



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

November 14, 1977

ATTORNEY GENERAL OPINION NO. 77- 355

Mr. W. Keith Weltmer
Chairman
Public Television Board
Suite 508 - 503 Kansas Avenue
Topeka, Kansas 66603

Re: Public Television--Kansas Public Television Board--
Authority

Synopsis: The Kansas Public Television Board is given broad discretionary authority to determine the eligibility of public television stations for state assistance, and to allocate appropriate funds therefor among any or all of those stations as the Board deems most appropriate. It may award such funds to a station located in an adjacent state which serves Kansas residents. The Board has no authority to make grants of state funds to support audio programs serving the blind and visually handicapped to be broadcast over public radio and commercial radio stations, because the authority of the Board extends only to television broadcasting.

* * *

Dear Secretary Weltmer:

You advise that the Kansas Public Television Board is considering making increased grants for capital and operating expenditures to existing public television stations in the state, and to new licensees in rural communities. You inquire, first, whether it is within the authority of the Board to distribute the greater part of the funds available for this purpose for the current fiscal year to existing stations in Wichita, Topeka, and Kansas City, Kansas.

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By an act of the 1977 legislature, ch. 303, L. 1977, the Kansas Public Television Commission was abolished, and the Kansas Public Television Board was created in its stead. Its powers are set out at section 3 of this act. Section 3(e) authorizes the board to "determine those educational agencies or institutions and public television stations which qualify for state financial assistance provided for by this act," and section 3(g) authorizes the board to "allocate and distribute state funds to noncommercial public television stations serving Kansas to sustain the operation of such stations" Section 6(b) states thus:

"Any qualified public television station, as determined by the board, may be granted state financial assistance, to the extent appropriations are available therefor, for any of the following purposes:

- (1) Assisting in the costs incurred in the acquisition of new equipment or the modification of existing equipment or in obtaining matching federal funds for such purposes.
- (2) Assisting in annual operating costs of such stations.
- (3) Providing for station interconnection facilities and services."

The Board is given broad discretionary authority to prescribe criteria by which public television stations shall be determined to be eligible for state assistance, and then, to allocate the appropriated funds among any or all of those eligible stations on the basis that the Board deems most appropriate. Thus, it is fully within the authority of the Board to allocate the greater portion of the funds available for the current fiscal year to three stations, as described above.

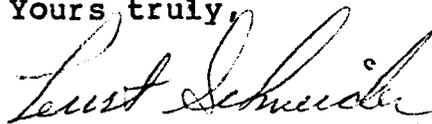
Secondly, you ask whether a station which is located in Kansas City, Missouri, but which serves Kansas residents is eligible for assistance. Under section 3(g), as pointed out above, the board is authorized to "allocate and distribute state funds to noncommercial public television stations serving Kansas to sustain the operation of such stations" A station which is located in an adjacent state but which also serves residents of this state is legally eligible for assistance, in my judgment.

Lastly, you ask whether the Board is authorized to make a grant of funds to the Kansas Board of Regents for a program to provide

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materials to public and commercial radio stations for an "audio reader" program for the blind, which would include the purchase of receivers, transmitters, and microwave lease facilities. In my judgment, such a grant is beyond the authority of this Board. Such a program is obviously much needed, and worthy of support. However, the authority of the Kansas Public Television Board extends only to public television broadcasting, and does not include providing assistance to programs which are unrelated to public television broadcasting.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj