



TRANSMITTER

Vol. 57 No. 2

February 28, 2018

If you don't serve your industry well, it won't serve you well.

Facebook [kansasassociationofbroadcasters](https://www.facebook.com/kansasassociationofbroadcasters)

Twitter [@ksbroadcasters](https://twitter.com/ksbroadcasters)

Chairman's Message:

Larry Riggins

Alpha Media, Topeka

larry.riggins@alphamediausa.com



Well, February is a wrap. I hope it was another good month for everyone. We continue to see signs that the Kansas economic outlook is getting better. While nothing changes overnight, I believe we are making progress. Our Ag economy is still stagnant, but producers and retailers alike are becoming more optimistic about the future. It takes time for the Ag retail sectors to catch up with lower commodity prices. After a couple of difficult years with record low commodity prices, we're starting to see some relief in the cost of doing business for our Kansas Farmers, or, as I like to refer to them, 62,000 small to large Kansas businesses. We still have a ways to go but we're getting better.



With the last week of February comes the National Association of Broadcasters State Leadership Conference in Washington, D.C. This was my first trip to this particular conference and joined Kent Cornish and my fellow KAB Board members Bradley Moses, Tim Robisch, along with Sarah Smith and Gary Exline on this trip. We met with our Kansas legislative delegation and their staffs to discuss important issues impacting our broadcast industry including the Performance Tax, Television Repack, Microsoft's Spectrum Grab, and Retransmission Consent. We had a terrific response and support

from each of the six offices.

Just a reminder, with everything that is going on in this world, let's remember, as broadcasters, we are still the first source for news and information, whether that's news and weather on a daily basis or critical information during a crisis situation. It's a responsibility and commitment we have to our viewers and listeners. Let's continue to be prepared to keep the public informed at a moment's notice. We may have snow and ice on the ground today, but in a few short weeks, severe weather season will be upon us.

It's an honor to serve as your KAB Chairman. Always feel free to reach out to me or Kent Cornish with ideas, suggestions, or concerns. Have a great March!

Body Camera Video Bill Moving in Legislature

At the beginning of the session, a coalition of groups interested in transparency, including the KAB, put together a bill in each house to rectify some problems regarding the release of body/vehicle camera video by law enforcement. We specifically focused on video of a law enforcement officer shooting or use of force that resulted in death or great bodily harm. Additionally, we wanted the family of the victims to have quicker access to view the video.

After hearing the testimony in the house judiciary from both sides and with time running out, we offered a compromise: just deal with the family issue and have the rest of the bill discussed this summer in a Judicial Council study committee. After initially being rejected by law enforcement, committee chairman Blaine Finch of Ottawa brokered a deal close to what we offered and the bill passed out of committee without objection and passed the House last week 117-0. Now to the Senate. If you would like to follow it, it is house bill 2571. I want to thank Rep. Finch, Rep. John Alcalá of Topeka who sponsored the house bill and Sen. Molly Baumgardner of Johnson County who sponsored the senate version that will now be set aside.

New Ownership Rules Are Moving Forward

Earlier this month, the US Court of Appeals for the Third Circuit denied the request filed by certain public interest groups to stop the new FCC ownership rules from taking effect and suggesting that a special master be appointed to oversee the FCC's ownership review process. If it had been adopted, the changes to the rules on broadcast-newspaper cross-ownership and other changes to the ownership rules would not have gone into effect on February 7, as expected. However, the denial of the stay does not end the case.

Instead, the public interest groups can continue their appeal of the FCC decision and present the Court with arguments as to why the decision should be overturned. The principle basis of the appeal seems to be that the FCC did not, before the new rules were adopted, adequately address how to encourage a more diverse ownership base in the broadcast industry. In the ruling, the Court recognized that the FCC has agreed to implement an incubator program to encourage more diversity in ownership. The Court put the appeal on hold for 6 months while the FCC takes comments on how to implement the incubator program. Given this delay, and the time that it will take to file briefs and argue the case, the appeal itself will be unlikely to be decided until next year, so in the interim, the new rules are in effect, but any deals done in reliance on those rules are theoretically subject to any ruling that the court may make when it considers the merits of the appeal. Something for broadcasters who make deals in reliance on the change need to keep in mind.

Governor States Commitment to Transparency



The new Governor, Jeff Colyer, spent his second day in office supporting ideas we have been advocating for years. Earlier this month he issued a set of four executive orders designed to promote openness and transparency in government. The orders make the following changes:

- Eliminating the fees for the first 100 pages of documents requested under the Kansas Open Records Act for residents of Kansas.
- Requiring employees of the Governor's Office to use only official e-mail accounts to conduct state business.
- Mandating that all Cabinet agencies develop and track performance metrics which measure the most critical functions of their agency

- **Creating a centralized website where all open meeting notices of Executive Branch agencies will be posted.**

The Governor asked for the KAB, Kansas Press Association and Sunshine Coalition to stand with him at his news conference.

GMR Extends Interim Radio Licenses to September 30

Global Music Rights (“GMR”), the new performing rights organization that collects royalties for the public performance of songs written by a number of popular songwriters (including Bruce Springsteen, members of the Eagles, Pharrell Williams and others) has agreed to extend their interim license for the performance of their music by commercial radio stations until September 30, 2018. They stated in a notice that they will be contacting stations that signed their previous extension (through March 30) about such an extension. If you don’t hear from GMR, the RMLC suggests that you reach out to them about this extension.

According to Hotline Attorney David Oxenford, GMR and the RMLC are in litigation over whether or not the rates set by GMR should be subject to some sort of antitrust review, as are the rates set by ASCAP, BMI and even SESAC. In the interim, there is no license to play the GMR music outside the Interim license offered to all commercial stations, or individually negotiated licenses with the company. Oxenford warns commercial stations that play GMR music should either have a license or should discuss carefully with counsel their potential options and liabilities if they continue to play GMR music. Do not ignore the potential liability as, under Copyright law, there are substantial “statutory damages” of up to \$150,000 per song, for infringement.

Huck Boyd Lecture

Penelope "Penny" Muse Abernathy, a former executive at The Wall Street Journal and The New York Times and Knight Chair in journalism and digital media economics at the University of North Carolina, will deliver the 18th annual Huck Boyd Lecture in Community Media on April 11.

Her lecture, "Saving community journalism from the rising threat of news deserts," will be at 9:30 a.m. Wednesday, April 11, at the K-State Alumni Center Ballroom. The lecture is free and open to the public.

At 10:30 a.m., she also will participate in a panel discussion, "Silent 'Signal': Baldwin City adjusts to life without a newspaper." Other panelists will be Jay Wachs, founder of Briar Cliff Media in Lawrence and entrepreneur behind Baldwin City Radio, and Jeannette Blackmar, executive director of the Baldwin City Chamber of Commerce. Steve Smethers, associate professor of journalism and mass communications, will moderate. The panel is also free and open to the public.

Kyle Bauer, owner and general manager of KCLY-FM and KFRM-AM in Clay Center, and Chris Walker, publisher of The Emporia Gazette, will be honored as Huck Boyd Community Journalists of the Year at the luncheon following the panel discussion. These awards are given by the Huck Boyd National Center for Community Media and the Huck Boyd National Institute for Rural Development.

Reif Honored With Oscar Stauffer



The Kansas State High School Activities Association has named Cole Reif of Eagle Radio in Great Bend this year's Oscar Stauffer Sportscasting Award recipient. Judging of the nominees each year is done by the KAB. He will receive his award during the State Basketball Tournament in March.

Reif is a graduate from Fort Hays State University, where he announced Tiger football and basketball games for the school's television station and assisted Eagle Radio with Hays High School and Thomas More Prep – Marian football games. He started working for Eagle Radio in Hays fulltime as a play-by-play announcer. Following Hays, Reif worked one year for WBBB in Raleigh, North Carolina where he served as a producer and board operator. He then decided to move back to Kansas to take the Sports Director position at Eagle Radio in Great Bend. Reif has spent the past four years announcing football games for Hoisington High School while also broadcasting basketball games for Barton Community College.

Reif is the co-host of Sports Day, a weekly sports show on 1590 KVGB that discusses sports in Central Kansas. He has been married to his wife Regan since 2015 and the couple has a son, Fitz, who was born last November.

Paul Weyland



(Paul will return next month)

(Paul Weyland is a broadcast sales trainer, author and speaker. You can reach him at paul@paulweyland.com or at www.paulweyland.com or by phone at (512) 236 1222.

If you have anything you would like to place in the newsletter send it to kent@kab.net