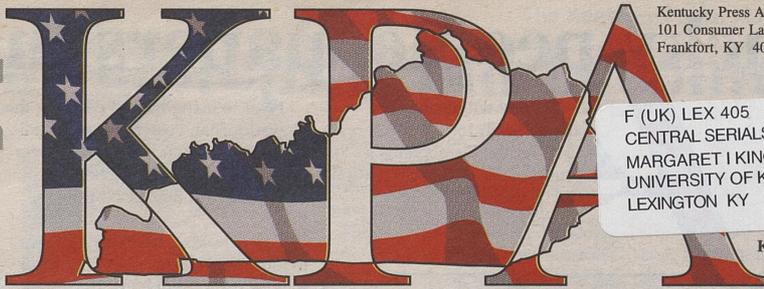


MAR 2004

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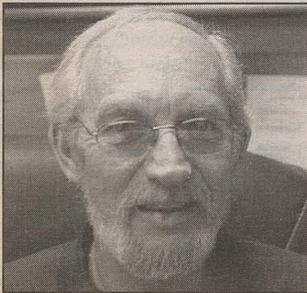
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Journalism Hall of Fame to induct five



Glen Bastin

LEXINGTON – Four journalists and a Louisville media attorney have been chosen for induction into the Kentucky Journalism Hall of Fame. They will be honored at a luncheon ceremony Tuesday, April 6, in the University of Kentucky Hilary J. Boone Center on Rose Street at UK.

That same day, the UK School of Journalism and Telecommunications will hold the 26th annual Joe Creason Lecture in Memorial Hall. This year's Creason lecturer is Earl Caldwell, a former New York Times reporter whose refusal to once reveal a source's identity led to additional legal protections for reporters.



Maria Braden

The Kentucky Journalism Hall of Fame is housed in the Enoch Grehan Journalism Building at UK. The 2004 Hall of Fame inductees to be recognized at the luncheon sponsored by the UK Journalism and Telecommunications Alumni Association are:

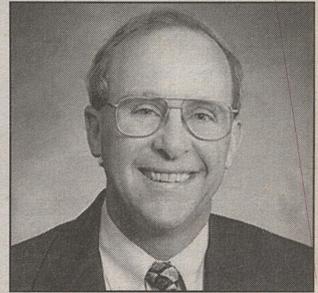
•Glen Bastin, a veteran of three decades in Kentucky broadcasting and a former news director at WHAS Radio in Louisville. Under his guidance, WHAS-AM received nationwide acclaim and numerous major journalism awards for coverage of events ranging from the 1974 tornadoes to school desegregation. Bastin began his broadcast career in Somerset in 1964 and has also



John Egerton

worked at stations in Bowling Green, Glasgow and Morehead. Additionally, he has originated two syndicated daily broadcasts that have been aired on numerous Kentucky radio stations.

•Maria Braden, a former UK journalism professor, Associated Press reporter and free-lance writer and editor. Braden, who retired from her UK faculty post in December, 2001, was a popular and award-winning professor, productive researcher and gave freely of her time for various public service programs and projects. Her books include "She Said What?: Interviews With Women Newspaper Columnists, Women



Jon Fleischaker



Eliza Piggott Underwood

Politicians and the Media" and "Getting the Message Across: Writing for the Mass Media (co-

See FAME on Page 8

March News & Notes

KHSJA judges needed

KPA needs your assistance in judging the entries of this year's KHSJA contest.

Judges with editorial backgrounds for the Kentucky High School Journalism Association con-

test are needed on Thursday, March 25, from 9 a.m. to 3:30 p.m. at Kentucky Educational Television in Lexington.

KPA needs your assistance and hopes you or a staff member can help.

Categories run the gamut from page design to column writing, editorial cartoons, sports, feature writing to photography, etc.

Lunch and refreshments will be

provided. It's an enjoyable time and quite interesting to see what's on the mind of Kentucky High School students and the next generation of Kentucky journalists.

Please consider sending one or two staffers from your paper — more if you can spare them. Please e-mail David Greer at dgreer@kypress.com with a list of staffers who will be able to help.

If you have questions or need

directions to KET call or e-mail Greer at (800) 264-5721.

NNA Better Newspaper Contest Helpful Hints

All National Newspaper Association members should have ample time and opportunity to submit entries into NNA's 2004 Better Newspaper Contest and Better

See NEWS on Page 11

Kentucky people, papers in the news

Foster named editor/manager of the Mt. Vernon Democrat

Beth Foster, editor of the Central Kentucky News-Journal in Campbellsville, has been named editor and general manager of The Mount Vernon Democrat in Mt.

Vernon, Ind. She will begin her duties there March 16.

The Mt. Vernon Democrat is a weekly newspaper with a circulation of 3,250. The Central Kentucky News-Journal has a circulation of 7,531.

Prior to being named editor at the News-Journal, Foster was news editor and correspondent for the paper and a staff writer at The Lebanon Enterprise, another LCNI publication.

Foster holds a bachelor's degree in journalism, English and political science from Campbellsville University. She interned at LCNI's Central Kentucky News-Journal, Springfield Sun, The Lebanon Enterprise and Casey County News while a college student.

in November.

The Commonwealth Journal offers sponsorship opportunities to area businesses and individuals to assist in the community effort.

Black joins the Lebanon Enterprise staff

Nikki Black, of Lebanon, joined The Lebanon Enterprise staff as a compositor and advertising representative in January.

Black has managed retail businesses and worked in marketing and sales. She most recently worked in public relations and sales for Bluegrass Cellular.

She earned her business degree from Campbellsville University and has an extensive knowledge of computer technology.

Black will perform several duties at The Enterprise including page composition, ad creation and ad sales.

Morehead News forms advisory group

The Morehead News formed a readers advisory group in late January to better serve their readers.

Persons selected to the group are required to meet with newspaper staff and discuss what they like and don't like about the newspaper and how coverage can improve.

Kentucky photographers announce 2003 awards

Bill Luster of The Courier-Journal was named Newspaper Photographer and Sports Photographer of the Year at the Kentucky News Photographers Association annual awards Jan. 24 in Louisville. His portfolio included pictures of dirt track racing in

See PEOPLE on Page 12

The Kentucky Press

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Staff members, Officers and Directors may be reached by e-mail using the individual's first initial, full last name@kypress.com.

Somerset Commonwealth Journal helps nab suspect

The Commonwealth Journal in Somerset helped capture one of Pulaski County's 10 Most Wanted fugitives after his photo appeared in the newspaper.

The sheriff's department received a phone call at 8 a.m. Friday after the newspaper was published. The caller gave the whereabouts of Robert Jackson Ping, Jr.

Ping's mugshot appeared for the first time the same morning on the front page of the Commonwealth Journal.

Ping was arrested at a residence shortly afterwards. He was wanted for three counts of second-degree criminal possession of a forged instrument and for contempt for nonpayment of fines related to three counts of theft by deception.

The Most Wanted List, created in Pulaski County by the Fraternal Order of Police and the commonwealth's attorney, allows citizens to contact law enforcement without having to get involved. The sheriff praised local media for assisting in the community effort by publishing the Most Wanted photos.

Ping is the fourth Most Wanted fugitive to have been captured since the publication of the photos began

Deaths

Former Pineville Sun columnist dies

Roger Hunt Johnson, a former sports columnist for the Pineville Sun, died Feb. 3 in Pineville. He was 46.

Johnson was a graduate of Pineville High School and was involved in athletics. He wrote a sports column called "Sideline and up" for the newspaper for 10 years. He was known for the witty and colorful articles he wrote.

He served as the announcer of the Pineville High School Football games.

Charge your laptops if bill becomes law

If House Bill 611 becomes law, better have your laptops fully charged when going to your county clerk's office to get a record. Rep.

Charles Geveden filed HB 611 late in the session and had it assigned to the House State Government Committee, which he chairs.

Geveden's bill calls for clerks to make available records that can be retrieved electronically and allows the requester to bring his/her own computer to download the record. But in so doing, the clerk can charge that person 50 cents per hour for using the clerk's electricity.

Seems to me it's the taxpayers' electricity and that taxpayer has already paid once for the electricity so why should there be an additional charge?

Making a paper copy of the document is another story. HB 611 would allow the clerk to charge 50 cents per page for any copy of a record if it's made on equipment "owned or used" by the county clerk. Excuse me again, but I don't believe the county clerk owns the machine at all. I think the taxpayers are graciously letting the clerk use a machine that's owned by the taxpayers.

(Since it's basketball time in the Bluegrass, maybe taxpayers should be charging county clerks 50 cents per page for all of the high school and NCAA tournament brackets that will be made during this March Madness.)

Rep. Adrian Arnold filed HB 669

On Second Thought

By David T. Thompson
KPA Executive Director



that would also allow county clerks to charge the 50-cent per page fee.

So make sure your reporters have a fully-charged laptop

when you send them off to the county clerk's office to get a record. Or if you want a hard copy, raid the cookie jar and find plenty of change.

Knock on wood, the first two-thirds of the 2004 Kentucky General Assembly has been fairly enjoyable. Yes, these words come from the same guy who's been saying for 20 years, "If it weren't for lobbying, this would be the perfect job."

But where else could you have this much fun?!

As the session begins winding down (by the time you read this there will be about 14 days left for the legislators to do anything), this session has nearly blown away every notion I've had about lobbying.

Why, it's almost to the point that I wish there would be a constitutional amendment to let these ladies and gentlemen meet year-round. (If I say that again, please take that piece of wood and knock me over the head.)

Those of us involved in representing you have pinched ourselves frequently, asking if all this is really happening. And frankly, it's not half bad.

Never have I seen legislators so agreeable — agreeing to change legislation to incorporate our concerns, or withdrawing bills, or just letting bills die without being brought to a vote.

Yeah, knock on wood and I hope I'm not "speaking too soon," but so far this has been a session that almost makes it fun to be a lobbyist.

The number of bills filed is down from previous even-year sessions. Perhaps that's a result of having annual sessions now. Or no money. Or breaking in a new Governor. Or perhaps it's a result of just realizing the legislature wasn't going to get much done so why bother filing some 1,100 to 1,400 bills as has been the practice the last few years.

Unless there was a flurry of work the last day for filing new bills, the House and Senate together won't even have 1,000 bills filed this session. And just four years ago, the House alone broke that barrier with 1,032 bills filed.

As of this writing (March 1), there's been only one bill we've lobbied on that has not been amended to acceptable language. That was House Bill 371, allowing expungement of criminal records in certain situations. Even bills that are much more complicated, such as Homeland Security, have gotten through the process but only with language that we've offered or accepted.

Legislators have been receptive to discussing most any concern with us, returning phone calls, or requests for meetings, or even e-mail and fax exchanges.

What the last couple of weeks of the session holds remains to be seen and there's still plenty of time for them to revert to their old ways.

But in many cases, it seems some have become our "newest best friend."

* * * * *

Just for comparison sakes, in the 1998 session, there were 1,369 bills filed, with 924 being on the House side. In 2000, 1,441 pieces were filed and 1,032 came from House members. And in 2002, the first session sandwich between odd-year 30-day sessions, 1,139 bills were introduced, 875 of them in the House.

1996 — 931 House bills, 402 Senate bills, 1333 total.

1994 — 942 House bills, 367 Senate bills, 1309 total

1992 — 947 House bills, 431 Senate bills, 1378 total

1990 — 940 House bills, 410 Senate bills, 1350 total.

For 2004, the final numbers are in. The House filed 715 bills, the Senate 300 for the lowest total since at least the 1980s.

Since 1990, the average number of bills filed in even-year sessions was 1,315.

* * * * *

Mark down another record — for entries, number of newspapers and income for the Advertising Excellence in Kentucky Newspapers - 2003 competition.

The contest, judged March 5 by the Virginia Press Association, ended with 4,267 entries, from 61 newspapers and \$11,348 in income. That's five more entries and two more newspapers than the records set in last year's contest.

The awards will be announced Thursday, May 13, at the Embassy Suites in Lexington. Information on the awards luncheon will be sent with the notification letters to winners in the contest.

Looking for an employee?

Check out www.kypress.com for the latest resumes or to post available jobs at your newspaper.

The pace of planning picks up

KHSJA convention, boot camp are around the corner

You know the story. Grandma was right - the older you get the faster time flies by. It's so true.

It seems like the annual Kentucky High School Journalism Association convention was held just a few months ago. In reality, it was nearly a year ago and the 2004 convention isn't far off.

On April 21, some 900 Kentucky high school students involved in student newspapers, yearbooks and broadcasting programs are expected to descend upon the Clarion Hotel & Conference Center on Louisville's east side for the annual convention and awards program.

The program of breakout sessions is coming together nicely. We just confirmed that Russell Viers would make a return visit. Russell appeared at an all-day newspaper software training session for KHSJA teachers and students on Jan. 20 in Lexington. He was a huge hit with the high school audience. The next day, Russell did his session at the KPA convention too.

I'm excited about having Russell back because the Jan. 20 training

Oh, By The Way

By David Greer
KPA Member Services
Director



offered limited seating and several schools that wanted to were unable to attend. Now, seating won't be so limited and we will repeat Russell's session so as many people as possible can hear him. The guy is funny and informative at the same time and that made him very popular with the high school students.

Also at the KHSJA convention, Jeff Newton, a former reporter at The News-Enterprise in Elizabethtown and now a field producer with CBS News and the weekly series 60 Minutes II, will be the keynote speaker. Newton, who graduated from EKU and was editor of The Progress, has been to Afghanistan and Iraq on assignment several times in the past two years. In previous stories in The Press, Newton talked about realizing his long-time dream of being a war correspondent.

Despite working for a broadcast news organization, Newton said he still considers himself a print jour-

nalist who just happens to work for CBS.

Flip the calendar over to July and you'll see the fourth annual KPA Journalism Boot Camp coming up July 12-30 at Georgetown College. Jim St. Clair, journalism professor at Indiana University Southeast, will again be the instructor with several Kentucky journalism professionals serving as guest lecturers.

The boot camp has proven to be popular and gets high marks in the annual feedback survey conducted at the end. A number of boot camp graduates are now working at newspapers.

The camp costs \$645, which includes all instruction, plus a continental breakfast and lunch every class day. The deadline for reserving a spot is June 25. Pay before June 11 and the price drops to \$595. KPA member papers can pay in advance, charge on a credit card or elect to have the tuition fee deducted from their KPS ad revenue checks.

It's gratifying to see several boot camp graduates now regularly winning awards in the annual KPA contest. Others from boot camp have moved from production or office positions at their papers to the newsroom where their bylines now regularly grace their papers.

Paper settles fair housing complaint

The Ledger Independent in Maysville has agreed to settle a complaint involving the Kentucky Commission on Human Rights and the Fair Housing Council.

The newspaper will pay \$2,500 into an escrow account and run a series of ads on the Fair Housing Act in order to settle the complaint.

In December 2002 the newspaper ran two classified ads for apartments that contained the phrase "no children" which is among several phrases that are not acceptable under the guidelines of the Fair Housing Act.

The agreement between the newspaper and the Fair Housing Council states that there is no admission of any violation, but Publisher Bob Hendrickson said the newspaper regrets the publication of the ads and wants to do everything possible to satisfy both the Commission on Human Rights and the Fair Housing Council.

The newspaper will set aside \$2,500 in an escrow account. If after one year, there are no claims of discrimination during the one-year period prior to the filing of the complaint, the Fair Housing Council will receive one-half of the escrow money. The remaining \$1,250 will be donated to the CASA Program for Bracken, Fleming and Mason Counties. The settlement allowed the newspaper to designate a children's charity to receive the money.

The newspaper must also inform all employees and agents about the Fair Housing Act and its stipulations, develop a non-discrimination policy for weeding out discriminatory real estate advertisements and arrange for training session for classified real estate advertising staff. They must also include a Fair Housing Notice in all ad sections dealing with real estate and provide a quarter-page advertisement each month to the Fair Housing Council.

Truth in newspaper advertising

Recently I went on a tour of the Georgetown News Graphic with my son's Tiger Cub Scout den. When our tour guide asked if anyone knew anything about newspapers one of the wise six-year-olds remarked, "Everything that is in the paper has to be true."

The adults there thought that was a very astute comment for such a young man. Think about what an awesome responsibility that puts on your shoulders.

During the tour my wise six year old wanted to show off a little by saying "My Mommy works for this newspaper and about a million more."

Well, not quite, Beau. Since we were just talking about the truth I

Advertising Plus

By Teresa Revolett
KPS Director of Sales



had to quickly correct him and tell him that Mommy specifically worked for all newspapers in Kentucky and Indiana. "I can place ads anywhere in the United States but my main territory focuses on Kentucky and Indiana newspapers." I'm sure they understood that.

And speaking of truth, we want to make sure that we are stating the

correct rates for all of our newspapers. With the first quarter quickly coming to an end, please update our files by sending us any rate changes that you may have. We would like to know 30 days in advance of any rate changes that are coming up at your property. If that is not possible then letting us know as soon as possible would be great.

Be looking in the mail shortly for first quarter rate and data sheets. You can update those and fax them back to us at 502-875-2624. If the fax machine is busy and you want to drop it in the mail that will work also. Your cooperation will help make us be successful for everyone.

Have a great spring and march on to success in 2004.

Once upon a time there was a House Bill

By Kim Greene
KPA General
Counsel

Dinsmore & Shohl

This is the story of a bill, House Bill 371 (and its clone, SB 205).

This story doesn't yet have an ending. We know, though, how we want this story to end.

Many of you are familiar with HB 371 already. When it came up on David Thompson's radar screen (he and David Greer search for key words in every single bill that is filed in the House and the Senate) it caused immediate alarm. Why? Because, if enacted, HB 371 would allow a person convicted of a Class D felony to petition the court for expungement of his felony record. If that record is expunged, it would be as if the person had never been charged with or tried for or convicted of the offense. SB 205 would do the same.

Both bills require that the files of the case expunged be removed and all references in the court clerk's index to the case be deleted. They go so far as to say that a court clerk "may properly reply that no record exists with respect to the petitioner" when a news reporter (or anyone else) wants to search the court records to determine if a person had any convictions. The bills also explicitly state that the petitioner (the felon) "shall not have to disclose facts relating to the record on



an application for employment, credit, or any other type of application."

The true effect of these bills would be to rewrite history. It would be as if the person who was convicted of the Class D felony really never was convicted. So an applicant for employment could, if these bills pass, answer "no" to the prospective employer's question about prior felony convictions, even though the truthful answer is "yes." Likewise, that individual could answer "no" on an application for credit from a bank or a credit card company.

The phrase "other applications" is extremely broad. It would encompass, of course, applications for professional licensing. The results could be interesting, to say the least. For example, a person applying for a license to practice law in Kentucky must certify that he or she has never been convicted of a felony. As it now stands, an attorney who has been convicted of a felony would not be licensed by the Kentucky Bar. However, with the passage of HB 371 and/or SB 205, the attorney would be allowed to reply that he or she had never been convicted of such a crime when the opposite is true. Do we really want to sanction the telling of untruths by attorneys - people ethically bound to uphold the law and the truth - in order to obtain a license to practice law?

Another example: KRS 311.590 prohibits a person from making

false statements in any document submitted to the Kentucky Board of Medical Licensure in connection with a doctor's license to practice medicine. That statute also prohibits dishonesty, deceit or fraud in connection with any hearing or disciplinary proceeding concerning that license. That makes sense. We don't want people licensed as medical doctors in this state on false pretenses. Yet, the passage of HB 371 and/or SB 205 would effectively carve a huge exception to that beneficial rule. If passed, HB 371 and/or SB 205 would sanction the false statement that a person who had been convicted of a Class D felony really hadn't.

Among the offenses which Kentucky law categorizes as Class D felonies are criminal facilitation, wanton endangerment, third degree assault, reckless homicide, perjury, eavesdropping, possession of a forgery device, alteration of prescriptions, unlawful imprisonment, criminal facilitation, trafficking in marijuana, and giving false information to the Attorney General in connection with reports about charitable solicitations.

Few of these offenses involve violent crimes (and, in fact, a floor amendment to HB 371 would exempt third degree assault and reckless homicide convictions - persons convicted of those Class D felonies would not be eligible for expungement under this amendment). However, many of these offenses involve the truthfulness,

veracity and integrity of the individual. All three of these qualities are extremely important to a prospective employer, a lending or credit agency or an agency which grants professional licenses.

Of course, another very significant reason to oppose these bills is that they rewrite judicial history, not just for the individual felon but for the entire court system. The courts speak through their records. The public is best able to monitor the performance of the courts through examination of their records. Sure, each of us could occasionally go sit in on a trial. But the only way we can get a big picture view of the long term performance of a particular judge or a particular prosecutor is to have access to historical court records. And the only way to compare and contrast the performances of the courts across the Commonwealth is to have access to the historical records of those courts. Only then, can one compare charges, conviction rates and dismissal rates for various types of crimes, as news organizations have done from time to time.

Those who favor these bills talk in terms of redemption and forgiveness. They say we should allow people who've paid their debt to society for their Class D felony crimes to move on. We are in favor of redemption and forgiveness, too. We like the notion that human beings are capable of change and growth and we think those who

See BILL on Page 9

Don't miss out on news from the state capital!

Make sure we have your updated e-mail address so we can notify you when stories have been filed on AccessKPA.com

Send your e-mail address to Dana Ehlschide at dehlschide@kypress.com to be added to the list.

Are the news media becoming irrelevant to Kentucky's public school systems

***Editor's note: This article appeared in the January Kentucky School Advocate newsletter. It is reprinted with permission.

By BRAD HUGHES
Kentucky School
Board Association

The messages came independently within a few short December days.

A newspaper column pointed out that the major TV networks' evening newscasts now claim less than one-third of the viewing audience, compared with 75 percent in the late 1970s.

An article in *American Journalism Review* noted that research shows that newspaper readership fell from 78 percent of adults in 1970 to 55 percent as of 2002.

And a Louisville radio talk-show host and her guest spent an hour asserting how the news media in general are in danger of becoming irre-

levant to Americans.

This is the new information age, driven by and changed by the Internet. While *Washington Post* CEO David Graham last month described circulation numbers for the newspaper as "disappointing," he reported that the newspaper's online service is growing rapidly. On a typical weekday, KSBA's Web site records as many as 5,000 hits. The highest hourly usage ties in with the times when we post the twice-daily updates of links to education news stories in Kentucky and around the nation.

Before public schools leaders read too much into these disconnected signs, let's examine this question: Are the news media in danger of becoming irrelevant to public education?

I think not. The relevancy of local, regional and state newspaper, radio and television to Kentucky's public schools runs from the solidly simple to the thoroughly thorny.

Simple facts of life

Faced with the annual decisions on weather-related school closings, do superintendents give out their home phone numbers or do they urge parents and kiddos to listen to the local radio station and watch the crawling lists at the bottom of the TV screen?

When a local student is offered a scholarship to Harvard or a school's test scores leap into the stratosphere, do we send a note home to all moms and dads, or do we labor to produce a well-written press release?

If a serious situation poses an immediate threat to the health or safety of students, do we call a (a) parent conference, (b) community conference or (c) news conference?

Every day, more public schools and their leaders are learning to communicate through new technologies of batch faxes, e-mail distribution lists and Web site postings. But the simple fact of life is that when we need to

reach a lot of people in a short period of time, we're going to call on the local news media outlets.

The thorny thickets

The news media represents the proverbial double-edged sword to public schools. We don't get to use reporters and editors when we need them for good news, only to pretend they don't exist the rest of the time.

Critics of public education, nationally and here at home, have become quite adept at raising doubts about the effectiveness of everything from accountability tests and school resource officers to teacher training and administrative overhead. Sure, there are plenty of areas where public schools earn their knocks. However, those situations often are used to make other assertions that have little or no foundation in truth. As long as

See MEDIA on Page 8

National Newspaper Association supports postal reform in testimony to House panel

Heath testifies before special House panel

Within county newspapers have endured a more than 850 percent postage increase since 1970, and yet they continue to be a profitable segment of the United States Postal Service's business, Max Heath, chairman of the National Newspaper Association postal committee, told a House panel at the end of February.

Heath, vice president of Landmark Community Newspapers, Inc., and a key figure in NNA's postal work since 1985, pointed out that the President's Commission on the United States Postal Service had named newspapers as a key component of the future mailstream. He called upon Congress to continue to recognize their importance.

Federal law requires the Postal Service to track the costs of within county newspapers separately from other periodical mail, so that prices will cover only those costs and make a contribution to USPS overhead.

Heath testified that the law must continue that requirement.

A House panel on postal reform, chaired by long-time postal expert Congressman John McHugh, R-N.Y., has begun work on recommendations issued last summer by the President's Commission on the United States Postal Service.

Legislation is likely to be introduced this year to carry out some of those recommendations, even as mailers, labor unions and others are split on how much "reform" is required.

Heath also urged the panel to split on with reform of the Postal Service's obligations for Civil

Service Retirement System contributions.

Overpayments into the system threaten to create double digit rate increases for mailers. The situation was worsened last spring when Congress suspended the payments for a time - "leading to a postal rate freeze until 2006" - but required payments to resume thereafter. At the same time, Congress shifted an additional \$28 billion burden for payment of military pensions for USPS employees and retirees, an obligation no other federal agency assumes alone.

Heath objected to the shift.

NNA President Robert Sweeney, publisher of the *Villager Newspapers* in Denver, Colo., said NNA's major objective during its upcoming Government Affairs Conference in Washington would be to inform Congressional delegations

that parity with other federal agencies is important for USPS.

"Because the Postal Service can raise revenues through postage instead of taxes," Sweeney said, "it is tempting for Congress to look for ways to cover military expenses that way. The rising federal deficit is clearly a concern, and one all taxpayers must share. But defending our nation is an obligation that must be borne by taxpayers, not people who buy stamps. Beginning to raise federal revenues through the post offices is a slippery slope. It sets a bad precedent, and Congress should take a step back and repeal this portion of the civil service law."

Both Sweeney and Heath will lead delegations to call upon members of Congress on March 18. These issues and others affecting the business will be on publishers' agendas during the event.

AG Opinions

The Advocate Messenger/Third Street Development Corporation, Inc.

The AG's office was asked to rule whether Third Street Development Corporation, Inc., is a public agency for purposes of Open Meetings Act, and if its meetings are governed by the Act.

On Dec. 10, Advocate Messenger Managing Editor John A. Nelson submitted a letter to Janet Hamner, President of TSDC, in which he asked that the newspaper be informed of the date, time and place of TSDC's regular meeting and of any special called meetings. Anticipating that TSDC would decline his request, Nelson asked that Hamner advise the newspaper of any reason open meetings laws do not apply to TSDC.

In a response dated Dec. 11, Hamner requested Nelson send her any legal authority that the newspaper contends is applicable to TSDC's compliance with the newspaper's request.

Shortly after receiving the response, Nelson initiated an appeal with the AG's office challenging TSDC's position that it is not a public agency noting, "since its inception, ... well more than 25 percent of the funds expended by TSDC have been from state or local authority funds, perhaps even 100 percent."

Based on The Advocate Messenger's interpretation of KRS 61.870(1), Nelson maintained that TSDC is a public agency and required to afford the newspaper access to its records and admittance to its meetings.

In supplemental correspondence with the AG's office following the appeal, Hamner elaborated on TSDC's position stating that a group of private citizens began working to address the problem of the vacant Hub-Gilcher department store in downtown Danville in 1999. They worked primarily in response to citizen concern over the beloved buildings and their rapid deterioration. The first community-planning meeting was held in 2000. State funds in the amount of \$960,000 from state surplus was allocated to assist the community in preserving the buildings. The Boyle County Fiscal Court was asked to accept the funds, ask-

ing the city to act as a pass through agency to a private group of citizens. Members of the community independently formed Third Street Development Corporation in June 2001, as a private, non-profit entity. Hamner said since the acquisition of the Hub-Gilcher building in 2001, TSDC has accepted no public funds.

Danville City Attorney confirmed Hamner's position, "TSDC is a private, non-profit corporation with its own board of directors. It was not created by the City of Danville and does not exist as a department, committee, or agency of the City. The Danville City commission is privy only to such activities of TSDC as the corporation sees fit to divulge.

The AG's office, assuming the accuracy of these statements, found that TSDC is not a public agency for open meetings purposes.

The Advocate Messenger/Third Street Development Corporation, Inc.

The Attorney General's office was asked to decide whether Third Street Development Corporation, Inc., is a public agency for purposes of the Open Records Act, and if it violated the Act when denying Advocate Messenger Managing Editor John A. Nelson's Dec. 10, 2003 request for copies of the minutes of each of the meetings of TSDC during 2003, and copies of financial statements during the same time frame.

TSDC President Janet Hamner responded to Nelson's request on Dec. 11, 2003 asking him to provide her with any legal authority that he contends is applicable to TSDC's compliance with his request.

Nelson then initiated an appeal with the attorney general shortly after receiving Hamner's response in which he challenged TSDC's position that the Open Records Act is inapplicable to it and noting that since its inception more than 25 percent of the funds expended by TSDC have been from state or local authority funds. "TSDC, a non-profit organization in Danville, tells us that it is a 'single-asset' corporation with no operating revenue. It was formed in 2001 and that same year received over \$960,000 from the city," Nelson contended. "The money represented most of the pro-

ceeds from a \$975,000 state grant obtained through the Education, Arts & Humanities Cabinet."

Nelson said that an agreement between the cabinet and the city stated the money was to be used by the city to develop a downtown Danville landmark known as the Hub-Frankel building. According to Nelson, the city transferred the money to TSDC in at least three installments. The first \$96,000 check was used for a down payment toward the purchase of the building, the second \$864,000 was used to pay the balance of the purchase price and the use of the \$5,023 check was not clear, he said. "We are still seeking to learn the use of the remaining money, close to \$10,000."

Based upon the newspaper's interpretation of KRS 61.870(1), Nelson maintained that TSDC is a public agency and required to give the newspaper access to records.

In response to the AG's office following the commencement of the appeal, Hamner elaborated on TSDC's position. She said that the group was developed in 1999 by private citizens working to address the problem of the vacant Hub-Gilcher Department Store in downtown Danville. In 2000, she said, the Community Development Council held its first community planning meeting where preserving the building was identified as the number one community priority. State surplus money totaling \$960,000 was secured to assist the community in preserving the building. According to Hamner, the Boyle County Fiscal Court was asked to accept the funds and the city was asked to act as a pass through agency to a private group of citizens. Members of the community independently formed Third Street Development Corporation in June 2001, as a private, non-profit entity for this purpose, Hamner stated.

"Originally, TSDC board members were asked to serve by the chairman of the Community Development Council. Currently, the corporation, as set forth in our by-laws, fills any vacancies," Hamner stated. "Since acquisition of the Hub-Gilcher buildings in 2001, TSDC has accepted no public funds. We continue to work, towards rede-

velopment, accepting no public funding in this effort."

Hamner provided the AG's office with copies of TSDC's 2003 financial statement, minutes of its July 19, 2001 meeting, Articles of Incorporation, and the Memorandum of Understanding between the Education, Arts and Humanities Cabinet and the City of Danville that the City agreed to serve as administrator and recipient of the project grant money from the Cabinet. She also provided other related correspondence and the real estate closing statement by the buildings were purchased by TSDC from Land America Exchange Company.

On Dec. 23, 2002, Danville City Attorney Edward D. Hays confirmed Hamner's position, asserting that TSDC is a private, non-profit corporation with its own board of directors. "It was not created by the City of Danville and does not exist as a department, committee or agency of the City," he said. "The Danville City Commission is privy only to such activities of TSDC as the corporation sees fit to divulge.

It is the opinion of the AG's office that although the proof presented by TSDC and Hays is sufficient to support TSDC's claim that it is not a public agency for Open Meetings purposes; the same proof is insufficient to support the claim that TSDC is not a public agency for open record purposes."

The AG's office found that because the definition of "public agency," which appears at KRS 61.805(2) of the Open Meetings Act, does not include "any body which derives at least 25 percent of its funds expended by it in the Commonwealth of Kentucky from state or local authority funds," which appears at KRS 61.870(1)(h) of the Open Records Act, that TSDC was not a public agency for open meetings purposes. According to the written decision from the AG's office, it is the same provision that brings TSDC within the reach of the Open Records Act and compels disclosure of any records owned or maintained by TSDC that are related to functions, activities, programs or

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Media

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public education leaders allow those false claims to go without responses, doubts about quality education in a public school will thrive.

The other sticky wicket in this equation is the reality that the reporter who writes the nasty story about your school today may be the same journalist assigned or available to cover your shining hour of positive news tomorrow. I don't subscribe to the old bromide that you don't fight the person who buys ink by the barrel. If the media err, call them on it. But don't forget that many of those same subscribers, viewers and listeners who caught that story about your lagging test scores remain in the information loop for another story on what you're doing to raise those achievement levels.

Relevancy in 2004

In KSBA's workshops on media and community relations, the most common complaint about participants' local news media goes some-

thing like this: They're only interested in the negative. Yet almost without exception, no attendees would rule out pitching a photo of a teacher who had just earned statewide recognition or asking for time on a public affairs program to talk about a new reading initiative.

It may surprise you but many Kentucky news media outlets are becoming just as stretched in resources as are Kentucky public school districts. Newspapers that no longer cover school board meetings didn't stop because the publisher lost interest. A TV station that did a feature on an exceptional school last year isn't passing on the opportunity to return because smiling second-graders are no longer cute.

Public schools are relevant to the news media because (a) they have more kids in the classroom than the other options, (b) they're funded with everybody's taxes and (c) they are and will remain a constantly churning source of news that people care about, often negative, sometimes positive.

News media outlets remain relevant to public schools because (a) if they want to do a story, they'll do it with or without your cooperation, (b)

the mass media still have the mass audience and (c) for districts that have opted not to have their own communications program, the news media are the only communications game in town.

Public schools in general aren't enrolling as many kids as they did 25 years ago. The traditional news media outlets don't have as many readers, viewers and listeners compared to a quarter century ago. But for each other, we remain one of the biggest games in town.

And that's a message worth getting out.

The final word

How often have you heard someone receiving an award thank all of the other people who made the recognition possible? A lot. Well, here's one more.

The Kentucky Association of Government Communicators selected the *Kentucky School Advocate* and several items published herein for honors in its 2003 Awards of Excellence program. It's the eighth consecutive year that KSBA publications and articles have earned such recognition.

Advocate staff members Jenny Wohlleb, Steve McClain and I, along with former writer/copy editor Madelynn Coldiron, know that a lot of other folks contributed to those award-winning articles.

KAGC's judges recognized the newspaper's overall writing, design and layout. Articles honored covered the topics of board member and superintendent e-mails as public records and the choices faced by Kentucky schools in marking the first anniversary of the Sept. 11 terrorist attacks. The newspaper's commentary section also garnered two awards.

We think this is a quality publication and appreciate being recognized as such. We also know that the *Kentucky School Advocate* couldn't reach its primary goal - to make our readers think - without the ideas, interviews and insights shared by board members, superintendents, administrators, district communications professionals, teachers, state officials and many others.

We hope this and subsequent editions of 2004 will earn the most important prize of all - your continued readership.

FAME

Continued from page 1

author)." A 1968 graduate of Canada's McGill University, Braden was also a reporter for the Worcester (Mass.) Telegram & Gazette.

•John Egerton, a career freelance reporter-writer whose quality work and versatility has illuminated readers' awareness and understanding of the South and its food. Egerton, who holds two degrees from UK, was among a small group of journalists in the early 1960s who began focusing the nation's attention on the civil rights struggle. He is the author of more than 300 columns appearing in many of the nation's outstanding newspapers and of several books, including *Generations: An American Family and Speak Now Against the Day: The Generation Before the Civil Rights Movement in the South.*

•Jon Fleischaker, a leading media attorney who has been actively involved for more than three decades in litigation and the creation of legislation to protect the press in Kentucky. He was the chief

author of the Kentucky Open Meetings and Open Records Acts and the Retraction Statute. He has litigated most major media cases in the state, including defamation issues, invasion of privacy, access to information and source protection.

•Eliza Piggott Underwood, a journalistic pioneer who became the first woman state editor of a Kentucky newspaper in 1919 when she was named to that position at the Lexington Herald. The late Mrs. Underwood, also UK's first female journalism graduate and first woman editor of both the UK student newspaper and yearbook, joins her late husband, Tom Underwood, in the Hall of Fame. Mr. Underwood was editor of the Lexington Herald and a former member of the U.S. Senate and House of Representatives.

The five new honorees will join 130 other journalists inducted into the Hall of Fame since its 1981 inception. Selection of honorees is made by a committee representing the state's media. Nominees must be either natives or outstanding journalists who have spent the bulk of their careers in the state.

Got a Question?

Who better to ask than other newspaper professionals just like yourself.

KPA's Listserv is available to Publishers, Editors, and Ad Managers.

To send a question to your colleagues it's as easy as sending ONE email.

For publishers, send an email to publishers@kypress.com

For editors, send an email to editors@kypress.com

For ad managers, send an email to admanagers@kypress.com

ONLY members of the listserv can send to the list. Contact David Spencer dspencer@kypress.com to be added or to check if you are on the list.

State Newspapers bring home top NIE honors

Herald-Leader, Winchester Sun recognized

By DANA EHLSCHIDE
News Bureau Director

Two Kentucky newspapers won a total of four awards during the Southern Newspaper Publishers Association's Newspaper In Education conference Feb. 19 in Atlanta.

The Lexington Herald-Leader picked up three awards. It received first place honors in the Best Sponsorship Idea for newspapers with a circulation between 75,001-150,000.

The Herald-Leader published a 16-page tab, "Agriculture: Firmly Rooted in Kentucky," as well as a four-part, in-paper series on agriculture during March, in celebration of Agriculture Day.

Sponsors contributed a total of \$11,500 to support the newspaper and the agricultural component of its NIE program. Sponsors included the Kentucky Farm Bureau, Kentucky Department of Agriculture, Kentucky Beef Council, Kentucky Corn and Small Grain Growers and Kentucky Soybean

Board.

Roma Pedneau, NIE account executive, said that all of these sponsors were non-traditional "corporate" sponsors and non-profit associations.

Judges said this program was "incredible in scope - good amount of sponsorship money, totally ABC complaint."

They also said it was a "stroke of genius" to have these organizations spreading the word about the tab and NIE in general to teachers involved in the associations' independent education program - a new segment of teachers not previously served.

The Herald-Leader also picked up second place in the Best Literacy In-Paper Ad or Promotion for newspaper with a circulation between 75,001-150,000.

"Mark My Words" is an interactive writing campaign. It ran weekly during the school year. Each week, students were given a topic to write about. It was open to students ages 5-18 who lived in the Herald-Leader's circulation area.

Paragraphs of 150 words or less were due each week. Paragraphs were selected according to interest, well written sentences, good vocabulary, correct spelling and unique

expression of opinions and/or use of humor.

Judges said this was a good promotion that encouraged action on the part of teachers and students. It also offered interesting reading for subscribers and participants.

The Herald-Leader picked up third place honors in the Best Collaborative Effort category for newspapers in its circulation division.

It was recognized for its 2003 "Rockin' Readin' Revolution" Teacher workshops.

Kriss Johnson, education outreach manager, said the goal was to offer teacher workshops throughout the state to introduce teachers to the newspaper and to support the statewide chapter story that was run in 40 newspapers throughout the state.

"I was very excited that the Herald-Leader won three awards. Each project that won provided something unique and exciting for subscribers, students, teachers and parents," Johnson said. "I was very pleased that the collaborative project won featuring the third annual Readin' Rockin' Revolution. This project happens because of the support from KPA, LG&E Energy Foundation/KU and KNNIE."

This year the project featured the serial story called "The Winner's Circle" that is being run in 41 Kentucky newspapers, 28 papers in Tennessee and 40 papers in Indiana. LG&E/KU also helped support the creation of scrapbooks, teacher workshops around the state, and the online learning activities that are featured online at kypress.com.

The Winchester Sun picked up first place honors in the Best Editorial for newspapers with a circulation under 25,000. William S. Blakeman wrote the award for a series of four editorials addressing the importance of reading.

"Unequivocally points out a child's first and most influential teachers are his parents," a judge commented. "Another editorial addresses the need the learn to communicate with the community's Hispanic population and applauds the decision of leaders to offer Spanish classes to city employees."

Another judge said Blakeman's reporting "allows him to place local needs and activities into a national and even an international context. He writes plainly and powerfully in a friendly, neighborly tone. But he also makes a powerful point. Illiteracy is a local problem, too. There's no ignoring it."

BILL

Continued from page 5

achieve positive change and growth in their lives should be recognized for it. But there has to be a better way of accomplishing that. There has to be a way of doing it that does not involve rewriting the judicial history of the courts and messing with the integrity of the records of court proceedings.

In addition to the Kentucky Press Association, a number of other officials and organizations have said they oppose this bill. For example, legislators and a Commonwealth's Attorney told the Danville Advocate-Messenger for publication that they oppose the bill. One saw this bill as another step in an overall trend of absolving people of wrong doing and allowing people not to take responsibility for their own behavior. He also

noted that the courts need to have a record of all felony charges, recognizing that such information could have an important bearing on hiring people to work with young children, elderly people and other vulnerable people. The Kentucky Chamber of Commerce and the Kentucky Society for Human Resource Managers echoed that concern. Some KPA members made calls to their legislators. Others reported or editorialized about HB 371.

So why is it that, as of this writing, HB 371 is poised for passage by the House of Representatives? The bill was introduced on January 26 and was considered by the House Judiciary Committee on February 11. Despite the broad negative sentiment, only the KPA publicly opposed the bill. Our testimony followed the tearful testimony of a person who hopes to become one of the first beneficiaries of HB 371.

Her story of difficulty finding employment after her conviction years ago of a Class D felony evidently resonated with the representatives on the House Judiciary Committee. Brushing aside the concerns addressed by KPA, the committee voted to report the bill favorably. It was given its first reading on the House floor that very day and its second reading the next. It was posted for passage in the Regular Order of the Day on February 19, when a floor amendment was proposed.

There ends the story of HB 371 for now. It is certainly possible that, by the time you read this, the House will have passed HB 371 and sent it to the Senate. The story of SB 205 is also in progress. It has been assigned to the Senate Judiciary Committee and may have been considered and acted upon by the time you read this. If you agree these bills should fail, take action.

And do it now.

* Write your representative and senator:

Sen./Rep. _____
Legislative Offices, Capitol Annex

Frankfort, Kentucky 40601

* Call a senator/representative directly at 1-502/546-8100.

* Leave a message for a senator/representative at 1-800/372-7181.

To check the status of a bill call 1-866/301-9004.

And, if you have any questions about HB 371, SB 205 or other bills we are monitoring for KPA don't hesitate to call your Hotline attorneys.

Jon L. Fleischaker: 502/540-2319
Kimberly K. Greene: 502/540-2350

R. Kenyon Meyer: 502/540-2325
Ashley C. Pack: 502/540-2385
DINSMORE & SHOHL, LLP
Switchboard: (502) 540-2300

OPINIONS

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operations funded by state or local authority.

"Clearly, records generated by TSDC in 2001 that relate to functions, activities, programs, or operations funded by the infusion of \$960,000 from the state through the city are accessible to the public under the Open Records Act," the written decision stated. "If the remaining state funds channeled to TSDC through the city represent at least 25 percent of its total funds in any subsequent year, records generated by TSDC that relate to functions, activities, programs or operations funded by those remaining funds and in those years are accessible under the Open Records Act."

The AG's office found that The Advocate-Messenger was entitled to any records owned or maintained by TSDC that document expenditure of any state funds it received in 2001 and that may have remained its account in subsequent years.

The Courier-Journal/Murray State University

The Attorney General's Office was asked to decide whether Murray State University violated the Open Records Act in denying the Courier-Journal reporter James Malone's Nov. 12, 2003, request for various records relating to Minger v. Murray State University.

In response to the Courier-Journal's request, MSU records Custodian Sandra Rogers denied Malone's request for any settlement agreement and related document, explaining that no final documents exist and invoking KRS 61.878(1)(h) and (i). Rogers denied Malone's request for costs related to the defense and resolution of Minger v. Murray State University on the same grounds, explaining:

"It is assumed you intend a broad reading of cost to defend, and we understand that to mean not only fees relating to witnesses and cost of depositions, but fees for attorney time. Until the Agree Order of Dismissal is entered, the time for any appeal has expired, the terms of all orders have been compiled with, and any outstanding bills are submitted and paid, final documents will not exist."

Courier-Journal attorney Jon

Fleischaker initiated an appeal shortly after receiving MSU's response. It was Fleischaker's position that neither of the cited exemptions authorized nondisclosure of the records withheld. Citing previous decisions by the AG's office for the proposition that settlement agreements are public records and not exempted under the personal privacy exemption to the Open Records Act.

He observed that MSU is arguing that the settlement agreement is not a final document. However, he said, the Courier-Journal reported that Calloway Circuit Judge Foust stated an agreement had been reached just before midday on Nov. 11, 2003. In his opinion the court obviously considered the agreement final because the judge stopped the case from going to trial, which was scheduled to start the next day. Fleischaker concludes that because of this some document must exist now, which contains this agreement.

"Even if the parties have not signed the settlement agreement containing the standard boilerplate language, some document must exist which sets out the terms of the settlement agreement," Fleischaker contended. "Such a document does not constitute a preliminary draft or not, but a final document evidencing the agreement between the parties."

Fleischaker also asserted in relation to the costs incurred in the defense and resolution of the Minger case that any bills have that have been paid in defense of this lawsuit constitute final documents and must be disclosed.

Fleischaker also questioned MSU's invocation on KRS 61.878(1)(h) in denying either of the requests, noting that the agency failed to allege any facts supporting its reliance on the exception.

Following commencement of The Courier-Journal's appeal, MSU General Counsel John P. Rall elaborated on the University's position. He reaffirmed the agency's earlier response that no final settlement agreement existed.

The AG stated that it had long recognized that public records that are preliminary in nature forfeit their exempt status only after they are finalized or adopted by the agency as part of its final action.

The AG affirmed MSU's denial of Malone's request for "any settle-

ment agreement and any related documents, but found that MSU's denial of Malone's request for the cost of MSU and/or its insurance carriers to defend and resolve the suit" violated the Open Records Act.

The State Journal/Kentucky State Police

The Kentucky Attorney General's office was asked to rule whether the Kentucky State Police properly denied the Sept. 22, 2003, request of Andrew Tangel, staff writer for The State Journal, for "a list-in electronic format of all Kentuckians holding permits to carry concealed weapons." The AG's office was asked to more precisely resolve the conflict between KRS 61.874(2)(a), which authorizes a party requesting records to designate a preference as between standard electronic and standard hard copy format, and KRS 237.110(8), which specified that the KSP can provide the requested list "in hard copy form only," an issue of first impression.

In a letter dated Sept. 24, 2003, Terry Edwards, Official Custodian of Records for the KSP, declined to provide Tangel with the requested information in electronic format, advising him as follows:

"KRS 61.878(1)(1) exempts from the Open Records Law records made confidential by enactment of the General Assembly. Pursuant to KRS 237.110(8), information on CCDW license holders is confidential except that a list of names may be provided 'in hard copy form only' upon written request to the State Police Commissioner 'and the payment of the required fee.' Accordingly, we cannot provide this information in electronic form."

Edwards explained that if Tangel wished to obtain the information in hard copy he would have to submit another request and pay 10 cents a page.

By enacting KRS 237.110(8), the more specific of the two conflicting provisions implicated in the denial, the AG said that the General Assembly expressly restricted disclosure of the public records requested to "hard copy form only." KRS 61.878(1)(1) exempts from disclosure "public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly." Because the AG concludes the KSP responded in

the manner dictated by KRS 237.110(8), and its actions were otherwise consistent with the Open Records Act, the AG affirmed KSP's denial of Tangel's request to produce the requested list of names in electronic format.

On appeal, Tangel acknowledged KSP's offer to provide a hard copy of the list but argues that "the unwieldy task of sifting through approximately 80,000 names spanning more than 400 pages would 'hinder' the ability of The State Journal 'to search the voluminous roster.'" Tangel said this would constitute "an unjustifiable encumbrance to free and open inquiry into public records that is violative of the spirit of Kentucky's Open Records Law."

In a supplemental response directed to the A-G following commencement of the present appeal, Roger Wright, a KSP staff attorney, framed the dispositive issue as:

"Whether a requester's ability to designate its preference for receipt of records in electronic format under KRS 61.874(2)(a) trumps the plain language of KRS 237.110(8) which provides that the list of names of concealed weapons licenses may only be provided in hard copy format, and that such records are otherwise confidential."

Wright observed, citing two previous AG decisions and the AG agreed, that when two statutes concern the same or similar subject matter, the specific prevails over the general. In his view, the General Assembly intended "through its later enactment of KRS 237.110(8) that an electronic list of names of concealed weapons licensees be excluded from the purview of the Open Records Act." Likewise, "the General Assembly clearly intended to preserve its ability to restrict access to certain records" with the enactment of KRS 61.878(1)(1) and the General Assembly is vested with the authority "to establish such public policy."

In summary Wright contended that KRS 237.110(8) "is a valid enactment of the General Assembly that places minimal restrictions on the ability of a requester to obtain a list of names of concealed licensees," and, since Tangel has "no common law right to receive the information" he requests in any particular format

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NEWS

Continued from page 1

Newspaper Advertising Contest. For that reason, these hints should help in making your paper's participation in this year's contests easier.

The deadline for submissions to the BNC and BNAC is March 31, 2004.

Last year's contest attracted nearly 3,000 entrants. However, each year there are entries that become disqualified because the submitting newspaper did not follow the contest rules. The rules and entry form are available on NNA's web site, www.nna.org/Contests.

Items which can disqualify entries include (but are not limited to):

1. Membership dues not current. Participation is limited to NNA member newspapers for these two contests and a newspaper must be a member in good standing to compete.
 2. A photocopy that is NOT an entire tearsheet. Some categories require entire issues or multiple issues and others require just a tearsheet. Be sure the entire page is reproduced.
 3. Submitting entry in the wrong category, or the wrong circulation division. There are categories that require entries be from issues published at specific times, or which require multiple items for one entry.
- While the hints listed here do not

guarantee award-winning entries, they will eliminate entry disqualifications. If you have any questions about how to submit an entry, please contact the contest chair, John Stevenson, publisher, The Randolph Leader, Roanoke, AL at (334) 863-2819 or via e-mail; rleader@teleclipse.net or NNA Contest Coordinator Terri Loughrey at (573) 882-5800 or terri@nna.org.

WKU to host forum April 16

On Friday, April 16, Western Kentucky University's School of Journalism and Broadcasting is hosting Forum 2004 - How Newspapers Can Increase Revenue Using Innovative Strategies.

Forum topics include convergence, content management systems, interactive advertising and much more. Rob Curley, director of New Media for The World Company in Lawrence, Kan., will kick-off the seminar. Forum 2004 is an all-inclusive seminar and offers hands-on workshops.

Forum 2004 begins at 9 a.m. CST in the newly built Mass Media and Technology Hall and wrap-ups at 4:30 p.m.

Attendees are encouraged to register early, since space is limited. A \$99 early bird special is available to those who register prior to March 16.

To reserve space or for more information contact: Heather Garcia

at (270) 745-8915 or e-mail her at heather.garcia@wku.edu.

2004 CSCMA marketing conference

The Central State Circulation Manager's Association will be holding a marketing conference Sunday, April 25 through Tuesday, April 27, in Louisville.

"Win, Place or Show! - A Race to Increase Circulation" will be held at The Galt House in downtown Louisville. Hotel Rate is \$115 per night plus tax. Reservations must be made before March 20.

Topics on the agenda include: Life after The DNC List; Bridging the Gap between Advertising and Editorial; The Return of Roundtables and Retention Marketing for the Win, to name a few.

This year's Sunday night networking will be held at The Churchill Downs Museum.

CSCMA member registration is \$215, non-member registration is \$255 and spouse/guest registration is \$80. First-time attendees can deduct \$40 from full conference registration fee. Three to 5 attendees from the same newspaper pay only \$195 and 5 or more from the same paper get a discount rate of \$175 per person.

Full conference registration includes: Sunday lunch at the hotel and Sunday dinner at The Churchill Downs Museum; Monday breakfast

and lunch; Tuesday breakfast; plus refreshments at all breaks.

To register send name, address, newspaper name/firm, phone number, and check to: Mary Ellen Johnson phone/fax (319) 366-0959 or e-mail to cscma@aol.com. It can also be mailed to CSCMA, P.O. Box 1686, Cedar Rapids, IA 52406-1686.

Hotel reservations can be made by calling The Galt House at 1-800-626-1814.

Society of Environmental Journalists announces awards

The Society of Environmental Journalists announces its third annual Award for Reporting on the Environment, offering \$1,000 prizes in nine categories. The contest recognizes outstanding journalism on environmental topics in print, television, radio and online media.

Categories include beat reporting, in-depth coverage and small market coverage. Last year's contest drew more than 200 entries from across the U.S. and nine other countries.

Entry deadline is April 1, 2004. Submitted work must have been published between March 1, 2003 and Feb. 29, 2004.

Full details are available at www.sej.org/contest/index.htm or by calling (215) 884-8174.

OPINION

Continued from page 10

and that the AG's office should affirm KSP's disposition of his request.

The AG's office agreed with KSP for the reasons that follow:

"We are not at liberty to add or subtract from the legislative enactment nor discover meaning not reasonable ascertainable from the language used ... To determine legislative intent, we must refer to the literal language of the statute as enacted rather than surmising what may have been intended but was not articulated ... In doing so we 'must construe all words and phrases according to the common and approved uses of language.'"

When two statutes concern the same or similar subject matter, the specific must prevail over the general because the AG's office said the general assembly "is presumed to be aware of the existing law at the time of enactment of a later statute."

Pursuant to KRS 61.872(1): "All public records shall be open for inspection by any person, ..." subject to the exceptions codified at KRS 61.878. Included among those public records explicitly exempted from application from Open Records Act under that provision are "all public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly."

The AG's office also noted that the language in KRS 237.110(8)

authorizing release of the list at issue is preceded by the following: "Except as provided in the subsection, information on applications for licenses, names and addresses, or other identifying information relating to license holders shall be confidential and shall not be made available except to law enforcement agencies."

As evidenced by the unambiguous language, the General Assembly deemed the list of names requested by Tangel to be inherently confidential and therefore, restricted its disclosure to "hard copy form only," the AG said.

In order to properly rule on the matter, the AG's office reviewed the mandatory terms of KRS 237.110(8) in conjunction with KRS 61.878(1)(1), pursuant to which the

General Assembly explicitly reserved the right to impose such restrictions on access to public records otherwise subject to inspection. "In light of this determination, the question becomes which statute prevails as between KRS 237.110(8) and KRS 61.874(2)(a). Because the General Assembly is presumed to have been aware of the existence of KRS 61.874(2)(a) at the time it enacted KRS 237.110(8), and these two statutes are in 'irreconcilable conflict,' the AG wrote.

After all consideration, the AG ruled that the KSP properly denied Tangel's request to provide the list in electronic format and correctly advised him on how to proceed under KRS 61.874 thereby fulfilling its obligation under the Open Records Act.

PEOPLE

Continued from page 11

Glasgow, skateboarders in Louisville and protests against the war in Iraq, as well as college basketball shots.

The runner-up was Charles Bertram of the Lexington-Herald Leader.

Clay Jackson of The Advocate-Messenger in Danville won the Best of Show award.

A panel of three judges from newspapers outside of Kentucky picked the winning entries. More than 100 newspaper and television photojournalists from across the state took part in the contest.

McCorvey named to production department

Becky McCorvey was named assistant production supervisor at the Central Kentucky News-Journal in January.

McCorvey's job is to coordinate department work and training schedules, communicate and coordinate special sections with the plant, help train the production staff to back each other up in all facets of their work, and help troubleshoot hardware and software problems.

McCorvey has been with the News-Journal since August 1999 and before that worked at Jeff Press in Glasgow and Calhoun Ad Specialties in Albany, Ga.

In addition, McCorvey will continue to assist in bookkeeping.

Richie joins Cynthiana Democrat staff

Harrison County native Donald Richie has joined the news staff of The Cynthiana Democrat.

Richie, 32, is returning to work in Cynthiana after working in Lexington for the last six years.

He is a 1995 graduate from Morehead University with a dual concentration on journalism and broadcasting.

After graduation, he worked for the Maysville Ledger Independent before moving into the graphics department for the Cynthiana Democrat/Harrison Shopper.

More recently he has been employed at Jiffy Fastening Systems in Lexington.

Richie's primary beat will be covering county government, which includes the Harrison County Fiscal

Court.

New publisher takes helm at Grayson News-Gazette

Gary White, 40, of Portsmouth, Ohio, began his job as the new publisher of the Grayson County News-Gazette on Feb. 2.

White worked 15 years for the Portsmouth (Ohio) Daily Times, and the last five years as the paper's circulation director.

White replaces Lisa Simpson-Strange, who returned to work at The Glasgow Daily Times.

Claiborne joins Carrollton staff as sales rep

Karen Claiborne recently joined The News-Democrat in Carrollton as the display and sales representative.

Claiborne has lived in Carrollton nearly 20 years and writes the paper's genealogy column, "Shaking the Tree."

Previously, she has worked for Cincinnati Bell, working up from directory assistance operator to sales rep in call centers and phone centers. She co-edited The Union Eye, the newspaper for CWA Local 4401. She worked the last half of her career in management as a trainer.

She has a bachelor's degree in fine arts from the University of Cincinnati College of Design, Architecture, Design and Planning and is a graduate of the Art Academy in Cincinnati.

Lebanon Enterprise presents check to basketball team

Lebanon Enterprise Advertising Manager Mary Anne Blair presented Marion County Boys Varsity Basketball Coach Tim Peterson with a check for \$1,023. Blair and the Enterprise raised the money by producing the program for the 2003 Marion County Holiday Homecoming Classic.

The Enterprise was the tournament's major sponsor.

Pioneer News hosts candidate school

The Pioneer News, along with the Bullitt County Chamber of Commerce, recently hosted a candidate school for anyone interested in getting into politics. Guest speakers were former Jefferson County Judge-Executive Rebecca Jackson and radio host Mike Ward from The Mike

Ward Show on 1080 AM.

The paper received excellent feedback from local residents.

Hardy, Clark joins CKNJ as interns

The Central Kentucky News-Journal is giving Campbellsville University and Lindsey Wilson College journalism students an opportunity to get some experience in the newspaper field.

Campbellsville University senior Franklin Clark and Lindsey Wilson College junior Lindsey Hardy are the first Central Kentucky News-Journal Journalism Scholars Program interns.

Clark and Hardy will each complete a 10-week paid internship during the spring semester of 2004.

Among their learning opportunities during the internship is the writing of at least 10 published articles, attending several public meetings and visiting the courthouse with the News-Journal's courts reporters. The interns will also receive academic credit for their work.

Journalism students at the two schools will be offered the opportunity to apply for the program during each spring and fall academic semester.

The scholar's program is in addition to the summer internship program in which the News-Journal participates along with other Landmark Community Newspapers.

Hardy, a 2001 graduate of Apollo High School in Owensboro, is an English major and history minor.

Hardy was the editor of her high school newspaper and of Lindsey's student newspaper, The View. She completed an internship at the Madisonville Messenger last summer.

Clark, a graduate of Taylor County High School, is a communications/journalism major and a political science minor, and is a staff member of the CU student newspaper, The Campus Times.

The Independent announces personnel changes

Two employees were promoted and two joined the staff at The Independent in Ashland in February.

Sue Fosson was promoted to consumer marketing director. She joined the newspaper in 1981 as a district sales manager in the Ashland and Flatwoods districts.

In 2001, she was promoted to circulation sales manager with the responsibility of building home delivery readership.

As consumer marketing manager, she will be responsible for building readership through retail outlets and other marketing programs involving area businesses and organizations.

She will coordinate in-paper readership promotions to generate interest and participation.

She also coordinates The Independent for Kids newspaper as well as fund-raising programs to support Newspaper In Education programs in area schools.

Karen Justice, of Russell, has been promoted to customer service and retention manager.

She joined the newspaper in 1987 as a circulation clerk. In her new position, she will oversee the customer service staff as well as coordinate customer retention programs to build delivering readership.

Bonita Barker, of Russell, has been promoted to senior district sales manager and carrier promotions manager.

She joined the newspaper in 1993 as district sales manager with responsibilities in Ashland and Catlettsburg.

In her new position, she will coordinate and implement carrier sales promotions to build readership as well as assist other district managers.

Todd Garvin of Catlettsburg has joined the newspaper as copy editor.

Garvin is a former copy editor and columnist at the News-Enterprise in Elizabethtown. He was assistant managing editor and sports editor at the Portsmouth (Ohio) Daily Times. He is a former Ashland Junior Football League coach.

Jennifer Sewell, of Russell, has joined the newspaper as copy editor. She is a graduate Morehead State University with a bachelor's degree in journalism.

She was a copy editor at the Portsmouth (Ohio) Daily Times and a reporter at the Appalachian News-Express in Pikeville.

Sarah Lynch, of Ashland, has joined the newspaper's Lifestyle section as clerk/reporter.

She is a graduate of Eastern Kentucky University with a bachelor's degree in journalism.

She will deal with the daily activities of the Lifestyle desk and also write features.