

Approved

Thomas F. Walker  
Date 1-26-90

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Representative Thomas F. Walker at  
Chairperson

9:00 a.m./p.m. on Thursday, January 25, 1990 in room 522-S of the Capitol.

All members were present except:

Committee staff present:

Avis Swartzman - Revisor  
Carolyn Rampey - Legislative Research  
Jackie Brey Meyer - Committee Secretary

Conferees appearing before the committee:

Zoel Parenteau - KPTS Channel 8, Wichita  
Bob Fuzy - KCPT Channel 19, Kansas City  
Dale Anderson - KTWU Channel 11, Topeka  
Representative R. D. Miller  
Representative George Dean

The meeting of the House Governmental Organization Committee was called to order by Representative Thomas F. Walker, Chairman. He stated the minutes of the previous meeting would stand approved at the end of the meeting if there were no corrections or additions.

The Chairman told the Committee there was a bill request from the Department of Health and Environment concerning transfer of the surface mining section of the Mined-Land Conservation Board. Clean-up language needs to be done and K.S.A. 49-420(b) needs to be amended to allow the department to reimburse the "Mined-Land Conservation and Reclamation Fee Fund" for administrative costs incurred when reclaiming permitted areas when the permits were revoked and bonds were forfeited.

Representative Ramirez moved to introduce the legislation.

Representative Graeber gave a second to the motion. The motion carried.

The Chairman announced the agenda for the day's meeting - HB 2588  
Kansas Public Broadcast Commission.

Zoel Parenteau, KPTS, Wichita, spoke first. He stated that the intent of the original statute was so confusing, an Attorney-General's opinion was requested to straighten out the confusion. On January 11, 1989, the commission voted unanimously to recommend to the legislature that the commission be "left intact to deal with public television and public radio broadcasting exclusively as the Attorney General recommends . . ." HB 2588 reflects the recommendations of this past summer's Special Committee on Federal and State Affairs/Governmental Organization.

Mr. Parenteau stated support for the other provision which would increase the commission by another public member, increase member's terms from two to three years, and direct that the commission chair be held only by a public member. This will improve the commission's future operations. (See Attachment 1)

Robert Fuzy, KCPT, Kansas City, addressed the bill next. He stated that this legislation will enable the commission to operate more efficiently, which will in turn benefit both the state and stations. (See Attachment 2)

Representative R.D. Miller appeared to support to what Mr. Parenteau and Mr. Fuzy had stated.

Representative Dean appeared to support the bill, stating the history of HB 2253, which was a forerunner to HB 2588. He reiterated what HB 2588 would do. The scope of the commission will mainly be public

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION  
room 522-S Statehouse, at 9:00 a.m./p.m. on Thursday, January 25, 1990

television and public radio. Representative Dean mentioned HB 2559 - which would establish a Joint Committee on Governmental Technology. This committee would study computers and related technologies.

This lead to a discussion which entailed fiber optics, satellite rebroadcasting, other areas of telecommunications, etc. One of the committee members commented that he hoped this could be explored further. Some type of entity to be put in place to utilize available information would be very beneficial.

A discussion on the fiscal note ensued. As stated in the note, it is estimated the bill would incur State General Fund total expenditures of \$7,431. The appointment of one additional member on the Commission would increase expenses for travel and per diem an estimated \$1,710. A minimal increase of 25 percent for staff would be approxiamtely \$5,721. (See Attachment 3)

The fiscal note adds that any fiscal impact from the passage of HB 2588 is not reflected in FY 1991 Governor's Report on the Budget.

The Chairman asked if there were any other conferees on HB 2588.

Dale Anderson, KTWU, Topeka, rose to speak. He stated he encouraged the committee's careful deliberation of the bill. He emphasized the role and function of Kansas public broadcasting and its importance. He stated the remarks made by Representative Dean were 'right on'.

The Chairman asked for other conferees on HB 2588. There being none, the Chairman stated the hearing closed on HB 2588.

The Chairman asked if there was anything else anyone had to bring before the Committee. As there was nothing volunteered, the Chairman gave the agenda for Friday and stated it would be a quick meeting, probably lasting only a half-hour.

The meeting was adjourned.

Governmental Organization Committee  
H.B. 2588 - Public Broadcasting Commission  
January 25, 1990

KPTS supports HB 2588 for the following reasons:

1. It clarifies the intent of the original statute through improved wording. Members of the commission and the legislature were so confused with the scope of the commission's responsibilities -- particularly with the current wording in Sec. 2. (a) -- that it was necessary to request an Attorney-General's opinion to straighten out the confusion (See attached). By these changes in sections 2. (a) through 2. (1), future misunderstandings as to the commission's responsibilities should be avoided.

2. In recognition of this problem, the commission voted unanimously on January 11, 1989, to recommend to the legislature that the commission be "left intact to deal with public television and public radio broadcasting exclusively as the Attorney General recommends..." Rep. Dean, then a member of the commission, introduced HB 2253 last session, which was the forerunner of this bill.

3. As you know, the provisions of this bill reflect the recommendations of this past summer's Special Committee on Federal and State Affairs/Governmental Organization.

4. We also support the other provisions which would: increase the commission by another public member, increase public members' terms from 2 to 3 years, and direct that the commission chair be held only by a public member. Subsequent speakers will address these points in more detail, but we are supportive for the purposes of improving the commission's future operations.

Zoel Parenteau  
KPTS, Wichita

Attachment 1  
Governmental Organization  
1/25/90



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN  
ATTORNEY GENERAL

December 19, 1988

MAIN PHONE (913) 296-2215  
CONSUMER PROTECTION 296-3751

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.

\* \* \*

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

*pg 2*

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:

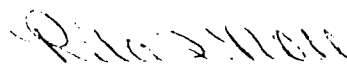
"The commission shall administer this act and shall have and may exercise the following powers, duties and functions:  
(a) provide coordination and information on matters relating to public television and radio broadcasting among state agencies, all facets of Kansas public education, and individuals, 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  
ATTORNEY GENERAL OF KANSAS



Rita L. Noll  
Assistant Attorney General

RTS:JLM:RLN:bas

House Committee on Governmental Organization  
House Bill 2588  
January 25, 1990

I am Robert F. Fuzy, manager of KCPT Channel 19 in Kansas City. I am here to speak in favor of House Bill 2588.

The amendments called for in this bill are significant. They will make it possible for the Kansas Public Broadcasting Commission to function more efficiently, benefiting both the State and the stations affected.

The increase in lay representatives to three (for a total commission membership of eight) and the increase in their terms to three years will provide continuity and added time for the commissioners to become familiar with the issues with which they must deal.

The changes in Section 2 (b) clarify the commission's role in interconnection of the radio and television stations while Section 2 (k) enables the commission to conduct the studies to determine the feasibility of that interconnection.

While these amendments are not what one would call "sweeping" they are important and I urge you to report HB 2588 favorably.

Attachment 2  
Governmental Organization  
1/25/90

STATE OF KANSAS

115-3



DIVISION OF THE BUDGET

MIKE HAYDEN,  
Governor  
MICHAEL F. O'KEEFE  
Director of the Budget

Room 152-E  
State Capitol Building  
Topeka, Kansas 66612-1575  
(913) 296-2436

January 22, 1990

The Honorable Thomas Walker, Chairperson  
House Committee on Governmental Organization  
House of Representatives  
Third Floor, Statehouse

Dear Representative Walker:

SUBJECT: Fiscal Note for HB 2588 by Special Committee on Federal and  
State Affairs/Governmental Organization

In accordance with KSA 75-3715a, the following fiscal note concerning HB  
2588 is respectfully submitted to your committee.

HB 2588 would amend sections of the authorizing statutes for the Public  
Broadcasting Commission. Specifically, this bill would enlarge the  
Commission to eight members by increasing the general public representation  
from two to three. The bill would provide that the next chairperson of the  
Commission must be elected from among those persons representing the general  
public, and that the staff assistance currently provided to the Commission  
by the Department of Administration through the Chairperson also be provided  
to each member of the Commission upon request. Further, the bill would  
restrict the purview of the Commission on matters relating to  
interconnections and studies which pertain to public television and public  
radio stations.

The Public Broadcasting Commission estimates the proposed bill would  
incur total additional State General Fund expenditures of \$7,431 upon  
passage of this act. The appointment of one additional member of the  
Commission would increase the expenses of the Commission for travel and per  
diem expenses an estimated \$1,710. Further, the specific requirement for  
the Department of Administration to provide staff for each member of the  
Commission could result in a significant increase in the staff cost related

Attachment 3  
Governmental Organization  
1/25/90

The Honorable Thomas Walker  
January 22, 1990  
Page Two

to support the Commission. Although it is currently unknown how many requests for assistance might be received from the Commissioners, the Division estimates that a minimal increase of 25 percent can be anticipated upon passage of this bill for an additional FY 1991 State General Fund cost of \$5,721.

Any fiscal impact resulting from the passage of House Bill 2588 is not reflected in the FY 1991 Governor's Report on the Budget.



Michael F. O'Keefe  
Director of the Budget

cc: Virgil Basgall (DISC), Public Broadcasting

333

*Pg 2*