute "General program
23 operations".

24 **10.** Page 118, line 4: after that line insert:

1 “(b) Public broadcasting services GPR A –0– –0–”.

2 **11.** Page 135, line 5: after that line insert:

3 “(cc) Salaries, fringe benefits, supplies
4 and services for certain employes GPR A –0– –0–”.

5 **12.** Page 235, line 9: delete lines 9 and 10.

6 **13.** Page 294, line 9: delete lines 9 to 12 and substitute:

7 “(1) PUBLIC BROADCASTING. (a) *General program operations.* As a continuing
8 appropriation, the amounts in the schedule for general program operations for public
9 broadcasting.

10 (b) *Public broadcasting services.* The amounts in the schedule for distance
11 education for elementary and secondary schools, transmission to remote and
12 underserved areas of the state and an emergency weather warning system.”.

13 **14.** Page 307, line 19: after that line insert:

14 “**SECTION 285d.** 20.285 (1) (cc) of the statutes is created to read:

15 20.285 (1) (cc) *Salaries, fringe benefits, supplies and services for certain*
16 *employes.* The amounts in the schedule for salaries and fringe benefits of former
17 employes of the educational communications board who were transferred to the
18 University of Wisconsin System under s. 39.87 (4) and for the provision of supplies
19 and services for these employes. If an employe vacates any position that is funded
20 under this appropriation account, there is transferred to the appropriation account
21 under s. 20.218 (1) (a) an amount equal to the unused money in the appropriation
22 account for the current fiscal biennium that was to be used to pay the employe’s
23 salary and fringe benefits and the cost of supplies and services for the employe.”.

24 **15.** Page 371, line 4: delete lines 4 to 9.

1 **16.** Page 415, line 8: delete lines 8 to 10.

2 **17.** Page 415, line 18: after that line insert:

3 “**SECTION 648r.** 20.923 (6) (mm) of the statutes is created to read:

4 20.923 (6) (mm) University of Wisconsin System: all positions specified in s.
5 230.08 (2) (km).”

6 **18.** Page 504, line 5: delete the material beginning with that line and ending
7 with page 505, line 23, and substitute:

8 “36.25 (5) (c) 1. In this paragraph:

9 a. “Broadcasting corporation” has the meaning given in s. 39.81 (2).

10 b. “Broadcasting station” means any broadcasting station for which the board
11 of regents holds a license.

12 c. “Friends group” has the meaning given in s. 39.81 (5).

13 2. The board of regents shall enter into an agreement with the broadcasting
14 corporation that requires the board of regents to do each of the following:

15 a. Allow the broadcasting corporation to operate each broadcasting station.

16 b. Grant the broadcasting corporation operational control over any facility or
17 asset of the board of regents that is necessary for the operation of each broadcasting
18 station.

19 c. Maintain the facilities and assets that are necessary for the operation of each
20 broadcasting station.

21 d. Retain the license for each broadcasting station.

22 e. Provide administrative services to the broadcasting corporation that are
23 necessary for the broadcasting corporation to operate the each broadcasting station.

1 f. Provide assistance in developing and delivering elementary and secondary
2 school educational programming. Any assistance provided under this subd. 2. f.
3 shall be provided at no cost to private and public elementary and secondary schools,
4 unless the broadcasting corporation determines that the assistance shall be provided
5 at cost.

6 g. Provide assistance to the technical college system in developing and
7 delivering educational programming. Any assistance provided under this subd. 2.
8 g. shall be provided at no cost to the technical college system, unless the broadcasting
9 corporation determines that the assistance shall be provided at cost.

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

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

13 b. The agreement shall ensure that the board of regents has access to
14 broadcasting facilities and air time that is equal to or greater than the access of the
15 board of regents prior to the effective date of this subdivision 3. b. [revisor inserts
16 date].

17 c. The agreement shall provide for transferring to the broadcasting corporation
18 any funds raised by each friends group that is organized to raise funds for a
19 broadcasting station for which the board of regents holds a license.

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

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

1 **19.** Page 509, line 7: delete “(3)” and substitute “(4)”.

2 **20.** Page 509, line 9: delete “(3)” and substitute “(4)”.

3 **21.** Page 509, line 23: after that line insert:

4 “(d) “Friends group” has the meaning given in s. 39.81 (5).”.

5 **22.** Page 510, line 1: delete the material beginning with that line and ending
6 with page 511, line 6, and substitute:

7 “38.125 (2) (a) The district board shall enter into an agreement with the
8 broadcasting corporation that requires the district board to do each of the following:

9 1. Allow the broadcasting corporation to operate each broadcasting station.

10 2. Grant the broadcasting corporation operational control over any facility or
11 asset of the district board that is necessary for the operation of each broadcasting
12 station.

13 3. Maintain the facilities and assets that are necessary for the operation of each
14 broadcasting station.

15 4. Retain the license for each broadcasting station.

16 5. Provide assistance to the broadcasting corporation in developing and
17 delivering elementary and secondary school educational programming at no cost to
18 the broadcasting corporation.

19 (b) An agreement under par. (a) shall satisfy each of the following:

20 1. The agreement shall remain in effect until the maturity date of any public
21 debt issued under s. 13.48 (31) (d).

22 2. The agreement shall ensure that the district board has access to
23 broadcasting facilities and air time that is equal to or greater than the access of the
24 district board prior to the effective date of this subdivision [revisor inserts date].

1 3. The agreement shall provide for transferring to the broadcasting corporation
2 any funds raised by each friends group that is organized to raise funds for a
3 broadcasting station for which the district board holds a license.

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

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

10 **23.** Page 511, line 6: after that line insert:

11 “SECTION 897dm. 38.125 (3) of the statutes is created to read:

12 38.125 (3) At the request of the transitional board and at no charge to the
13 transitional board, the district board shall direct Milwaukee Public Television to
14 provide staff and legal, administrative and technical assistance for the transitional
15 board to carry out the duties under s. 39.82.”.

16 **24.** Page 523, line 6: delete the material beginning with that line and ending
17 with page 532, line 2, and substitute:

18 “**39.81 Definitions.** In this subchapter:

19 (1) “Association” means the Wisconsin Public Radio Association.

20 (2) “Broadcasting corporation” means the corporation specified in s. 39.82 (1).

21 (3) “Corporate board” means the board of directors of the broadcasting
22 corporation.

23 (4) “Foundation” means the Wisconsin Public Broadcasting Foundation.

1 (5) “Friends group” means a nonstock, nonprofit corporation described under
2 section 501 (c) (3) or (4) of the Internal Revenue Code and exempt from taxation
3 under section 501 (a) of the Internal Revenue Code that is organized to raise funds
4 for a public broadcasting television or radio station in this state. “Friends group”
5 includes the association.

6 (7) “Transitional board” means the public broadcasting transitional board.

7 **39.82 Transitional board duties.** The transitional board shall do each of the
8 following:

9 (1) Draft and file articles of incorporation for a nonstock corporation under ch.
10 181, including a provision that the corporation will not have members, and take all
11 actions necessary to exempt the corporation from federal taxation under section 501
12 (c) (3) of the Internal Revenue Code.

13 (2) Draft bylaws for adoption by the corporate board under s. 181.0206 (2). The
14 bylaws shall specify each of the following:

15 (a) That the members of the transitional board shall serve as the directors of
16 the corporate board.

17 (b) That directors specified in s. 15.98 (2) (i), (j) or (k) shall serve staggered
18 3–year terms and that, upon expiration of the term or occurrence of a vacancy in the
19 office of director, the remaining directors of the corporate board shall elect a
20 successor who is a member of the same friends group.

21 (c) That a director specified in s. 15.98 (2) (L) shall serve a 3–year term and that,
22 upon expiration of the term or occurrence of a vacancy in the office of director, the
23 remaining directors of the corporate board shall elect a successor who is a
24 representative of public elementary and secondary schools.

1 (d) That a director specified in s. 15.98 (2) (a), (b), (c), (e) or (f) shall vacate the
2 office of director if he or she ceases to hold the office specified in s. 15.98 (2) (a), (b),
3 (c), (e) or (f) and that the remaining directors of the corporate board shall appoint as
4 a successor the individual who is the successor to the office.

5 (e) That the term of a director specified in s. 15.98 (2) (g) or (h) shall expire on
6 the date specified in s. 13.02 (1) and that the remaining directors of the corporate
7 board shall appoint a successor who is an individual appointed as is a member of a
8 standing committee.

9 (f) That a director specified in s. 15.98 (2) (i), (j) or (k) shall vacate the office of
10 director if he or she ceases to be a member of the friends group specified in s. 15.98
11 (2) (i), (j) or (k) and that the remaining directors of the corporate board shall elect as
12 a successor an individual who is a member of the same friends group.

13 **(2m)** No later than March 15, 2000, the transitional board shall submit a report
14 to the governor and to the chief clerk of each house of the legislature for distribution
15 to the legislature under s. 13.172 (2) that includes and describes the bylaws drafted
16 under sub. (2).

17 **(3)** Prepare an application for submission by the corporate board to the federal
18 communications commission to transfer all broadcasting licenses held by the
19 educational communications board to the broadcasting corporation.

20 **39.83 Transitional plan.** (1) The corporate board shall prepare a plan for
21 submission to the secretary of administration that specifies each of the following:

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

24 (b) The transfer of positions and related funding from the educational
25 communications board to the University of Wisconsin System.

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

2 (2) If the secretary of administration does not notify the corporate board within
3 14 working days after the date of submittal of the plan under sub. (1) that the
4 secretary intends to modify the plan, the plan may be implemented as proposed. If,
5 within 14 working days after the date of submittal of the plan under sub. (1), the
6 secretary of administration notifies the corporate board that the secretary intends
7 to modify the proposed plan, the plan may be implemented only upon approval of the
8 secretary.

9 (3) If the secretary of administration approves a transfer of unencumbered
10 balances specified in sub. (1) (a) and (b), the unencumbered balances shall be
11 transferred to the appropriation accounts under ss. 20.218 (1) (a), 20.285 (1) (cc) and
12 20.505 (1) (kv).

13 **39.84 Duties of broadcasting corporation.** The broadcasting corporation
14 shall do each of the following as a condition for receiving state aid under s. 20.218
15 (1) (a):

16 (1) Commit to provide editorial integrity in all aspects of public broadcasting
17 that is free from the influence of politics or special interest groups.

18 (2) Provide educational broadcasting that enriches the cultural, civic and
19 educational well-being of the people of this state.

20 (3) Provide access to public broadcasting to all populations and geographic
21 areas of this state.

22 (4) Maintain a state system of radio broadcasting for the presentation of
23 educational, informational and public service programs.

1 (5) Maintain educational television channels reserved for this state and take
2 such action as is necessary to preserve such channels in this state for educational
3 use.

4 (6) Furnish leadership in securing adequate funding for a statewide system of
5 public broadcasting.

6 (7) Lease, purchase or construct radio and television facilities for joint use with
7 state and local agencies.

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

10 (9) Establish and maintain a continuing evaluation of the effectiveness of
11 public broadcasting in this state.

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

16 (11) Provide educational programming for elementary and secondary schools
17 in this state and transmit public radio and television to remote and underserved
18 areas of the state.

19 (12) Hire an executive director in charge of the daily operations of the
20 broadcasting corporation.

21 (13) Enter into the agreements specified in ss. 36.25 (5) (c) 2. and 38.125 (2) (a).

22 **39.85 State aid.** (1) The broadcasting corporation may receive state aid under
23 s. 20.218 (1) (a) if each of the following is satisfied:

24 (a) The articles of incorporation state that the purpose of the broadcasting
25 corporation is to provide public broadcasting to this state and that, if the

1 broadcasting corporation dissolves or discontinues public broadcasting in this state,
2 the broadcasting corporation shall in good faith take all reasonable measures to
3 transfer or assign the broadcasting corporation's assets, licenses and rights to an
4 entity whose purpose is to advance public broadcasting in this state.

5 (b) The broadcasting corporation initially adopts the bylaws drafted by the
6 transitional board under s. 39.82 (2) and does not amend the bylaws regarding
7 election, appointment and terms of the members of the corporate board.

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

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

15 (e) The broadcasting corporation provides the secretary of administration or
16 his or her designee and the employes of the legislative audit bureau and the
17 legislative fiscal bureau with access to all of the broadcasting corporation's records,
18 as defined in s. 19.32 (2), except records identifying the names of private donors.

19 (f) The broadcasting corporation carries out any obligation of the educational
20 communications board under any contract entered into by the educational
21 communications board that relates to the provision of public broadcasting in this
22 state until the contract is modified or rescinded by the broadcasting corporation to
23 the extent allowed under the contract.

1 (g) The broadcasting corporation maintains public television, public radio and
2 distance education as separate operating divisions within the broadcasting
3 corporation.

4 (2) The secretary of administration shall pay aid under s. 20.218 (1) (a) to the
5 broadcasting corporation in instalments, as determined by the secretary.

6 **39.86 Broadcasting corporation reports.** (1) No later than September 15
7 of each even-numbered year, in the form and content prescribed by the department
8 of administration, the broadcasting corporation shall, as a condition of receiving
9 state aid under s. 20.218 (1) (a), prepare and forward to the department of
10 administration and to the legislative fiscal bureau all of the following information
11 regarding each program administered by the broadcasting corporation for which the
12 broadcasting corporation is requesting state aid:

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

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

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

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

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

23 (2) No later than December 1 of each year, the broadcasting corporation shall,
24 as a condition of receiving state aid under s. 20.218 (1) (a), submit a report to the

1 governor and to the chief clerk of each house of the legislature for distribution to the
2 legislature under s. 13.172 (2) that describes each of the following:

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

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

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

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

12 (3) This section does not apply unless the secretary of administration
13 determines that the federal communications commission has approved the transfer
14 of all broadcasting licenses held by the educational communications board to the
15 broadcasting corporation.

16 **39.87 Transfer provisions.** (1) DEFINITION. In this section, "state office
17 building" means the state office building located at 3319 West Beltline Highway in
18 Dane County.

19 (2) ASSETS. (a) 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, each
22 of the following applies:

23 1. Any asset of the state, other than the state office building and the assets
24 specified in subd. 3., that is used by the educational communications board and that,
25 as determined by the secretary of administration, is not a shared asset, as defined

1 in s. 16.26 (1) (b), is transferred, subject to the approval of the secretary of
2 administration under s. 39.83 (2), to the broadcasting corporation. A transfer under
3 this subdivision shall take effect on on the effective date of the last license
4 transferred as determined by the secretary of administration under s. 39.88 (2).

5 2. Subject to the approval of the secretary of administration under s. 39.83 (2),
6 the secretary of administration shall transfer title to the state office building from
7 the state to the broadcasting corporation if the broadcasting corporation pays
8 \$476,228 to the foundation or the foundation waives such payment.

9 3. The assets of the state that, as determined by the secretary of
10 administration, are used by educational communications board for the operation of
11 an emergency weather warning system are transferred to the department of
12 administration.

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

15 (3) EDUCATIONAL COMMUNICATIONS BOARD FUNDS. Subject to the approval of the
16 secretary of administration under s. 39.83, if the secretary of administration
17 determines that the federal communications commission has approved the transfer
18 of all broadcasting licenses held by the educational communications board to the
19 broadcasting corporation, each of the following applies on the effective date of the
20 last license transferred as determined by the secretary of administration under s.
21 39.88 (2):

22 (a) To the appropriation account under s. 20.218 (1) (a), there is transferred the
23 unencumbered balance of the appropriation accounts under s. 20.225 (1) (a), (b), (d),
24 (eg), (er) and (f), except for the unencumbered balance of the appropriation accounts
25 that are otherwise transferred under sub. (4).

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

6 (c) To the appropriation account under s. 20.505 (1) (kv), there is transferred
7 the unencumbered balance of the appropriation accounts under s. 20.225 (1) (g), (h),
8 (k), (ka) and (m), and, to the extent allowed under federal law, the secretary of
9 administration shall pay the broadcasting corporation a grant equal to the amount
10 of the unencumbered balance of the appropriation account under s. 20.505 (1) (kv).

11 (4) POSITIONS. If the secretary of administration determines that the federal
12 communications commission has approved the transfer of all broadcasting licenses
13 held by the educational communications board to the broadcasting corporation, all
14 positions authorized for the educational communications board and the incumbent
15 employes holding the positions are transferred to the University of Wisconsin
16 System. Employes transferred under this subsection have all rights and the same
17 status under subchapter V of chapter 111 and chapter 230 of the statutes that they
18 enjoyed in the educational communications board. Notwithstanding s. 230.28 (4), no
19 employe so transferred who has attained permanent status in class may be required
20 to serve a probationary period.

21 (5) DUTIES OF FORMER EDUCATIONAL COMMUNICATIONS BOARD EMPLOYES. All
22 employes transferred to the University of Wisconsin System under sub. (4) shall
23 provide broadcasting services to the broadcasting corporation under a contract
24 between the University of Wisconsin System and the broadcasting corporation for

1 such services. The contract shall provide that the services are to be provided to the
2 broadcasting corporation at no charge to the broadcasting corporation.

3 **39.88 Determinations by secretary of administration.** The secretary of
4 administration shall determine each of the following:

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

8 (2) If the secretary of administration determines that the federal
9 communications commission has approved the transfer of all the broadcasting
10 licences specified in sub. (1), the effective date of the transfer of the last license
11 transferred to the broadcasting corporation.

12 (3) Determine the date on which the articles of incorporation of the
13 broadcasting corporation become effective under s. 180.0123.”.

14 **25.** Page 1485, line 4: increase the dollar amount by \$5,531,900 and adjust the
15 appropriate totals accordingly.

16 **26.** Page 1492, line 16: increase the dollar amount by \$1,400,000 and adjust
17 the appropriate totals accordingly.

18 **27.** Page 1494, line 19: increase the dollar amount by \$1,750,000 and adjust
19 the appropriate totals accordingly.

20 (END)