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The *Transmitter* is free to members and available to non-members by subscription for \$25 per year. KAB's mission is to provide professional lobbying and governmental representation, efficient communication and effective recruiting, education and training for Kansas broadcasters for the purpose of enhancing the success of Kansas broadcasters and helping them better serve the people of Kansas.

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*Happy Holidays!*  
*Merry Christmas!*  
KAB office closed  
December 25-January 2.



## Chairman's message

*(Kyle Bauer, KFRM/KCLY)*

Since the first of December we have been in a "LIVING HELL" at KCLY/KFRM. We installed new billing software last month and were ready to do our first billing on the system when our office manager's baby decided to come 3 weeks early. How inconsiderate of him. As I write this our operation manager is back after 5 days of the flu. Our morning guy was on vacation Monday and Tuesday. Our assistant news director ran from her desk this afternoon to deposit her lunch in the trash (if you know what I mean). We averaged 2 people per day this week out of house on assignments. One of our sales people lost her mother in-law. I left the lights on my truck this morning and my wife threw out my favorite shoes. Admit it, no one had a tougher week than me or maybe our assistant office manager, or maybe our assistant sports director, or maybe our after-hours manager, or maybe my wife.

One thing is for sure, every month when you get to this point of the article you are going, "what the devil is his point". OK! OK! Here is my point. "If you're going to have a baby, don't go early." No, that's not it. "Don't allow people to go on vacation, because you might need them." No, that's not it. "Radio people are naturally sicko's." NO, NO. This is it - You don't realize how much of a team you have until some of the team is gone. Everyone can work like mad, try their hardest, and give it everything they've got, and then some, and it is never as good as when you have the whole team.

*(Continued on page 2)*

# Transmitter

Volume 42 No 11 December 18, 2003

## Supremes uphold campaign reform

The U.S. Supreme Court upheld the major provisions of the Bipartisan Campaign Reform Act of 2002 (BCRA). By a 5 to 4 vote, the Court upheld BCRA's restrictions on the ability of political parties to raise and spend "soft money;" and prohibitions on corporations and unions purchasing broadcast advertisements that refer to a federal candidate and are aired 60 days prior to a general or 30 days prior to a primary election.

The Supreme Court declined to rule on challenges to another provision of BCRA, which was designed to limit the number of "attack" ads by limiting the availability of the lowest unit rate for the broadcast ads of federal candidates that refer to their opponents. As a result, federal candidates, to receive a station's lowest unit charge for their advertisements, must either (1) provide the station with a written certification that the programming does not refer to an opposing candidate; or (2) if it does refer to an opposing candidate, the written certificate must state that the programming also includes a specific visual or audio statement by the candidate personally identifying himself and stating that the candidate has approved the broadcast.

The Court upheld BCRA's expansion of the information that broadcast stations are required to keep in their political files. BCRA requires broadcasters to maintain essentially the same information (including rate information) for advertisements "relating to any political matter of national importance" (including issue ads) that FCC rules have long required to be maintained for candidate ads. (Source: NAB).

## Guest column

### Kansas Attorney General Phill Kline



As I approach the end of my first year in office, I realized that I needed to take time to thank you, the members of the Kansas Association of Broadcasters, for your hard work and dedication to our state's AMBER Alert plan.

When my predecessor, Attorney General Carla Stovall, formed the AMBER task force in March of 2002, I am sure that she could not have known what an outpouring of support the plan would receive from the broadcast, law enforcement, and business communities.

Your willingness to participate in AMBER alerts and tests, usually with little or no notice, is symbolic of your dedication to protecting our most precious – and most vulnerable – asset: our children.

While the broadcast and law enforcement communities are the backbone of the AMBER plan, we are working to develop relationships within the business community to add more eyes and ears on the ground in case of an abduction.

On Monday, December 15 I had the distinct pleasure of joining David Kerr, president of SBC Communications-Kansas, to announce a significant enhancement to our state's AMBER plan.

SBC, with the full cooperation of the Communications Workers of America, will distribute our AMBER alerts via text messaging to over 700 field technicians across the state within minutes. That means more than 700 sets of eyes trained in emergency preparedness will be looking for a missing child, suspect, or suspect vehicle.

While partnerships like this can never be a substitute for the reach that we can obtain through the broadcast media, they do provide us with invaluable tools that will only enhance the work that we do in our continued effort to provide a safe haven for our children.

Thank you for your continued support of the AMBER plan. If we can ever be of assistance to you feel free to contact me or my director of communications, Whitney Watson, at 785-296-2219.

## KAB to make EEO1Source available to members

KAB's Board of Directors has allocated funds to purchase EEO1Source for use by member stations free of charge. KAB is in a position to offer this free service due to the success of KAB's NCSA program and stations continuing to air and report NCSAs.

EEO1Source is a web-based system for EEO compliance and record-keeping. The service will be made available to members soon after the first of the year. The only cost to stations will be faxing charges which should amount to no more than \$120 per year, depending on the number of job openings.

The service is secure and password-protected. EEO1Source will: automatically send job opening information via fax to Prong 1 and Prong 2 agencies; allow stations to customize the send-to list for each specific opening; track other out-reach efforts such as on-air and print ads; track the entire interview and hiring process along with referral sources; maintain a job specific file of all hiring processes; track Prong 3 menu items; provide stations with the required self-assessment in a verifiable way; allow stations to generate "mock" reports in the proper FCC form; generate all the required FCC reports in their proper form ready for copying on to FCC online forms; create the necessary public file reports; and automatically create the FCC-required web page.

EEO1Source was pioneered and developed by the state broadcast associations in Missouri, Minnesota, New Jersey and California.

#

## 2003

### Another great year for KAB!

A special thanks to Kyle Bauer who steps down as chairman, and to Scott Donovan and Gary Hawke who leave the KAB Board of Directors – for their tremendous service to KAB and the industry.

## Chairman's message continued

It is amazing how easy people who are good at their job make their job look. No big deal. No stress. All that stuff just happens. I have a challenge for you. Take the person in your organization whom you think has an easy job and is over paid. Next time they go on vacation or are sick, ask to do their job. I don't mean for 10 minutes or 20 minutes or an hour, the whole job. You might be surprised how much you learn.

Two parting thoughts.

1. A good team is really fun to play on.
2. Make sure when you're gone someone notices.

#

## Butler CCC student wins PSA contest

Kimberly Goodwin, a broadcast student at Butler County Community College won KAB's student PSA contest for a drunk driving PSA she wrote and produced. The PSA has been distributed to radio stations for airing during the holidays.

Kimberly won \$100 from KAB and a certificate of recognition.

#

## 2004 political dates-Ks, Mo

December 20 – Missouri Presidential Primary lowest unit rate window opens

February 3 – Missouri Presidential Primary

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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## Tax amnesty - a letter from Governor Sebelius to KAB

“... As you know the Tax Amnesty Project has now come to an end. Thank you for your leadership and the assistance provided by the Kansas Association of Broadcasters in making this initiative successful.

“The public service announcement you developed for us was creative, informative and provided a clear message to the citizens of Kansas on how to apply for Tax Amnesty. Broadcast stations across the state played it often, and in very visible time slots to get the message out to the public.

“You and your association truly performed a public service for the citizens of Kansas. Thank you for a job well done.

“Sincerely, Kathleen Sebelius”

\*\*\*\*\*

## Secretary Wagon reports \$23.6 million paid in back taxes

Joan Wagon, secretary of Kansas Department of Revenue, reported that \$23.6 million in back taxes had been brought in this fiscal year, under the Tax Amnesty Program. An additional \$9 million is pending, subject to tax return review.

#



KAB Chair Kyle Bauer (left) hands over the KAB gavel to incoming chair, Cliff Shank.



KAB Board Members (from left) Eugene Williams, Patti McCormick, Phil McComb, Jackie Wise, Eric Lassberg, Mark Vail, Kyle Bauer, John Ewy, Cliff Shank, Craig Colboch - at their December 11 meeting in Manhattan. Mark Vail and John Ewy take their board seats January 1, 2004.

## 2003 KAB Year in Review

THANKS to the KAB Board of Directors and many member volunteers who gave time and effort to KAB events and initiatives in 2003.

### 2003 KAB Events

#### Charles Warner TV Satellite Sales

Seminars, March 5 & 12

#### SBE/KAB ATSC Digital VSB

#### Transmission System Seminar

Topeka, March 20

#### Student Seminar/Career Fair

Wichita, April 16

#### Sports Seminar, Kauffman Royals

Stadium, May 6

#### EEO/License Renewal Seminar

Topeka, May 12

#### EEO/License Renewal Seminar

Wichita, May 13

#### Sales Academy,

Topeka, June 9

#### Journalists' Day at the Court

Topeka, June 27

#### Poynter Institute News Boot Camp,

Topeka, October 4

#### Convention/Annual Meeting

Wichita, October 19-21

## Other Activities and Projects

\*KAB lobbied at the national level on issues of vital concern to Kansas broadcasters. KABers called on our Washington DC delegation and attended NAB's Leadership Conference.

\*Monitored the state legislature for proposals detrimental to Kansas broadcasters and represented broadcasters' interests.

\*Brought to the attention of the state's elected officials and others, Kansas broadcasters contribution of \$111,265,000 to local communities in fund raising efforts and the airing of PSAs.

\*Provided production and on-air time to the Kansas Tax Amnesty Program, to assist the state in garnering owed taxes.

\*Worked with the Kansas Commission for the Deaf and Hard of Hearing and the agency's Emergency Weather Captioning Task Force in coordinating meetings with Kansas television broadcasters.

\*Co-sponsored with Kansas Sunshine Coalition for Open Government, Kansas Supreme Court, KU Media Law Clinic, and Kansas Press Association, Journalists Day at the Court. Discussions were held about the current state of the law regarding open records and open meetings, news and sports reporting and the right of publicity, applied ethics and other issues of importance to journalists covering Kansas courts.

\*Made adoption of Kansas children in need of a family, an official project again in 2003. Kansas broadcasters continued to give air time for the Kansas adoption and foster care effort. Total airtime reported since KAB's adoption/foster care on-air initiative began in late 1997, is more than \$1 million

\*Presented award and cash prize to winner in our PSA contest for high school and college students and classes to produce radio and television PSAs for youth alcohol/drug abuse prevention.

\*Continued to coordinate broadcaster participation in the Kansas AMBER Plan.

\*Continued FREE legal hotlines to give members a reliable, quickly available source of expert legal advice.

\*Continued the Alternative Broadcast Inspection Program for radio and television stations.

\*Continued the NCSA time bank resulting in revenues to the KAB from NCSA participants: KS Army National Guard; KS Department of Health and Environment Lead Poisoning; Developmental Disabilities; KS Radon Program; U. S. Coast Guard; KS Children's Service League; and Valley Hope.

\*With other state broadcast associations, KAB filed comments in the FCC's latest EEO rulemaking. Meanwhile, KAB member stations continue commitment to nondiscrimination through outreach efforts as outlined in KAB's Broadcast Careers Program - career fairs, student broadcast seminars, scholarships, paid internships, online Job Bank, and continuing dialogue and collaboration with broadcast educators.

\*In response to the new FCC EEO rules, KAB compiled an EEO Recruitment Resource List and began development of KAB's Action Plan for Helping Members Comply with the New FCC EEO Rules.

\*Sponsored broadcast awards for radio and television stations and broadcast students.

\*Awarded \$35,000 in 2003, through scholarships to future broadcasters and children of employees at KAB member stations and through its paid student and faculty internship programs. KAB awarded 15 broadcast scholarships and 19 KAB Kids scholarships.

\*Completed the IRS filing for 501 (c) 3 status for the KAB Foundation. Application approved.

\*Radio stations took advantage of KAB phone lines during state basketball tournaments.

\*Published a *Kansas Radio/Television Directory* and monthly *KAB Transmitters*; distributed numerous communiqués to members about regulatory and legislative issues.

\*Outreach included the awarding of the annual Tony Jewell Award for the prevention of alcohol and drug abuse and \$500 honorarium to recipient's chosen organization; assisting with the selection of the winner of KSHSAA's Oscar Stauffer Award for Sports Broadcasting; and distributed PSAs and numerous news releases for organizations.

#

# Washington update

## At the FCC

\*The FCC's **closed captioning rules**, beginning January 1, 2004 will require increased obligations for broadcasters. English language television stations will be required to provide 1,350 hours of captioned video programming per calendar quarter. Stations with annual gross revenues of less than \$3 million are exempt from these captioning requirements, although they must pass through to consumers any programming they receive that has already been captioned.

\*The FCC's new rules for **the relocation of Broadcast Auxiliary Service (BAS) operations in the 2 GHz band** were published in the Federal Register December 8. New rules require that Mobile-Satellite Services licensees intending to enter the 2 GHz BAS band must relocate BAS facilities in markets 1-30 before they begin operations, markets 31-100 within three years after beginning operations, and in markets 101-210, within five years after beginning operations.

## At the FTC

\*The Federal Trade Commission has announced its "Red Flag" education campaign to assist media outlets to voluntarily **screen weight-loss product ads** containing claims that are too good to be true. To support the voluntary initiative, the FTC released a media reference guide entitled "Red Flag: Bogus Weight Loss Claims." Go to the FTC's web site to download the brochure: [www.ftc.gov/bcp/menu-ads.htm](http://www.ftc.gov/bcp/menu-ads.htm)

## In Congress

\*The Senate did not pass the conference report for Congress' year-end, omnibus spending bill. The legislation includes the provision that would instruct the FCC to set the national television viewership cap at 39%. The Senate will take it up again in late January. #

## News brief

\*New general manager at Waitt's **KYUU/KSLS** in Liberal is **Steve Schiffner**. He comes to Liberal from a Clear Channel station in Oklahoma. Schiffner started his broadcast career in 1965 when Mike Lynch and Mike Oatman hired him at KFDI, Wichita.

# More pass inspection

These stations have recently passed a KAB Alternate Broadcast Inspection, gaining a three-year exemption from routine FCC inspections: **KQLA FM**, Junction City; **KQNK AM/FM**, Norton; **WIBW TV**, Topeka; and **KFXJ FM**, Wichita.

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. Go to KAB's web site to download a "Request for an Alternate Inspection"

[www.kab.net/members/services/index](http://www.kab.net/members/services/index)

## United States Army Reserve

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## KAB Foundation a reality / to fund scholarships

KAB has received notification from the IRS that our application for a 501 (c) 3 foundation has been approved. The purpose of the foundation is exclusively for scholarship, student aid, charitable, and educational purposes.

The long range goal of the KAB Foundation is to build an endowment for broadcast scholarships and internships. Contributions will be sought from radio and television stations, broadcasters, advertisers, other foundations and estates.

Foundation officers are: Lance Saylor, president; Scott Donovan, vice president; Cliff Shank, Treasurer; Harriet Lange, Secretary. Directors include Kansas Broadcasters Kyle Bauer, Jackie Wise, Eric Lassberg, and Danny Thomas; Kevin Hager, Wichita State University; Barry Umansky, Washington Attorney; Ed Klimek, Manhattan banker, former broadcaster; and Rose Stanley, Wichita investment broker, former broadcaster. One additional director will be appointed.

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