

# THE KANSAS PUBLISHER



A MONTHLY PUBLICATION FOR THE KANSAS NEWSPAPER INDUSTRY FEB. 3, 2010

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## KPA CALENDAR

### FEB. 4

Midwest Newspaper Summit 2, Des Moines, Iowa

### FEB. 19

Judging of Nebraska Press Association contest entries, KPA office, Topeka

### APRIL 22-24

Kansas Press Association annual convention, Capitol Plaza Hotel, Topeka



*Dan Thalmann has led his rural newspaper, the Washington County News, into the realm of online journalism. He serves on the KPA board as Northeast District director. (Photo by Doug Anstaett)*

## News embraces digital explosion

By Ron Wilson

“Now let’s go to an exclusive on-the-scene report from President Obama’s inauguration in Washington, D.C.”

That could have been any news report in January 2009, but in this case, it was made possible by the publisher of the Washington County News in Washington, Kan.

Dan Thalmann is the editor and publisher of the Washington County News. Not only has this newspaper demonstrated high quality work, it has shown remarkable creativity in the emerging

world of online journalism.

Thalmann comes from rural roots. He was born at Greenleaf and graduated from Linn High School, as did his wife Jennifer

He earned a degree in history from the University of Kansas. By the late 1990s, they were living in Lawrence, married with two young daughters and had a desire to raise them in a small town atmosphere.

They moved to Waterville, where he was

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## High court denies mandamus request

The Kansas Supreme Court denied standing Tuesday to Dodge City Daily Globe reporter Claire O’Brien and the Globe’s parent company, GateHouse Media, in their attempt to get a writ of mandamus to block enforcement of an order for her to testify at an inquisition.

The Kansas Press Association and the Associated Press also were denied in their attempt to present amicus curiae briefs in the case. The

state’s highest court ruled those and other similar requests moot.

The Kansas Supreme Court earlier granted an emergency stay to a subpoena that was designed to force O’Brien to reveal her confidential sources and unpublished notes she had collected during a jailhouse interview with a murder suspect.

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The new Apple iPad was long-awaited, and disappointed some observers.

# Some iPad hype prophetic, yet critics cite ‘deficiencies’

Keeping in mind that I wrote about the rumored tablet device by Apple three months ago, it was with some satisfaction that I listened to Steve Job’s announcement concerning the iPad on Jan. 27.

As I visited with attendees at a newspaper conference in Minnesota, the interest in the new device was evident as one publisher after another approached me to get my opinion on its potential effect on the newspaper industry.



Kevin Slimp

Rumors concerning the iPad were a favorite topic of technophiles over the past few months. Little did I know that the announcement would generate the excitement that it did. As I peruse the list of iPad features, I feel a strange sense of excitement and fear at the same time. Let me explain.

While researching material for my previous column, I was struck by the response of one expert who responded to my question about a possible Apple device by saying, “Look, a unicorn!”

He was referring, of course, to the inability of any device to live up to the

mountain of hype. Rumors hinted at a gadget that would combine a high definition TV, along with a computer and phone. In addition, all magazines, newspapers, books and other printed materials could be viewed on the large screen with the click of a button. And Internet connection wouldn’t be a concern. The tablet would have continual access to the Internet. No need to log in to an Internet provider. And the battery would stay charged for days at a time.

It looks like some of the hype was prophetic. Streaming video and television will be available. So will books, magazines and newspapers. Plus, users will be able to browse the Internet. And with a battery life up to ten hours, my flying friends won’t be roaming through airports like zombies in search of some place to charge their computer batteries.

Critics cite some of the iPad’s “deficiencies.” Without a USB port, there’s no apparent way to transfer files between computers and iPads. Apple’s continued alliance with AT&T drew boos from some of the audience at the unveiling. Possibly the biggest criticism relates to the iPad’s inability to play Flash files, a staple for online ads on newspaper sites.

At an Apple employee gathering following the iPad launch, Jobs said, “Apple

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# Thalmann

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expecting to take a job to work on a grant-funded project. Unexpectedly, the grant fell through.

Thalmann said of his situation, “No job, no prospects.”

His mother spotted an ad seeking a reporter at the Washington County News, so he applied.

“I had never taken a journalism class in my life,” he said.

Not only did he get the job, he found he really enjoyed it. In November 2006, he purchased the Washington County News from Ned Valentine, who also owns the Clay Center Dispatch.

His family now lives less than three miles from where he was born near Greenleaf, population 349. Now, that’s rural.

What is the role of a weekly rural newspaper?

“We’re all about local. If some big story happens, a TV station or out-of-town paper will try to come in, but you just can’t get the pulse of the community without being

here,” Thalmann said. “If there’s a school activity, people’s kids get their name in the paper. That doesn’t happen in the big city. What makes all this happen is a sense of community.”

Publishing only once a week can be limiting. Dan’s solution was to start a blog on which news reports and comments can be posted 24-7.

“I’d heard about blogging quite a bit and was playing around with it” he said. “In January 2008, I initiated a blogsite called backroadsnewsroom.com. When a new candidate announced for local sheriff, I posted it online and it took off. It seemed everyone was talking about it.”

Suddenly the weekly newspaper could be a constant source of news, and readers responded. Around election day, the blog peaked at nearly 7,000 page loads on a single day.

“It’s probably the most active blog of a weekly in the state,” he said. “The Internet is a threat to newspapers in some ways, but it’s an opportunity in others.”

Now he is using Twitter and Facebook, and has even tweeted from city council meetings. There is no quicker way to get out the news.

Of course, good writing is still essential. The Washington County News has won numerous Kansas Press Association awards, essentially making them the top ranked rural newspaper in the state last year.

When a local school class raised money to go to President Obama’s inauguration, the rural editor saw another opportunity

He set up Twitter accounts for class members to feed into his blog and loaned them handheld camcorders to send video back home.

Imagine students from rural Kansas using these emerging technologies to capture and report on these events.

Gloria Freeland, director of the Huck Boyd National Center for Community Media at K-State, said, “Dan Thalmann does an excellent job of engaging young readers by blogging and using Twitter and Facebook. Such innovations and others will ensure that Dan’s newspaper and blog are well-read throughout his community.”

By the way: Are there funnies on Twitter?

**Ron Wilson** is director of the Huck Boyd National Institute for Rural Development at Kansas State University.

## Public notice bills filed in both House, Senate

Two bills to curb public notice in newspapers have been filed in the 2010 session of the Kansas Legislature.

One, Senate Bill 405, was the subject of a hearing of the Senate Ways and Means Committee Jan. 26. The bill that would allow internet posting of public notices by cities, counties and school districts.

If passed, it would give those entities the option of placing notices on their own, government-controlled internet websites, eliminating the expense of placing the notices in paid-circulation newspapers across Kansas.

The Kansas Press Association provided written testimony from 20 publishers or KPA staff members. Four KPA representatives — President Tom Throne, Past President David Powls, Legislative Committee Chair Ken Knepper and Executive Director Doug Anstaett — spoke against the bill.

Proponents said one of the key provisions of the legislation is it would allow cities, counties and school districts to choose the option of either internet posting or publication in a legal newspaper.

Anstaett asked the committee: “When did open government become optional?”

Rich Gannon, director of governmental affairs, cautioned KPA members to remain



vigilant and to continue working on their local senators and representatives.

“They need to hear loud and strong how you feel,” Gannon said. “We’ve got commitments from some committee members to support our position, but the Legislature has a number of mechanisms they can call on to get this language moving.”

The second bill, House Bill 2562, attacks public notices that require more than one publication, including delinquent property tax lists, election notices, bond elections and sheriff’s sales.

No hearing has been set, but this bill also will be opposed by KPA.

“We continue to get complaints from counties about the delinquent property tax list, but they fail to point out to legislators that they can charge \$15 back to each

delinquent taxpayer, thus recouping much of the cost,” Anstaett said. “Newspaper publication is the most effective and least expensive collection service counties could ever engage to prompt these taxpayers to pony up.

“In the process, the county can recoup a portion of the expense of the public notice through the \$15 fee per parcel.”

A number of the publications that would be affected run three consecutive weeks, while some run for two.

“With both these bills, there is a fear that the public will be far less informed and thus less engaged in the political process,” Anstaett said. “While public officials might think that’s a good idea, we think it is dangerous.”

KPA members will continue to be apprised on a regular basis of the progress of the two bills.

“Rich and I want to emphasize that hearing from the folks back home — newspaper editors and publishers — is the single most effective way to get a point across to legislators,” Anstaett said.

“Frankly, the only ones who don’t listen wouldn’t be on our side under any circumstances anyway.”

PDFs of the two bills are attached to today’s Kansas Publisher.



# Here are tips on creating response advertising

By John Foust

In general terms, there are two types of advertising: Image and Response. Image advertising is designed to create — and maintain — the personality of a brand in the marketplace. The objective of an image campaign is to give consumers a good feeling about an advertiser, and help them remember that company when they make future buying decisions.

On the other hand, response advertising tells consumers, “Buy now,” instead of, “Remember us when you’re ready to buy.”

There is a sense of urgency in response advertising.



John Foust

Both types of advertising belong in your marketing toolbox. However, when times are tough — and when advertisers are demanding immediate results — it is wise to focus your attention on response advertising. Here are two key points to keep in mind:

## 1. Make an offer.

In the first “Godfather” movie, Marlon Brando’s

Don Corleone character said, “I’m gonna make him an offer he can’t refuse.” Although that line had nothing to do with advertising, it is worth remembering when creating a response campaign.

To put it simply, an offer is an incentive to take immediate action. It is a deliberate effort to turn passive readers into active participants in the marketing process.

I know of a men’s clothing retailer that is ringing up big profits in spite of a difficult economy by frequently selling upscale merchandise at bargain prices. Most of the inventory is discounted for these sales, but at least one item serves as an irresistible offer — \$295 cashmere sweaters for \$69, for example. This cashmere sweater is known as a loss leader, an item which is sold at a loss to

attract shoppers.

Some advertisers like to offer special pricing (early bird specials, coupons, multiple-purchase discounts). Others rely on giveaways to generate business (free market analysis, free sample, free installation). And others have found success with special events (celebrity appearances, contests, new product introductions).

An offer should have an expiration date. If consumers think they can take advantage of the offer whenever they want, there will be no feeling of urgency.

You want them to buy now, not later.

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Scarcity is a powerful way to create urgency. If you are selling a finite inventory (real estate, for example), let your target audience know that selection will never be better than right now.

**2. Test and measure.** How will you know which offer will produce the maximum response? The only way to find out is to conduct tests.

A business might run a “buy one, get one free” coupon during

one sales cycle, then follow it up with a “half price” coupon (both represent virtually the same benefit to consumers). A real estate developer might run the same headline and copy — but different photographs — in separate test ads. A car dealership might feature different incentives in back-to-back ads.

The purpose of testing is to measure response from each ad, so you can tweak your approach for the next round. Eventually, you will get a good feel for what works best.

It’s all about getting results.

**John Foust** can be contacted about his training videos for ad departments at [jfoust@mindspring.com](mailto:jfoust@mindspring.com).

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## Subpoena

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Here is the statement released Tuesday by Doug Anstaett, executive director of KPA:

“Obviously, we are extremely disappointed in this ruling. It sends an unmistakably chilling message to our reporters and to their sources that no protections exist for those who want to blow the whistle on government, uncover corruption and abuse or report on the criminal element in our communities.

“What this ruling points out is how critical it is that the Kansas Legislature approve a shield law this year. Reporters won’t be able to do their jobs and sources will not come forward now that they see that the strong arm of government can be used to silence them.”

The statement continues: “Had we had a shield law like that contained in Senate

Bill 211, such heavy-handedness would have been tempered by due process and the prosecution would have had to show that they were on something besides a mere fishing expedition or simply attempting to intimidate the press in Ford County.

“That the Kansas Supreme Court would not even hear this case is appalling.

“Here’s another problem: the newspaper company and those who hoped to join the effort spent approximately \$30,000 to get the Kansas Supreme Court to write a one-paragraph ruling denying their claim. Who is going to want to step forward and challenge rulings in the future? The chilling effect will take over: reporters will be discouraged from doing their jobs and the power of government, the courts and law enforcement will continue to expand. It’s a sad day for Kansas.”

The KPA will aggressively pursue Senate Bill 211 during the 2010 legislative session in an attempt to change Kansas law to allow reporters to be shielded from such

subpoenas, Anstaett said.

He explained that under the bill, a subpoena could not be enforced unless “clear and convincing evidence” is shown that the information sought:

- Is material and relevant to the controversy for which the disclosure is sought;
- Cannot be obtained by alternative means; and
- Is of a compelling and overriding interest to the part seeking the disclosure and is necessary to secure the interests of justice.

If those three hurdles are cleared, then a court could order the disclosure for in camera inspection, where a judge would determine if the information indeed had probative value that “is likely to outweigh any harm done to the free dissemination of information to the public through the activities of journalists.”

KPA will continue work with the Senate Judiciary Committee to get a hearing.

A copy of Senate Bill 211, the proposed shield law, is attached to today’s Publisher.

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# KPA joins INF, SNPA to offer online training

The Kansas Press Association has joined Southern Newspapers Publishers Association and Iowa Newspaper Foundation in a new effort to offer online training opportunities to members.

KPA members will be able to access a variety of training events for just \$35 per seminar.

The INF and SNPA has developed a web site ([www.onlinemediacampus.com](http://www.onlinemediacampus.com)) to specifically address the Online Media Campus initiative. The web site features information about upcoming webinars, archived webinars, as well as a listing of press association partners. The web site will also allow participants to register for webinars quickly and easily online.

“We hope KPA members who need training can take advantage of this inexpensive but professional training opportunity,” said Doug Anstaett, KPA executive director. “We know that with staff cutbacks and other reductions travel is almost an impossibility for some of our members. We hope this will at least provide one solid alternative.”

Below is a list of upcoming topics:

### Feb. 12: Intro to InDesign

Graphic Arts Training & Consultants have provided excellent leadership for INF

workshops in the past, including a similar series of InDesign workshops, training for web press operators, training for color calibration and prepress training.

### March 5, April 2: Intro to Social Networking

Nathan Wright of Lava Row Consulting has more than 10 years of expertise in social media, web culture, emerging media, user interface design, branding and digital communications.

### March date TBD: Ad Sales 101

Steve Fisher of Woodward Communications, is Group Publisher of the Weekly Division of Woodward Communications. Prior to joining Woodward Communications, Steve held advertising and publishing positions with Quincy Newspapers and Liberty Group Publishing.

### April 16: Intro to Photoshop

Graphic Arts Training & Consulting Group

KPA members can sign up for any of the seminars by going directly to the website, [www.onlinemediacampus.com](http://www.onlinemediacampus.com). The webinars are archived and available for those with schedule conflicts.

## KPA desperately needs judges Feb. 19

The Kansas Press Association will judge the Nebraska Press Association’s news and advertising contests on Friday, Feb. 19 at the KPA office in Topeka.

Judging starts at 9 a.m. If we get an adequate number of judges, we’ll likely finish the task by 3 p.m. in the afternoon.

So what is adequate? About 40 total judges to handle both contests, said Emily Bradbury, member services director.

We’re throwing in a special incentive

this year. KPA will have a number of door prizes for judges. We’ll draw one prize per hour and if you’re there and your name is drawn, you win.

“Now, some people would call this bribery,” said Doug Anstaett, executive director. “They would be correct. We’re just trying to make judging a little more fun, because we know it’s a sacrifice for members to take a day away from work.”

A continental breakfast and lunch will be provided.

## Local history supply lines being cut

### From Reflections of a Newsosaur

Endless newspaper layoffs have cost readers “tens of thousands of years of community knowledge,” says media sage Ken Doctor in an important new book.

As if the loss of community wisdom and lore were not bad enough, it is unclear where local news will come from in the

future, warns Doctor in “Newsonomics,” which is being published next week.

“For truly local news, our supply lines are being cut,” writes Doctor, a former senior editor at Knight Ridder who is one of the top thinkers (and worriers) about the ever-changing media landscape.

He writes the popular Content Bridges blog.

# Newspapers provide transparency, veracity

What is the cost to keep public government open?

That's one of the questions many of us raised last week during testimony before the Senate Ways and Means Committee, which had a hearing on a public notice bill filed by Sen. John Vratil, R-Overland Park.

The bill, which was proposed by the Kansas League of Municipalities and the Kansas Association of School Boards, basically eliminated the word "newspaper" from the current legislation and substituted language making the use of newspapers optional but requiring notices to be placed on government-run Web sites.



Tom Throne

In addition, there is no mention about the mechanism that will be used when the notices are posted on the Web sites. Government agencies could just post the public notice number and no one would know what the notice contained.

A House committee has proposed similar legislation from the Kansas County Officials Association, a group including county clerks, county treasurers, registers of deeds and elections officials.

Many of the calls for Web-posted notices relate back to saving costs for the publication of public notices in this down economy. We wonder what happens when the economy picks up.

We believe that publication of notices in newspapers provides the vital and verifiable transparency that government requires. For more than 200 years, newspapers have served as a third-party source to provide that transparency.

Eric Meyer, president of Hoch Publishing in Marion, raised several good points

that are worth thinking about. Call Doug if you'd like a copy of Eric's written testimony. It's very interesting.

"When democracy began, public notices were 'published' by posting them on prominent public bulletin boards in the middle of town squares. Rather than simply being available for inspection inside some government office, they were placed in areas where average citizens could encounter them while tending to normal routines. Newspapers ... are the modern equivalent.

"Putting something on a government owned and operated Web site is no different than telling people to make a special trip to the courthouse or to city hall and ask to look at it."

He went on to say: "Newspapers are the medium of choice for exposing the public to information that it did not know it might wish to seek out."

With approximately 24 hours notice, Kansas Press Association members mobilized to inundate committee members with 20 letters opposing the public notice bill as well as testimony from Ken Knepper, publisher of the Newton Kansan; David Powls, publisher of the Holton Recorder; Doug Anstaett, KPA executive director, and myself. We also appreciate all the phone calls members made to not only committee members but to their local legislators as well.

We are not sure where this legislation is going. However, it's pretty obvious that taxpayer-supported groups, i.e. local government entities, are making a major push to put public notice on the Internet through government-run sites. We have to be diligent because the legislation is not going away, even if it is blocked in committee.

Doug and Rich Gannon calculated there were 75 publicly funded lobbyists in Topeka compared to three for the news industry — Doug and Rich at KPA and Kent Cornish at the Kansas Association of Broadcasters.

This week, I ran some interesting statistics for public notices costs in Geary County. You ought to look at those figures in your area as well.

The city of Junction City published \$19,217 in legal notices in the Daily Union during 2009. Its general fund budget (not the total city budget, which is larger) was \$11.98 million. The percentage cost of public notices against the general fund budget of the city was .0016 percent.

Geary County published \$21,012 in legal notices during 2009. Its general fund budget was \$10.43 million and the percentage cost of public notices against the general fund was .0020 percent.

Now those numbers are skewed because the publication of the five and a third pages of delinquent taxes cost the county \$13,401 to publish. However to offset those costs, the county can add \$15 for each parcel on the list when it collects the delinquent taxes. So I counted the number of parcels in each column — 60 parcels — and multiplied that by 6 columns for approximately 360 parcels per page. If all the parcels are paid for, which they eventually are, the county would raise approximately \$28,800 to pay for the delinquent tax list in 2009.

The school district published one legal at \$652 on a \$49.24 million general fund or .000014 percent of the general fund.

It's pretty obvious that the costs of public notices are insignificant compared to the total cost of government.

We must be vigilant in the coming weeks and months that legislation detrimental to open government is not passed in the Legislature, because our right to open government costs too much. Again we ask, "What is the cost to keep government open?"

*Tom Throne is president of the Kansas Press Association for 2000-10 and editor and general manager of the Junction City Daily Union.*

## Government support of newspapers in steep decline

Government financial support that has bolstered this country's commercial news business since its colonial days is in sharp decline and is likely to fall further.

A report released last week by USC Annenberg's Center on Communication Leadership & Policy concluded the cutbacks are occurring at the height of the digital revolution and will have an especially powerful impact on a weakened

commercial news industry.

The report analyzes some of the financial tools that government has used to support the press over the years — from postal rate discounts and tax breaks to public notices and government advertising.

"It is a common myth that the commercial press in the United States is independent of governmental funding support," said Geoffrey Cowan, professor and

director of the Center on Communication Leadership & Policy, who co-authored the report. "There has never been a time in U.S. history when government dollars were not helping to undergird the news business to ensure that healthy journalism is sustained across the country."

To read the full report, go to:  
<http://ascweb.usc.edu/News%20and%20Events/News/100128CCCLPReport.aspx>



## MARKETPLACE/JOBS

### NEWSPAPERS FOR SALE

Kansas Traveler is for sale. Established in 2004, this quarterly, full color publication has subscribers Kansas-wide and in 30 other states. For more information, contact Susan Howell at 316-688-0905 or howell@kansastraveler.com

For Sale — Small, profitable weekly newspaper in Southeast Kansas. Circulation under around 900. Located in a warm, friendly town. Good schools. Good Community. Publisher starting new career. Price negotiable. Please send inquiries to ebradbury@kspress.com.

The Sherwood Gazette, a monthly publication serving southwest Topeka since 1983 and mailed free to 3,300 households, is for sale. Sale includes an annual directory for the area. Call Brett Sanders at (785) 608-1621 for more details.

### ASSOCIATION MANAGEMENT

Executive Director, Wisconsin Newspaper Association — The world's oldest press association seeks applicants in a planned leadership transition to be completed by June 1, 2010. The Wisconsin Newspaper Association is a 501(c)(6) trade association representing more than 230 weekly and daily newspapers in

Wisconsin. The WNA executive director also serves as president of a wholly owned subsidiary and a 501(c)(3) charitable foundation. The individual works primarily in the arenas of the newspaper industry, state government to include the Legislature and state agencies, and public relations.

Serving as WNA's chief lobbyist, the director is responsible for all WNA and WNAF functions including financial, staff, resources and programs. The successful candidate will be a collaborative leader able to identify and act on strategic and entrepreneurial opportunities. The ideal candidate will have personal knowledge of the newspaper industry and a record of professional accomplishment sufficient to command the respect of WNA members, legislators and established strategic partners. Compensation will be commensurate with qualifications and experience. For assured consideration, an application letter describing interest and abilities with accompanying professional resume should be received by Jan. 15, 2010; however, applications may be considered beyond that date until needs of the position are met. E-mail cover letter, resume and references (Microsoft Word or .pdf only) to Search@WNAnews.com.

Executive Director, New Mexico Press Association — Terrific opportunity for an exceptional leader to take this newspaper organization to a new level. This is a challenging job that requires excellent sales, organizational, financial and management skills.

Ideal candidate will have demonstrated success in integrating new media with traditional newspaper operations at various-sized operations. Lobbying experience is a plus. Currently, the association is managed as a two-person operation based in Albuquerque. Salary and bonus opportunities will grow as operations expand. To apply, send resume and cover letter to Executive Director, New Mexico Press Association, P.O. Box 30518, Albuquerque, NM 87190, fax to 505-275-1449, or email to director@nmppress.org. Applications should be received by Jan. 4, 2010.

For Sale: Beautiful antique two-sided Hamilton oak layout table with 24 drawers on each side. It has a double tier work top with additional storage drawers. It also has the original lights. \$5,000. If you would like to see photos, email me at philliph@hughes.net. For more information, (785) 594-2532.

## Slimp

### Continued from Page 2

does not support Flash because it is so buggy. Whenever a Mac crashes more often than not it's because of Flash. No one will be using Flash. The world is moving to HTML5."

OK. That's another conversation for another day. But I will say this. When Apple added the Firewire port, I thought they were crazy. Boy, was I wrong about that.

So, I've been getting emails from publishers wanting to know what I think of the iPad. They want to know what effect it will have on our industry. Obviously, I don't know for sure. But I can tell you what I think.

This first edition of the iPad probably won't be a game changer. I don't expect most newspapers will rush to get their publications on an iPad. However, just as Apple revolutionized the music industry, it doesn't seem too much of a stretch to see how future versions of this device could revolutionize the publishing world. As the

screen gets a little larger, new technology emerges to enhance the iPad experience and applications abound, I could see the iPad — or something like it — changing the way many of us produce newspapers.

I'm excited about the opportunities we'll have to create new revenue streams and enhance the distribution of our papers. On the other hand, I worry about competition coming out of the woodwork. Most people wouldn't have any idea how to get a newspaper printed and distributed to the masses. Creating a publication and getting it on the iPad will be much easier. That part of it concerns me, as it should concern you.

That's one reason I would strongly suggest that you prepare your newspaper for the release of the iPad. When it appears in the near future, the iPad will be everywhere. Instead of reading newspapers or working on computers in airports, I

**... Just as Apple revolutionized the music industry, it doesn't seem too much of a stretch to see how future versions of this device could revolutionize the publishing world. ... I'm excited.**

believe we'll see people reading on the iPad . . . or something like it.

Having said that, I fully expect my e-mail to be filled with readers who disagree. Heck, I'm not even sure if I agree with myself.

It is hard to ignore something that happened on Facebook last night. I posted a question related to the new iPad. So far, negative

responses outweigh positive responses ten to one.

Mark my words. One way or another, the iPad is going to change things. You might want to get in line behind me to get one when they're released in the near future. This is one technological leap you don't want to miss.

**Kevin Slimp** is a speaker and trainer in the newspaper industry. He can be reached at kevin@kevinslimp.com.

# It's time to open up probable cause affidavits

In a recent column, Ric Anderson of the Topeka Capital-Journal said a statement from me in 2009 was the "quote of the year."

He was referring to something I said to his colleague, reporter James Carlson, when contacted for a story about a bill to open probable cause affidavits to the public.



**Doug Anstaett**

Kansas, I said, is the only state in the union that doesn't presume these records open: "It's just us and Cuba" was the quote Anderson cited.

Probable cause affidavits are the documents prepared by law enforcement to arrest individuals or conduct

searches. The information in them is used to justify to a judge that there is sufficient evidence to make an arrest or search a dwelling or automobile.

Review of these documents is key to providing a check and balance against the vast power of the state. Law enforcement officials and county and district attorneys hold in their hands the awesome power to arrest Kansans and send them to jail. That power must be checked because of the potential for abuse.

Under our present system, the only way to get to a PCA is to ask a judge to unseal the document. Most newspapers

don't go to the trouble because by the time they get it, the trial is over and they have all the information anyway. Legal expenses can pile up as well.

But, our critics say, keeping PCA's secret ensures that a defendant receives a fair trial, because information that leaks out prematurely could damage a case or taint a jury.

That is pure hogwash.

There are thousands upon thousands of cases a year that go to trial, and there are not even a handful — if that many — in the United States that ever get overturned because a jury was tainted by pre-trial publicity.

Why is that?

Because, despite having read about cases, most jurors really do want to do the right thing, and they'll set aside their preconceived notions because they know our system depends on it. Plus, the jury selection process usually ferrets out those who prosecutors and defense attorneys believe won't be able to keep an open mind.

It truly is an embarrassment that Kansas stands alone as the only state that "presumes" these records to be closed.

Rep. Pat Colloton has been asked to chair a subcommittee of the House Judiciary Committee when it takes a look at

the probable cause affidavits issue.

Colloton served on the Judicial Council last year and was on the short end of an 8-4 vote against endorsing KPA's bill. She co-authored the council's dissenting argument and sees room for compromise.

She will be asking the KPA and members of the legal profession to come in and hash this issue out. We have bashed heads for years on this subject and it's time to put it to rest.

She needs to get the sides together and keep them in the room until she has an agreement.

That's the only way we will be able to join the 49 other states that routinely open these records.

Reporters from newspapers that cover both sides of the state line say crime coverage is a piece of cake on the Missouri side compared to Kansas.

Frankly, we shouldn't be proud of the fact that the public is denied this important check on law enforcement and the courts.

It's time for a change.

Maybe, finally, this will be the year it happens.

*Doug Anstaett is executive director of the Kansas Press Association.*



## THIS MONTH'S QUESTION

Q. Did the Kansas Press Association help with the case involving Dodge City Daily Globe reporter Claire O'Brien?

A. Yes. Media attorney Mike Merriam had been engaged by KPA to research and write an amicus curiae brief for the Kansas Supreme Court in support of the Globe's position. He had his brief completed, but the high court denied the Globe's argument and declared our work and investment moot.

## Know someone special?

Deadline for the Victor Murdock, Gaston Outstanding Mentor and Clyde Reed Master Editor award entries is Friday, Feb. 12. KPA invites your nominations of employers, employees, friends or co-workers for one or more of these prestigious awards! There are no entry fees. The nomination form is attached to today's Kansas Publisher.

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## SENATE BILL No. 211

By Senators D. Schmidt and Hensley

2-4

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9 AN ACT concerning journalists; providing a privilege with regard to cer-  
10 tain disclosures of information.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. As used in sections 1 through 6, and amendments thereto:

14 (a) "Journalist" means a publisher, editor, reporter or other person  
15 employed by a newspaper, magazine, news wire service, television station  
16 or radio station who gathers, receives or processes information for com-  
17 munication to the public.

18 (b) "Information" means any information gathered, received or proc-  
19 essed by a journalist, whether or not such information is actually pub-  
20 lished, and whether or not related information has been disseminated,  
21 and includes, but is not limited to, all notes, outtakes, photographs, tapes  
22 and other recordings or other data of whatever sort that is gathered by a  
23 journalist in the process of gathering, receiving or processing information  
24 for communication to the public.

25 (c) "Acting as a journalist" means a journalist who is engaged in ac-  
26 tivities that are part of such journalist's gathering, receiving or processing  
27 information for communication to the public.

28 Sec. 2. Except as provided in section 3, and amendments thereto, a  
29 journalist cannot be adjudged in contempt by a judicial, legislative, ad-  
30 ministrative body or any other body having the power to issue subpoenas,  
31 for refusing to disclose, in any state or local proceeding, any information  
32 or the source of any such information procured while acting as a  
33 journalist.

34 Sec. 3. A journalist may not be compelled to disclose any information  
35 or the source of any such information procured while acting as a journalist  
36 until the party seeking to compel the disclosure establishes by clear and  
37 convincing evidence in district court that the disclosure sought:

38 (a) Is material and relevant to the controversy for which the disclo-  
39 sure is sought;

40 (b) cannot be obtained by alternative means; and

41 (c) is of a compelling and overriding interest for the party seeking the  
42 disclosure and is necessary to secure the interests of justice.

43 Sec. 4. Upon a finding by the court that the party seeking to compel

1 the disclosure has met the requirements in section 3, and amendments  
2 thereto, the court shall order the disclosure, and such disclosure only, for  
3 in camera inspection. Upon such in camera inspection, the court shall  
4 determine whether the disclosure is likely to be admissible as evidence  
5 and whether its probative value is likely to outweigh any harm done to  
6 the free dissemination of information to the public through the activities  
7 of journalists. The party claiming the privilege and the party seeking to  
8 compel disclosure shall be entitled to a hearing in connection with the in  
9 camera inspection of such disclosure by the court, during which hearing  
10 each party shall have a full opportunity to be heard. If the court then  
11 determines that such disclosure is admissible and that its probative value  
12 outweighs any harm to the free dissemination of information to the public  
13 through the activities of journalists, then the court shall direct production  
14 of such disclosure and such disclosure only.

15 Sec. 5. If the court finds no reasonable basis has been shown for  
16 requesting the disclosure, costs and attorney fees may be assessed against  
17 the party seeking disclosure. If an application for attorney fees is made,  
18 the judge shall set forth the reasons for awarding or denying such costs  
19 or fees.

20 Sec. 6. The rights and privileges provided by this act are in addition  
21 to any other rights guaranteed by the constitutions of the United States  
22 or the state of Kansas. The provisions of sections 1 through 6, and amend-  
23 ments thereto, shall not be construed to create or imply any limitation on  
24 or to otherwise affect a privilege guaranteed by the constitutions of the  
25 United States or the state of Kansas.

26 Sec. 7. This act shall take effect and be in force from and after its  
27 publication in the statute book.

## SENATE BILL No. 405

By Committee on Ways and Means

1-20

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9 AN ACT concerning municipalities; concerning official newspapers and  
10 official municipality internet web sites; amending K.S.A. 12-1651 and  
11 64-101 and repealing the existing sections.  
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 12-1651 is hereby amended to read as follows: 12-  
15 1651. (a) The governing body of each city of the second and third class  
16 shall designate by resolution a newspaper to be the official city newspaper.  
17 Once designated the newspaper shall be the official city newspaper until  
18 such time as the governing body designates a different newspaper.

19 (b) The newspaper selected for the official publications of cities of  
20 the second and third class shall be one which has the following  
21 qualifications:

22 (1) It must be published at least weekly 50 times each year and have  
23 been so published for at least one year prior to the publication of any  
24 official city publication.

25 (2) It must be entered at the post office of publication as ~~second-~~  
26 ~~class~~ *periodical class* mail matter.

27 (3) More than 50% of the circulation must be sold to the subscribers  
28 either on a daily, weekly, monthly or yearly basis.

29 (4) It shall have general paid circulation on a daily, weekly, monthly  
30 or yearly basis in the county and shall not be a trade, religious or fraternal  
31 publication.

32 (c) *The governing body of each city of the second or third class may*  
33 *alternatively designate by resolution the official publication source for the*  
34 *city to be the official city internet web site.*

35 Sec. 2. K.S.A. 64-101 is hereby amended to read as follows: 64-101.

36 (a) ~~The governing body of each city of the first class shall designate by~~  
37 ~~resolution a newspaper to be the official city newspaper. Once designated,~~  
38 ~~the newspaper shall be the official city newspaper until such time as the~~  
39 ~~governing body designates a different newspaper.~~ No legal notice, adver-  
40 tisement or publication of any kind required or provided by any of the  
41 laws of the state of Kansas, to be published in a newspaper shall have any  
42 force or effect unless the same is published in a newspaper which *has the*  
43 *following qualifications:*



- 1 (1) Is published at least weekly 50 times a year and has been so pub-  
2 lished for at least one year prior to the publication of any official ~~city~~  
3 publication;
- 4 (2) is entered at the post office as periodical class mail matter;
- 5 (3) has general paid circulation on a daily, weekly, monthly or yearly  
6 basis in the county in which the city is located and is not a trade, religious  
7 or fraternal publication; and
- 8 (4) is published in the county in which the ~~city~~ *property or the court*  
9 *of jurisdiction or government entity* publishing the official publication is  
10 located. If there is no newspaper published in the county, the newspaper  
11 shall be published in Kansas and shall have general paid circulation in the  
12 county.
- 13 ~~(b) The board of county commissioners of each county shall designate~~  
14 ~~by resolution a newspaper to be the official county newspaper. Once~~  
15 ~~designated the newspaper shall be the official county newspaper until~~  
16 ~~such time as the board designates a different newspaper. The newspaper~~  
17 ~~selected for the official publications of a county shall be a newspaper~~  
18 ~~which:~~
- 19 ~~—(1) Is published at least weekly 50 times each year and has been so~~  
20 ~~published for at least one year prior to the publication of any official~~  
21 ~~county publication;~~
- 22 ~~—(2) is entered at the post office in the county of publication as peri-~~  
23 ~~odical class mail matter, which county shall be located in Kansas;~~
- 24 ~~—(3) has general paid circulation on a daily, weekly, monthly or yearly~~  
25 ~~basis in the county and is not a trade, religious or fraternal publication;~~  
26 ~~and~~
- 27 ~~—(4) is published in the county publishing the official publication. If~~  
28 ~~there is no newspaper published in the county, the newspaper shall be~~  
29 ~~printed in Kansas and have general paid circulation in the county.~~
- 30 ~~(c) Whenever the board of education of a school district is required~~  
31 ~~to publish a legal notice, advertisement or other publication in a news-~~  
32 ~~paper having general circulation in the school district, such newspaper~~  
33 ~~shall be one which:~~
- 34 ~~—(1) Is published at least weekly 50 times each year and has been so~~  
35 ~~published for at least one year prior to the publication of any school~~  
36 ~~district publication;~~
- 37 ~~—(2) is entered at the post office in the school district of publication~~  
38 ~~as periodical class mail matter;~~
- 39 ~~—(3) has general paid circulation on a daily, weekly, monthly or yearly~~  
40 ~~basis in the school district and is not a trade, religious or fraternal pub-~~  
41 ~~lication; and~~
- 42 ~~—(4) is published in the school district publishing the official publica-~~  
43 ~~tion. If there is no newspaper published in the school district, the news-~~

1 paper shall be published in Kansas and shall have general paid circulation  
2 in the school district.

3 ~~—(d)—~~ Nothing contained in this section shall invalidate the publication  
4 in a newspaper which has resumed publication after having suspended  
5 publication all or part of the time that the United States has been engaged  
6 in war with any foreign nation and six months next following the cessation  
7 of hostilities if such newspaper resumes publication in good faith under  
8 the same ownership as it had when it suspended publication. Nothing in  
9 this section shall invalidate the publication in a newspaper which has  
10 simply changed its name or moved its place of publication from one part  
11 of the county to another part, or suspended publication on account of  
12 fire, flood, strikes, shortages of materials or other unavoidable accidents  
13 for not to exceed 10 weeks within the year last preceding the first pub-  
14 lication of the legal notice, advertisement or publication. All legal  
15 publications heretofore made which otherwise would be valid, that have  
16 been made in a newspaper which, on account of flood, fire, strikes, short-  
17 ages of materials or other unavoidable accident, has suspended publica-  
18 tion for a period of not exceeding 10 weeks, are hereby legalized.

19 *(b) The provisions of this act requiring publication for at least one*  
20 *year prior to the publication of any official publication shall not apply to*  
21 *any newspaper which is qualified to publish official publications under*  
22 *the provisions of K.S.A. 64-101, and amendments thereto, at the effective*  
23 *date of this act. Nothing contained in this act shall invalidate the publi-*  
24 *cation in a newspaper which has resumed publication after having sus-*  
25 *pended publication all or part of the time that the United States has been*  
26 *engaged in war with any foreign nation and six months next following the*  
27 *cessation of hostilities if such newspaper resumes publication in good faith*  
28 *under the same ownership as it had when it suspended publication. Noth-*  
29 *ing in this act shall invalidate the publication in a newspaper which has*  
30 *simply changed its name or moved its place of publication from one part*  
31 *of the county to another part, or suspended publication on account of fire,*  
32 *flood, strikes, shortages of materials or other unavoidable accidents for*  
33 *not to exceed 10 weeks within the year last preceding the first publication*  
34 *of the legal notice, advertisement or publication. All legal publications*  
35 *heretofore made which otherwise would be otherwise valid, that have been*  
36 *made in a newspaper which has, on account of flood, fire, strikes, short-*  
37 *ages of materials or other unavoidable accident, suspended publication*  
38 *for a period of not exceeding 10 weeks, are hereby legalized.*

39 *Nothing in this act shall apply to counties wherein no newspaper has*  
40 *been published the requisite length of time.*

41 *(c) The governing body of each city of the first class shall designate*  
42 *by resolution a newspaper to be the official city newspaper. Once desig-*  
43 *nated, the newspaper shall be the official city newspaper until such time*

1 *as the governing body designates a different newspaper. The governing*  
2 *body may alternatively designate by resolution the official publication*  
3 *source for the city to be the official city web site and place its notices on*  
4 *the official city internet web site.*

5 *(d) The board of county commissioners of each county shall designate*  
6 *by resolution a newspaper to be the official county newspaper. Once des-*  
7 *ignated, the newspaper shall be the official county newspaper until such*  
8 *time as the board designates a different newspaper. The board may al-*  
9 *ternatively designate by resolution the official publication source for the*  
10 *county to be the official county web site and place its notices on the official*  
11 *county internet web site.*

12 *(e) The board of education of each school district shall designate by*  
13 *resolution a newspaper to be the official board of education newspaper.*  
14 *Once designated, the newspaper shall be the official board of education*  
15 *newspaper until such time as the board designates a different newspaper.*  
16 *The board may alternatively designate by resolution the official publica-*  
17 *tion source for the school district to be the official school district web site*  
18 *and place its notices on the official board of education internet web site.*

19 *(f) If an internet web site is selected as the official publication source*  
20 *for a city, county or school district, the internet web site shall have the*  
21 *following qualifications:*

22 *(1) Such internet web site shall not be password protected;*

23 *(2) such internet web site shall be accessible to members of the general*  
24 *public; and*

25 *(3) no fee shall be associated with or charged for access to such in-*  
26 *ternet web site.*

27 *Sec. 3. K.S.A. 12-1651 and 64-101 are hereby repealed.*

28 *Sec. 4. This act shall take effect and be in force from and after its*  
29 *publication in the statute book.*



## HOUSE BILL No. 2562

By Committee on Local Government

1-28

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9 AN ACT concerning certain legal notice publications; amending K.S.A.  
10 10-120, 19-547, 25-204, 25-209, 25-2702, 79-2001 and 79-2303 and  
11 K.S.A. 2009 Supp. 79-2804 and repealing the existing sections.  
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 10-120 is hereby amended to read as follows: 10-  
15 120. Whenever an election is required for the issuance of bonds for any  
16 purpose by any municipality other than an irrigation district or where a  
17 different procedure for giving notice of the election is specifically pro-  
18 vided by law, upon compliance with the legal requirements necessary and  
19 precedent to the call for the election, the proper municipal officers shall  
20 call an election. The election shall be held within 45 days after compliance  
21 with the necessary requirements, or within 90 days, should the longer  
22 period include the date of a general election.

23 Notice of the election shall be published in a newspaper of general  
24 circulation in the municipality once ~~each week for two consecutive weeks.~~  
25 ~~The first publication shall be~~ not less than 21 days prior to the election.  
26 The notice shall set forth the time and place of holding the election and  
27 the purpose for which the bonds are to be issued and shall be signed by  
28 the county election officer. The election shall be held at the usual place  
29 of holding elections and shall be conducted by the officers or persons  
30 provided by law for holding elections in the municipality.

31 Sec. 2. K.S.A. 19-547 is hereby amended to read as follows: 19-547.  
32 In addition to the duties required by K.S.A. 79-2101, and amendments  
33 thereto, each county treasurer, within 10 days after October 1 of each  
34 year, shall cause a statement to be published with respect to unpaid or  
35 partially unpaid delinquent personal property tax returns made by the  
36 sheriff as of October 1. Such statement shall be published once ~~each week~~  
37 ~~for three consecutive weeks~~ in the official county newspaper or in a news-  
38 paper of general circulation in the county in accordance with the provi-  
39 sions of K.S.A. 64-101, and amendments thereto. The statement shall  
40 show the name of each delinquent or partially delinquent taxpayer, listed  
41 alphabetically, appearing on such returns, followed by the taxpayer's last  
42 known address and by the total amount of unpaid taxes, penalties and  
43 costs. The cost of such publication shall be paid from the general fund of

1 such county, and \$15 shall be added to the tax due as part of the costs of  
2 collection, to be collected in the same manner as provided by law for the  
3 collection of the delinquent tax.

4 Sec. 3. K.S.A. 25-204 is hereby amended to read as follows: 25-204.  
5 On or before April second in even-numbered years before the time of  
6 holding the statewide primary election, the secretary of state shall prepare  
7 and transmit to each county election officer a notice in writing, designat-  
8 ing the offices for which candidates are to be nominated at such statewide  
9 primary election. Upon receipt of such notice each county election officer  
10 shall forthwith publish so much thereof as may be applicable to ~~his~~ *the*  
11 county, ~~once each week for three consecutive weeks~~, in the official county  
12 paper. Such notice so published shall state the time when such primary  
13 election will be held, together with the offices for which candidates are  
14 to be nominated.

15 Sec. 4. K.S.A. 25-209 is hereby amended to read as follows: 25-209.  
16 As soon as possible after the filing deadline, the secretary of state shall  
17 certify to each county election officer the name and post-office address  
18 of each person who has filed valid nomination petitions or a declaration  
19 of intent to become a candidate for United States senator or represen-  
20 tative or for state office, together with the designation of the office for  
21 which each is a candidate and the party or principle which the candidate  
22 represents.

23 The county election officer shall forthwith, upon receipt thereof, pub-  
24 lish ~~for three (3) consecutive weeks~~ *once* in the official paper, a notice  
25 which shall set forth under the proper party designation, the title of each  
26 national, state, county and township office any part of the district of which  
27 is in the county, the names and addresses of all persons certified by the  
28 secretary of state as candidates for any national or state office any part of  
29 the district of which is in the county and, in addition thereto, the names  
30 and addresses of all persons from whom valid nomination papers or dec-  
31 larations have been filed in the county election officer's office, giving the  
32 name and address of each, the day of the primary election, the hours  
33 during which the polls will be open and stating that the primary election  
34 will be held at the regular voting places. Where such voting places are  
35 not well established and customarily known the published notice herein  
36 provided for shall give the location of such voting places.

37 Sec. 5. K.S.A. 25-2702 is hereby amended to read as follows: 25-  
38 2702. The county election officer may establish more than one precinct  
39 in any township or divide any township into precincts. Such division shall  
40 be made by a declaration made at least ~~ninety (90)~~ *90* days before any  
41 county or state primary or general election, and notice of such division,  
42 showing the boundaries of each precinct, shall be published ~~once each~~  
43 ~~week for three (3) consecutive weeks~~ in a newspaper of general circulation

1 in the county in which such township is located. A division once made  
2 shall remain the same until changed by subsequent declaration and pub-  
3 lication notice as herein required. Upon making such division into pre-  
4 cincts, the county election officer shall designate the boundaries of each  
5 precinct. A voter shall not be eligible to vote at any national, state, county  
6 or township election in any voting area other than the one in which ~~he~~  
7 ~~or she~~ *such voter* resides.

8 Sec. 6. K.S.A. 79-2001 is hereby amended to read as follows: 79-  
9 2001. (a) As soon as the county treasurer receives the tax roll of the  
10 county, the treasurer shall enter in a column opposite the description of  
11 each tract or parcel of land the amount of unpaid taxes and the date of  
12 unredeemed sales, if any, for previous years on such land. The treasurer  
13 shall cause a notice to be published in the official county paper once ~~each~~  
14 ~~week for three consecutive weeks~~, stating in the notice the amount of  
15 taxes charged for state, county, township, school, city or other purposes  
16 for that year, on each \$1,000 of valuation.

17 (b) Each year after receipt of the tax roll from the county clerk and  
18 before December 15, the treasurer shall mail to each taxpayer, as shown  
19 by the rolls, a tax statement which indicates the taxing unit, assessed value  
20 of real and personal property, the mill levy and tax due. In addition, with  
21 respect to land devoted to agricultural use, such statement shall indicate  
22 the acreage and description of each parcel of such land. The tax statement  
23 shall also indicate separately each parcel of real property which is sepa-  
24 rately classified for property tax purposes. The county appraiser shall pro-  
25 vide the information necessary for the county treasurer to comply with  
26 the provisions of this section. The tax statement also may include the  
27 intangible tax due the county. All items may be on one statement or may  
28 be shown on separate statements and may be on a form prescribed by  
29 the county treasurer. The statement shall be mailed to the last known  
30 address of the taxpayer or to a designee authorized by the taxpayer to  
31 accept the tax statement, if the designee has an interest in receiving the  
32 statement. When any statement is returned to the county treasurer for  
33 failure to find the addressee, the treasurer shall make a diligent effort to  
34 find a forwarding address of the taxpayer and mail the statement to the  
35 new address. All tax statements mailed pursuant to this section shall be  
36 mailed by first-class mail. The requirement for mailing a tax statement  
37 shall extend only to the initial statement required to be mailed in each  
38 year and to any follow-up required by this section.

39 (c) ~~For tax year 1998, and all tax years thereafter,~~ After receipt of the  
40 tax roll from the county clerk and before December 15, the treasurer  
41 shall mail to each taxpayer, as shown by the tax rolls, a tax information  
42 form which indicates the taxing unit, assessed value of real property for  
43 the current and next preceding taxable year, the mill levy for the current



1 and next preceding taxable year and, in the case of unified school districts,  
2 the mill levy required by K.S.A. 72-6431, and amendments thereto, shall  
3 be separately indicated, the tax due and an itemization of each taxing  
4 unit's mill levy for the current and next preceding taxable year and the  
5 percentage change in the amount of revenue produced therefrom, if any.  
6 In addition, with respect to land devoted to agricultural use, such form  
7 shall indicate the acreage and description of each parcel of such land.  
8 The tax information form shall also indicate separately each parcel of real  
9 property which is separately classified for property tax purposes. The  
10 county appraiser shall provide the information necessary for the county  
11 treasurer to comply with the provisions of this section. The tax informa-  
12 tion form may be separate from the tax statement or a part of the tax  
13 statement. The tax information form shall be in a format prescribed by  
14 the director of property valuation. The tax information form shall be  
15 mailed to the last known address of the taxpayer. When a tax information  
16 form is returned to the county treasurer for failure to find the addressee,  
17 the treasurer shall make a diligent effort to find a forwarding address of  
18 the taxpayer and mail the tax information form to the new address. All  
19 tax information forms mailed pursuant to this section shall be mailed by  
20 first class mail.

21 Sec. 7. K.S.A. 79-2303 is hereby amended to read as follows: 79-  
22 2303. (a) The county treasurer shall cause the notice and list prepared  
23 under K.S.A. 79-2302, and amendments thereto, to be published in the  
24 official county newspaper or in a newspaper of general circulation in the  
25 county in accordance with the provisions of K.S.A. 64-101, and amend-  
26 ments thereto. The notice and list shall be submitted to the newspaper  
27 on or before August 1 of each year and shall be published once ~~each week~~  
28 ~~for three consecutive weeks~~ immediately prior to the week when the day  
29 of sale will occur. The county treasurer also shall cause a copy of the list  
30 and notice to be posted in some conspicuous place in the county trea-  
31 surer's office. The cost of publication of the notice and list shall be paid  
32 from the general fund of the county, and a \$15 fee for each tract or lot  
33 shall be added to the tax due for the tract or lot as part of the costs of  
34 collection. The fee shall be collected in the manner provided for the  
35 collection of the unpaid taxes.

36 Sec. 8. K.S.A. 2009 Supp. 79-2804 is hereby amended to read as  
37 follows: 79-2804. After the rendition of such judgment there shall be  
38 issued by the clerk of the district court to the sheriff of the county an  
39 execution or order of sale, which shall describe each tract, lot or piece of  
40 real estate mentioned and described in such judgment or decree, on  
41 which the lien has not been paid, with the amount of lien charged to each  
42 tract, lot or piece of real estate and the costs, charges and expenses of  
43 the proceedings and sale chargeable to each piece, lot or tract, in such

1 amount as the court may order. If no order is made, then a sum equal to  
2 5% of the amount set forth in the petition as the lien for taxes, charges,  
3 interest and penalties chargeable to each tract, lot or piece of real estate,  
4 with the name of the ascertained owner thereof, as disclosed by the judg-  
5 ment or decree, with the command to advertise and sell the real estate  
6 described therein. Such order of sale shall be delivered to the sheriff of  
7 the county, who shall thereupon cause notice of sale to be published once  
8 ~~each week for three consecutive weeks~~ in some newspaper of general  
9 circulation in the county, in accordance with the provisions of K.S.A. 64-  
10 101, and amendments thereto. The notice shall describe each tract, lot  
11 or piece of real estate to be sold and the lien for which it is to be sold, as  
12 determined by the judgment of the court and fix the date of sale, which  
13 shall not be less than 30 days from the date of the first publication. The  
14 notice shall state that the sale will be held at the front door of the court-  
15 house in the county or shall identify some other location in the county  
16 where the sale will be held, as selected by the chief judge of the judicial  
17 district in which the county is located.

18 On the day fixed for the sale by such notice, the sheriff shall offer each  
19 such tract, lot or piece of real estate for sale, separately, and the same  
20 shall be sold at public auction for the highest and best bid obtainable  
21 therefor. The sheriff may employ an auctioneer for such reasonable com-  
22 pensation as may be determined by the court, to be allowed as a part of  
23 the costs and expenses of the proceedings and sale. The sheriff or such  
24 other person as may be authorized by the board of county commissioners,  
25 if directed by the county commissioners, may bid at such sale in the name  
26 of the county such amount as the county commissioners authorize. No  
27 bid in behalf of such county shall be accepted in excess of the amount of  
28 the judgment lien and interest thereon, as provided by law, plus the costs,  
29 charges and expenses of the proceedings and sale as set forth in the ex-  
30 ecution or order of sale. If the county is the successful bidder the costs,  
31 charges and expenses of the proceeding and sale set forth in the execution  
32 and order of sale shall be paid by the county to the clerk of the district  
33 court and charged to the county general fund. If such sale, for want of  
34 time, cannot be completed on the day fixed by the notice, it may be  
35 adjourned from day to day until completed.

36 The sheriff shall make return to the clerk and the same, as soon as  
37 practicable, shall be examined by the court, and if found by the court to  
38 be regular, it shall be confirmed, and the sheriff ordered to forthwith  
39 execute to the purchasers at such sale a good and sufficient deed therefor.

40 If one person or the county purchases more than one tract, lot or piece  
41 of real estate, the same may be included in one deed. The deed shall be  
42 executed by the sheriff and acknowledged before the clerk of the district  
43 court. No particular form of deed shall be required. It shall be sufficient

1 if it shows the date of sale, a description of the property conveyed, the  
2 amount for which each tract, lot or piece of real estate was sold, the name  
3 of the purchaser, the date such sale was confirmed by the court and the  
4 title of the suit in which the tax lien was foreclosed. The deed shall be  
5 filed for record, by the sheriff at the time the deed is executed, in the  
6 office of the register of deeds of the county where such real estate is  
7 situated. Any fee or charge for such filing shall be collected from the  
8 successful bidder at the time of sale and deposited with the register of  
9 deeds at the time of recording. When the deed is filed it shall vest in the  
10 purchaser or grantee therein named, as against all persons, including, but  
11 not limited to, corporations and municipal corporations, parties to such  
12 proceedings, a fee simple title thereto, subject only to valid covenants  
13 running with the land and valid easement of record in use and subject to  
14 taxes and interest which have become a lien thereon, subsequent to the  
15 date upon which such judgment was rendered. Such deed shall be prima  
16 facie evidence of the regularity of all proceedings prior to the date of  
17 filing the same for record.

18 After the sale and confirmation thereof by the court, an execution shall  
19 issue, upon praecipe of the county attorney, county counselor or the pur-  
20 chaser, requiring the officer to deliver possession of the real estate, par-  
21 ticularly describing it, to the parties entitled thereto, including the county.  
22 When the deed is executed to the county by the sheriff, it shall be filed  
23 for record forthwith in the office of the register of deeds. Thereupon the  
24 assessed valuation of such real estate shall be eliminated from the assess-  
25 ment and tax rolls until such time as such real estate is sold as provided  
26 by K.S.A. 79-2804f, and amendments thereto.

27 Sec. 9. K.S.A. 10-120, 19-547, 25-204, 25-209, 25-2702, 79-2001 and  
28 79-2303 and K.S.A. 2009 Supp. 79-2804 are hereby repealed.

29 Sec. 10. This act shall take effect and be in force from and after its  
30 publication in the statute book.

## HOUSE BILL No. 2204

By Committee on Judiciary

2-2

9 AN ACT concerning criminal procedure; relating to the issuance of war-  
10 rants or summons; amending K.S.A. 22-2302 and repealing the existing  
11 section.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 22-2302 is hereby amended to read as follows: 22-  
15 2302. ~~(1)~~ (a) If the magistrate finds from the complaint, or from an affi-  
16 davit or affidavits filed with the complaint or from other evidence, that  
17 there is probable cause to believe both that a crime has been committed  
18 and that the defendant has committed it, a warrant for the arrest of the  
19 defendant shall issue, except that a summons instead of a warrant may be  
20 issued if: ~~(a)~~ (1) The prosecuting attorney so requests; or ~~(b)~~ (2) in the  
21 case of a complaint alleging commission of a misdemeanor, the magistrate  
22 determines that a summons should be issued. More than one warrant or  
23 summons may issue on the same complaint. If a defendant fails to appear  
24 in response to the summons, a warrant shall issue.

25 ~~(2)~~ (b) Affidavits or sworn testimony in support of the probable cause  
26 requirement of this section shall not be made available for examination  
27 without a written order of the court, except that such affidavits or testi-  
28 mony when requested shall be made available to the defendant or the  
29 defendant's counsel for such disposition as either may desire. *open to the*  
30 *public until the warrant or summons has been executed. After such exe-*  
31 *cution, the affidavits or sworn testimony shall be public court records*  
32 *following the exclusion of information that would:*

33 (1) *Interfere with any prospective law enforcement action, criminal*  
34 *investigation or prosecution;*  
35 (2) *reveal the identity of any confidential source or undercover agent;*  
36 (3) *reveal confidential investigative techniques or procedures not*  
37 *known to the general public;*  
38 (4) *endanger the life or physical safety of any person; or*  
39 (5) *reveal the name, address, phone number or any other information*  
40 *which specifically and individually identifies the victim of any sexual of-*  
41 *fense in article 35 of chapter 21 of the Kansas Statutes Annotated, and*  
42 *amendments thereto.*

43 Sec. 2. K.S.A. 22-2302 is hereby repealed.

1     Sec. 3. This act shall take effect and be in force from and after its  
2     publication in the statute book.





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# Special Awards Nomination Form

Please complete a separate nomination form for each entry  
and mail with supporting materials **by Feb.12, 2010.**

## ABOUT THE NOMINEE:

Name of Nominee \_\_\_\_\_

Newspaper \_\_\_\_\_

Address \_\_\_\_\_

City/State/ZIP \_\_\_\_\_

Area Code/Phone \_\_\_\_\_

## ABOUT THE NOMINATOR:

Name of Nominator \_\_\_\_\_

Address \_\_\_\_\_

City /State/ZIP \_\_\_\_\_

Area Code/Phone \_\_\_\_\_

E-mail Address (optional) \_\_\_\_\_

## INDICATE THE AWARD FOR WHICH YOU ARE SUBMITTING THIS NOMINATION:

- Victor Murdock Award
- Clyde M. Reed Jr. Master Editor Award
- Gaston Outstanding Mentor Award

**Mail nominations to:**  
Kansas Press Association  
Attn: Special Awards  
5423 SW 7th Street  
Topeka, KS 66606

**Questions?** Contact Rachel Willis at  
(785) 271-5304 or [rwillis@kspress.com](mailto:rwillis@kspress.com)

Request for Nominations

# Special Awards

Each year, the Kansas Press Association honors three Kansas newspaper men and women who have made a difference in the industry and in their communities through these special awards:

—victor murdock  
award

—gaston outstanding  
mentor award

—clyde m. reed jr.  
master editor award

We invite your nominations of employers, employees, friends or co-workers for one or more of these prestigious awards.



**Nomination Deadline — Feb. 12, 2010**



**Nominate  
Your  
Colleague  
Today!!**



## victor murdock award

The Victor Murdock Award memorializes the journalistic standards and accomplishments of the longtime *Wichita Eagle* editor.

victor murdock

The son of *Eagle* founder Marshall Murdock, Victor Murdock made a name for himself as a reporter in Chicago and as a U.S. congressman. He served several years in Washington after being appointed by President Woodrow Wilson to the Federal Trade Commission. Upon leaving office, Murdock returned to Wichita, where he served as editor-in-chief of the *Eagle* until his death in 1945.

**Who may be nominated for this award?** Nominees should be journalists employed by a newspaper published in the state of Kansas.

**Who may make a nomination?** Nominations may be made by an employer, co-worker or anyone familiar with the nominee's journalistic abilities.

**How do I nominate someone?** Submit six tearsheets (or copies of tearsheets) from an investigative or in-depth article (or series of articles) written by the nominee that you believe to be worthy of consideration. You may also wish to submit pertinent information about the community conditions surrounding the story. Victor Murdock had a particular interest in political writing, editorial writing, cultural matters and local people, but articles need not be limited to these subject areas. Mail the tearsheet(s) with a completed copy of the Special Awards Nomination Form. There is no entry fee.

**How will the recipient be selected?** Submitted articles will be judged by a selection committee appointed by the Kansas Press Association. The judges will select the nominee whose writing abilities best typify the journalistic standards and excellence demonstrated by Victor Murdock.

**When will the award be presented?** The recipient will be recognized with a medallion plaque and \$1,000 honorarium during the KPA convention April 23, 2010, at the Capitol Plaza Hotel in Topeka, Kansas. You will be notified in advance if your nominee is selected to receive the award.



## karl & dorothy gaston mentor award

Karl and Dorothy Gaston were publishers of the *Ellsworth Reporter*, *Wilson World* and *Marquette Tribune* at the time of their death in 1998.

karl gaston

The Gastons were known for their service to the newspaper industry as well as the nurturing environment they provided for young journalists who have progressed in their careers to become award-winning reporters, editors and publishers. KPA established this award in 2000 in honor of the mentorships the Gastons provided for the betterment of the industry.

**Who may be nominated for this award?** Nominees should be Kansas journalists or educators who exemplify the tradition of mentoring demonstrated by the Gastons.

**Who may make a nomination?** Nominations may be made by fellow journalists, employers, employees or anyone able to supply the selection committee with pertinent information.

**How do I nominate someone?** To nominate someone, write a letter explaining why you believe your nominee should receive the Gaston Outstanding Mentor Award. Then, ask others who have benefited from the nominee's mentorship to write letters, too. Mail all letters with a completed copy of the Special Awards Nomination Form. There is no entry fee.

**How will the recipient be selected?** A selected committee appointed by the Kansas Press Association will select a recipient based upon recommendations from peers and testimonials from journalists who have benefited from the nominee's mentorship.

**When will the award be presented?** The recipient will be recognized with a commemorative plaque during the KPA convention April 23, 2010, at the Capitol Plaza Hotel in Topeka, Kansas. You will be notified in advance if your nominee is selected to receive the award.



## clyde m. reed jr. master editor award

clyde reed jr.

Established in honor of respected publisher Clyde M. Reed Jr., the Master Editor award is intended to recognize someone who has made a significant

contribution to his or her community, the state and the industry over a period of several years. Reed, a native of Parsons, earned a political science degree from the University of Kansas in 1937 and was publisher of the *Parsons Sun* from 1949 to 1982. He served as president of the Kansas Press Association and president of the William Allen White Foundation. He was named Kansas Editor of the Year by the White Foundation in 1963, was the first recipient of the "Outstanding State Publisher" award presented by the KU chapter of Kappa Tau Alpha in 1973 and received a Distinguished Service Award from the University of Kansas Alumni Association.

**Who may be nominated for this award?** Nominees should be editors or publishers of a newspaper published in the state of Kansas. Nominees should possess editorial writing skills that set an example for other members in the profession, be respected both inside and outside the industry, demonstrate community leadership and be involved with industry organizations.

**How do I nominate someone?** Submit a letter summarizing the nominee's lifetime achievements as well as any available supporting material. Mail the materials with a completed copy of the Special Awards Nomination Form. There is no entry fee.

**How will the recipient be selected?** A selection committee appointed by the Kansas Press Association will choose the recipient based on the significance of contributions the nominee has made to his or her community and the newspaper industry on a local, state or national level. The Reed Award need not be presented every year, and the selection committee reserves the right not to select a recipient.

**When will the award be presented?** The recipient will be recognized with a commemorative statuette during the KPA convention April 23, 2010, at the Capitol Plaza Hotel in Topeka, Kansas. You will be notified in advance if your nominee is selected to receive the award.