

State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0985/1
JK&RAC:hmh:jf

DOA:.....Milioto - Restructuring public broadcasting

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

in 1-12-01

SOON

Don't gen

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

Analysis by the Legislative Reference Bureau
EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

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

This bill creates a public broadcasting transitional board (transitional board) that is responsible for creating a nonstock, nonprofit educational broadcasting corporation (corporation). The transitional board has 20 members: the secretary of administration; the UW System president; the state superintendent of public instruction; the technical college system director; the president of the Wisconsin Association of Independent Colleges and Universities; one member of each house of the legislature from the political party with the most members in each house; two members appointed by the governor who belong to the Wisconsin Public Radio Association; one member appointed by the governor who belongs to a "friends group" organized to raise funds for television station WHA; one member appointed by the governor who resides in this state outside the WHA viewing area; one member appointed by the governor who is a representative of public elementary and

secondary school administrators; and eight members appointed by the governor who are employed in the private sector.

The bill directs the transitional board to draft and file articles of incorporation for a nonstock, nonprofit educational broadcasting corporation and to take all actions necessary to exempt the corporation from taxation under the Internal Revenue Code. In addition, the transitional board must provide in the articles of incorporation that the members of the transitional board are the initial directors of the corporate board. Also, the transitional board must prepare an application for the corporate board to submit to the federal communications commission (FCC) to transfer all broadcasting licenses held by the ECB and the board of regents to the corporation; draft bylaws for adoption by the corporate board; negotiate an agreement with the Wisconsin Public Radio Association to transfer funds raised by the Wisconsin Public Radio Association to the corporation; and negotiate an agreement with each friends group to transfer funds raised by the friends group to the corporation.

If the FCC approves the transfer of all broadcasting licenses held by the ECB to the corporation, the ECB is eliminated on the effective date of the transfer. If the FCC approves the transfer of all broadcasting licenses held by the board of regents to the corporation, the corporation assumes the broadcasting activities of the board of regents.

→ The corporation is entitled to receive state aid for its ~~initial administrative~~ ^{operational} expenses if the corporation, generally, maintains a state system of radio broadcasting for presenting educational, informational, and public service programs; maintains television channels for educational use; leases, purchases, or constructs radio and television facilities for joint use with state and local agencies; provides educational programming for elementary and secondary schools in this state; and enters into a contract with the board of regents for the services of the employees of the board of regents related to providing public broadcasting services. ~~additional~~ ✓

→ The corporation is entitled to receive ~~state aid~~ ^{operational} for its operational expenses if the articles of incorporation state that the purpose of the corporation is to provide public broadcasting to this state and that, if the corporation dissolves or discontinues public broadcasting to this state, the corporation must, in good faith, take all reasonable measures to transfer or assign the corporation's assets, licenses, and rights to an entity whose purpose is to advance public broadcasting in this state. To receive state aid for its operational expenses, the corporation must also adopt the bylaws drafted by the transitional board; permit public access to its records to the same extent as required of a state agency; provide public notice of and permit public access to its meetings to the same extent as required of a state agency; provide the secretary of administration, the legislative audit bureau, and the legislative fiscal bureau access to all its records; fulfill any contract obligation of ECB related to providing public broadcasting, if the ECB broadcasting licenses are transferred to the corporation; and fulfill any contract obligation of the board of regents related to providing public broadcasting, if the broadcasting licenses of the board of regents are transferred to the corporation.

If the FCC approves the transfer of all broadcasting licenses held by the ECB to the corporation, ECB employees become DOA employees and those employees will

provide broadcasting services to the corporation under a contract between DOA and the corporation. The contract must provide that ~~such services are provided at no charge to the corporation and that~~ the employees providing such services are supervised solely by the corporation.

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

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

1 **SECTION 1.** 13.48 (14) (e) of the statutes is amended to read:

2 13.48 (14) (e) If the state office building located at 3319 West Beltline Highway
3 in Dane County is sold by the state, the building commission shall ensure that the
4 transferee pays \$476,228 from the proceeds of the sale to the Wisconsin Public
5 Broadcasting Foundation, if the foundation exists at the time of the transfer and if
6 the secretary of administration does not transfer title to the building under s. 39.86
7 (2) (a) 2.

8 **SECTION 2.** 15.07 (1) (b) 21. of the statutes is created to read:

9 15.07 (1) (b) 21. The public broadcasting transitional board. This subdivision
10 does not apply after the first day of the 36th month beginning after the effective date
11 of this subdivision [revisor inserts date].

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

13 15.105 (25) (bm) A member of the educational communications board. If the
14 secretary of administration determines that the federal communications
15 commission has approved the transfer of all broadcasting licenses held by the
16 educational communications board to the broadcasting corporation, as defined in s.
17 39.81 (2), this paragraph does not apply on and after the effective date of the last
18 license transferred as determined by the secretary of administration under s. 39.87
19 (2) (a).

INSERT A

Handwritten notes and signatures at the bottom of the page, including a checkmark and some illegible text.

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

2 15.105 (25) (c) Four or, if the secretary of administration determines that the
3 federal communications commission has approved the transfer of all broadcasting
4 licenses held by the educational communications board to the broadcasting
5 corporation, as defined in s. 39.81 (2), on and after the effective date of the last license
6 transferred as determined by the secretary of administration under s. 39.87 (2) (a),
7 5 other members.

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

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

10 15.57 (2m) 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
13 defined in s. 39.81 (2), this section does not apply on and after the effective date of
14 the last license transferred [revisor inserts date].

15 **SECTION 7.** 15.98 of the statutes is created to read:

16 **15.98 Public broadcasting transitional board; creation.** (1) In this
17 section, “friends group” has the meaning given in s. 39.81 (5).

18 (2) There is created a public broadcasting transitional board consisting of the
19 following members:

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

21 (b) The president of the University of Wisconsin System or his or her designee.

22 (c) The state superintendent of public instruction or his or her designee.

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

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

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

3 (g) Two members appointed by the governor who belong to the Wisconsin Public
4 Radio Association, for 3-year terms.

5 (h) One member appointed by the governor who belongs to a friends group
6 organized to raise funds for television station WHA, for a 3-year term.

7 (i) One member appointed by the governor who resides in this state outside the
8 viewing area of television station WHA, for a 3-year term.

9 (j) One member appointed by the governor who is a representative of public
10 elementary and secondary school administrators, for a 3-year term.

11 (k) Eight members appointed by the governor who are employed in the private
12 sector, for 3-year terms.

13 (3) The appointment of the members specified in sub. (2) (g) to (k) is subject to
14 senate confirmation.

15 (4) This section does not apply beginning on the first day of the 36th month
16 commencing after the effective date of this subsection [revisor inserts date].

17 **SECTION 8.** 16.251 of the statutes is created to read:

18 **16.251 Emergency weather warning system.** (1) In this section,
19 “broadcasting corporation” has the meaning given in s. 39.81 (2).

20 (2) If the secretary determines that the federal communications commission
21 has approved the transfer of all broadcasting licenses held by the educational
22 communications board to the broadcasting corporation, on and after the effective
23 date of the last license transferred, as determined by the secretary under s. 39.87 (2)
24 (a), the department shall contract with the broadcasting corporation for the
25 operation of an emergency weather warning system.

1 **SECTION 9.** 16.26 of the statutes is created to read:

2 **16.26 Public broadcasting assets. (1)** In this section:

3 (a) “Broadcasting corporation” has the meaning given under s. 39.81 (2).

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

8 **(2)** If the secretary determines that the federal communications commission
9 has approved the transfer of all broadcasting licenses held by the educational
10 communications board to the broadcasting corporation, the secretary shall negotiate
11 and enter into an agreement to lease, sell, or otherwise transfer any shared asset
12 used by the educational communications board to the broadcasting corporation. In
13 addition, the secretary shall negotiate and enter into an agreement with the
14 broadcasting corporation regarding the payment of any outstanding debt service of
15 the educational communications board related to public broadcasting.

16 **(3)** If the secretary determines that the federal communications commission
17 has approved the transfer of all broadcasting licenses held by the University of
18 Wisconsin System to the broadcasting corporation, the secretary shall negotiate and
19 enter into an agreement to lease, sell, or otherwise transfer any shared asset used
20 by the University of Wisconsin System to the broadcasting corporation. In addition,
21 the secretary shall negotiate and enter into an agreement with the broadcasting
22 corporation regarding the payment of any outstanding debt service of the board of
23 regents of the University of Wisconsin System related to public broadcasting.

24 **SECTION 10.** 16.973 (1) (a) of the statutes is renumbered 16.973 (1) (ag).

25 **SECTION 11.** 16.973 (1) (ac) of the statutes is created to read:

1 16.973 (1) (ac) “Broadcasting corporation” has the meaning given under s.
2 39.81 (2).

3 **SECTION 12.** 16.973 (2) (b) of the statutes is amended to read:

4 16.973 (2) (b) Provide such computer services and telecommunications services
5 to local governmental units and the broadcasting corporation and provide such
6 telecommunications services to qualified private schools, postsecondary
7 institutions, museums, and zoos as the division considers to be appropriate and as
8 the division can efficiently and economically provide. The division may exercise this
9 power only if in doing so it maintains the services it provides at least at the same
10 levels that it provides prior to exercising this power and it does not increase the rates
11 chargeable to users served prior to exercise of this power as a result of exercising this
12 power. The division may charge local governmental units, the broadcasting
13 corporation, and qualified private schools, postsecondary institutions, museums,
14 and zoos for services provided to them under this paragraph in accordance with a
15 methodology determined by the secretary. Use of telecommunications services by a
16 qualified private school or postsecondary institution shall be subject to the same
17 terms and conditions that apply to a municipality using the same services. The
18 division shall prescribe eligibility requirements for qualified museums and zoos to
19 receive telecommunications services under this paragraph.

20 **SECTION 13.** 19.42 (13) (n) of the statutes is created to read:

21 19.42 (13) (n) The members of the public broadcasting transitional board.

22 **SECTION 14.** 20.218 of the statutes is created to read:

23 **20.218 Educational broadcasting corporation.** There is appropriated to
24 the corporation described under s. 39.82 (1) for the following costs:

1 (1) EDUCATIONAL BROADCASTING. (a) ~~Initial costs.~~ The amounts in the schedule
2 for ~~initial administrative costs.~~ ^{NO} ~~⊥~~

3 ~~(b) Operational costs; television.~~ The amounts in the schedule for operational
4 costs related to public television broadcasting.

5 ~~(c) Operational costs; radio.~~ The amounts in the schedule for operational costs
6 related to public radio broadcasting.

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

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

8 20.225 (1) (a) *General program operations.* The amounts in the schedule to
9 carry out its functions other than programming under ss. 39.11 and 39.13. If the
10 secretary of administration determines that the federal communications
11 commission has approved the transfer of all broadcasting licenses held by the board
12 to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective
13 date of the last license transferred as determined by the secretary of administration
14 under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

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

16 20.225 (1) (b) *Energy costs.* The amounts in the schedule to pay for utilities and
17 for fuel, heat, and air conditioning, and to pay costs incurred under ss. 16.858 and
18 16.895, by or on behalf of the board, and to repay to the energy efficiency fund loans
19 made to the board under s. 16.847 (6). If the secretary of administration determines
20 that the federal communications commission has approved the transfer of all
21 broadcasting licenses held by the board to the broadcasting corporation, as defined
22 in s. 39.81 (2), on and after the effective date of the last license transferred as

1 determined by the secretary of administration under s. 39.87 (2) (a), no moneys may
2 be encumbered under this paragraph.

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

4 20.225 (1) (c) *Principal repayment and interest.* A sum sufficient to reimburse
5 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
6 the acquisition, construction, development, enlargement, or improvement of
7 facilities approved by the building commission for operation by the educational
8 communications board. If the secretary of administration determines that the
9 federal communications commission has approved the transfer of all broadcasting
10 licenses held by the board to the broadcasting corporation, as defined in s. 39.81 (2),
11 on and after the effective date of the last license transferred as determined by the
12 secretary of administration under s. 39.87 (2) (a), no moneys may be encumbered
13 under this paragraph.

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

15 20.225 (1) (d) *Milwaukee area technical college.* The amounts in the schedule
16 to contract with Milwaukee area technical college under s. 39.11 (18). If the secretary
17 of administration determines that the federal communications commission has
18 approved the transfer of all broadcasting licenses held by the board to the
19 broadcasting corporation, as defined in s. 39.81 (2), on and after the effective date of
20 the last license transferred as determined by the secretary of administration under
21 s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

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

23 20.225 (1) (eg) *Transmitter construction.* As a continuing appropriation, the
24 amounts in the schedule to construct national weather service transmitters. If the
25 secretary of administration determines that the federal communications

1 commission has approved the transfer of all broadcasting licenses held by the board
2 to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective
3 date of the last license transferred as determined by the secretary of administration
4 under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

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

6 20.225 (1) (er) *Transmitter operation.* The amounts in the schedule to operate
7 the transmitter constructed with moneys appropriated under par. (eg). If the
8 secretary of administration determines that the federal communications
9 commission has approved the transfer of all broadcasting licenses held by the board
10 to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective
11 date of the last license transferred as determined by the secretary of administration
12 under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

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

14 20.225 (1) (f) *Programming.* The amounts in the schedule for programming
15 under s. 39.11. If the secretary of administration determines that the federal
16 communications commission has approved the transfer of all broadcasting licenses
17 held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and
18 after the effective date of the last license transferred as determined by the secretary
19 of administration under s. 39.87 (2) (a), no moneys may be encumbered under this
20 paragraph.

21 **SECTION 22.** 20.225 (1) (g) of the statutes is amended to read:

22 20.225 (1) (g) *Gifts, grants, contracts and leases.* All moneys received from
23 gifts, grants, contracts and the lease of excess capacity to carry out the purposes for
24 which received. If the secretary of administration determines that the federal
25 communications commission has approved the transfer of all broadcasting licenses

1 held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and
2 after the effective date of the last license transferred as determined by the secretary
3 of administration under s. 39.87 (2) (a), no moneys may be encumbered under this
4 paragraph.

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

6 20.225 (1) (h) *Instructional material.* The amounts in the schedule for
7 providing instructional materials under s. 39.11 (16). All moneys received from the
8 sale of instructional material under s. 39.11 (16) and all moneys received under s.
9 39.115 (1) shall be credited to this appropriation. If the secretary of administration
10 determines that the federal communications commission has approved the transfer
11 of all broadcasting licenses held by the board to the broadcasting corporation, as
12 defined in s. 39.81 (2), on and after the effective date of the last license transferred
13 as determined by the secretary of administration under s. 39.87 (2) (a), no moneys
14 may be encumbered under this paragraph.

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

16 20.225 (1) (k) *Funds received from other state agencies.* All moneys received
17 from other state agencies to carry out the purposes for which received. If the
18 secretary of administration determines that the federal communications
19 commission has approved the transfer of all broadcasting licenses held by the board
20 to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective
21 date of the last license transferred as determined by the secretary of administration
22 under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

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

24 20.225 (1) (kb) *Emergency weather warning system operation.* From the
25 moneys received by the department of administration for the provision of state

1 telecommunications and data processing services and sale of telecommunications
 2 and data processing inventory items primarily to state agencies, the amounts in the
 3 schedule for the operation of the emergency weather warning system under s. 39.11
 4 (21). If the secretary of administration determines that the federal communications
 5 commission has approved the transfer of all broadcasting licenses held by the board
 6 to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective
 7 date of the last license transferred as determined by the secretary of administration
 8 under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

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

10 20.225 (1) (m) *Federal grants.* All moneys received from the federal
 11 government as authorized by the governor under s. 16.54 for the purposes for which
 12 made and received. If the secretary of administration determines that the federal
 13 communications commission has approved the transfer of all broadcasting licenses
 14 held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and
 15 after the effective date of the last license transferred as determined by the secretary
 16 of administration under s. 39.87 (2) (a), no moneys may be encumbered under this
 17 paragraph.

18 **SECTION 27.** 20.505 (1) (aw) of the statutes is created to read:

19 20.505 (1) (aw) *Emergency weather warning system operation.* The amounts
 20 in the schedule to make payments under a contract for the operation of the
 21 emergency weather warning system under s. 16.251 (2).

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

22 **SECTION 28.** 20.505 (1) (kv) of the statutes is created to read:

INSERT 12-21 ✓

INSERT 12-17 ✓

20.505 (1) (kv) *Public broadcasting corporation grant.* All moneys received from the educational communications board under s. 39.86 (3) (c) to be paid as a grant to the broadcasting corporation, as defined in s. 39.81 (2), if the secretary of administration determines under s. 39.87 that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board to the corporation.

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

SECTION 29. 20.505 (5) (d) of the statutes is created to read:

20.505 (5) (d) *Former educational communications board principal repayment and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs that are not paid under par. (h) and that are incurred in financing the acquisition, construction, development, enlargement, or improvement of facilities approved by the building commission for operation by the educational communications board. No moneys may be encumbered under this paragraph unless the secretary of administration first determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board to the broadcasting corporation as defined in s. 39.81 (2).

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

SECTION 30. 20.505 (5) (h) of the statutes is created to read:

20.505 (5) (h) *Lease payments for educational broadcasting facilities.* All lease payments for state-owned educational broadcasting facilities and equipment received from the corporation described under s. 39.82 (1) for the purpose of reimbursing s. 20.866 (1) (u) for the payment of principal and interest costs incurred

INSERT 143 ✓

1 in financing the acquisition, construction, development, enlargement, or
2 improvement of facilities approved by the building commission for operation by the
3 educational communications board.

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

4 ~~SECTION 31. 20.506 of the statutes is created to read:~~

5 ~~**20.506 Public broadcasting transitional board.** There is appropriated to
6 the public broadcasting transitional board for the following programs:~~

7 ~~(1) TRANSITIONAL SERVICES. (a) *General program operations.* As a continuing
8 appropriation, the amounts in the schedule for general program operations related
9 to carrying out the duties under s. 39.82. No moneys may be encumbered from this
10 appropriation after the last day of the 35th month beginning after publication
11 [revisor inserts date].~~

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

12 **SECTION 32.** 20.866 (1) (u) of the statutes, as affected by 1999 Wisconsin Act
13 146, is amended to read:

14 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
15 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1)
16 (c), (d), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250
17 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih),
18 (kd) and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag),
19 (aq), (ar), (at), (ba), (ca), (cb), (cc), (cd), (ce), (cf), (ea), (eq) and (er), 20.395 (6) (af), (aq)
20 and (ar), 20.410 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1)
21 (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (d), (g), (h), and (kc),
22 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bp), (br), (g), (h), (i) and (q)

1 for the payment of principal and interest on public debt contracted under subchs. I
2 and IV of ch. 18.

3 **SECTION 33.** 20.866 (2) (ws) of the statutes is created to read:

4 20.866 (2) (ws) *Administration; educational communications facilities.* From
5 the capital improvement fund, a sum sufficient for the department of administration
6 to acquire, construct, develop, enlarge, or improve educational communications
7 facilities. Unless the secretary of administration first determines that the federal
8 communications commission has approved the transfer of all broadcasting licenses
9 held by the educational communications board to the broadcasting corporation as
10 defined in s. 39.81 (2), no moneys may be encumbered or public debt contracted under
11 this paragraph. If the secretary of administration determines that the transfer of
12 licenses has been approved, on and after the effective date of the last license
13 transferred [revisor inserts date], the state may, for the purpose of this
14 appropriation, contract public debt in an amount not to exceed \$8,658,100 less any
15 amount contracted on behalf of the educational communications board before the
16 effective date of the last license transferred as determined by the secretary of
17 administration under s. 39.87 (2) (a).

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

18 **SECTION 34.** 20.866 (2) (zd) of the statutes is amended to read:

19 20.866 (2) (zd) *Educational communications board; educational*
20 *communications facilities.* From the capital improvement fund, a sum sufficient for
21 the educational communications board to acquire, construct, develop, enlarge or
22 improve educational communications facilities. The state may contract public debt
23 in an amount not to exceed \$8,658,100 for this purpose. If the secretary of

1 administration determines that the federal communications commission has
2 approved the transfer of all broadcasting licenses held by the educational
3 communications board to the broadcasting corporation as defined in s. 39.81 (2), on
4 and after the effective date of the last license transferred as determined by the
5 secretary of administration under s. 39.87 (2) (a).

6 **SECTION 35.** 20.923 (4) (e) 1e. of the statutes is amended to read:

7 20.923 (4) (e) 1e. Educational communications board: executive director. If the
8 secretary of administration determines that the federal communications
9 commission has approved the transfer of all broadcasting licenses held by the
10 educational communications board to the broadcasting corporation as defined in s.
11 39.81 (2), this subdivision does not apply on and after the effective date of the last
12 license transferred as determined by the secretary of administration under s. 39.87
13 (2) (a).

14 **SECTION 36.** 20.923 (6) (b) of the statutes is amended to read:

15 20.923 (6) (b) Educational communications board: unclassified professional
16 staff. If the secretary of administration determines that the federal communications
17 commission has approved the transfer of all broadcasting licenses held by the
18 educational communications board to the broadcasting corporation as defined in s.
19 39.81 (2), this paragraph does not apply on and after the effective date of the last
20 license transferred as determined by the secretary of administration under s. 39.87
21 (2) (a).

22 **SECTION 37.** 36.25 (5) (c) of the statutes is created to read:

23 36.25 (5) (c) At the request of the transitional board, as defined in s. 39.81 (7),
24 the board of regents shall, at no charge to the transitional board, provide staff and

1 legal, administrative, and technical assistance for the transitional board to carry out
2 the duties under s. 39.82.

3 **SECTION 38.** 36.25 (5) (d) of the statutes is created to read:

4 36.25 (5) (d) If the secretary of administration determines that the federal
5 communications commission has approved the transfer of all broadcasting licenses
6 held by the board of regents to the broadcasting corporation, as defined in s. 39.81
7 (2), this subsection does not apply on and after the effective date of the last license
8 transferred as determined by the secretary of administration under s. 39.87 (2) (b).

9 **SECTION 39.** 36.25 (5m) of the statutes is created to read:

10 36.25 (5m) PROVISION OF CERTAIN SERVICE FOR PUBLIC BROADCASTING. (a) In this
11 subsection, “broadcasting corporation” has the meaning given in s. 39.81 (2).

12 (b) If the secretary of administration determines that the federal
13 communications commission has approved the transfer of all broadcasting licenses
14 held by the board of regents to the broadcasting corporation, on and after the effective
15 date of the last license transferred, as determined by the secretary under s. 39.87 (2),
16 all of the following shall occur:

17 1. The board of regents shall contract with the broadcasting corporation to
18 provide to the broadcasting corporation, ~~at no charge,~~ the services of all of the
19 employees of the board who provided public broadcasting services before the date
20 determined by the secretary under s. 39.87 (2) (b). The board may not contract under
21 this subdivision for the services of any employee who did not provide public
22 broadcasting services before the date determined by the secretary under s. 39.87 (2)
23 (b). Any contract entered into under this subdivision shall provide that the
24 broadcasting corporation shall have supervision authority over the employees.

1 2. If any employee of the board of regents who provided public broadcasting
2 services before the date determined by the secretary under s. 39.87 (2) (b) terminates
3 employment with the board on or after that date, the board may not fill any position
4 occupied by the employee and may not expend any money that would otherwise have
5 been paid to, or on behalf of, the employee as salary or fringe benefits had the
6 employee not terminated employment with the board.

7 **SECTION 40.** 38.125 of the statutes is amended to read:

8 **38.125 Public broadcasting stations.** If the district board governing the
9 Milwaukee area technical college determines to relinquish its public broadcasting
10 licenses, it shall, subject to the approval of the federal communications commission,
11 offer to assign the licenses to the educational communications board, ~~subject to~~
12 approval of the federal communications commission or, if all broadcasting licenses
13 held by the educational board have been transferred to the broadcasting corporation
14 as defined in s. 39.81 (2), to the corporation.

15 **SECTION 41.** 39.10 of the statutes is created to read:

16 **39.10 Definitions.** In this subchapter:

17 (1) “Broadcasting corporation” has the meaning given in s. 39.81 (2).

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

19 (1).

20 (3) “Transitional board” has the meaning given in s. 39.81 (7).

21 **SECTION 42.** 39.11 (22) of the statutes is created to read:

22 39.11 (22) Provide staff and legal, administrative, and technical assistance for
23 the transitional board to carry out the duties under s. 39.82 at no charge to the
24 transitional board.

25 **SECTION 43.** 39.12 of the statutes is amended to read:

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

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

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

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

- 1 (1) “Association” means the Wisconsin Public Radio Association.
- 2 (2) “Broadcasting corporation” means the corporation specified in s. 39.82 (1).
- 3 (3) “Corporate board” means the board of directors of the broadcasting
4 corporation.
- 5 (4) “Foundation” means the Wisconsin Public Broadcasting Foundation.
- 6 (5) “Friends group” means a nonstock, nonprofit corporation described under
7 section 501 (c) (3) or (4) of the Internal Revenue Code and exempt from taxation
8 under section 501 (a) of the Internal Revenue Code that is organized to raise funds
9 for a public broadcasting television station in this state.
- 10 (6) “Secretary” means the secretary of administration.
- 11 (7) “Transitional board” means the public broadcasting transitional board.
- 12 **39.82 Transitional board duties.** The transitional board shall do all of the
13 following:
- 14 (1) Draft and file articles of incorporation for a nonstock corporation under ch.
15 181 and take all actions necessary to exempt the corporation from federal taxation
16 under section 501 (c) (3) of the Internal Revenue Code.
- 17 (2) Provide in the articles of incorporation filed under sub. (1) that the initial
18 directors of the corporate board are the members of the transitional board.
- 19 (3) Draft bylaws for adoption by the corporate board under s. 181.0206 (2).
- 20 (4) Prepare an application for submission by the corporate board to the federal
21 communications commission to transfer all broadcasting licenses held by the
22 educational communications board and the board of regents of the University of
23 Wisconsin System to the broadcasting corporation.
- 24 (5) Negotiate an agreement with the association for the transfer to the
25 broadcasting corporation of funds raised by the association.

1 (6) Negotiate an agreement with each friends group in this state for the
2 transfer to the broadcasting corporation of funds raised by the friends group.

3 **39.83 Duties of broadcasting corporation.** The broadcasting corporation
4 shall do each of the following as a condition for receiving state aid under s. 20.218

5 (1) ~~1~~:

6 (1) Maintain a state system of radio broadcasting for presenting educational,
7 informational, and public service programs; formulate policies regulating the
8 operation of that state system; and coordinate the public radio activities of the
9 various educational and informational agencies, civic groups, and citizens that
10 contribute to the public interest and welfare.

11 (2) Maintain educational television channels reserved for this state and take
12 such action as is necessary to preserve such channels in this state for educational
13 use.

14 (3) Maintain a comprehensive state plan for the orderly operation of a
15 statewide television system for presenting noncommercial instructional programs
16 that will best serve the interests of the state.

17 (4) Work with the educational agencies and institutions of the state as
18 reviewer, adviser, and coordinator of their joint efforts to meet the educational needs
19 of the state through radio and television.

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

23 (6) Lease, purchase, or construct radio and television facilities for joint use
24 with state and local agencies, including facilities such as broadcast network and

1 production facilities, network interconnection or relay equipment, mobile units, and
2 other equipment available for statewide use.

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

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

8 (9) Act as an information source for educational radio and television activities
9 in this state and provide such information to legislators, government offices,
10 educational institutions, and the general public.

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

14 (11) Enter into a contract with board of regents of the University of Wisconsin
15 System under s. 36.25 (5m) (b).

16 **39.84 State aid.** (1) The broadcasting corporation may receive state aid under
17 s. 20.218 (1) ~~(b)~~ and ~~(c)~~ if all of the following are satisfied:

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

24 (b) The broadcasting corporation initially adopts the bylaws drafted by the
25 transitional board under s. 39.82 (3).

(12) *Make the most effective use of its digital broadcasting spectrum.*

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, the
9 legislative audit bureau, and the legislative fiscal bureau access to all of the
10 broadcasting corporation's records, as defined in s. 19.32 (2), except records
11 identifying the names of private donors.

12 (f) 1. If the broadcast licenses of the educational communications board are
13 transferred to the broadcasting corporation, the broadcasting corporation carries out
14 any obligation of the educational communications board under any contract entered
15 into by the educational communications board that relates to the provision of public
16 broadcasting in this state until the contract is modified or rescinded by the
17 broadcasting corporation to the extent allowed under the contract.

18 2. If the broadcast licenses of the board of regents of the University of Wisconsin
19 System are transferred to the broadcasting corporation, the broadcasting
20 corporation carries out any obligation of the board of regents of the University of
21 Wisconsin System under any contract entered into by the board of regents of the
22 University of Wisconsin System that relates to the provision of public broadcasting
23 in this state until the contract is modified or rescinded by the broadcasting
24 corporation to the extent allowed under the contract.

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

3 ~~**39.85 Broadcasting corporation reports.** (1) No later than September 15
4 of each even-numbered year, in the form and content prescribed by the department
5 of administration, the broadcasting corporation shall, as a condition of receiving
6 state aid under s. 20.218 (1), prepare and forward to the department of
7 administration and to the legislative fiscal bureau all of the following information
8 regarding each program administered by the broadcasting corporation for which the
9 broadcasting corporation is requesting state aid:~~

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

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

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

16 ~~(d) A statement of legislation required to implement proposed programmatic
17 and financial plans.~~

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

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

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

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

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

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

10 (3) This section does not apply unless the secretary of administration
11 determines that the federal communications commission has approved the transfer
12 of the broadcasting licenses held by either the educational communications board or
13 the board of regents of the University of Wisconsin System, or both, to the
14 broadcasting corporation.

15 **39.86 Transfer provisions.** (1) In this section, "state office building" means
16 the state office building located at 3319 West Beltline Highway in Dane County.

17 (2) (a) If the secretary of administration determines that the federal
18 communications commission has approved the transfer of all broadcasting licenses
19 held by the educational communications board to the broadcasting corporation, each
20 of the following applies:

21 1. Any asset of the state, other than the state office building and the assets
22 specified in subd. 3., that is used by the educational communications board and that,
23 as determined by the secretary of administration, is not a shared asset, as defined
24 in s. 16.26 (1) (b), is transferred to the broadcasting corporation. A transfer under

1 this subdivision takes effect on on the effective date of the last license transferred,
2 as determined by the secretary of administration under s. 39.87 (2) (a).

3 2. The secretary of administration shall transfer title to the state office building
4 from the state to the broadcasting corporation if the broadcasting corporation pays
5 \$476,228 to the foundation or the foundation waives such payment.

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

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

12 **(2m)** (a) If the secretary of administration determines that the federal
13 communications commission has approved the transfer of all broadcasting licenses
14 held by the board of regents of the University of Wisconsin System to the
15 broadcasting corporation, any asset of the state, other than the state office building
16 and the assets specified in sub. (2) (a) 3., that is used by the board of regents of the
17 University of Wisconsin System and that, as determined by the secretary of
18 administration, is not a shared asset, as defined in s. 16.26 (1) (b), is transferred to
19 the broadcasting corporation. A transfer under this paragraph shall take effect on
20 on the effective date of the last license transferred as determined by the secretary of
21 administration under s. 39.87 (2) (b).

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

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

1 held by the educational communications board to the broadcasting corporation, each
2 of the following applies on the effective date of the last license transferred as
3 determined by the secretary of administration under s. 39.87 (2) (a):

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

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

13 (c) To the appropriation account under s. 20.505 (1) (kv), there is transferred
14 the unencumbered balance of the appropriation accounts under s. 20.225 (1) (g), (h),
15 (k), and (m), and, to the extent allowed under federal law, the secretary of
16 administration shall pay the broadcasting corporation a grant equal to the amount
17 of the unencumbered balance of the appropriation account under s. 20.505 (1) (kv).

18 (4) If the secretary of administration determines that the federal
19 communications commission has approved the transfer of all broadcasting licenses
20 held by the educational communications board to the broadcasting corporation, all
21 positions authorized for the educational communications board and the incumbent
22 employees holding the positions are transferred to the department of
23 administration. Employees transferred under this subsection have all rights and the
24 same status under subchapter V of chapter 111 and chapter 230 of the statutes that
25 they enjoyed in the educational communications board. Notwithstanding s. 230.28

1 (4), no employee so transferred who has attained permanent status in class may be
2 required to serve a probationary period.

3 (5) All employees transferred to the department of administration under sub.

4 (4) shall provide broadcasting services to the broadcasting corporation under a

5 contract between the department of administration and the broadcasting

6 corporation for such services. The contract shall provide that the ~~services are to be~~

7 ~~provided to the broadcasting corporation at no charge to the broadcasting~~

8 ~~corporation and that the employees who are providing services are supervised solely~~

9 by the broadcasting corporation.

10 **39.87 License transfer determination.** The secretary shall determine each

11 of the following:

12 (1) Whether the federal communications commission has approved the
13 transfer of all broadcasting licenses held by the educational communications board
14 and the board of regents of the University of Wisconsin System to the broadcasting
15 corporation.

16 (2) (a) If the secretary determines that the federal communications commission
17 has approved the transfer of all the broadcasting licences held by the educational
18 communications board to the broadcasting corporation, the effective date of the
19 transfer of the last license transferred to the broadcasting corporation.

20 (b) If the secretary determines that the federal communications commission
21 has approved the transfer of all the broadcasting licences held by the board of regents
22 of the University of Wisconsin System to the broadcasting corporation, the effective
23 date of the transfer of the last license transferred to the broadcasting corporation.

24 **SECTION 46.** 230.08 (2) (e) 3m. of the statutes is amended to read:

1 230.08 (2) (e) 3m. Educational communications board — 4. If the secretary of
2 administration determines that the federal communications commission has
3 approved the transfer of all broadcasting licenses held by the educational
4 communications board to the broadcasting corporation as defined in s. 39.81 (2), this
5 subdivision does not apply on and after the effective date of the last license
6 transferred as determined by the secretary of administration under s. 39.87 (2) (a).

7 **SECTION 47.** 230.08 (2) (km) of the statutes is created to read:

8 230.08 (2) (km) Persons employed by the department of administration who
9 were transferred to the department of administration under s. 39.86 (4) and who
10 immediately before their transfer occupied a position described under par. (e) 3m.,
11 (L) 2. or (we).

12 **SECTION 48.** 230.08 (2) (L) 2. of the statutes is amended to read:

13 230.08 (2) (L) 2. Educational communications board, created under s. 15.57 (1).
14 If the secretary of administration determines that the federal communications
15 commission has approved the transfer of all broadcasting licenses held by the
16 educational communications board to the broadcasting corporation, as defined in s.
17 39.81 (2), this subdivision does not apply on and after the effective date of the last
18 license transferred as determined by the secretary of administration under s. 39.87
19 (2) (a).

20 **SECTION 49.** 230.08 (2) (we) of the statutes is amended to read:

21 230.08 (2) (we) Professional staff members of the educational communications
22 board authorized under s. 39.13 (2). If the secretary of administration determines
23 that the federal communications commission has approved the transfer of all
24 broadcasting licenses held by the educational communications board to the
25 broadcasting corporation, as defined in s. 39.81 (2), this paragraph does not apply on

1 and after the effective date of the last license transferred as determined by the
2 secretary of administration under s. 39.87 (2) (a).

3 **SECTION 50.** 230.08 (4) (a) of the statutes is amended to read:

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

14 **SECTION 51.** 230.08 (4) (am) of the statutes is created to read:

15 230.08 (4) (am) If the secretary of administration determines that the federal
16 communications commission has approved the transfer of all broadcasting licenses
17 held by the educational communications board to the broadcasting corporation, as
18 defined in s. 39.81 (2), on and after the effective date of the last license transferred
19 as determined by the secretary of administration under s. 39.87 (2) (a), “board” in par.
20 (a) means the investment board, public defender board, and technical college system
21 board.

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

23 (1) EDUCATIONAL BROADCASTING. If the secretary of administration determines
24 that the federal communications commission has approved the transfer of all
25 broadcasting licenses held by the educational communications board or the board of

(A) (a) Determination of license fee transfer date. (7)

1 regents of the University of Wisconsin, or both, to the corporation described under
2 s. 39.82 (1) of the statutes, as created by this act, the secretary shall immediately
3 notify the revisor of statutes in writing of the effective date of the last license
4 transferred.

5

(END)

INSERT
32-4

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0985/lins
JK&RAC:hmh:jf

insert A

ms 97
If the FCC approves the transfer of all broadcasting licenses held by the board of regents, the board of regents must enter into a contract with the corporation to provide the broadcasting services of the employees of the board of regents to the corporation. The contract must provide that the employees providing such services are supervised solely by the corporation.

insert 12-17

1 SECTION 1. 20.285 (1) (hp) of the statutes is created to read:

2 20.285 (1) (hp) *Contract services to broadcasting corporation.* All moneys
3 received from the corporation described under s. 39.82 (1) for services provided under
4 a contract entered into under s. 36.25 (b) 1.

NOTE: BUD

insert 12-21

5 SECTION 2. 20.505 (1) (ha) of the statutes is created to read:

6 20.505 (1) (ha) *Contract services to broadcasting corporation.* All moneys
7 received from the corporation described under s. 39.82 (1) for services provided under
8 a contract entered into under s. 39.86 (5).

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

insert 14-3

9 SECTION 3. 20.505 (5) (i) of the statutes is created to read:

10 20.505 (5) (i) *Emergency weather warning system operation.* The amounts in
11 the schedule for the operation of the emergency weather warning system under s.
12 ~~16.25~~ ^{16.251}. All moneys received for the provision of state telecommunications and data
13 processing services and sale of telecommunications and data processing inventory
14 items primarily to state agencies shall be credited to this appropriation account. No
15 moneys may be encumbered under this paragraph unless the secretary of
16 administration first determines that the federal communications commission has

1 approved the transfer of all broadcasting licenses held by the educational
2 communications board and the board of regents of the University of Wisconsin
3 System to the corporation described under s. 39.82 (1).

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

insert 32-4

4 (b) *Transfer of University of Wisconsin System funds.* If the secretary of
5 administration determines that the federal communications commission has
6 approved the transfer of all broadcasting licenses held by the educational
7 communications board and the board of regents of the University of Wisconsin
8 System to the corporation described under section 39.82 (1) of the statutes, as created
9 by this act, on the effective date of the last license transferred, all unencumbered
10 balances appropriated to the board of regents of the University of Wisconsin System
11 under section 20.285 of the statutes for public broadcasting, as determined by the
12 secretary of administration, are transferred to the corporation described under
13 section 39.82 (1) of the statutes, as created by this act.

415

Steve Melito

985/2

▷ Sec 30

Grant

266-1103

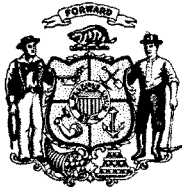
transfer problems

▷ Sec. 33 — 2 appropriations
with same title

delete Sec #28 20.505(1)(a)

↳ Keep 20.505(5)(i)

→ 9/2-13



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0985/2
JK&RAC:hmb:kjf

3

stays

DOA:.....Milioto – Restructuring public broadcasting

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

in 1-16-01

500N

(the change is on pg 12-13.)

Do not gen

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

Analysis by the Legislative Reference Bureau
EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

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

This bill creates a public broadcasting transitional board (transitional board) that is responsible for creating a nonstock, nonprofit educational broadcasting corporation (corporation). The transitional board has 20 members: the secretary of administration; the UW System president; the state superintendent of public instruction; the technical college system director; the president of the Wisconsin Association of Independent Colleges and Universities; one member of each house of the legislature from the political party with the most members in each house; two members appointed by the governor who belong to the Wisconsin Public Radio Association; one member appointed by the governor who belongs to a "friends group" organized to raise funds for television station WHA; one member appointed by the governor who resides in this state outside the WHA viewing area; one member appointed by the governor who is a representative of public elementary and

1 held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and
2 after the effective date of the last license transferred as determined by the secretary
3 of administration under s. 39.87 (2) (a), no moneys may be encumbered under this
4 paragraph.

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

6 20.225 (1) (h) *Instructional material.* The amounts in the schedule for
7 providing instructional materials under s. 39.11 (16). All moneys received from the
8 sale of instructional material under s. 39.11 (16) and all moneys received under s.
9 39.115 (1) shall be credited to this appropriation. If the secretary of administration
10 determines that the federal communications commission has approved the transfer
11 of all broadcasting licenses held by the board to the broadcasting corporation, as
12 defined in s. 39.81 (2), on and after the effective date of the last license transferred
13 as determined by the secretary of administration under s. 39.87 (2) (a), no moneys
14 may be encumbered under this paragraph.

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

16 20.225 (1) (k) *Funds received from other state agencies.* All moneys received
17 from other state agencies to carry out the purposes for which received. If the
18 secretary of administration determines that the federal communications
19 commission has approved the transfer of all broadcasting licenses held by the board
20 to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective
21 date of the last license transferred as determined by the secretary of administration
22 under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

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

24 20.225 (1) (kb) *Emergency weather warning system operation.* From the
25 moneys received by the department of administration for the provision of state

1 telecommunications and data processing services and sale of telecommunications
2 and data processing inventory items primarily to state agencies, the amounts in the
3 schedule for the operation of the emergency weather warning system under s. 39.11
4 (21). If the secretary of administration determines that the federal communications
5 commission has approved the transfer of all broadcasting licenses held by the board
6 to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective
7 date of the last license transferred as determined by the secretary of administration
8 under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

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

10 20.225 (1) (m) *Federal grants.* All moneys received from the federal
11 government as authorized by the governor under s. 16.54 for the purposes for which
12 made and received. If the secretary of administration determines that the federal
13 communications commission has approved the transfer of all broadcasting licenses
14 held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and
15 after the effective date of the last license transferred as determined by the secretary
16 of administration under s. 39.87 (2) (a), no moneys may be encumbered under this
17 paragraph.

18 **SECTION 27.** 20.285 (1) (hp) of the statutes is created to read:

19 20.285 (1) (hp) *Contract services to broadcasting corporation.* All moneys
20 received from the corporation described under s. 39.82 (1) for services provided under
21 a contract entered into under s. 36.25 (5m) (b) 1.

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

22 ~~**SECTION 28.** 20.505 (1) (aw) of the statutes is created to read:~~

1 20.505 (1) (aw) *Emergency weather warning system operation.* The amounts
2 in the schedule to make payments under a contract for the operation of the
3 emergency weather warning system under s. 16.251 (2).

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

4 **SECTION 29.** 20.505 (1) (ha) of the statutes is created to read:

5 20.505 (1) (ha) *Contract services to broadcasting corporation.* All moneys
6 received from the corporation described under s. 39.82 (1) for services provided under
7 a contract entered into under s. 39.86 (5).

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

8 **SECTION 30.** 20.505 (1) (kv) of the statutes is created to read:

9 20.505 (1) (kv) *Public broadcasting corporation grant.* All moneys received
10 from the educational communications board under s. 39.86 (3) (c) to be paid as a grant
11 to the broadcasting corporation, as defined in s. 39.81 (2), if the secretary of
12 administration determines under s. 39.87 that the federal communications
13 commission has approved the transfer of all broadcasting licenses held by the
14 educational communications board to the corporation.

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

15 **SECTION 31.** 20.505 (5) (d) of the statutes is created to read:

16 20.505 (5) (d) *Former educational communications board principal repayment*
17 *and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of
18 principal and interest costs that are not paid under par. (h) and that are incurred in
19 financing the acquisition, construction, development, enlargement, or improvement
20 of facilities approved by the building commission for operation by the educational
21 communications board. No moneys may be encumbered under this paragraph unless

1 immediately notify the revisor of statutes in writing of the effective date of the last
2 license transferred.

3 (b) *Transfer of University of Wisconsin System funds.* If the secretary of
4 administration determines that the federal communications commission has
5 approved the transfer of all broadcasting licenses held by the educational
6 communications board and the board of regents of the University of Wisconsin
7 System to the corporation described under section 39.82 (1) of the statutes, as created
8 by this act, on the effective date of the last license transferred, all unencumbered
9 balances appropriated to the board of regents of the University of Wisconsin System
10 under section 20.285 of the statutes for public broadcasting, as determined by the
11 secretary of administration, are transferred to the corporation described under
12 section 39.82 (1) of the statutes, as created by this act.

13

(END)