

**75-4924. Same; annual reports to legislature, contents; certification of eligible stations; resolution of conflict between stations; lists of counties served by stations; prioritization of equipment grant requests; power to accept grants; annual audit; noninterference with station programming; goals of public broadcasting.** (a) The Kansas public broadcasting council shall report annually to the appropriate committees of the legislature on the following matters:

(1) The services provided to the people of Kansas with funds appropriated pursuant to this act, or the law in effect prior to the effective date of this act, in the second prior fiscal year, particularly with respect to the goals of public broadcasting as set forth in subsection (j);

(2) the need and justification for appropriations in the current and future years;

(3) the need for [and] justification for construction of any new public broadcasting facilities;

(4) the methods used to assure the financial integrity of any station receiving a grant under the provisions of this act; and

(5) the ways in which the members of the Kansas public broadcasting council have cooperated, in the previous fiscal year, to provide a more efficient, relevant and cost-effective service for the people of Kansas.

(b) The Kansas public broadcasting council shall present, as a part of its annual report to the legislature, a comprehensive plan setting forth the service goals and operational plans for public broadcasting in Kansas during the ensuing three years, such plans having been developed by and voted upon by the directors of the Kansas public broadcasting council. This plan shall be updated each year to take into account changing needs, technologies and operational circumstances.

(c) The Kansas public broadcasting council shall certify to the secretary of administration, following a vote of the council's directors thereon, that any station seeking eligibility for a grant under this act and which was not in operation prior to July 1, 1994, is essential and necessary for the provision of service to the people of Kansas. This requirement for certification shall also apply to any station eligible for a grant on July 1, 1994, if such station subsequently becomes ineligible and later seeks to again become eligible for a grant. No station for which such certification is required shall be eligible to receive a grant under the terms of this act unless such certification has been provided.

(d) In the event of any conflict between stations with respect to eligibility for grants or the amount of such grants, the issue shall be studied and resolved by the directors of the Kansas public broadcasting council. The decision of that body shall be binding on the secretary of administration with respect to distribution of grants.

(e) The Kansas public broadcasting council shall provide to the secretary of administration a list of the counties covered by each station eligible to receive a grant under this act, together with the population in each county as reported in the most recent United States decennial census and the population density of each county. This report shall be the basis for calculation of each station's basic service grant and incentive grant.

(f) The Kansas public broadcasting council shall review the proposal of any station or group of stations seeking an equipment grant under the terms of K.S.A. 75-4920 and amendments thereto and shall prioritize all requests for equipment grants, taking into account the costs of such equipment, the benefits such equipment would supply to the people of Kansas, the urgency of the request with respect to maintenance of existing services, the relevance of the equipment grant request to the provisions of the long-range plan submitted by the council and such other factors as may be relevant. The Kansas public broadcasting council shall present the council's prioritized list of equipment grant requests to the legislature as a part of the annual budget process and shall support those grant requests in the council's annual report to the legislature.

(g) The Kansas public broadcasting council shall have the power to accept grants or appropriations from the federal government or the state of Kansas, or any agency or instrumentality thereof, to be used for the purchase of equipment for use by the stations as the directors shall determine. Nothing in this act shall preclude the Kansas public broadcasting council from utilizing such equipment for the generation of revenue for the support of Kansas public broadcasting activities, nor shall the Kansas public broadcasting council be precluded from raising funds from other sources for the support of the council's activities.

(h) The Kansas public broadcasting council shall have the financial operations of the council audited annually by a certified public accountant and shall make its audited financial statement available to the secretary of administration upon request.

(i) The Kansas public broadcasting council shall have no power or authority to compel any Kansas public television station or Kansas public radio station to broadcast any program or programs, whether or not funded in whole or in part by the council, nor shall the council have any power to forbid any station to broadcast any program acquired from any other source. The Kansas public broadcasting council shall have no regulatory authority over any individual station, the programming of any station or program scheduling for any station.

(j) The goals of public broadcasting in this state shall be to provide an educational, cultural and informational service to the people of this state; to offer a forum for public discourse on issues of public policy and the conduct of government; to enhance the quality of life for Kansas citizens; to provide public broadcasting service at a level of quality comparable to that available in other states; to explore and celebrate the diversity of cultures, lifestyles and traditions of the people of Kansas; to provide high-quality public broadcasting service to every part of Kansas; and to further the general welfare of the people of Kansas.

**History:** L. 1993, ch. 268, § 12; July 1.