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# Transmitter

Volume 43 No 2 February/March, 2004

March 15, 2004

## Cliff's notes



*Cliff Shank, KAB Chairman*  
*KSKU/KXKU/KGGG*  
[miataman13@yahoo.com](mailto:miataman13@yahoo.com)

## Inside this Issue

Page 1

- **Chairman's message**
- **March 24 political "webinar"**
- **Tornado test warnings**

Page 2

- **Call for Humiston nominees**
- **April 5 student seminar**
- **Shank to receive Stauffer award**
- **More pass inspection**
- **2004 political dates**

Page 3

- **Community service survey**
- **Programming summit**
- **EAS/AMBER tests**
- **NAB Leadership Conference**

Page 4

- **2004 KAB events calendar**
- **2004 KAB deadlines**
- **New members/renewals**
- **Broadcast scholarship and job bank PSAs**

Page 5

- **News briefs**
- **Peggy Law Scott**
- **Ray Charles Senate**
- **William Elton Torbert**

Page 6

- **Washington update**
- **Streaming rates**
- **Political Broadcast Catechism available**
- **NAB radio board elections**
- **Check your inspection certificate**

The *Transmitter* is free to members and available to non-members by subscription for \$25 per year.

**Kansas Association of Broadcasters**  
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It has been a very eventful month for broadcasters! It seems like Congress has declared broadcasters public enemy number one. The FCC has issued the largest fine ever for obscenity against Clear Channel Communications - a fine in excess of \$ 750,000, and that was before Janet Jackson had her costume malfunction.

OUCH!

Congress is considering increasing the fines for indecency against local broadcasters from \$ 27,500 to \$275,000 or \$500,000. A fine of \$275,000 may be worth about three seconds of a CBS Super Bowl commercial, but for a lot of small market Kansas radio broadcasters, it's about three year's worth of billing!

If anyone deserves a fine it is not the local affiliates. The FCC should fine Janet Jackson, Justin Timberlake, MTV, CBS, but not the local broadcasters who had nothing to do with the incident.

KGGG is an ABC Oldies affiliate. I cannot control what a disc jockey in Dallas says. Are we supposed to monitor our stations 24 hours a day, 365 days per year, with a seven second tape delay?

Our three radio stations editorialized against Janet Jackson and Justin

*(Continued on page 2)*

## KAB history to be made with March 24 political "webinar"

KAB Associate member and attorney, Barry Umansky, will present a Political Advertising seminar online, March 24, from 9:00 am to 11:00am. This is a first for the KAB – hosting an interactive seminar on the Web.

Barry, with his PowerPoint presentation, will communicate through an integrated audio and web conferencing set up. He'll be able to answer your questions in real time, about the political advertising rules. He also will briefly cover advertising of gambling, tobacco, and beer/wine. And he'll respond to questions you may have regarding EEO, recordkeeping, children's TV, and indecency.

Participants may LOG on and CALL in from the comfort of their office. All that is needed to participate is an Internet-connected PC (connection of 56K minimum) and a touch-tone telephone. You'll need Windows 98, NT 4.0, ME, 2000, or XP; browser versions - Microsoft Internet Explorer 5.0 or Netscape 4.7x.

Registration information has been distributed and is also available at [www.kab.net](http://www.kab.net)

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## Test tornado warnings set for Tuesday, March 16

The National Weather Service office in Topeka will issue test tornado warnings on Tuesday, March 16 (at 10:30 am and 6:15 pm), in support of Severe Weather Awareness Week in Kansas.

At both times, NOAA Weather Radio will be used to issue a test tornado warning bulletin, utilizing the TOR code for EAS. The NWS urges stations to broadcast the drill and to remind people about the upcoming severe weather season and the potential for tornadoes.

## Chairman's message continued

Timberlake and we have banned their music. I personally did not want to reward the performers' publicity stunt with air-play on our stations.

The KAB's annual trip to Washington, DC in early March, came at a very critical stage. KAB was well represented at NAB's State Leadership Conference and calls on our Congressional delegation. We let our elected representatives know the antics of some Hollywood performers and musicians do not reflect the morals of most local broadcasters.

In the bills moving through Congress, I am very concerned that there is no penalty for making a false accusation. There is not a clear definition of indecency, and the guidelines for adjusting fines for market size and revenue are very vague.

On a brighter note, our Kansas Congressmen and Senators are basically pretty friendly on most broadcast issues and the weather was great in D.C.

Representing the KAB in Washington were KAB Secretary-Treasurer Wayne Godsey, KMBC TV, Kansas City; Richard Wartell, Manhattan Broadcasting, Inc.; Ken Selvaggi, KSNT TV, Topeka; Harriet Lange and me. Jim Swinehart, KSHB TV, Kansas City who was part of the Missouri Broadcasters delegation, accompanied us on some of our calls on the Hill.

Thanks once again to Robert Hilton and Ed O'Donnell for co-coordinating phone lines for the state high school basketball tournaments.

KAB is one of the best investments a broadcaster can make. Benefits include local and national lobbying, career training in sales, programming, copy writing, and legal help in complying with EEO rules and regulations, discounted phone lines, scholarships, conventions and seminars, and great newsletters!

More \$\$\$ in 2004!

#

## More pass inspection

These stations have recently passed a KAB Alternate Broadcast Inspection, gaining a three-year exemption from routine FCC inspections: **KJTY FM**, Topeka and **KSAS TV/KSCC TV**, Wichita.

## Call for Nominees – Humiston Award for Sports Broadcasting

The KAB Hod Humiston Award is given annually to a Kansas broadcaster who has made significant contributions to the field of sports broadcasting. The award is named for the late Hod Humiston who was the first television sportscaster in Kansas when he did play-by-play coverage of college games for KTVH (now KWCH TV), channel 12, Wichita.

Hod was founder and a co-owner of KSKU radio and was also employed as an announcer for KWBW and KWHK radio stations in Hutchinson. He was instrumental in bringing the national junior college basketball tournament to Hutchinson, where it has been since 1949.

The award will be presented during the KAB Sports Seminar at Kauffman Stadium, Kansas City - on April 27.

Please send your nomination to KAB by March 24. The Board will select the winner at the March 31 Board meeting in Topeka. In your nomination, please include your nominee's name, address, current status, previous experience and why the individual is deserving.

If you made a nomination last year - please confirm to KAB that you want the nominee considered this year.

#

## Shank to receive Stauffer award

Cliff Shank, president and general manager of KSKU/KXKU/KGGG, Hutchinson and KAB chairman, is the 2004 recipient of the Kansas State High School Activities Association Oscar Stauffer Sportscaster of the Year award.

Shank has been involved in sports broadcasting since his days at K-State where he broadcast the K-State women's basketball games on KSDB FM. He has a journalism degree from K-State and has worked in sales and sports in Lyons, Topeka and Wichita.

The KSHSAA award recognizes excellence in sportscasting and acknowledges meritorious service through coverage of interscholastic sports programs in Kansas.

## April 5 Student Seminar/Career Fair set for Overland Park

The 2004 KAB Annual Student Seminar and Career Fair will be held Monday, April 5 at the Overland Park Marriott.

The morning Student Seminar will give high school and college students the opportunity to talk with professionals working in the broadcast industry, at a series of round table discussions. Student broadcast awards will be presented during the 11:30 am luncheon. More than 300 students are expected to attend.

The Career Fair, open to the students and to the public is scheduled for 12:00 noon to 2:30 pm. Admission is free.

Information about the student seminar and career fair has been distributed to Kansas high schools and colleges. KAB member stations are encouraged to participate in the Career Fair to help them meet their non-job vacancy specific outreach requirements in the EEO rule. Cost to participate in the Career Fair is \$25 for member stations; \$75 for non-member stations; and free to Kansas colleges. Registration fee for students and educators to attend the morning student seminar is \$12 per person.

The schedule and registration details are available at [www.kab.net](http://www.kab.net).

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## 2004 political dates-Ks, Mo

March 24 - SIGN UP to participate in KAB's ONLINE Political Advertising "Webinar", March 24 with Barry Umansky. Go to [www.kab.net](http://www.kab.net) to download the registration form.

June 19 – Start of lowest unit rate period for Kansas and Missouri Congressional and Statewide Primaries

August 3 - Kansas and Missouri Primary Elections

September 3 – Start of lowest unit rate period for General Election

November 2 – General Election

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## Community service deadline extended

The Community Service Survey conducted every other year by NAB and the 50 state broadcast associations arrived at stations in January. If you haven't responded, you have received a follow-up survey. The **deadline has been extended to March 29** so please take the time to complete it. Stations may complete the survey online at [www.broadcastpublicservice.org](http://www.broadcastpublicservice.org)

The 2002 survey results showed broadcasters across the country contributed \$9.9 billion in service to their communities. The total for Kansas broadcasters was \$111.3 million.

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## Programming summit set

NAB is sponsoring a Summit on Responsible Programming on Wednesday, March 31 in Washington DC. The purpose of the day-long summit is to address issues surrounding program content. All broadcasters from markets large and small are invited to attend at no charge. However, pre-registration is required. Space is limited and there will be no on-site registration. Go to NAB's web site for registration information: [www.nab.org](http://www.nab.org).

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## EAS monthly tests AMBER quarterly tests

Tues., April 13, 10:50 pm / EAS  
Tues., May 11, 1:50 pm / EAS  
Tuesday, May 25, 1:50 pm / AMBER (It's National Missing Children's Day)  
Tues., June 8, 10:50 pm / EAS  
Tues., July 13, 1:50 pm / EAS  
Tues., August 10, 10:50 pm / EAS  
Thurs., August 12, 1:50 pm / AMBER  
Tues., September 14, 1:50 pm / EAS  
Tues., October 12, 10:50 pm / EAS  
Tues., November 9, 1:50 pm / EAS  
Thurs., Nov. 11, 1:50 pm / AMBER  
Tues., December 14, 10:50 pm / EAS

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## NAB State Leadership Conference well attended

More than 350 broadcasters and state broadcast association leaders attended NAB's 2004 State Leadership Conference March 1-3. Broadcasters heard from key House and Senate leaders on issues of concern to radio and television. On March 3 broadcasters headed to Capitol Hill to meet with their members of Congress.

Representing the KAB at the conference were Chairman Cliff Shank, KSKU/KXKU/KGGG, Hutchinson; Secretary/Treasurer Wayne Godsey, KMBC TV, Kansas City; Richard Wartell, Manhattan Broadcasting, Inc.; Ken Selvaggi, KSNT TV, Topeka; and KAB President Harriet Lange. Jim Swinehart, KSHB TV/KMCI TV, Kansas City, who attended the conference with the Missouri Broadcast Association delegation, accompanied KAB on some of the Capitol Hill calls.

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NAB used an Oz theme to get across local broadcasters commitment to community service as exemplified in severe weather warnings. Bringing that theme home to conference participants were Tin Man, Scarecrow, Cowardly Lion and Dorothy from the "Wizard of Oz". Also pictured are Kansans Ken Selvaggi, Cliff Shank and Harriet Lange. Shani White, executive director of South Carolina Broadcasters Assn is at right.



Pictured at the NAB State Leadership Conference (from left) Ken Selvaggi, NAB President and CEO Eddie Fritts, Harriet Lange, Cliff Shank and Rich Wartell.

## Scenes from the Conference Banquet



KAB Chairman Cliff Shank (right) visits with Nebraska Broadcasters Association President & CEO Marty Riemenschneider



Wayne Godsey (left) and Ken Selvaggi at the Banquet



KAB Washington Counsel Dick Zaragoza (left) and Richard Wartell

Pictured at left are KABers awaiting their appointment in Senator Pat Roberts' office. From left are Jim Swinehart, Wayne Godsey, Harriet Lange, Cliff Shank, Ken Selvaggi, and Rich Wartell.

## 2004 KAB Events

- March 24 – KAB Online Political Advertising Webinar with Barry Umansky
- March 31, KAB Board of Directors Meeting, Topeka
- April 5, KAB Student Seminar and Career Fair, Overland Park Marriott
- April 27, KAB Sports Seminar, Royals Stadium, KC
- June – date TBA - KAB Sales Seminar, Wichita
- June – date TBA - KAB Board of Directors Meeting, Wichita
- September 1, KAB Board of Directors Meeting, Hutchinson
- October 2 – KAB News Workshop, Wichita
- October 10-12, KAB Convention, Overland Park Sheraton
- November 17, KAB Executive Committee Meeting, Topeka
- December 7, KAB Board of Directors Meeting, Lawrence

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## 2004 KAB deadlines

- April 1, deadline for KAB Kids Scholarship applications
- May 1, deadline for KAB Broadcast Scholarship applications
- May 1, deadline for KAB paid summer student internships
- May 1, deadline for KAB paid summer educator internships
- July 1, deadline for KAB station awards entries
- August 16, deadline for nominations for KAB Distinguished Service Award, Hall of Fame inductees, Sonny Slater Award, Hod Humiston Award, Tony Jewell Award, and Mike Oatman Award
- November 1, deadline for KAB Student PSA Contest (alcohol/drug prevention - holidays)
- November 1, deadline for paid faculty and student internships (semester break and spring break)

## Welcome new members

A warm KAB welcome to new Station Members: **KANS FM**, Emporia – **Marty Hill**, general manager; **KQAM AM**, Wichita – **Paula Miles**, general manager; and new “border station” recently purchased by Bill Kurtis, **KBVL FM**, Bartlesville OK – **KIND** General Manager **Patti McCormick** is general manager; new Associate Member – **KB Creative**, Wichita – **Keith Boscher**, owner; and new Professional Member – **Erin Dehn** – **KAKE TV** and **KNSS**, Wichita.

KAB thanks these stations for renewing in 2004. **RADIO**. KREP FM, Belleville; KXXX/KQLS and KTCC FM, Colby; KGNO/KOLS/KZRD/KSSH, Dodge City; KAHS AM and KBTL FM, El Dorado; KIUL/KBUF/KKJQ/ KYBD/KSKL/ KSKZ/KSSA, Garden City; KDNS/ KZDY, Glen Elder; KLOE/KKCI/ KWGB, Goodland; KZLS FM, Great Bend; KIND AM/FM, Independence; KJCK AM/FM/KQLA FM, Junction City; KNNS/KGTR, Larned; KYUU/KSLS, Liberal; KNGL/KBBE, McPherson; KKAN/KQMA, Phillipsburg; KWLS AM, Pratt; KILS/KQNS, Salina; KFLA AM, Scott City; KULY/KFXX, Ulysses; KLEY/ KWME, Wellington; KKLE AM, Winfield **TELEVISION**: KLBY TV/ KUPK TV, Garden City; KSHB TV/ KMIC TV/KPXE TV, KCPT TV, KCTV, and WDAF TV, Kansas City; KTKA TV, Topeka; and KPTS TV, Wichita.

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## KAB broadcast scholarship and job bank PSAs available

KAB has distributed and posted online at [www.kab.net](http://www.kab.net), the radio and television PSAs promoting KAB’s broadcast scholarship program and online Job Bank. The scholarship PSA features K-State basketball phenom, Kendra Wecker, who also is a broadcast major. A donut also was provided for stations to insert their own personnel who are past KAB scholarship winners. The deadline for broadcast scholarship applications is May 1 so the scholarship PSA should air through April 25. The online Job Bank announcement may air during the next 12 months. The spot directs job seekers to

## Mark your calendar

### 2004 KAB Convention

October 10-12

(Sunday - Tuesday)

Overland Park Sheraton

-----  
KAB’s Job Bank at [www.kab.net](http://www.kab.net) using a newspaper classified ad theme.

With the PSAs, stations also were provided information about KAB’s Action Plan to Help Members Comply with EEO, information about contributions to KAB’s Foundation Broadcast Scholarship fund for EEO credit, and a copy of the KAB Broadcast Scholarship Application and guidelines so that stations may answer inquiries about the program.

## To receive EEO credit

SEUs (station employment unit) may make a contribution to the KAB Foundation and get one credit for EEO for non-job specific outreach. Make a station check payable to KAB Foundation Broadcast Scholarship. (See contribution schedule in number 2 below).

In order to get one credit, each station employment unit (SEU) should:

- 1) once every two years, donate to the KAB Foundation (earmarked for broadcast scholarships) a minimum of \$100 for radio SEUs with 1 or 2 stations, a minimum of \$200 for radio SEUs with three or more stations, and a minimum of \$300 for TV SEUs;
- 2) promote the availability of the scholarship program (airing KAB’s PSA) over the SEU’s stations and direct interested candidates to mail, fax or e-mail the station for a copy of the application;
- 3) provide blank application forms upon request, which the KAB will provide or you may access on our web site: [www.kab.net/programs/student/brdcast\\_scholarship.html](http://www.kab.net/programs/student/brdcast_scholarship.html)
- 4) be available to answer questions about the program from interested persons, and
- 5) make an initial evaluation of the candidates for the evaluation committee

The application deadline for the broadcast scholarship each year is May 1.

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## News briefs

\*Fort Hays State graduates, **Patrick Burnett** and **Shannon O'Toole**, have been named sales representatives for **KBGL FM**, Great Bend. Burnett graduated in December with a degree in business administration. He has worked for Eagle Radio for 10 years. O'Toole graduated last spring with a degree in communications.

\*Full time math teacher and part time sportscaster, **Rusty Hilst** of Hutchinson, will receive the Kansas Interscholastic Athletic Administrators Association Sportscaster Award for 2004. Hilst has been the voice of Hutchinson's Salthawk and Blue Dragon sports for the past 34 years. He does the Hutchinson Community College football and men's basketball broadcasts as well as Hutch High's football and basketball games on **KWBW**.

\*Kurtis Media LLC, owned by producer and broadcaster, **Bill Kurtis**, has purchased the Pawhuska/Bartlesville, OK FM radio station, **KBVL**. Kurtis also owns **KIND AM/FM** in Independence KS. **KIND** general manager, **Patti McCormick**, also will manage **KBVL**. **Bill Livingston** will cover local news and weather and **Gary Moore** is account executive for **KBVL**.

\*Replacing **Howard Hill** as KU's public address announcer, is **Hank Booth**, former owner of **KLWN/KLZR**, Lawrence. Hill retired from his announcer duties in February. He had been KU's announcer since 1982.

\*With the change of ownership of Salina's EBC stations to Morris Communications, long-time chief engineer **Don Englehardt** completed over 58 continuous years at **KSAL**. Englehardt is a past winner of **KAB's** Sonny Slater Award for service to his station and community.

\***Don North** has been named news director at **KWCH TV**, Wichita. He replaces Joan Barrett who recently was promoted to general manager. North comes to Wichita from **WQAD TV** in Moline IL.

\***WIBW TV's** general manager, **Mike De Lier** has resigned, it was announced March 14. According to News Director Jon Janes, applications are being taken to replace De Lier at the Topeka station... In other news from **WIBW TV** – the station received the Red Ribbon Award for Best

## Peggy Law Scott



Peggy Law Scott, 57, Wichita, died February 25, during a morning screening of "The Passion of the Christ" at a Wichita theatre.

Peggy had worked in Wichita broadcasting for many years, most recently as general sales manager of Clear Channel's **KRZZ** and **KKRD**.

Peggy is survived by her husband, John, two stepchildren and three grandchildren.

Funeral services were held March 1 at East Heights United Methodist Church in Wichita. Memorial contributions may be made to Wichita State University Foundation, c/o Peggy Scott Memorial Fund, 1845 Fairmount, Wichita KS 67260.

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Supporting Television Station. The Red Ribbon Kansas Drug Free Campaign is administered by Kansas Family Partnership – an organization working to assist families raise drug-free successful youth.

\*Conservative talk radio host, Sean Hannity, included Wichita on his national "Hannitization Tour". He broadcast his show on March 10 from **KNSS** studios.

\***Clear Channel's** vice president and radio market manager in Wichita, **Dick Harlow**, has been promoted to regional vice president for Clear Channel Mid America Division. He will continue to oversee stations in Wichita (**KZSN**, **KKRD**, **KRBB**, and **KRZZ**), and will take on responsibility for stations in Oklahoma City, Tulsa, Lawton and Wichita Falls, TX. He came to Clear Channel/Wichita in January 2002... Other news from Clear Channel Radio/Wichita: **Malaura Epperson**, sales representative for **KRBB**, was selected to receive Clear Channel President's Club Award for her sales efforts and success over the last year;

\***Marcellus Alexander**, executive vice president of **NAB Television**, has been named president of the **NAB Education Foundation** and will oversee the expanded services of the Foundation. He will remain as executive vp of **NAB TV**. He replaces **Chuck Sherman** who is retiring.

#

## Ray Charles Senate



Ray Charles Senate, 92, Topeka, died February 18. He had served as director of marketing in the broadcast division of Stauffer Communications Inc. until his retirement in

1986.

He was a native of Paola and graduated from the University of Kansas in 1934 with a degree in journalism. Ray worked for Capper Publications until he was called to active duty in the Army in 1941. After the war he worked for Capper's and Time-Life magazines in Chicago. He returned to Topeka in 1955 when he went to work for Stauffer Publications/**WIBW** Radio and TV.

Ray was preceded in death by his wife, Jane Griggs in September 2002. He is survived by a niece and two nephews.

A memorial service was held February 21 at First Presbyterian Church, Topeka. He was cremated and inurned at Mount Hope Cemetery. Memorial contributions may be made to First Presbyterian Church, Topeka; Topeka Downtown Lions Club, **KU** Gold Medal Club or **Mulvane Art Center**.

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## William Elton Torbert



William Elton Torbert, 71, Topeka, died March 12. He served as general manager of **WIBW** Radio from 1982 to 1984. He previously worked at **KGNC** in Amarillo and owned two radio stations in Clovis NM.

William was a native of Arkansas City, KS and graduated from West Texas State University with a degree in communications.

William was preceded in death by his wife, Beverly Beck. He is survived by four daughters, one son, 14 grandchildren and 4 great grandchildren.

Memorial services will be in Amarillo. Memorial contributions may be made to Aldersgate Village, Topeka or Southern Care Hospice in Lawrence.

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## Washington update

### At the FCC

\*The FCC's DTV simulcasting rules take effect April 1. The rules require DTV licensees to simulcast 75% of the video programming of their analog channel on their DTV channel. The requirement, which increases to 100% by April 2005, is under review by the FCC and may be revised or eliminated later this year. Requests for waivers in order to provide innovative DTV programming or to reduce DTV operating schedules may be filed with the FCC.

\*The FCC has created an **Electioneering Communications Database** available on the FCC Web site at <http://gullfoss2.fcc.gov/ecc>. The database was established to help broadcasters respond to questions by potential advertisers (under the Bipartisan Campaign Reform Act/BCRA of 2002) whether their "electioneering communications" will reach an audience of 50,000 or more persons. The BCRA prohibits certain entities from making "electioneering communications" which are any paid broadcast, cable or satellite programming that refers to a federal candidate, are aired 60 days prior to a general or 30 days prior to a primary election, and reach 50,000 or more persons. In September 2002, the Federal Election Commission issued rules governing electioneering communications and expressly stated that any reporting obligations lie with the person or entity making the electioneering communication, not with the broadcaster airing the communication. Stations may, however, be asked by potential advertisers whether their communication will reach 50,000 or more persons.

### In Congress

\*On March 11, by a vote of 399 to 22, the **U.S. House of Representatives passed HR 3717, the Broadcast Decency Enforcement Act**. The legislation would increase the ceiling for indecency fines from the current \$27,500 to \$500,000 and would mandate a license revocation hearing after a licensee has paid – or been ordered by a Federal Court to pay – three forfeitures for indecency violations.

\*The Senate Commerce Committee passed out **its version of the Broadcast Decency Enforcement Act – S 2056**. S 2056 was co-sponsored by Kansas Senator Sam Brownback and Sen. John McCain

## Streaming rates

The U.S. Copyright Office issued a final rule setting the rates and terms for the compulsory license under which stations simultaneously streaming their signals during 2003 and 2004 must pay royalties to the producers and performers of sound recordings.

Stations have the option of a "per performance" rate of .0762 cents per song per listener less 4%, or an "aggregate tuning hour" option of .0762 cents per number of hours transmitted per listener for non-music programming and .88 cents for music programming. Minimum fees of \$2,500 per channel or \$500 per station apply.

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## Political Broadcast Catechism available

The Sixteenth Edition of NAB's *Political Broadcast Catechism* is now available. Cost is \$32.37 for NAB members; \$35.97 for non-members.

Included in the 16<sup>th</sup> edition are the new federal candidate certification, sponsorship ID and public file rules now required under the Bipartisan Campaign Reform Act.

To order a copy, go to NAB's Web site: [www.nabstore.com](http://www.nabstore.com)

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(R-AZ). It is unclear as to when the bill will move to the Senate floor. The Senate leadership could decide to consider the House bill HR 3717, rather than S 2056.

\*The Senate passed its version of the **FY 2005 budget, without spectrum taxes** as recommended by the Administration. The House has not yet considered the budget for FY 2005.

#

## United States Army Reserve

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## NAB Radio Board elections announced

James e. (Bud) Janes, president of Bick Broadcasting in Hannibal, MO was elected to NAB's radio board to represent Kansas and Missouri radio broadcasters. Janes replaces Jerry Hinrikus for the District 12 seat, who moved to Nebraska broadcasting after the sale of EBC, Inc., Salina.

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## Check your KAB inspection certificate

If the expiration date on your Certificate of Compliance is in 2004, start thinking about signing up for another inspection. The advantage to KAB's alternative inspection program, is that stations which pass get a three-year exemption on routine FCC inspections. Go to [www.kab.net](http://www.kab.net) to download the information and form to request an inspection, or contact KAB.

A reminder – **your station may be "marked" for an FCC inspection** if you do not have a current KAB Certificate of Compliance or have not signed up for a KAB alternate inspection.