

Approved February 23, 1988
Date

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Wint Winter, Vice-Chairperson at
Chairperson

1:40 ~~am~~/p.m. on February 22, 1988 in room 531N of the Capitol.

All members were present except:

Senator Vidricksen

Senator Bogina

Senator Gaines

Committee staff present:

Jill Wolters - Revisor

Julian Efird - Research

Conferees appearing before the committee:

Zoel Parenteau, KPTS, Wichita

Russell Getter, Director of the Division of Information Systems & Communications

Arden Ensley - Revisor of Statutes

Senator Winter called the meeting to order in the absence of the Chairman. Attention was turned to SB 653 concerning the Kansas Public Broadcasting Commission. The Revisor briefed the committee on the bill explaining that its purpose was to narrow the scope just to the stations.

Zoel Parenteau addressed the committee in support of SB 653 explaining the ambiguity of the current law and the original intent. He urged passage of this bill in order to clarify the role of the commission. (Exhibit A)

Mr. Getter spoke in opposition to SB 653 explaining that the issue now is whether the Public Broadcasting Commission scope should include the full range of radio and television activities as the statutes now call for or whether the scope of the PBC should be limited to public TV and radio broadcast stations only. He stated that he felt this bill was not in the best interest of the public. (Exhibit B)

Questions were raised and discussion ensued but no action was taken on the bill.

Arden Ensley appeared before the committee to explain SB 662 concerning the prefiling of bills and resolutions. He stated that the purpose of this bill would give committees and members of the legislature a chance to prefile bills for introduction in the next succeeding regular legislative session. He explained the changes in the bill stating that the cut off date for the pre-filing would be the Friday before the Monday on which the session convened. This bill in general would clarify the language of the existing statute.

Mr. Ensley also briefed the committee on the changes in SB 664 concerning organizational, orientation and educational meetings of members and members-elect. No action was taken on SB 662 or SB 664.

A request was made to correct the minutes of the February 17th meeting to show Senator Frey and Senator Strick as present. This being approved a motion was made by Senator Francisco to approve the February 16th meeting and the corrected minutes of the February 17th meeting. A seconded was made by Senator Frey and the motion carried.

The meeting was adjourned at 2:30 by Senator Winter.

Senate Governmental Organization Committee Hearing
S.B. 653
February 22, 1988

Testimony of Zoel Parenteau, KPTS, Wichita

1. Ambiguity of current law:

K.S.A. 75-4907 reads 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;

It can be interpreted from the above language that the commission's attention would be limited to "matters relating to public television and radio broadcasting," even though these public broadcasting activities were involved with state agencies, Kansas public education, etc.

It can also be interpreted that the role of the commission goes beyond public broadcasting to include also state agencies, public education, etc., presumably in all their activities involving the use of electronic communications and technology, whether those activities are involved with public broadcasting or not.

During the last session, the latter interpretation was assumed by the House Appropriations Subcommittee and a study was funded for DISC under the umbrella of the commission, which had a primary focus of examining telecommunications activities and interactions between state agencies and between state educational institutions, utilizing non-broadcasting technologies. The subcommittee referred to the above language as descriptive of the commission's "statutory charge" which it was "encouraged to execute" through the conduct of the aforementioned study.

The study was funded, although the interim Communications, Computers, and Technology Committee in December, 1986, specifically recommended against it.

2. Original intent:

H.B. 2007 amended the original statute during the 1985 session. We testified before this committee in March of

that session, recommending the shift from the former Public Television Board to the new Public Broadcasting Commission, which would have the sole expanded responsibility of incorporating public radio beyond that which had existed under the Board. (Attached find a copy of H.B. 2007, the supplemental note which accompanied it, and the conference committee report.)

Sec. 3 (a) incorporated the original language of section (b) except for the addition of the two words "and radio."

The third paragraph of the supplemental note explains the expanded role of the commission over that of the PTV Board.

The conference committee report on H.B. 2007 concerned itself primarily with the commission's membership, since the scope of the commission's role was not at issue.

Those of us who worked with an interim committee in 1984, and with the CCT committee and with this committee in 1985, were primarily concerned with forming the commission to provide more time to be spent on public radio and television station matters and objectives. There was never any discussion or recommendations to expand their role further. (Attached find a copy of our testimony before this committee on March 26, 1985)

3. Other considerations:

The second interpretation is not only flawed in terms of original intent, but is impractical as well.

Telecommunications applications (telephones, computers, satellites, etc.) have become pervasive in our modern society. Every organization, whether it be a business, government agency, institution, etc., utilizes the phone and phone lines, computers, and, very likely, other electronic communications technologies as well.

For the commission to have the policy responsibility to deal with any activity utilizing telecommunications would give them authority over every activity -- public or private, profit or non-profit -- that employs such tools.

We submit that agencies should be defined in terms of purposes, not tools. We don't really need separate agencies for vehicles or pencils or even telecommunications. We need agencies that deal with activities, regardless of whether or not those agencies use those particular means.

There are those who support central coordination of all uses of electronic communications within and by the state, and are seeking a convenient umbrella to take care of it.

It's not our purpose here to make judgements about such desires -- only to point out that the commission is not a suitable repository for such broad responsibility.

Since the beginning of the fiscal year, there have been three meetings of the commission. Kansas public radio and television stations were each given 15 minutes at one meeting to "tell their stories" to the commission.

On the basis of this all-too-brief experience, the commission is now expected to advise the governor and legislature as to what the state's policies and priorities should be regarding this complex, technical, and fast-developing industry. The commission will be sorely taxed with its limited budget and time to deal adequately with public broadcast stations and their needs, without attempting to include all other telecommunications as well.

4. Recommendation:

KPTS urges passage of S.B. 653 in order clarify the role of the commission from this point forward.

As Amended by Senate Committee

[As Amended by House Committee of the Whole]

As Further Amended by House Committee

As Amended by House Committee

Session of 1985

HOUSE BILL No. 2007

By Special Committee on Communications, Computers and
Technology

Re Proposal No. 13

12-18

0029 AN ACT relating to public television and radio broadcasting;
0030 establishing a public broadcasting commission and prescrib-
0031 ing the powers, duties and responsibilities thereof; concern-
0032 ing state financial assistance for public broadcast services;
0033 amending K.S.A. 75-4905, 75-4906, 75-4907, 75-4909 and 75-
0034 4910 and repealing the existing sections and also repealing
0035 K.S.A. 75-4908.

0036 *Be it enacted by the Legislature of the State of Kansas:*
0037 Section 1. K.S.A. 75-4905 is hereby amended to read as fol-
0038 lows: 75-4905. It is hereby found and declared that it is in the
0039 public interest of the state to encourage ~~and develop~~ the ~~growth~~
0040 *expansion* of noncommercial public television *and radio* broad-
0041 casting, ~~including the coverage by originating stations to un-~~
0042 *served areas of the state and its use of the medium* for instruc-
0043 tional purposes; that the expansion ~~and development~~ of
0044 noncommercial public television *and radio* broadcasting and its
0045 programming diversity depend on freedom, imagination and
0046 initiative; that it furthers the general welfare to encourage such
0047 programming which will be responsive to the interests of people
0048 throughout the state and which will constitute an expression of
0049 diversity and excellence; that it is necessary and appropriate for
0050 the state government to complement, assist and support a policy
0051 that will most *cost* effectively make noncommercial public tele-

0052 vision and radio service available to the people of the state.
 0053 Sec. 2. K.S.A. 75-4906 is hereby amended to read as follows:
 0054 75-4906. There is hereby established the Kansas public televi-
 0055 sion board, hereinafter referred to as the board, broadcasting
 0056 commission which board shall consist of ~~three seven nine~~ mem-
 0057 bers. The membership of the commission shall include: (a) The
 0058 secretary of administration, ~~or the secretary's designee; or the~~
 0059 ~~secretary's designee;~~ (b) the executive officer chairperson a
 0060 member of the state board of regents designated by the chair-
 0061 person of the state board of regents and ~~or the chairperson's~~
 0062 ~~designee;~~ (c) the commissioner chairperson of a member of the
 0063 state board of education designated by the chairperson of the
 0064 state board of education are hereby made members of said board
 0065 or the chairperson's designee; (d) one member of the senate
 0066 appointed by the president of the senate; (e) one member of the
 0067 house of representatives appointed by the speaker of the house;
 0068 and (f); ~~and (d)~~; (d) one member of the senate appointed by the
 0069 president of the senate; (e) one member of the house of repre-
 0070 sentatives appointed by the speaker of the house; ~~and (f) one~~
 0071 ~~member of the senate appointed by the minority leader of the~~
 0072 ~~senate; (g) one member of the house of representatives appointed~~
 0073 ~~by the minority leader of the house; and (h)] two members of the~~
 0074 general public appointed by the governor. Members of the
 0075 commission who become members by virtue of their offices
 0076 under subsections (a), (b) and (c) shall perform the duties and
 0077 responsibilities of membership in person and not by delegation
 0078 to another person. Members appointed by the governor shall
 0079 serve for a term of two years following the date of such ap-
 0080 pointment. Members of the senate and house of representatives
 0081 first appointed shall be appointed for a term ending on the
 0082 Tuesday following the first Monday in January in the odd-
 0083 numbered year next following their appointment. Succeeding
 0084 members of the legislature shall be appointed for terms of two
 0085 years commencing on the Tuesday following the first Monday in
 0086 January of each odd-numbered year. All vacancies in office of
 0087 members so appointed by the governor shall be filled by ap-
 0088 pointment by the officer making the original appointment gov-

0089 ~~error for the unexpired term of the~~ [Members of the senate and
 0090 house of representatives first appointed shall be appointed f
 0091 term ending on the Tuesday following the first Monday in
 0092 January in the odd-numbered year next following their appoint
 0093 ment. Succeeding members of the legislature shall be appointed
 0094 for terms of two years commencing on the Tuesday following the
 0095 first Monday in January of each odd-numbered year. All vacan-
 0096 cies in office of members so appointed shall be filled by ap-
 0097 pointment by the officer making the original appointment for the
 0098 unexpired term of the] member creating the vacancy. The ~~board~~
 0099 commission shall organize at its first meeting held in each
 0100 odd-numbered year by the election from its membership of a
 0101 chairperson and by adopting such rules of procedure as it deems
 0102 necessary for conducting its business. The ~~board~~ commissio
 0103 shall hold such meetings as in its judgment may be necessary fo
 0104 the performance of its powers, duties and functions. Appointive
 0105 members of the commission shall receive compensation and
 0106 subsistence allowances, mileage and other expenses for attend-
 0107 ing meetings of the commission as provided by K.S.A. 75-322E
 0108 and amendments thereto. The secretary of administration shall
 0109 provide such clerical and other staff assistance as may be
 0110 provided by members of the staff of the department of admin-
 0111 istration and may provide such other assistance as may be
 0112 requested by the commission in the administration of the pro-
 0113 visions of this act. (e)

0114 Sec. 3. K.S.A. 75-4907 is hereby amended to read as follows
 0115 75-4907. The ~~board~~ commission shall administer this act and
 0116 shall have and may exercise the following powers, duties and
 0117 functions:

0118 (a) Adopt rules and regulations necessary for the administra-
 0119 tion of this act;

0120 (b) provide coordination and information on matters relating
 0121 to public television and radio broadcasting among state agen-
 0122 cies, all facets of Kansas public education, and individuals
 0123 associations, and institutions working in such fields both within
 0124 and without the state;

0125 (c) (b) establish statewide equipment compatibility policies

0126 and determine methods of interconnection to be employed
 0127 within the state;
 0128 ~~(d)~~ (c) make to the governor and the legislature such recom-
 0129 mendations as deemed necessary with regard to appropriations
 0130 relative to public television *and radio* broadcasting operations
 0131 and facilities consistent with furthering the purposes of this act;
 0132 ~~(e)~~ (d) determine those educational agencies or institutions,
 0133 nonprofit corporations, and public television *and radio* stations
 0134 which qualify for state financial assistance provided for by this
 0135 act;
 0136 ~~(f)~~ (e) cooperate and coordinate with federal agencies for the
 0137 purpose of obtaining matching and other federal funds for pro-
 0138 viding public television *and radio* broadcasting ~~facilities~~ *service*
 0139 throughout the state, and make such reports as may be required
 0140 of the state to such federal agencies;
 0141 ~~(g)~~ (f) allocate and distribute state funds to those noncom-
 0142 mercial public television *and radio* stations serving Kansas in
 0143 amounts to each such station as specified by appropriations acts
 0144 of the legislature to sustain the operation of such stations;
 0145 ~~(h)~~ (g) receive and administer aid or contributions from any
 0146 source, public or private, of money, property, labor, or other
 0147 things of value, to be held, used and applied only for the
 0148 purposes for which such grants and contributions may be made;
 0149 ~~(i)~~ (h) make and enter into all contracts and agreements nec-
 0150 essary or incidental to the performance of its duties and the
 0151 execution of its powers under this act;
 0152 ~~(j)~~ (i) employ consulting engineers, attorneys, accountants,
 0153 construction, electronic and financial experts, ~~and such other~~
 0154 ~~employees on a part-time or full-time basis~~ as may be necessary
 0155 in its judgment, ~~and to fix their compensation;~~
 0156 ~~(k)~~ (j) appoint advisory committees of any nature;
 0157 ~~(l)~~ (k) do all acts and things necessary and convenient to
 0158 carry out the powers expressly granted in this act.
 0159 Sec. 4. K.S.A. 75-4909 is hereby amended to read as follows:
 0160 75-4909. The ~~board~~ *commission* is hereby authorized to conduct,
 0161 or contract for, studies and to update any studies already made
 0162 relative to the expansion and development of statewide public

0163 television *and radio* services.

0164 Sec. 5. K.S.A. 75-4910 is hereby amended to read as follow-
 0165 75-4910. (a) Any qualified educational agency or institution and
 0166 any qualified nonprofit corporation ~~organized for the purpose of~~
 0167 ~~establishing a public television station~~, as determined by the
 0168 ~~board~~ *commission*, which is ~~located in~~ *proposes to provide*
 0169 *broadcast service* to an area of the state presently unserved by
 0170 existing public television *or radio* stations, may be granted state
 0171 financial assistance, to the extent appropriations are available
 0172 therefor, for any of the following purposes:

0173 (1) Planning the ~~activation~~ *extension* of public *radio or tele-*
 0174 *vision broadcast service* on channels assigned by the federal
 0175 communications commission in ~~said~~ *the* unserved areas. Moneys
 0176 granted under authority of this paragraph (1) shall be used to
 0177 make community ascertainment studies, to update prior engi-
 0178 neering studies, to complete other necessary preparations prior
 0179 to filing, and to file with the federal communications commission
 0180 for a television *or radio* station construction permit, and to make
 0181 application to the appropriate agencies of the federal govern-
 0182 ment to obtain grants for the ~~acquisition and installation of~~
 0183 ~~broadcasting equipment~~ *such purpose*.

0184 (2) Providing for the local share of the cost of capital con-
 0185 struction and equipment necessary to obtain federal funds for
 0186 ~~each new~~ *the extension of* public television *or radio station*
 0187 *services* planned.

0188 (3) Assisting in the initial costs of capital construction and
 0189 equipment for *the extension of broadcast services to unserved*
 0190 *areas of the state* for which federal funds are not available. ~~Said~~
 0191 *Such* moneys may be used for the construction of buildings, land
 0192 leases, furniture and fixtures, spare parts for broadcast equip-
 0193 ment, and other such items.

0194 (b) Any qualified public television *or radio* station, as deter-
 0195 mined by the board, may be granted state financial assistance, to
 0196 the extent appropriations are available therefor, for any of the
 0197 following purposes:

0198 (1) Assisting in the costs incurred for the acquisition of new
 0199 equipment or the modification or replacement of exist'

0200 equipment ~~required~~ to provide for broadcast services to cur-
 0201 rently served areas of the state or for the expansion of broadcast
 0202 services to unserved areas of the state, or any combination of
 0203 such purposes, or in obtaining matching federal funds for any of
 0204 such purposes.

0205 (2) Assisting in annual operating costs of such stations.

0206 (3) Providing for station interconnection facilities and ser-
 0207 vices.

0208 Sec. 6. K.S.A. 75-4905, 75-4906, 75-4907, 75-4908, 75-4909
 0209 and 75-4910 are hereby repealed.

0210 Sec. 7. This act shall take effect and be in force from and
 0211 after its publication in the statute book.

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2007

As Amended by House Committee on
Ways and Means

Brief of Bill*

H.B. 2007, as amended, replaces the existing Kansas Public Television Board with the Kansas Public Broadcasting Commission, to consist of seven members instead of the present Board composition of three members. Commission members would include the Secretary of Administration or designee; the Chairperson of the State Board of Regents or designee; the Chairperson of the State Board of Education or designee; one member of the Senate appointed by the President of the Senate; one member of the House of Representatives appointed by the Speaker of the House; and two members of the general public appointed by the Governor. The three members who serve on the Kansas Public Television Board in its present form include the Secretary of Administration, the Executive Officer of the State Board of Regents, and the Commissioner of Education.

Appointive members would serve on the Kansas Public Broadcasting Commission for two year terms and would receive compensation and subsistence allowances for attending Commission meetings. The Secretary of Administration would provide the Commission with clerical and staff assistance.

The Commission would assume the Board's present responsibilities and its jurisdiction would be expanded to include public radio broadcasting. The Board's responsibilities are presently statutorily confined to public television broadcasting.

* Bill briefs are prepared by the Legislative Research Department and do not express legislative intent.

The criteria now governing the provision of state financial assistance to public television stations would also be applied to public radio stations. This bill amends K.S.A. 75-4910 to delete all references to the establishment of new public television stations and the activation of public television channels in unserved areas. In lieu thereof, references are made to the extension of public television and radio broadcast services to unserved areas of the state.

A qualified public television or radio station could also receive state financial support for the acquisition of new equipment or the modification of existing equipment, (1) if this equipment were required for expanding broadcast services to unserved areas of the state, or (2) if state support were a precondition for the receipt of matching federal funds for those purposes. Under the existing statute, a public television station may be granted state financial assistance for equipment acquisition and modification even if that equipment is not required for the expansion of broadcast services to unserved areas of the state.

Committee amendments to H.B. 2007 would broaden the criteria governing the provision of state assistance to qualified public television and radio stations; state funds could be granted to a station for the acquisition of new equipment, or for the modification or replacement of existing equipment to provide for broadcast services to either currently served areas of the state or to unserved areas of the state, or for any combination of such purposes.

The Committee also amended the bill to limit the distribution of state funds to stations to the amounts specified for each by appropriation acts of the Legislature.

The bill was further amended to remove the legislative members from the Kansas Public Broadcasting Commission, a change which would decrease the membership of the Commission to five members. The bill was also amended to remove the provision which would allow the Secretary of Administration, the chairperson of the Board of Regents, and the chairperson of the State Board of Education to appoint a designee to the Commission.

Background

H.B. 2007 was introduced by the Special Committee on Communications, Computers and Technology after a study was completed on Proposal No. 13 during the 1984 interim session.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER: Your committee on conference on Senate amendments to HB 2007, An act relating to public television and radio broadcasting; establishing a public broadcasting commission and prescribing the powers, duties and responsibilities thereof; concerning state financial assistance for public broadcast services; amending K.S.A. 75-4905, 75-4906, 75-4907, 75-4909 and 75-4910 and repealing the existing sections and also repealing K.S.A. 75-4908, begs leave to submit the following report:

The House accedes to all of the Senate amendments to the bill;

And your committee on conference further agrees to amend the bill, as printed with amendments by the Senate Committee, as follows:

On page 2, in line 54, after the period by inserting "(a)"; in line 56, by striking "nine" and inserting in lieu thereof "seven"; in line 57, by striking "(a)" and inserting in lieu thereof "(1)"; in line 59, by striking "(b)" and inserting in lieu thereof "(2)"; in line 62, by striking "(c)" and inserting in lieu thereof "(3)"; by striking all in lines 68 to 72, inclusive; in line 73, by striking all preceding "two" and inserting in lieu thereof "; (4) two members of the legislature appointed by the legislative coordinating council so that one is a member of the senate and one is a member of the house of representatives and such members are not members of the same political party; and (5)"; in line 74, by striking all after the period; by striking all in lines 75, 76 and 77; in line 78, by striking all preceding "shall" and inserting in lieu thereof "Members appointed under clauses (2), (3) and (5)";

On page 3, in line 97, after "officer" by inserting "or council"; in line 98, after the period, by inserting "(b)" as the beginning of a new paragraph by indenting appropriately such "(b)" and the material following thereafter; in line 102, after the period, by inserting "(c)" as the beginning of a new paragraph by indenting appropriately such "(c)" and the material following thereafter; in line 108, after the period, by inserting "(d)" as the beginning of a new paragraph by indenting appropriately such "(d)" and the material following thereafter; following line 113, by inserting the following material to read as follows:

"(e) On the effective date of this act, all properties, moneys, appropriations, rights and authorities vested prior to the effective date of this act in the Kansas public television board are hereby vested in the Kansas public broadcasting commission. Whenever the Kansas public television board, or words of like effect, is referred to or designated by any appropriations act or other act of the legislature, or any statute, contract or other document, such reference or designation shall be deemed to apply to the Kansas public broadcasting commission.";

And your committee on conference recommends the adoption of this report.

BEN VIDRICKSEN
ROBERT G. FREY
JOHN STRICK, JR.
Conferees on part of House.

JAYNE AYLWARD
G. R. FRIEDEMANN
GEORGE R. DEAN
Conferees on part of Senate.

Governmental Organization Committee
H.B. 2007
March 26, 1985

Outline of testimony by Zoel Parenteau, KPTS, Wichita
In support of HB 2007 as amended

1. COMPOSITION OF THE COMMISSION:

a. Larger, more representative body desirable.

b. Difficulties with current Board:

(1) All members have other agency responsibilities which may result in potential conflicts or, at least, distractions.

(2) Share similar (Topeka) perspective - Need input from other than station representatives as to effectiveness of stations, and needs of stations from other areas of the state. Present members not able to conduct individual fact-finding into various stations' activities, or into needs or preferences of unserved areas of the state.

(3) Apparent that the Governor, through the Secretary of Administration, is in a position to direct the policies of the Board. More broadly-based input and shared decision-making from non-bureaucratic, lay representatives should improve on the present arrangement.

c. Commission composition proposed in HB 2007 would accomplish these objectives, although other configurations which result in (1) citizen and (2) state-wide representation, would also suffice.

2. POWERS, DUTIES, FUNCTIONS OF THE COMMISSION:

a. Agree with all provisions.

b. Desirability for interconnection.

c. Inclusion of public radio.

d. Continued annual support grants to stations.

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2. POWERS, DUTIES, FUNCTIONS OF THE COMMISSION (CONT'D):

e. Matching equipment funds for expansion of service to unserved areas from existing stations.

(1) Suggest consulting unserved areas' leaders and representatives as to their areas' local preferences as to which station's service they would prefer having brought into their communities.

(2) Assist stations in extending coverage for planning and application for construction permits.

f. Assistance in extending service when federal funding is not available.

g. Equipment acquisition assistance for modification, replacement, expansion, or combination of these.

h. Interconnection facilities & services.

Statement Before the
Senate Committee on Governmental Organization
February 22, 1988

Mr. Chairman and members of the Committee: My name is Russell Getter. I am Director of the Division of Information Systems and Communications (DISC) in the Department of Administration, and the Secretary's designee on the Public Broadcasting Commission (PBC). Since July 23 of 1987, I have been the elected Chairman of the PBC, as well as Director of DISC.

The other members of the PBC are Senator Fred Kerr and Representative George Dean, Legislative Members; Jerry Friedeman and Florence Metcalf, Public Members; Richard Dodderidge representing the Board of Regents; and Bill Musick representing the Board of Education.

The last meeting of the PBC was January 11, 1988. At that time there was no indication that SB 653 would be introduced and, accordingly, the PBC members other than me have not seen the bill or taken a stand on it. Therefore, the views I present here are not those of the PBC, although I think my views are consistent with previous actions by the PBC.

First, I appreciate the Committee's concern for the PBC. It has had a long and troubled past, as you all know. It went from a large board with a full staff in the 1970's to a public television board to the current PBC with no permanent staff, in 1985.

What is now at issue, in SB 653, is whether the PBC's scope should include the full range of radio and television activities as the statutes now call for, or whether the scope of the PBC should be limited to public TV and radio BROADCAST stations ONLY, as SB 653 would do.

We can find some guidance on the merits of SB 653 by looking at the composition of the PBC itself. At present both the Board of Regents and the board of Education have active members on the PBC. Do you think these persons will continue to be active members if the PBC is prevented from addressing the needs of education? At a minimum, the membership of the PBC needs to be consistent with the scope and functions of the PBC.

Another place to look for guidance is at the federal program from which many of the public TV and radio stations obtain matching funds in proportions up to 75 percent of the cost of various projects, and to which the stations and educational institutions serving Kansas have submitted proposals in 1988 totaling \$2.2 million (see attachments summarizing the proposals, funded by the federal program in 1987 and the applications to that program in 1988).

The Public Telecommunications Facilities Program (PTFP) is administered by the National Telecommunications Information Administration (NTIA) in the U.S. Department of Commerce. The scope of that program includes educational institutions as well as other public agencies, in addition to public TV and radio stations.

It is clear the federal program applies to a much broader spectrum of needs than just public BROADCAST TV and radio, just as this year's applications to that program from Kansas and Missouri indicate needs in Kansas are broader than just public BROADCAST TV and radio.

Let me add that public TV and radio make an important contribution to the citizens of this state and that my testimony should not be interpreted as less than appreciative of those contributions.

Another place to look for guidance on the merits of SB 653 is in the nature of the technologies themselves. The local distribution of TV and radio signals today is accomplished in one or more of three major ways: (1) local cable systems, (2) broadcast signals, and (3) downlink dishes receiving signals from satellites. What is the justification for separating out broadcasting from the other methods of local signal distribution?

Will yet another agency or commission be needed to administer the other forms of signal distribution, if the PBC is prohibited from doing so?

As you probably know, Kansas State University (KSU) now plans to have a satellite uplink facility operational in Fall, 1989. Initially funded with approximately \$6 million in federal funds, the ongoing operational costs for that facility will be substantial. Designed as a Regents' facility, located at KSU, it leaves a resulting problem of how originating program signals from the other Regents' locations can be transmitted to KSU for sending to the satellite. Where and how does this problem get addressed if the PBC is prohibited from doing so?

A related but still separate technical matter is the interconnection of the all these differing stations, institutions, and colleges. For many years prior to FY88, the four public TV stations serving Kansas have had as a goal the interconnection of their stations. Now, the Regents institutions also need to be interconnected. Should these interconnection networks duplicate one another, or should all of the institutions and stations share common facilities where practicable? I do not presume to have an answer to that question for you today, but I am prepared to tell you that if SB 653 passes that the Governor and the Legislature will be asked in the future to fund at least two, partially overlapping and duplicative, and possibly inefficient inter-connection proposals.

The hard technological fact is that, when it comes to transmission of signals from one station to another, or from one educational institution to another, all digital signals look the same regardless of the content of those signals. When analog signals are converted and reduced to digital signals, it does not matter whether the signal is for voice, data, or video. Accordingly, it is worth exploring whether the various stations, institutions, and colleges cannot share such facilities where it is cost-effective to do so. However, if SB 653 passes, there will be no coordinating structure within which that option can be explored.

In my judgment, SB 653 is not in the public interest for the following reasons:

- (1) it further fragments the public communications networks financed with state funds, thus resulting in needless duplication,
- (2) it isolates the public broadcasting stations from the educational community,
- (3) it turns the PBC into an advocacy group for a very narrow, special interest constituency (i.e., the 4 public TV stations and public radio stations ONLY), and,
- (4) it reduces the effectiveness of the present PBC structure by reducing the incentives for participation by some members, thus adding to an already severe problem of participation by PBC members.

Are there any questions?

Thank you for your consideration.

KS Total Amount of Awards in State: \$1,398,506

File No. 7006 CRB Pittsburg State University, 1701 South Broadway, Pittsburg, KS 66762-5880. Signed By: Mr. Donald Wilson, President. Funds Awarded: \$422,742. Total Project Cost: \$603,918. To activate a noncommercial FM radio station, which will operate on 89.9 Mhz at 100 kw, at Pittsburg State University, Pittsburg, KS. The station's signal will reach over 312,000 residents of SE Kansas, NE Oklahoma, NW Arkansas, and SW Missouri. For approximately 180,000 of these people, it will represent a first public radio signal.

File No. 7072 CTB Kansas Public T/C Service, Inc., 320 West 21st St., P.O. Box 288, Wichita, KS 67201. Signed By: Mr. Zoel Parenteau, President & General Manager. Funds Awarded: \$29,913. Total Project Cost: \$59,826. To replace two obsolete 2" video tape recorders with one 1" VTR at public TV station KPTS, Ch. 8, Wichita, KS.

File No. 7129 CRB Hutchinson Community College, 815 N. Walnut, Suite 300, Hutchinson, KS 67501. Signed By: Dr. James Stringer, President. Funds Awarded: \$326,454. Total Project Cost: \$435,273. To construct an FM transmission station in Salina, KS, that will repeat the signal of public radio station KHCC-FM, at Hutchinson Community College, Hutchinson, KS. The new station will operate at 89.5 MHz with an ERP of 100kw. It will be capable of broadcasting separate programming produced at KHCC-FM for the repeater's area of service. It will bring the first public radio signal with local origination to over 175,000 residents of north central Kansas.

File No. 7231 CTB Smoky Hills Public TV, Corp., 6th & Elm Streets, Bunker Hill, KS 67626. Signed By: Mr. Kenneth Gardner, Vice President & General Mgr.. Funds Awarded: \$610,030. Total Project Cost: \$1,151,000. To extend the signal of public TV station KOOD, Ch. 9, Bunker Hill, KS, by constructing a repeater station at Lakin, KS. The new station will operate on Ch. 3 with an ERP of 100kw. It will bring the first public TV signal to over 95,000 residents of the Lakin-Garden City-Dodge City area of southwestern Kansas.

File No. 7325 CRB Kanza Society Incorporated, #1 Broadcast Plaza, Box 57, Pierceville, KS 67868. Signed By: Mr. Bruce Glass, Treasurer. Funds Awarded: \$9,367. Total Project Cost: \$12,490. To install a new antenna and tower at an existing FM translator in Tribune, KS, which retransmits the signal of public radio station KANZ-FM, 91.9 MHz, Pierceville, KS. The project will also purchase test equipment associated with the transmitter of the Kanza Society's FM repeater station at Hill City, KS and with the Society's network of FM translators located throughout west Kansas.

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Filings With NTIA
in the U.S. Department of Commerce

Proposal	Total Requested	Local Match, at	
		25%	50%
KCPT	\$ 530,080		\$265,040
High Plains Public Radio - KANZ	\$ 34,556		\$ 17,278
KTWU	\$ 75,600	Anticipated Federal Funded of 65%, which would be \$49,140 Local Match would be \$26,460, of which KTWU is requesting a state matching grant of \$15,876 or 60% of the local match.	
Kansas Board of Regents	\$ 851,883	\$212,971	
KOOD	\$ 756,400	This would be for the cost of translators to serve the unserved area of Northwest KS. Fed. Funds \$495,500 St. Funds \$150,000 Local Sprrt. \$ 50,000 KOOD \$ 60,900	
Totals:		\$2,248,519	