

STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

February 20, 1978

ATTORNEY GENERAL OPINION NO. 78- 78

Mr. Jack A. Lemen
Executive Director
Public Television Board
503 Kansas Avenue - Suite 508
Topeka, Kansas 66603

RE: Public Television - Kansas Public Television
Board - Authority

SYNOPSIS: The Kansas Public Television Board has no authority to make grants of state funds to a Council organized to operate a microwave inter-connection system. The Board's statutory authority to allocate such funds extends only to existing public television stations and those educational agencies or institutions eligible to assist in extending service to unserved areas of the state.

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Dear Mr. Lemen:

You advise that the Public Television Board plans to assist in organization of a Public Television Managers' Council to operate the Kansas Public Television Network microwave inter-connection system. As a consequence, you ask if the Board has authority to grant funds directly to the Council, the members of which include the general managers of public television stations.

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The Board is given broad powers and discretionary authority in the exercise of those powers by the legislature under K.S.A. 75-4905 et seq. However, the statutory language authorizing the Board to allocate state funds is more specific. K.S.A. 75-4907 enumerates the powers, duties, and functions of the Board. Subsection (g) of that provision empowers the Board to:

"(g) . . . allocate and distribute state funds to non-commercial public television stations serving Kansas to sustain the operation of such stations; . . ."

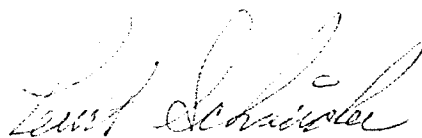
In addition, K.S.A. 75-4910(a) defines another type of grantee which may receive state financial assistance. That provision states:

"(a) Any qualified educational agency or institution, as determined by the board, which is located in an area of the state presently unserved by existing public television stations, may be granted state financial assistance, to the extent appropriations are available therefor" (Emphasis supplied.)

Such assistance is conditioned upon application of the appropriation to specific purposes. Those purposes hinge on formation of public television stations in unserved areas of the state. Subsection (b) of that statute further designates any qualified public television station as a possible recipient of state financial assistance for any of the legislatively directed purposes.

No other provision of the act creating the Kansas Public Television Board authorizes an expenditure of state funds by the Board. Therefore, the aforementioned Council, being neither a station or educational institution, is an improper grantee. Instead, the Board should channel its distribution of funds along legislatively indicated guidelines to the public television stations themselves.

Very truly yours,



CURT T. SCHNEIDER
Attorney General