



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0985/3
JK&RAC:hmh:ijs
stays

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

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

m 1-23-01

500N

1 ^{Do not gen} 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 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.

The corporation is entitled to receive additional state aid 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

except licenses held by the board of regents for student radio

provide broadcasting services to the corporation under a contract between DOA and the corporation. The contract must provide that the employees providing such services are supervised solely by the corporation. 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.

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

1 license transferred as determined by the secretary of administration under s. 39.87
2 (2) (a).

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

4 15.105 (25) (c) Four or, if the secretary of administration determines that the
5 federal communications commission has approved the transfer of all broadcasting
6 licenses held by the educational communications board to the broadcasting
7 corporation, as defined in s. 39.81 (2), on and after the effective date of the last license
8 transferred as determined by the secretary of administration under s. 39.87 (2) (a),
9 5 other members.

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

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

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

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

18 **15.98 Public broadcasting transitional board; creation.** (1) In this
19 section, “friends group” has the meaning given in s. 39.81 (5).

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

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

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

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

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

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

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

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

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

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

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

13 (k) Eight members appointed by the governor who are employed in the private
14 sector, for 3–year terms.

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

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

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

20 **16.251 Emergency weather warning system.** (1) In this section,
21 “broadcasting corporation” has the meaning given in s. 39.81 (2).

22 (2) If the secretary determines that the federal communications commission
23 has approved the transfer of all broadcasting licenses held by the educational
24 communications board to the broadcasting corporation, on and after the effective
25 date of the last license transferred, as determined by the secretary under s. 39.87 (2)

1 (a), the department shall contract with the broadcasting corporation for the
2 operation of an emergency weather warning system.

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

4 **16.26 Public broadcasting assets.** (1) In this section:

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

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

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

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

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

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

3 16.973 (1) (ac) “Broadcasting corporation” has the meaning given under s.
4 39.81 (2).

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

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

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

23 19.42 (13) (n) The members of the public broadcasting transitional board.

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

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

3 (1) EDUCATIONAL BROADCASTING. (a) *Operational costs; television.* The amounts
4 in the schedule for operational costs related to public television broadcasting.

5 (b) *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.** 20.285 (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) (ha) of the statutes is created to read:

1 20.505 (1) (ha) *Contract services to broadcasting corporation.* All moneys
2 received from the corporation described under s. 39.82 (1) for services provided under
3 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.

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

5 20.505 (1) (kv) *Public broadcasting corporation grant.* All moneys received
6 from the educational communications board under s. 39.86 (3) (c) to be paid as a grant
7 to the broadcasting corporation, as defined in s. 39.81 (2), if the secretary of
8 administration determines under s. 39.87 that the federal communications
9 commission has approved the transfer of all broadcasting licenses held by the
10 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.

11 **SECTION 30.** 20.505 (5) (d) of the statutes is created to read:

12 20.505 (5) (d) *Former educational communications board principal repayment*
13 *and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of
14 principal and interest costs that are not paid under par. (h) and that are incurred in
15 financing the acquisition, construction, development, enlargement, or improvement
16 of facilities approved by the building commission for operation by the educational
17 communications board. No moneys may be encumbered under this paragraph unless
18 the secretary of administration first determines that the federal communications
19 commission has approved the transfer of all broadcasting licenses held by the
20 educational communications board to the broadcasting corporation as defined in s.
21 39.81 (2).

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

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

2 20.505 (5) (h) *Lease payments for educational broadcasting facilities.* All lease
3 payments for state-owned educational broadcasting facilities and equipment
4 received from the corporation described under s. 39.82 (1) for the purpose of
5 reimbursing s. 20.866 (1) (u) for the payment of principal and interest costs incurred
6 in financing the acquisition, construction, development, enlargement, or
7 improvement of facilities approved by the building commission for operation by the
8 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.

9 **SECTION 32.** 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 16.251. 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
17 approved the transfer of all broadcasting licenses held by the educational
18 communications board and the board of regents of the University of Wisconsin
19 System to the corporation described under 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.

20 **SECTION 33.** 20.866 (1) (u) of the statutes, as affected by 1999 Wisconsin Act
21 146, is amended to read:

, except licenses for student radio,

1 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
2 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1)
3 (c), (d), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250
4 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih),
5 (kd) and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag),
6 (aq), (ar), (at), (ba), (ca), (cb), (cc), (cd), (ce), (cf), (ea), (eq) and (er), 20.395 (6) (af), (aq)
7 and (ar), 20.410 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1)
8 (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (d), (g), (h), and (kc),
9 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bp), (br), (g), (h), (i) and (q)
10 for the payment of principal and interest on public debt contracted under subchs. I
11 and IV of ch. 18.

12 **SECTION 34.** 20.866 (2) (ws) of the statutes is created to read:

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

1 effective date of the last license transferred as determined by the secretary of
2 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.

3 **SECTION 35.** 20.866 (2) (zd) of the statutes is amended to read:

4 20.866 (2) (zd) *Educational communications board; educational*
5 *communications facilities.* From the capital improvement fund, a sum sufficient for
6 the educational communications board to acquire, construct, develop, enlarge or
7 improve educational communications facilities. The state may contract public debt
8 in an amount not to exceed \$8,658,100 for this purpose. If the secretary of
9 administration determines that the federal communications commission has
10 approved the transfer of all broadcasting licenses held by the educational
11 communications board to the broadcasting corporation as defined in s. 39.81 (2), on
12 and after the effective date of the last license transferred as determined by the
13 secretary of administration under s. 39.87 (2) (a).

14 **SECTION 36.** 20.923 (4) (e) 1e. of the statutes is amended to read:

15 20.923 (4) (e) 1e. Educational communications board: executive director. If the
16 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 subdivision 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.** 20.923 (6) (b) of the statutes is amended to read:

1 20.923 (6) (b) Educational communications board: unclassified professional
2 staff. If the secretary of administration determines that the federal communications
3 commission has approved the transfer of all broadcasting licenses held by the
4 educational communications board to the broadcasting corporation as defined in s.
5 39.81 (2), this paragraph does not apply on and after the effective date of the last
6 license transferred as determined by the secretary of administration under s. 39.87
7 (2) (a).

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

9 36.25 (5) (c) At the request of the transitional board, as defined in s. 39.81 (7),
10 the board of regents shall, at no charge to the transitional board, provide staff and
11 legal, administrative, and technical assistance for the transitional board to carry out
12 the duties under s. 39.82. *except licenses for student radio*

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

14 36.25 (5) (d) If the secretary of administration determines that the federal
15 communications commission has approved the transfer of all broadcasting licenses
16 held by the board of regents to the broadcasting corporation, as defined in s. 39.81
17 (2), this subsection does not apply on and after the effective date of the last license
18 transferred as determined by the secretary of administration under s. 39.87 (2) (b).

19 **SECTION 40.** 36.25 (5m) of the statutes is created to read:

20 36.25 (5m) PROVISION OF CERTAIN SERVICE FOR PUBLIC BROADCASTING. (a) In this
21 subsection, "broadcasting corporation" has the meaning given in s. 39.81 (2).

22 (b) If the secretary of administration determines that the federal
23 communications commission has approved the transfer of all broadcasting licenses
24 held by the board of regents to the broadcasting corporation, on and after the effective

except licenses for student radio

1 date of the last license transferred, as determined by the secretary under s. 39.87 (2),
2 all of the following shall occur:

3 1. The board of regents shall contract with the broadcasting corporation to
4 provide to the broadcasting corporation the services of all of the employees of the
5 board who provided public broadcasting services before the date determined by the
6 secretary under s. 39.87 (2) (b). The board may not contract under this subdivision
7 for the services of any employee who did not provide public broadcasting services
8 before the date determined by the secretary under s. 39.87 (2) (b). Any contract
9 entered into under this subdivision shall provide that the broadcasting corporation
10 shall have supervision authority over the employees.

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

17 **SECTION 41.** 38.125 of the statutes is amended to read:

18 **38.125 Public broadcasting stations.** If the district board governing the
19 Milwaukee area technical college determines to relinquish its public broadcasting
20 licenses, it shall, subject to the approval of the federal communications commission,
21 offer to assign the licenses to the educational communications board, ~~subject to~~
22 ~~approval of the federal communications commission~~ or, if all broadcasting licenses
23 held by the educational board have been transferred to the broadcasting corporation
24 as defined in s. 39.81 (2), to the corporation.

25 **SECTION 42.** 39.10 of the statutes is created to read:

1 **39.10 Definitions.** In this subchapter:

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

3 (2) “Fund-raising corporation” means the corporation organized under s. 39.12
4 (1).

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

6 **SECTION 43.** 39.11 (22) of the statutes is created to read:

7 **39.11 (22)** Provide staff and legal, administrative, and technical assistance for
8 the transitional board to carry out the duties under s. 39.82 at no charge to the
9 transitional board.

10 **SECTION 44.** 39.12 of the statutes is amended to read:

11 **39.12 Nonstock Fund-raising corporation.** (1) The educational
12 communications board may organize and maintain a nonstock, nonprofit corporation
13 under ch. 181 for the exclusive purpose of raising funds for the educational
14 communications board to support the activities of the educational communications
15 board. Any funds raised by the fund-raising corporation shall be expended to carry
16 out the purposes for which received.

17 (2) The educational communications board shall enter into a contract with the
18 fund-raising corporation under sub. (1). The contract shall provide that the
19 educational communications board may make use of the services of the fund-raising
20 corporation and that the educational communications board may provide
21 administrative services to the fund-raising corporation. The type and scope of any
22 administrative services provided by the educational communications board to the
23 fund-raising corporation and the educational communications board employees
24 assigned to perform the services shall be determined by the educational

1 communications board. The fund-raising corporation may neither employ staff nor
2 engage in political activities.

3 (2m) The fund-raising corporation under ~~sub. (1)~~ shall donate any real
4 property to the state within 5 years after acquiring the property unless holding the
5 property for more than 5 years is consistent with sound business and financial
6 practices and is approved by the joint committee on finance.

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

11 (4) The board of directors of ~~any~~ the fund-raising corporation established
12 ~~under this section~~ shall consist of 5 members, including the executive director of the
13 educational communications board and 4 members of the educational
14 communications board, elected by the educational communications board, of which
15 one shall be a legislator. No 2 members of the board of directors may be from the same
16 category of educational communications board members under s. 15.57 (1) ~~(a)~~ to ~~(7)~~
17 ~~(h)~~.

18 (5) ~~Any~~ The fund-raising corporation established ~~under this section~~ shall be
19 organized so that contributions to it will be deductible from adjusted gross income
20 under section 170 of the ~~internal revenue code~~ Internal Revenue Code and so that
21 the fund-raising corporation will be exempt from taxation under section 501 of the
22 ~~internal revenue code~~ Internal Revenue Code and ss. 71.26 (1) (a) and 71.45 (1).

23 SECTION 45. 39.145 of the statutes is created to read:

24 **39.145 Applicability.** If the secretary of administration determines that the
25 federal communications commission has approved the transfer of all broadcasting

1 licenses held by the educational communications board to the broadcasting
2 corporation as defined in s. 39.81 (2), this subchapter does not apply on and after the
3 effective date of the last license transferred as determined by the secretary under s.
4 39.87 (2) (a).

5 **SECTION 46.** Subchapter V of chapter 39 [precedes 39.81] of the statutes is
6 created to read:

7 **CHAPTER 39**

8 **SUBCHAPTER V**

9 **PUBLIC BROADCASTING**

10 **39.81 Definitions.** In this subchapter:

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

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

13 (3) “Corporate board” means the board of directors of the broadcasting
14 corporation.

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

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

20 (6) “Secretary” means the secretary of administration.

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

22 **39.82 Transitional board duties.** The transitional board shall do all of the
23 following:

1 (1) Draft and file articles of incorporation for a nonstock corporation under ch.
2 181 and take all actions necessary to exempt the corporation from federal taxation
3 under section 501 (c) (3) of the Internal Revenue Code.

4 (2) Provide in the articles of incorporation filed under sub. (1) that the initial
5 directors of the corporate board are the members of the transitional board.

6 (3) Draft bylaws for adoption by the corporate board under s. 181.0206 (2).

7 (4) Prepare an application for submission by the corporate board to the federal
8 communications commission to transfer all broadcasting licenses held by the
9 educational communications board and the board of regents of the University of
10 Wisconsin System to the broadcasting corporation.

11 (5) Negotiate an agreement with the association for the transfer to the
12 broadcasting corporation of funds raised by the association.

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

15 **39.83 Duties of broadcasting corporation.** The broadcasting corporation
16 shall do each of the following as a condition for receiving state aid under s. 20.218
17 (1):

18 (1) Maintain a state system of radio broadcasting for presenting educational,
19 informational, and public service programs; formulate policies regulating the
20 operation of that state system; and coordinate the public radio activities of the
21 various educational and informational agencies, civic groups, and citizens that
22 contribute to the public interest and welfare.

23 (2) Maintain educational television channels reserved for this state and take
24 such action as is necessary to preserve such channels in this state for educational
25 use.

, except licenses held by the board of regents for student radio,

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

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

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

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

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

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

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

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

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

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

4 **39.84 State aid.** (1) The broadcasting corporation may receive state aid under
5 s. 20.218 (1) if all of the following are satisfied:

6 (a) The articles of incorporation state that the purpose of the broadcasting
7 corporation is to provide public broadcasting to this state and that, if the
8 broadcasting corporation dissolves or discontinues public broadcasting in this state,
9 the broadcasting corporation shall, in good faith, take all reasonable measures to
10 transfer or assign the broadcasting corporation's assets, licenses, and rights to an
11 entity whose purpose is to advance public broadcasting in this state.

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

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

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

21 (e) The broadcasting corporation provides the secretary of administration, the
22 legislative audit bureau, and the legislative fiscal bureau access to all of the
23 broadcasting corporation's records, as defined in s. 19.32 (2), except records
24 identifying the names of private donors.

1 (f) 1. If the broadcast licenses of the educational communications board are
2 transferred to the broadcasting corporation, the broadcasting corporation carries out
3 any obligation of the educational communications board under any contract entered
4 into by the educational communications board that relates to the provision of public
5 broadcasting in this state until the contract is modified or rescinded by the
6 broadcasting corporation to the extent allowed under the contract.

7 2. If the broadcast licenses of the board of regents of the University of Wisconsin
8 System *other than licenses for student radio,* are transferred to the broadcasting corporation, the broadcasting
9 corporation carries out any obligation of the board of regents of the University of
10 Wisconsin System under any contract entered into by the board of regents of the
11 University of Wisconsin System that relates to the provision of public broadcasting
12 in this state until the contract is modified or rescinded by the broadcasting
13 corporation to the extent allowed under the contract.

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

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

18 (2) (a) 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, each
21 of the following applies:

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

, except licenses for student radio,

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), 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 employees who are
7 providing services are supervised solely by the broadcasting corporation.

8 **39.87 License transfer determination.** The secretary shall determine each
9 of the following:

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

*, except licenses held by the board of regents
for student radio,*

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

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

22 **SECTION 47.** 230.08 (2) (e) 3m. of the statutes is amended to read:

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

, except licenses for student radio,

1 communications board to the broadcasting corporation as defined in s. 39.81 (2), this
2 subdivision does not apply on and after the effective date of the last license
3 transferred as determined by the secretary of administration under s. 39.87 (2) (a).

4 **SECTION 48.** 230.08 (2) (km) of the statutes is created to read:

5 230.08 (2) (km) Persons employed by the department of administration who
6 were transferred to the department of administration under s. 39.86 (4) and who
7 immediately before their transfer occupied a position described under par. (e) 3m.,
8 (L) 2. or (we).

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

10 230.08 (2) (L) 2. Educational communications board, created under s. 15.57 (1).
11 If the secretary of administration determines that the federal communications
12 commission has approved the transfer of all broadcasting licenses held by the
13 educational communications board to the broadcasting corporation, as defined in s.
14 39.81 (2), this subdivision does not apply on and after the effective date of the last
15 license transferred as determined by the secretary of administration under s. 39.87
16 (2) (a).

17 **SECTION 50.** 230.08 (2) (we) of the statutes is amended to read:

18 230.08 (2) (we) Professional staff members of the educational communications
19 board authorized under s. 39.13 (2). If the secretary of administration determines
20 that the federal communications commission has approved the transfer of all
21 broadcasting licenses held by the educational communications board to the
22 broadcasting corporation, as defined in s. 39.81 (2), this paragraph does not apply on
23 and after the effective date of the last license transferred as determined by the
24 secretary of administration under s. 39.87 (2) (a).

25 **SECTION 51.** 230.08 (4) (a) of the statutes is amended to read:

1 230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)
2 includes all administrator positions specifically authorized by law to be employed
3 outside the classified service in each department, board or commission and the
4 historical society. ~~In~~ Except as provided in par. (am), in this paragraph,
5 “department” has the meaning given under s. 15.01 (5), “board” means the
6 educational communications board, investment board, public defender board and
7 technical college system board and “commission” means the public service
8 commission. Notwithstanding sub. (2) (z), no division administrator position
9 exceeding the number authorized in sub. (2) (e) may be created in the unclassified
10 service.

11 **SECTION 52.** 230.08 (4) (am) of the statutes is created to read:

12 230.08 (4) (am) If the secretary of administration determines that the federal
13 communications commission has approved the transfer of all broadcasting licenses
14 held by the educational communications board to the broadcasting corporation, as
15 defined in s. 39.81 (2), on and after the effective date of the last license transferred
16 as determined by the secretary of administration under s. 39.87 (2) (a), “board” in par.
17 (a) means the investment board, public defender board, and technical college system
18 board.

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

20 (1) EDUCATIONAL BROADCASTING.

21 (a) *Determination of license fee transfer date.* If the secretary of administration
22 determines that the federal communications commission has approved the transfer
23 of all broadcasting licenses held by the educational communications board or the
24 board of regents of the University of Wisconsin, or both, to the corporation described
25 under section 39.82 (1) of the statutes, as created by this act, the secretary shall

*all broadcasting licenses, except licenses for student radio,
held by*

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)

except license for student radios



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0985/A
JK&RAC:hmh:rs

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stays

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

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

m 1-29-01

SOON

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 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) (ha) of the statutes is created to read:~~

1 20.505 (1) (ha) *Contract services to broadcasting corporation.* All moneys
2 received from the corporation described under s. 39.82 (1) for services provided under
3 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.

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

5 20.505 (1) (kv) *Public broadcasting corporation grant.* All moneys received
6 from the educational communications board under s. 39.86 (3) (c) to be paid as a grant
7 to the broadcasting corporation, as defined in s. 39.81 (2), if the secretary of
8 administration determines under s. 39.87 that the federal communications
9 commission has approved the transfer of all broadcasting licenses held by the
10 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.

11 **SECTION 30.** 20.505 (5) (d) of the statutes is created to read:

12 20.505 (5) (d) *Former educational communications board principal repayment*
13 *and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of
14 principal and interest costs that are not paid under par. (h) and that are incurred in
15 financing the acquisition, construction, development, enlargement, or improvement
16 of facilities approved by the building commission for operation by the educational
17 communications board. No moneys may be encumbered under this paragraph unless
18 the secretary of administration first determines that the federal communications
19 commission has approved the transfer of all broadcasting licenses held by the
20 educational communications board to the broadcasting corporation as defined in s.
21 39.81 (2).

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

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

2 20.505 (5) (h) *Lease payments for educational broadcasting facilities.* All lease
3 payments for state-owned educational broadcasting facilities and equipment
4 received from the corporation described under s. 39.82 (1) for the purpose of
5 reimbursing s. 20.866 (1) (u) for the payment of principal and interest costs incurred
6 in financing the acquisition, construction, development, enlargement, or
7 improvement of facilities approved by the building commission for operation by the
8 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.

9 **SECTION 32.** 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 16.251. 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
17 approved the transfer of all broadcasting licenses held by the educational
18 communications board and the board of regents of the University of Wisconsin
19 System, except licenses for student radio, to the corporation described under s. 39.82
20 (1).

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

21 **SECTION 33.** 20.866 (1) (u) of the statutes, as affected by 1999 Wisconsin Act
22 146, is amended to read:

INSERT 14-20

1 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
2 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1)
3 (c), (d), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250
4 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih),
5 (kd) and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag),
6 (aq), (ar), (at), (ba), (ca), (cb), (cc), (cd), (ce), (cf), (ea), (eq) and (er), 20.395 (6) (af), (aq)
7 and (ar), 20.410 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1)
8 (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), ~~(g)~~ and (kc),
9 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bp), (br), (g), (h), (i) and (q)
10 for the payment of principal and interest on public debt contracted under subchs. I
11 and IV of ch. 18.

12 **SECTION 34.** 20.866 (2) (ws) of the statutes is created to read:

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

(12)(b) and (h)

1 broadcasting corporation's records, as defined in s. 19.32 (2), except records
2 identifying the names of private donors.

3 (f) 1. If the broadcast licenses of the educational communications board are
4 transferred to the broadcasting corporation, the broadcasting corporation carries out
5 any obligation of the educational communications board under any contract entered
6 into by the educational communications board that relates to the provision of public
7 broadcasting in this state until the contract is modified or rescinded by the
8 broadcasting corporation to the extent allowed under the contract.

9 2. If the broadcast licenses of the board of regents of the University of Wisconsin
10 System, other than licenses for student radio, are transferred to the broadcasting
11 corporation, the broadcasting corporation carries out any obligation of the board of
12 regents of the University of Wisconsin System under any contract entered into by the
13 board of regents of the University of Wisconsin System that relates to the provision
14 of public broadcasting in this state until the contract is modified or rescinded by the
15 broadcasting corporation to the extent allowed under the contract.

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

18 **39.86 Transfer provisions.** (1) In this section, "state office building" means
19 the state office building located at 3319 West Beltline Highway in Dane County.

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

24 1. Any asset of the state, other than the state office building and the assets
25 specified in subd. 3., that is used by the educational communications board and that,

1 **(3)** If the secretary of administration determines that the federal
2 communications commission has approved the transfer of all broadcasting licenses
3 held by the educational communications board to the broadcasting corporation, each
4 of the following applies on the effective date of the last license transferred as
5 determined by the secretary of administration under s. 39.87 (2) (a):

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

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

15 (c) To the appropriation account under s. 20.505 (1) (~~kw~~), there is transferred
16 the unencumbered balance of the appropriation accounts under s. 20.225 (1) (g), (h),
17 (k), and (m), and, to the extent allowed under federal law, the secretary of
18 administration shall pay the broadcasting corporation a grant equal to the amount
19 of the unencumbered balance of the appropriation account under s. 20.505 (1) (~~kw~~). *12 a*

20 **(4)** If the secretary of administration determines that the federal
21 communications commission has approved the transfer of all broadcasting licenses
22 held by the educational communications board to the broadcasting corporation, all
23 positions authorized for the educational communications board and the incumbent
24 employees holding the positions are transferred to the department of
25 administration. Employees transferred under this subsection have all rights and the

1 of all broadcasting licenses held by the educational communications board or all
2 broadcasting license, except licenses for student radio, held by the board of regents
3 of the University of Wisconsin, or both, to the corporation described under section
4 39.82 (1) of the statutes, as created by this act, the secretary shall immediately notify
5 the revisor of statutes in writing of the effective date of the last license transferred.

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

17 (END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0985/4ins
JK&RAC:hmh:rs

Insert 14-20

x
1 SECTION 1. 20.505 (12) (title) of the statutes is created to read:

2 20.505 (12) (title) BROADCASTING.

→ Note: Bid
3 SECTION 2. 20.505 (12) (a) of the statutes is created to read:

4 20.505 (12) (a) *Emergency weather warning system operation*. The amounts in
5 the schedule to make payments under a contract for the operation of the emergency
6 weather warning system under s. 16.521 (2).
251

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

7 SECTION 3. 20.505 (12) (b) of the statutes is created to read:

8 20.505 (12) (b) *Former educational communications board principal*
9 *repayment and interest*. A sum sufficient to reimburse s. 20.866 (1) (u) for the
10 payment of principal and interest costs that are not paid under par. (h) and that are
11 incurred in financing the acquisition, construction, development, enlargement, or
12 improvement of facilities approved by the building commission for operation by the
13 educational communications board. No moneys may be encumbered under this
14 paragraph unless the secretary of administration first determines that the federal
15 communications commission has approved the transfer of all broadcasting licenses
16 held by the educational communications board to the broadcasting corporation as
17 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.

18 SECTION 4. 20.505 (12) (g) of the statutes is created to read:

19 20.505 (12) (g) *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. 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.

1 **SECTION 5.** 20.505 (12) (h) of the statutes is created to read:

2 20.505 (12) (h) *Lease payments for educational broadcasting facilities.* All
3 lease payments for state-owned educational broadcasting facilities and equipment
4 received from the corporation described under s. 39.82 (1) for the purpose of
5 reimbursing s. 20.866 (1) (u) for the payment of principal and interest costs incurred
6 in financing the acquisition, construction, development, enlargement, or
7 improvement of facilities approved by the building commission for operation by the
8 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.

9 **SECTION 6.** 20.505 (12) (k) of the statutes is created to read:

10 20.505 (12) (k) *Public broadcasting corporation grant.* All moneys received
11 from the educational communications board under s. 39.86 (3) (c) to be paid as a grant
12 to the broadcasting corporation, as defined in s. 39.81 (2), if the secretary of
13 administration determines under s. 39.87 that the federal communications
14 commission has approved the transfer of all broadcasting licenses held by the
15 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.

end of insert 14-20