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ATTORNEY GENERAL OPINION NO. 88-167

The Honorable Henry M. Helgerson, Jr.
State Representative, 86th District
4009 Hammond Drive
Wichita, Kansas 67218

Re: State Departments; Public Officers and Employees --
Public Broadcasting -- Kansas Public Broadcasting
Commission; Powers and Duties

Synopsis: Pursuant to K.S.A. 1987 Supp. 75-4907(a), the
public broadcast commission's powers and duties to
provide "coordination and information" relate to
public television and radio broadcasting, and not
all telecommunications matters. Cited herein:
K.S.A. 1987 Supp. 75-4905; 75-4907.

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Dear Representative Helgerson:

You have requested our opinion concerning the powers and
duties of the Kansas public broadcast commission
(commission). Specifically, you inquire whether the
commission, pursuant to K.S.A. 1987 Supp. 75-4907(a), has the
power or duty to "provide coordination and information" on all
telecommunications matters concerning the state.

The purpose of the public broadcasting statutes is found in
K.S.A. 1987 Supp. 75-4905:

"It is hereby found and declared that it
is in the public interest of the state to
encourage the expansion of noncommercial
public television and radio broadcasting
coverage by originating stations to
unserved areas of the state and its use

for instructional purposes; that the expansion of noncommercial public television and radio broadcasting and its programming diversity depend on freedom, imagination and initiative; that it furthers the general welfare to encourage such programming which will be responsive to the interests of people throughout the state and which will constitute an expression of diversity and excellence; that it is necessary and appropriate for the state government to complement, assist and support a policy that will most cost effectively make noncommercial public television and radio service available to the people of the state." (Emphasis added).

K.S.A. 1987 Supp. 75-4907(a) provides as follows:

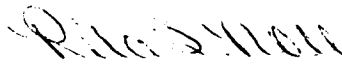
"The commission shall administer this act and shall have and may exercise the following powers, duties and functions:
(a) provide coordination and information on matters relating to public television and radio broadcasting among state agencies, all facets of Kansas public education, and individuals, associations, and institutions working in such fields both within and without the state. . . ."
(Emphasis added).

When the above provision concerning the commission's powers and duties is read with the purpose of the act, it can be seen that the commission's powers and duties to provide "coordination and information" relate to public television and radio broadcasting, and not all telecommunications matters.

Very truly yours,



ROBERT T. STEPHAN
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Rita L. Noll
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