

Assembly Bill 82

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**CHAPTER 349, LAWS OF 1967**

AN ACT to ~~repeal 20.960 and 43.60, and to create 20.240 (2) (fp), 20.417 (3) and 39.026~~ of the statutes, creating a division of educational communications headed by an educational communications board within the co-ordinating committee for higher education and making an appropriation.

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

SECTION 1. It is the intent of this act to provide for the improvement and broadening of educational opportunities, to maintain and strengthen educational quality for steadily increasing numbers of Wisconsin young citizens, and to assure maximum economies made possible by new electronic teaching devices by designating the co-ordinating committee for

higher education as the agency responsible for reviewing and supervising both noncommercial educational broadcasting by radio and by television and electronic interinstitutional connections. The educational broadcasting board is reconstituted as the educational communications board and ~~enlarged and~~ designated as the head of the division of educational communications of the co-ordinating committee for higher education, responsible to the parent body for policy recommendations and for the administration and operation of noncommercial educational radio and television, and for review and supervision of such services as are contracted to other agencies.

SECTION 2. At the appropriate place in the schedule of section 20.005 of the statutes, insert the following amounts for the purposes indicated:

<i>Building commission</i>	20.240		1967-68	1968-69
State building program	(2)			
Lease rental payments	(fp)	S		
<i>Higher education, co-ordinating committee for</i>	20.417			
Educational radio and television	(3)			
General program opns.	(a)	A	\$12,100	\$21,800
Gifts and grants	(h)	C		
Federal grants	(m)	C		1,200,000
Rentals and improvements	(u)	S		
Engineering and legal services	(v)	B		35,000

SECTION 3. 20.240 (2) (fp) of the statutes is created to read:

20.240 (2) (fp) *Lease rental payments.* A sum sufficient to make the rental payments under s. 20.417 (3) (u). The building commission may approve lease agreements for the rental of buildings, structures and facilities having a total project value which in the aggregate does not exceed \$400,000 on those building projects for which the payment of rentals is appropriated by this paragraph.

SECTION 4. 20.417 (3) of the statutes is created to read:

20.417 (3) EDUCATIONAL RADIO AND TELEVISION. (a) *General program operations.* The amounts in the schedule to carry out its functions under s. 39.026.

(h) *Gifts and grants.* All moneys received from gifts and grants, for the purposes for which made.

(m) *Federal grants.* As a continuing appropriation, all moneys received from the federal government for educational radio and television, to carry out the purposes for which made.

(u) *Rentals and improvements.* From the state building trust fund, a sum sufficient for the payment of rentals on leases and subleases entered into by the committee under s. 39.026 (4) on projects designated and approved by the building commission when the projects are initiated and on projects designated and approved by the building commission after initiation thereof.

(v) *Engineering and legal services.* From the state building trust fund, as a biennial appropriation, the amounts in the schedule to provide the engineering and legal services required by the committee in the execution of its functions under s. 39.026.

~~SECTION 4m. 20.690 of the statutes is repealed.~~

SECTION 5. 39.026 of the statutes is created to read:

39.026 CO-ORDINATING COMMITTEE FOR HIGHER EDUCATION; EDUCATIONAL COMMUNICATIONS DIVISION. (1) CREA-

TION. To develop educational radio and television into a vital public resource for the enrichment and education of the people of Wisconsin and to provide assistance in state classrooms there is created the educational communications division of the co-ordinating committee for higher education. The division shall be under the direction and supervision of the educational communications board.

~~(2) MEMBERSHIP OF BOARD.~~ The educational communications board shall consist of:

~~(a) The governor or his official representative.~~

~~(b) The state superintendent of public instruction or his representative.~~

~~(c) Three senators and 3 assemblymen appointed as are standing committees in the respective houses, but one member from each house shall be a member of the minority caucus of that house.~~

~~(d) The president of the university of Wisconsin or his representative.~~

~~(e) The secretary of the board of regents of state universities or his representative.~~

~~(f) The director of the board of vocational, technical and adult education or his representative.~~

~~(g) One member representing private colleges in this state, appointed, from recommendations submitted by the committee, by the governor to serve an 8-year term. No person may serve more than one full term under this paragraph.~~

~~(h) One member representing private schools in this state, appointed, from recommendations submitted by the committee, by the governor to serve an 8-year term. No person may serve more than one full term under this paragraph.~~

~~(2m) EXPENSES.~~ All members shall serve without compensation but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties.

~~(2r) OFFICERS; MEETINGS.~~ The board shall annually elect a chairman and secretary from its members and shall meet at least quarterly.

~~(3) DUTIES.~~ The co-ordinating committee, through its educational communications division, shall:

~~(a) Receive and disburse state, federal and private funds and engage or contract for such personnel and facilities as it deems necessary to carry out the purpose of this section.~~

~~(b) On January 1 of each year, report its proceedings to the governor, including an accounting of moneys received and disbursed pursuant to this section.~~

~~(c) Initiate, develop and maintain a comprehensive state plan for the orderly operation of a state-wide television system for the presentation of noncommercial instructional programs which will serve the best interests of the people of the state now and in the future;~~

~~(d) Work with the educational agencies and institutions of the state as co-ordinator of their joint efforts to meet the educational needs of the state through radio and television;~~

~~(e) Furnish leadership in securing adequate funding for state-wide joint use of radio and television for educational and cultural purposes;~~

~~(f) Lease, purchase or construct radio and television facilities for joint use, such as network interconnection or relay equipment, mobile units, or other equipment available for state-wide use;~~

(g) Apply for, construct and operate radio and television transmission equipment in order to provide broadcast service to all areas of this state;

(h) Establish and maintain a continuing evaluation of the effectiveness of the joint efforts of all participating educational institutions in terms of jointly-established goals;

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

(j) If appropriate funds are made available, file applications after appropriate engineering studies and feasibility surveys for the construction and operation of noncommercial educational radio and television transmitters in the vicinities of Wausau, Colfax, La Crosse and Appleton and translators in the Platteville and Ashland area.

(k) Establish and operate, as soon as practicable, an interconnection between the broadcast facilities and higher education campuses to facilitate state-wide use of closed circuit and broadcast radio and television for educational purposes. Additional facilities may be authorized by the committee if deemed necessary and if funds are available for such purposes.

(m) Throughout this development, seek to co-operate with similar bodies in other states and participate in regional and national network planning so as to insure maximum educational benefits for the people of this state.

(4) **AUTHORITY TO PROVIDE RADIO AND TELEVISION FACILITIES.** (a) As used in this subsection, unless the context requires otherwise:

1. "Existing building" in relation to any conveyance, lease or sublease made under par. (b) means structures in this state which in the judgment of the committee are needed and useful for educational television purposes, and all equipment therefor and all improvements and additions thereto, which were erected, constructed or installed prior to the making of such conveyance, lease or sublease.

2. "New building" in relation to any conveyance, lease or sublease made under par. (b) means such buildings, structures, facilities and permanent improvements as in the judgment of the committee are needed and useful for educational radio and television purposes in connection with lands and structures in this state, and all equipment therefor or for existing buildings, and all improvements and additions thereto or to existing buildings, which are erected, constructed or installed after the making of such conveyance, lease or sublease.

3. "Corporation" in relation to any conveyance, lease or sublease made under par. (b) means a nonstock, nonprofit corporation organized under ch. 181 or any law amendatory thereof or supplemental thereto.

(b) In order to provide new buildings and to enable the construction and financing thereof, to refinance indebtedness hereafter created by a corporation for the purpose of providing new buildings or additions or improvements thereto which are located on land owned by or owned by the state and held for the co-ordinating committee for higher education or by a corporation or for any one or more of said purposes but for no other purpose unless authorized by law, the committee has the following powers and duties:

1. Without limitation by reason of any other provisions of the statutes, the power to sell and to convey title in fee simple to a corporation any land and any existing buildings thereon owned by or owned by the state and held for the committee for such consideration and upon such terms and conditions as in the judgment of the committee are in the public interest.

2. The power to lease to a corporation for a term or terms not exceeding 50 years each any land and any existing buildings thereon owned by or owned by the state and held for the committee upon such terms and conditions as in the judgment of the committee are in the public interest.

3. The power to lease or sublease from a corporation and to make available for public use any such land and existing buildings conveyed or leased to such corporation under subds. 1 and 2 any any new buildings erected on such land or on any other land owned by such corporation, upon such terms, conditions and rentals, subject to available appropriations, as in the judgment of the committee are in the public interest.

4. The duty to submit the plans and specifications for all such new buildings and all conveyances, leases and subleases made under this subsection to the department of administration and the governor for written approval before they are finally adopted, executed and delivered.

5. The power to pledge and assign all or any part of the revenues derived from the operation of such new buildings as security for the payment of rentals due and to become due under any lease or sublease of such new buildings under subd. 3.

6. The power to covenant and agree in any lease or sublease of such new buildings made under subd. 3 to impose fees, rentals or other charges for the use and occupancy or other operation of such new buildings in an amount calculated to produce net rentals sufficient to pay the rentals due and to become due under such lease or sublease.

7. The power to covenant and agree in any lease or sublease made under subd. 3 to impose fees, rentals or other charges for the use and occupancy or other operation of existing buildings in an amount calculated to produce net rentals sufficient to pay the rentals due and to become due under such lease or sublease.

8. The power and duty, upon receipt of notice of any assignment by a corporation of any lease or sublease made under subd. 3, or of any of its rights under any such sublease, to recognize and give effect to such assignment, and to pay to the assignees thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by such corporation.

(c) The state shall be liable for accrued rentals and for any other default under any lease or sublease made under par. (b) 3 and may be sued therefor on contract as in other contract actions under ch. 285, except that it shall not be necessary for the lessor under any such lease or sublease or any assignee of such lessor or any person or other legal entity proceeding on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

(d) Nothing in this subsection empowers the committee to incur any state debt.

(e) All laws conflicting with this subsection are, insofar as they conflict with this subsection and no further, superseded by this subsection.

~~SECTION 6. 43.60 of the statutes, as affected by chapter 26, laws of 1967, is repealed.~~

~~SECTION 7. (1) Of the members first appointed by the governor to the educational communications board under section 39.026 (2) of the statutes one shall be appointed for a term of 4 years and 3 each for terms of 5, 6, 7 and 8 years, respectively. Thereafter appointments shall be made under section 39.026 (2) of the statutes, as created by this act.~~

(2) All members of the educational broadcasting board on the effective date of this act shall become members of the educational communications board created by this act.

SECTION 8. This act is not affected by the repeal and recreate of

chapter 39 of the statutes made by chapter 92, laws of 1967, but, effective January 1, 1968;

(1) The references to "s. 39.026" in section 20.417 (3) (a) and (v) of the statutes, as created by this act, are changed to "s. 39.20".

(2) The reference to "s. 39.026 (4)" in section 20.417 (3) (u) of the statutes, as created by this act, is changed to "s. 39.20 (4)".

(3) Section 39.026 of the statutes as created by this act, is renumbered section 39.20 of the statutes.

(4) The references to "s. 39.026 (2)" in SECTION 7 of this act are changed to "s. 39.20 (2)".

SECTION 9. If Senate Bill 532 is enacted into law, then on the effective date of chapter \_\_\_\_\_, laws of 1967 (Senate Bill 532), or on the effective date of this act, whichever is later:

(1) The references to section 20.240 of the statutes in SECTIONS 2 and 3 of this act are changed to section 20.710 of the statutes;

(2) The references to section 20.417 of the statutes in SECTIONS 3, 4 and 8 of this act are changed to section 20.225 of the statutes; and

(3) Wherever the terms "co-ordinating committee for higher education", "co-ordinating committee" or "committee" appear in SECTIONS 1, 4 and 5 of this act, the terms "co-ordinating council for higher education", "co-ordinating council" and "council" are substitute, respectively.

SECTION 10. If Senate Bill 504 is enacted into law, then on the effective date of chapter \_\_\_\_\_, laws of 1967 (Senate Bill 504), or on the effective date of this act, whichever is later:

~~(1) Sections 15.641 (1) and 15.643 of the statutes, as created by chapter \_\_\_\_\_, laws of 1967 (Senate Bill 504), are repealed;~~

(2) Section 39.026 of the statutes, as created by SECTION 5 of this act, subject to SECTION 8 of this act, is renumbered section 15.643 of the statutes;

(3) The references to section 39.026 of the statutes in SECTIONS 4, 5 and 7 of this act are changed to section 15.643 of the statutes; and

(4) Wherever the terms "co-ordinating committee for higher education", "co-ordinating committee" or "committee" appear in SECTIONS 1, 4 and 5 of this act the terms "co-ordinating council for higher education", "co-ordinating council" and "council" are substituted, respectively.

Approved January 23, 1968.