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# THE KENTUCKY PRESS

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## Survey shows 35-cent single copy price most popular in Kentucky

A September survey by the Kentucky Press Association shows weekly and daily newspapers following a national trend in single copy sales prices.

Recent national surveys indicate a majority of newspapers have a 35-cent single copy price with 25 cents as the next most frequent single copy cost.

Kentucky newspapers follow the national trend with a clear majority favoring the 35-cent price followed by the quarter charge.

Of 148 KPA member newspapers studied, 71 or nearly one-half of the newspapers in the state charge 35 cents per copy, and 46 charge 25 cents.

For weekly newspapers, 55 have a 35-cent newsstand price and 39 charge 25 cents. Eight weekly newspapers charge 30 cents per copy, eight charge 50 cents, four charge 40 cents and two are at 15 cents.

For dailies, 16 of the 25 dailies cost 35 cents for single copies, seven charge 25 cents with one at 30 cents and one at 50 cents. The survey did not reflect Sunday single copy costs.

The KPA study also examined one-year in-county subscription costs for weekly newspapers.

Results of that survey show no clear-cut winner in any price range. Of all weeklies in the state, 18 carry an in-county subscription rate of \$12 to \$12.99. Next in popularity was the \$11 to \$11.99 price with 16 weeklies in that range; 13 weeklies have a year's subscription at \$14 to \$14.99; and 12 at \$8 to \$8.99 and the same number charge \$10 to \$10.99. Eight weeklies charge \$16 to \$19 for a one-year in-county subscription, five charge more than \$20 per year and one has a year's subscription price at \$5.50, the only weekly newspaper in state charging less than \$6 per year. Other costs were five at \$6 to \$6.99; eight charge \$7 to \$7.99; 10 charge \$9 to \$9.99; three charge \$13 to \$13.99; and six charge \$15 to \$15.99.

All five weeklies charging more than \$20 per year for an in-county subscription are published at least twice per week.

In examining out-of-county subscription prices, a cost of \$16 to \$19 for a one-year subscription was most popular with 22

weeklies charging in that range. The net highest was the 17 weeklies charging \$12 to \$12.99. Surprisingly, the largest increase in the price range was in those charging more than \$20 per year.

Whereas only five charge \$20 or more in-county, 16 charge more than \$20 per year for an out-of-county subscription. Also popular is \$15 to \$15.99 with 14 weeklies at that level. The \$13 to \$13.99 and \$14 to \$14.99 both have 11 newspapers charging those rates out-of-county.

On the lower end, one charges \$7.50 for the lowest in the state, three charge \$8 to \$8.99; seven charge \$9 to \$9.99; eight charge \$10 to \$10.99; and four charge \$11 to \$11.99.

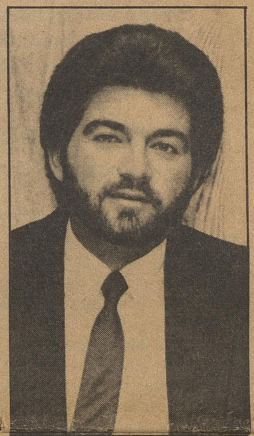
David T. Thompson, executive director of KPA, said the price range "shows Kentucky newspapers, both dailies and weeklies, are affordable. With the many increases this industry has faced in the past few years -- higher postal rates, higher newsprint costs, exorbitant insurance premiums -- you might expect the single copy and yearly subscription rates to be much higher.

"But this shows Kentucky newspapers have held the line on newspaper costs and continue to be a good investment for the readers."

On average of all weeklies, a one-year in-county subscription cost is \$11.99 while a one-year out-of-county subscription average is \$14.83.

"We did this study two or three years ago and it gave some newspapers an idea of where they stand for single copy and in-county and out-of-county subscription costs," Thompson added. "By no means are we saying a newspaper should be charging a certain amount. With a new year approaching, and another increase expected in newsprint, we thought this might give newspapers at the lower end of the spectrum an idea of what other newspapers are charging.

"Only the individual newspaper knows what the local market would tolerate. And obviously various factors (frequency, production costs, etc.) are entered into making the choice of what single copy prices and the subscription prices should be."



### Lyles elected to KPA board

Jerry Lyles, general manager of the Benton Tribune Courier, has been elected to the KPA/KPS Board of Directors.

Lyles, who served as chairman of the KPA Advertising Steering Committee in 1987 and is presently a state at-large member of the KPA Board, was elected as the District 1 board member, to fulfill a term originally held by David Reeves.

Reeves, former advertising manager of the Murray Ledger and Times, resigned that post in mid-September to become publisher of a newspaper in Missouri.

Lyles will complete the term through January, 1990.

## Editors respond to AG's opinion, 'supplement'

In light of the Attorney General's opinion issued in September concerning the release of police citations, The Kentucky Press asked various newspaper editors across the state for their opinions about the issue. The following is a synopsis of their views.

Paul W. Sierer, Editor, The Independent, Ashland: "The

opinion basically addresses our questions concerning access to police uniform citations. There are problems with some of the specific language, particularly that the opinion "supplements and expands OAG 88-58" - the opinion given earlier by Thomas Emerson. It appears that the opinion has resolved our specific problem

of having access to citations."

Jim Paxton, Editor, The Paducah Sun: "I am not at all convinced that the Open Records ruling was the shocking blow to accountability that we in the press first feared it was. The Open Records Law is, we think, a critical component of honest and competent government. We applaud those news

organizations across the state who rose to its defense, and we sincerely hope that the attorney general holds it every bit as important a law as we do."

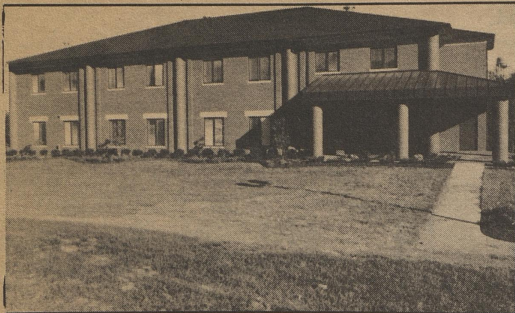
Bob Hendrickson, Editor, The Ledger - Independent, Maysville: "Once again it is important to say that maintaining a strong open records law is not a victory for newspapers or

news media, it is a victory for the public. Kentucky's open records and open meetings laws are a benchmark by which other state laws are judged. Any effort to weaken those laws must be challenged. Attorneys general come and go and interpretations of the open

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Landmark Community Newspapers, Inc. celebrated its 20th anniversary in Shelbyville by moving into its new 21,000-square foot headquarters, located adjacent to the previous building on KY 55. Landmark held an open house October 16-17.

### Literacy Commission develops explanation of amendments

Because of the high illiteracy rate in Kentucky and wanting those Kentuckians to understand the constitutional amendment on the Broad Form Deed question, the Kentucky Literacy Commission has developed a simplified explanation.

The amendment will be one of two put before Kentucky voters November 8. The other amendment question, on Kentucky's lottery, may have a similar simplified version written prior to the election so the 400,000 functionally illiterates in the state can have the opportunity to understand the meaning of both constitutional amendments prior to going into the voting booth.

The simplified language on the Broad Form Deed reads:

**Will you vote yes or no?**

The miners want to strip mine.

Strip mines save the mine owners money.

The land owners say no.

They say strip mines tear up the land.

They say strip mines are not fair.

The law says strip mines are all right.

Should the law be changed?

Should the land owners have the right to stop the strip mines on their land?

Vote yes to change the law.

Vote no to keep it the same.

The Kentucky Literacy Commission is inviting newspapers across the state to reprint this simplified explanation so those unable to comprehend the exact language on the Broad Form Deed question will have a chance to understand what they would be voting on in the election.

### Cindy Pullen joins KPS staff

Cindy Pullen has recently joined the KPA/KPS staff as Advertising Assistant and Editor of The Kentucky Press.

Pullen is a 1988 graduate of Georgetown College, where she received a Bachelor of Arts degree, with a double major in communications and political science.

While at Georgetown, Cindy spent a lot of her time playing tennis for the Lady Tigers. She earned the number one position her senior year in both singles and doubles.

At Georgetown she participated in many activities, such as, treasurer of Kappa Delta Sorority, Student Government Athletic Committee, Fellow-

ship of Christian Athletes, Varsity Club, PHA Little Sisters, and the Georgetown Student Foundation.

## Editors respond

Continued from Page 1

records law are nothing new, but the people of this state cannot afford to let any individual tinker with the fundamental right of citizens to inspect public documents."

The Kentucky Post, "Attorney General Fred Cowan's decision to overturn a legal opinion written by an assistant is to be applauded as a wise and

### Court dismisses libel lawsuit against Post

The Kentucky Court of Appeals has upheld a Boone Circuit Court judge's order that dismissed a lawsuit filed against The Kentucky Post by a man falsely accused of killing two people.

The appellate court announced in a unanimous decision that Gregory Lynn Yancey does not have grounds to sue for libel and invasion of privacy. The court ruled that Boone County Circuit Judge Sam Neace did not make an error when he dismissed the suit last year.

Yancey was charged in the slayings of Roy and Ruby Bickers on March 28, 1985 at their home in Carrollton. He was arrested on April 10, 1985, after an aunt told state police that Yancey had confessed to killing the Bickers.

Kevin Fitzgerald, a Carrollton resident and a student at Eastern Kentucky University, was later convicted of two counts of manslaughter and sentenced to 40 years in prison.

The Kentucky Post published an article quoting Fred H. Hamilton, an associate of Yancey after his arrest. He said that Yancey was a "conartist" and a "smooth talker."

Yancey filed suit in 1986 against Hamilton; The Kentucky Post; Scripps Howard, which owns the newspaper; and five employees, saying he had been libeled and his privacy invaded because of Hamilton's comments.

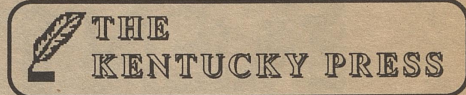
The suit was thrown out in May 1987 by Judge Neace, saying that Hamilton's statements were his opinions, not facts. Neace ruled that Hamilton's statements were protected by the First Amendment.

Cindy is the daughter of Mr. and Mrs. Robert D. Pullen and has been a lifetime resident of Frankfort.

courageous move. The attorney general's staff will take Mr. Cowan's strong statement as a proper reminder that its role is to protect the public's interest by opening government from the public scrutiny. The Open Records Law is the closest thing we have to a guarantee that our elected and appointed officials must answer to the public."

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KRS 424



*Public*

*Notice*

*Advertising*

*in Kentucky*

# Public Notice Advertising in Kentucky

## 424.110 DEFINITIONS

As used in KRS 424.110 to 424.370:

(1) "Publication area" means the city, county, district or other local area for which an advertisement is required by law to be made. An advertisement shall be deemed to be for a particular city, county, district or other local area if it concerns an official activity of such city, county, district or other area or of any governing body, board, commission, officer, agency or court thereof, or if the matter of which advertisement is made concerns particularly the people of such city, county, district or other area;

(2) "Advertisement" means any matter required by law to be published.

## 424.120 QUALIFICATIONS OF NEWSPAPERS

(1) Except as provided in Subsection (2) of this section, whenever an advertisement for a publication area is required by law to be published in a newspaper, the publication must be made in a newspaper that meets the following requirements:

(a) It must be published in the publication area. A newspaper shall be deemed to be published in the area if it maintains its principal office in the area for the purpose of gathering news and soliciting advertisements and other general business of newspaper publications, and has a second-class mailing permit issued for that office. A newspaper published outside of Kentucky shall not be eligible to carry advertisements for any county or publication area within the county, other than for the city in which its main office is located, if there is a newspaper published in the county that has a substantial general circulation throughout the county and that otherwise meets the requirements of this section; and,

(b) It must be of regular issue and have a bona fide circulation in the publication area. A newspaper shall be deemed to be of regular issue if it is published regularly, as frequently as once a week, for at least fifty (50) weeks during the calendar year as prescribed by its mailing permit, and has been so published in the area for the immediately preceding two-year period. A newspaper meeting all the criteria to be of regular issue, except publication in the area for the immediately preceding two-year period, shall be deemed to be of regular issue if it is the only paper in the publication area and has a paid circulation equal to at least ten percent (10%) of the population of the publication area. A newspaper shall be deemed to be of bona fide circulation in the publication area if it is circulated generally in the area, and maintains a definite price or consideration not less than fifty percent (50%) of its published price, and is paid for by not less than fifty percent (50%) of those to whom distribution is made; and,

(c) It must bear a title or name, consist of not less than four (4) pages without a cover, and be of a type to which the general public resorts for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matter, advertisements and other notices. The news content must be at least twenty-five percent (25%) of the total column space in more than one-half (1/2) of its issues during any twelve-month period.

(d) If, in a publication area there is more than one newspaper which meets the above requirements, the newspaper having the largest bona fide paid circulation as shown by the average number of paid copies of each issue as shown in its published statement of ownership as filed on October 1 for the publication area shall be the newspaper where advertisements required by law to be published shall be carried.

(e) For the purposes of KRS Chapter 424, publishing shall be considered as the total recurring processes of producing the newspaper, embracing all of the included contents of reading matter, illustrations, and advertising enumerated in paragraphs (a) through (d) of this subsection. A newspaper shall not be excluded from qualifying for the purposes of legal publications as provided in this chapter if its printing or reproduction processes take place outside the publication area.

(2) If, in the case of a publication area smaller than the county in which it is located, there is no newspaper published in the area, the publication shall be made in a newspaper published in the county that is qualified under this section to publish advertisements for the county. If, in any county there is no newspaper meeting the requirements of this section for publishing advertisements for such county, any advertisements required to be published for such county or for any publication area within the county shall be published in a newspaper of the largest bona fide circulation in that county, published in and qualified to publish advertisements for an adjoining county in Kentucky. This subsection is intended to supersede any statute that provides or contemplates that newspaper publication may be dispensed with if there is no newspaper printed or published or of general circulation in the particular publication area.

(3) If a publication area consists of a district, other than a city, which extends into more than one (1) county, the part of the district in each county shall be considered to be a separate publication area for the purposes of this section, and an advertisement for each such separate publication area shall be published in a newspaper qualified under this section to publish advertisements for such area.

## 424.130 TIMES AND PERIODS OF PUBLICATION

(1) Except as otherwise provided in KRS 424.110 to 424.370 and notwithstanding any provision of existing law providing for different times or periods of publication, the times and periods of publications of advertisements required by law to be made in a newspaper shall be as follows:

(a) When an advertisement is of a completed act, such as an ordinance, resolution, regulation, order, rule, report, statement, or certificate and the purpose of the publication is not to inform the public or the members of any class persons that they may or shall do an act or exercise a right within a designated period or upon or by a designated date, the advertisement shall be published one time only and within thirty days after completion of the act. However, a failure to comply with this Paragraph shall not subject a person to any of the penalties provided by KRS 424.990 unless such failure continues for a period of ten days after notice to comply has been given by registered letter.

(b) When an advertisement is for the purpose of informing the public or the members of any class of persons that on or before a certain day they may or shall file a petition or exceptions or a remonstrance or protest or objection, or resist the granting of an application or petition, or present or file a claim, or submit a bid, the advertisement shall be published at least once, but may be published two or more times, provided that one publication occurs not less than seven days nor more than twenty-one days before the occurrence of the act or event.

(c) Excepting counties with a city of the first class, when an advertisement is for the purpose of informing the public and the advertisement is of a sale of property or is a notice of delinquent taxes, the advertisement shall be published once a week for three (3) consecutive weeks. For counties containing a city of the first class, when an advertisement is for the purpose of informing the public and the advertisement is a notice of delinquent taxes, or notice of the sale of tax claims, the advertisement shall be published once, preceded by a one-half (1/2) page notice of advertisement the preceding week. The provisions of this paragraph shall not be construed to require the advertisement of notice of delinquent state taxes which are collected by the State.

(d) Any advertisement not coming within the scope of paragraph (a) or (b) or (c) of this subsection, such as one for the purpose of informing the public or the members of any class of persons of the holding of an election, or a public hearing, or of an examination, or of an opportunity for inspection, or of the due date of a tax or special assessment, shall be published at least once but may be published two or more times, provided that one publication occurs not less than seven days nor twenty-one days before the occurrence of the act or event, or in the case of an inspection period, the inspection period commences.

(e) If the particular statute requiring that an advertisement be published provides that the day upon or by which, or the period within which, an act may or shall be done or a right exercised, or an event may or shall take place, is to be determined by computing time for the day of publication of an advertisement, the advertisement shall be published at least once, promptly, in accordance with the statute, and the computation of time shall be from day of initial publication.

(2) This section is not intended to supersede or affect any statute providing for notice of the fact that an adversary action in court has been commenced.

## 424.140 CONTENTS OR FORM OF ADVERTISEMENTS

(1) Any advertisement of a hearing, meeting or examination shall state the time, place and purpose of the same.

(2) Any advertisement of an election shall state the time and purpose of the election, and if the election is upon a public question the advertisement shall state the substance of the question.

(3) Any advertisement for bids or of a sale shall describe what is to be sold, the time and place of the sale or for the receipt of bids, and any special terms of the sale.

(4) Where any statute provides that, within a specified period of time after action by any governmental agency, unit or body, members of the public or anyone interested in or affected by such action shall or may act, and it is provided by statute that notice of such governmental action be published, the advertisement shall state the time and place when and where action may be taken.

## 424.150 PERSON RESPONSIBLE FOR PUBLISHING

When any statute providing for newspaper publication of an advertisement does not designate the person responsible for causing the publication to be made, the responsible person shall be:

(1) Where the advertisement is of the filing of a petition or application, the person by whom the same is filed;

(2) Where the advertisement is of an activity or action of:

(a) An individual public officer, the officer himself;

# Public Notice Advertising in Kentucky

- (b) A city, the city clerk if there be one; if not the mayor;
- (c) A county, the county clerk;
- (d) A district, or a board, commission or agency of a city, county or district, the chief administrative or executive officer or agent thereof;
- (e) A court, the clerk thereof;
- (f) A state department or agency, the head thereof.

## 424.160 RATES

(1) For all newspaper advertising required by law, the publisher is entitled to receive payment for each insertion at a rate per linear inch, single column, computed as solid nine-point measure. The rate shall not exceed the lowest paid rate paid by advertisers for comparable matter in the same publication.

(2) Whenever by law or by the nature of the matter to be published a display form of advertisement is required, or whenever the person or officer responsible for causing an advertisement to be published determines in his discretion that a display form is practicable or feasible, and so directs the newspaper, the advertisement shall be published in display form and the newspaper shall be entitled to receive therefor its established display rate.

(3) Whenever it is provided by statute that an advertisement shall be published of the filing of a petition or application seeking official action, the filing, if required by other than a governmental official action or agency, shall not be deemed complete unless there is deposited with the petition or application an amount sufficient to pay the cost of publication.

(4) The expense of advertisements in judicial proceedings shall be taxed as costs by the clerk of the court.

## 424.170 PROOF OF PUBLICATION

(1) The affidavit of the publisher or proprietor of a newspaper, stating that an advertisement has been published in his newspaper and the times it was published, attached to a copy of the advertisement, constitutes prima facie evidence that the publication was made as stated in the affidavit.

(2) The affidavit of the person responsible for publishing as described in KRS 424.150, stating that an advertisement has been delivered by first class mail to each residence within the publication area, attached to a copy of the advertisement, constitutes prima facie evidence that the publication was made as stated in the affidavit and that the expenditure for the cost of postage, all supplies, and reproduction of the advertisement did not exceed the cost of newspaper publication of the advertisement.

## 424.180 ADVERTISEMENTS OF STATE AGENCIES

Any advertisement which a state officer, department or agency is required by law to have published shall, if intended to give state-wide notice, be published in such newspaper or newspapers, to be designated by the executive department for finance and administration, as will provide reasonable state-wide coverage. If the advertisement particularly affects a local area it shall be published, for each county in the area, in a newspaper qualified under KRS 424.120 to publish advertisements for such county. The latter publication shall be in addition to the former, if the advertisement affects the state at large as well as the local area.

## 424.190 ALTERNATIVES TO NEWSPAPER PUBLICATION ABOLISHED

(1) In any case where a statute now gives discretion to a public officer or agency or governmental body as to the method of making an advertisement required by the statute, and in any case where a statute now provides that an advertisement may be made either by posting or by newspaper publication, the advertisement shall be made by newspaper publication in accordance with the provisions of this chapter, except as provided in subsection (2) of this section.

(2) Any city of the fifth or sixth class may, when the cost of the newspaper publication exceeds the cost of postage, supplies and reproduction for the alternative method of publication, in lieu of newspaper publication of advertisement, substitute delivery of a copy of the advertisement by first class mail to each residence within the publication area.

## 424.195 SUPPLEMENTATION OF PRINTED NOTICE BY BROADCAST IN CERTAIN CASES

(1) Any official of the commonwealth of Kentucky or any of its political subdivisions who is required by law to publish any legal notice or notice of event may supplement, not to exceed twelve publications, unless otherwise ordered by a court of competent jurisdiction thereof by use of radio or television spot announcements, or both, when, in his judgment, the public interest will be served thereby; except, that notices by political subdivisions may be made only by stations having

a broadcast studio within the county of origin of the legal notice, and that broadcast notices shall call attention solely to published or posted notices required by statute.

(2) Each radio or television station broadcasting a legal notice or notice of event shall for a period of three months subsequent to such broadcast retain at its office a copy of the transcript of the text of the notices actually broadcast and such shall be available for public inspection.

(3) The radio or television station which broadcasts the legal notice authorized by this section shall be entitled to receive payment of an amount equal to the customary charges of such station for such service.

(4) The publication of legal notices under this shall be restricted to legal notices relating to those official acts of public officers requiring a final determination by order of any court of competent jurisdiction in the Commonwealth.

## 424.210 OFFICIAL NEWSPAPERS ABOLISHED

No official newspaper shall be designated by any governmental unit for the publication of advertisement for such unit.

## 424.220 FINANCIAL STATEMENTS

(1) Excepting officers of a city of the first class, a county containing such a city, a public agency of such a city or county, or a joint agency of such a city and county, or of a school district of such a city or county, and excepting officers of a city of the second class or an urban-county government, every public officer of any school district, city, county, or subdivision, or district less than a county, whose duty it is to collect, receive, have the custody, control or disbursement of public funds, and every officer of any board or commission of the city, county or district whose duty it is to collect, receive, have the custody, control or disbursement of funds collected from the public in the form of rates, charges or assessments for services or benefits, shall at the expiration of each fiscal year prepare an itemized, sworn statement of the funds collected, received, held or disbursed by him during the fiscal year just closed, unless he has compiled with KRS 424.230. The statement shall show in the aggregate by source, the amount of funds collected and received, and in the aggregate by payee, the amounts disbursed, or the amount of funds collected and received, from what sources received, the amount disbursed, the date of each disbursement, for what purpose expended, and to whom paid, except that only the totals of the amounts paid to each individual as salary or commission and public utility bills need to be shown, and except that the amount of salaries paid to all non-elected county employees shall be shown as lump sum expenditures by category, including but not limited to road department, jails, solid waste, public safety, and administrative personnel, and except that the amount of salaries paid to all teachers shall be shown as a lump sum instructional expenditure for the school district and not by amount paid to individual teachers and the amount of salaries paid to all other employees of the board shall be shown as lump sum expenditures by category, including, but not limited to administrative, maintenance, transportation and food service; however, the local board of education and the fiscal court must have accessible a factual list of individual salaries for public scrutiny and the local board and the fiscal court shall furnish by mail a factual list of individual salaries of its employees to a newspaper qualified under KRS 424.120 to publish advertisements for the district, which newspaper may then publish as a news item the individual salaries of school or county employees. The officer shall procure and include in or attach to the statement as a part thereof a certificate from the cashier or other proper officer making the statement, if any, of funds to the credit of the officer making the statement. The officer shall, except in a city electing to publish its audits in lieu of the financial statement pursuant to KRS 91A.040(6), within sixty (60) days after the close of the fiscal year, cause the statement to be published in full in a newspaper qualified under KRS published in full in a newspaper qualified under KRS 424.120 to publish advertisements for the city, county or district, as the case may be. Promptly after the publication is made, the officer shall file a written or printed copy of the advertisement with proof of publication, in the office of the county clerk of the county. Within thirty (30) days after publication, the officer shall file with the auditor of public accounts a copy of the newspaper containing the statement.

(2) In lieu of the publication requirements of subsection (1) of this section, the appropriate officer of any municipally owned electric, gas or water system may elect to satisfy the requirements of subsection (1) of this section by:

(a) Preparation of a certified audit by a certified public accountant, performed in accordance with generally accepted principals of accounting, for the fiscal year;

(b) Publishing in a newspaper qualified under KRS 424.120 to publish advertisements for the city, county or district as the case may be, the statement of revenue and expenditures from such audit, together with the statement that the audit report is available for inspection at the offices of the utility; and

(c) Making such audit available for inspection on request of anyone during normal working hours of the utility.

# Public Notice Advertising in Kentucky

(3) In lieu of the publication requirements of subsection (1) of this section, the appropriate officer of a county may elect to satisfy the requirements of subsection (1) of this section by publishing an audit, prepared pursuant to KRS 43.070 or 64.810, in the same manner that city audits are published pursuant to KRS 91A.040(7).

#### 424.230 OPTIONAL MONTHLY OR QUARTERLY STATEMENTS

Any officer who is subject to the provisions of KRS 424.220 may elect to prepare and publish monthly or quarterly statements, in lieu of the annual statements required by KRS 424.220. All of the provisions of KRS 424.220 shall be applicable to such a monthly or quarterly statement except that (1) the statement shall cover only the preceding month or quarter, as the case may be. Any officer who has elected to proceed under this section shall not be exempted from the requirements of KRS 424.220 for any fiscal year unless he has caused to be prepared and published, in accordance with this section, a proper statement for each month or quarter of this fiscal year.

#### 424.240 COUNTY OR CITY BUDGET

Immediately following the adoption of an annual budget by any county or city other than one of the first class, the county or city clerk shall cause a summary of the budget or the text of the budget ordinance to be advertised for the county or city by publication in a newspaper.

#### 424.250 SCHOOL DISTRICT BUDGET

At the same time that copies of the budget of a school district are filed with the clerk of the tax levying authority for the district, as provided in KRS 160.470, the board of education of the district shall cause the budget in a newspaper.

#### 424.260 BIDS FOR MATERIALS, SUPPLIES, EQUIPMENT, OR SERVICES

Except where a statute specifically fixes a larger sum as the minimum for a requirement of an advertisement for bids, no city, county or district, or board or commission of a city or county, may make a contract, lease, or other agreement for materials, supplies except perishable meat, fish, and vegetables, equipment, or for contractual services other than professional, involving an expenditure of more than seven thousand five hundred dollars (\$7,500) without first making newspaper advertisement for bids. Provided, however, that this requirement shall not apply in an emergency if the chief executive officer of such city, county or district has duly certified that an emergency exists, and has filed a copy of such certification with the chief financial officer of such city, county or district.

#### 424.270 LOCAL ADMINISTRATIVE REGULATIONS.

No general regulation of uniform application throughout the publication area promulgated by any officer, board or commission of a city, county or district, which is intended to impose liabilities or restrictions upon the public shall be valid unless and until it, or a notice of such promulgation, together with a statement where the original regulation may be by the public, has been advertised by newspaper publication.

#### 424.280 DUE DATE OF AD VALOREM TAXES.

Every officer whose duty it is to collect any ad valorem tax for the state or for any political subdivision of the state shall cause notice of the due date of the tax to be advertised by newspaper publication, and shall not be given quietus for the taxes collected unless he submits proof of such publication.

#### 424.290 ELECTION BALLOT

(1) Not less than three (3) days before any primary or regular election the county clerk shall cause to be published in a newspaper a copy of the face of the voting machines, or where an electronic or electromechanical voting system is used, a copy of the ballot cards or supplementary material on which appear the names of candidates or issues to be voted upon. Where lists of candidates or issues to be voted upon differ from various precincts within the county, the county clerk shall cause to be published only one set of data with appropriate notations showing the differences in the various precincts. If supplemental paper ballots have been approved as provided in KRS 118.215, the paper ballot published shall be published at the same time as other material required to be published by this subsection. The cost of publication shall be paid by the county except that the cost of publishing any voting data required to be published by this subsection that is limited to a city election or a district election other than a school district election shall be paid by the city or the district as the case may be.

(2) "Copy," as used in subsection, means a summary of candidates and issues to be voted upon showing all the pertinent information that will appear, upon which the voters will cast their votes at a particular polling place.

#### 424.300 PUBLIC SERVICE COMMISSION HEARINGS

Notices of hearings by the public service commission upon applications by public utilities for rate increases or reduction or discontinuance of service, except where advertised by mail, shall be advertised by the applicant utility in accordance with such reasonable regulations as the commission may prescribe by newspaper publication in the areas that will be affected.

#### 424.310 RAILROAD COMMISSION HEARINGS

Notices of hearings by the railroad commission upon applications by a railroad for rate increases or reduction or discontinuance of service shall be advertised by the commission by newspaper publication in the areas that will be affected.

#### 424.330 DELINQUENT TAXES

Whenever the sheriff of any county files with the fiscal court a list of uncollectable delinquent taxes, in accordance with KRS 134.360 and 134.370, the fiscal court shall promptly cause such list, showing the name of and amount due from each delinquent taxpayer, to be advertised by newspaper publication. A fee of three dollars (\$3.00) per name per publication shall be added to the amount of each tax claim so published, as publication costs.

#### 424.340 PUBLICATION OF NOTICE OF FIDUCIARY APPOINTMENTS AND DATE FOR PRESENTATION OF CREDITORS' CLAIMS

The clerk of the probate court shall, at least once each month, cause to be published in the newspaper meeting the requirements of KRS 424.120, a notice setting forth all fiduciary appointments made since the last publication and including at least the following information: the name and address of the decedent or ward, the name and address of the fiduciary, the date of the fiduciary's appointment, and the name and address of the attorney representing the fiduciary, if any, and the date by which claims of creditors must be presented. The clerk may charge each fiduciary a fee not to exceed the actual proportionate cost of said notice. Publication of this notice shall neither enlarge nor reduce the obligation of a creditor to present a timely claim, nor the liability of the fiduciary or distributee to pay the same.

#### 424.360 INVITATION TO BID ON MUNICIPAL BONDS

No sale of general obligation bonds or revenue bonds, except bonds issued for the purpose of facilitating the construction, renovation or purchase of new existing housing as set forth in KRS 58.125, of any governmental unit or political subdivision, or agency thereof, shall be made except upon newspaper advertisements for bids, published for the publication area constituted by the political subdivision or government unit and published to afford statewide notice. If the bonds are in principal amount of seven hundred fifty thousand dollars (\$750,000) or more, an advertisement for bids shall also be published in a publication having general circulation among bond buyers.

#### 424.370 JUDICIAL SALE OF REAL PROPERTY

Upon request made to the master commissioner by any person who will have a substantial interest in the proceeds of a judicial sale of real estate, the master commissioner shall cause the required advertisement of sale to be published in display form.

#### 424.380 FAILURE TO COMPLY WITH PUBLICATION REQUIREMENTS

Any resolution, regulation, ordinance or other formal action of any agency which is required to be published, that is adopted without compliance with the publication requirements of this chapter, shall be voidable by a court of competent jurisdiction. The circuit courts of this state shall have the jurisdiction to enforce the purposes of this chapter, by injunction or other appropriate order, upon application by any citizen of this state. The cost of all proceedings, including a reasonable fee for the attorney of the citizen bringing the action, shall be assessed against the unsuccessful party.

#### 424.990 PENALTIES.

Any person who violates any provision of KRS 424.110 to 424.370 shall be fined not less than fifty dollars nor more than five hundred dollars. In addition, any officer who fails to comply with any of the provisions of KRS 424.220, 424.230, 424.240, 424.250, 424.290 or 424.330 shall, for each such failure, be subject to a forfeiture of not less than fifty dollars nor more than five hundred dollars, in the discretion of the court, which may be recovered only once, in a civil action brought by any citizen of the city, county, or district for which the officer serves. The costs of all proceedings, including a reasonable fee for the attorney of the citizen bringing the action, shall be assessed against the unsuccessful party.

# From here and there...

The Berea Citizen has increased the single copy price of its newspaper to 35 cents. The change was effective October 1.

One-year subscriptions also will be increased to reflect the new single copy rate. The local rate will be \$15.95. The in-state rate will be \$21.95. Editor Jack Hall said that the increase is necessary to help meet rising production costs.

Association of Conservation Districts and the Kentucky Department of Education, has announced the 1988 Conservation Essay and Jim Claypool Conservation Poster contests.

This year's subject is "Trees

the state.

The Jim Claypool Conservation Poster Contest is designed for grades one through six and the Essay contest is for students in grades seven through twelve.

Awards include U.S. Savings Bonds and an all expense paid trip to Louisville along with their parents and teacher to accept their awards in the

spring of 1989.

In addition to the prizes given by the Courier-Journal, many local Conservation Districts Award Additional prizes to their local participants.

Winners of the contests will be announced in early 1989.

The Bowling Green Daily News has recently made a few changes in the appearance of their newspaper.

The most striking changes in the look of the newspaper are in the new headline type. However, there are hundreds of other changes throughout the newspaper, including use of more editorial color and graphics and improved presentation of news material.

Daily News editors did most of the re-design, but the new nameplate on Page One was created by Bowling Green artist Pat Jordan.

The Courier-Journal, in cooperation with the Kentucky

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# Across Kentucky...

Tony Wilson, former sports editor of The Paducah Sun, has been named sports editor at the Lexington Herald-Leader.

Diane Wilbur has been named advertising manager for The Georgetown News & Times. She has been promoted from

account executive at the News & Times. Wilbur started working in communications as the owner of Del Public Relations, a firm located in Thousand Oaks, California. She later worked for the Northwest Colorado Daily News as a classified advertising sales person. She was then promoted to dis-

play advertising sales person. Wilbur also worked as an account representative for the Camarillo Daily News in California.

Ava Siener, the editor of The Livingston Ledger in Smithland, and her husband, Vic, announce the birth of their son, Jacob Magee Siener.

Barbara Meyer has recently joined the staff of the Cynthiana Democrat and the Harrison Shopper as an advertising salesperson. Meyer is a graduate from Murray State University with a major in radio and television journalism and a minor in advertising. She has served as marketing and promotions director at Lexington's McAlpin's department store. Meyer was recently an intern with the dis-

play advertising department of the Lexington Herald-Leader.

Judy Jenkins and Chuck Stinnett series on child abuse has earned The Gleaner the 1988 Kentucky Council on Child Abuse Media Award for daily newspapers. Jenkins is a 20 year veteran with the Gleaner. She also is the newspaper's medical writer who won the 1987 Barry Bingham Media Award given by the Kentucky Psychiatric Association for mental health reporting and the 1987 American Cancer Society State Award for featuring reporting on cancer. Stinnett has been with the paper eight years as the economic environment and special assignment reporter. He has won several Kentucky Press Association first-place awards

for reporting and photography.

Debbie Poe has joined the advertising staff of The Georgetown Graphic. She recently served as ad manager and promotional director for The Georgetown News & Times. She has also been a cosmetician supervisor for Begley Drug Co.

Lucy Vanhook has been named advertising manager of the Cynthiana Democrat and Harrison Shopper. She replaces Ken Stone, who assumed general manager's duties at The Grant County News in Williamstown. Vanhook was formerly an advertising representative at the Cynthiana Democrat and Harrison Shopper. Prior to holding that position, she worked in radio in Winchester and Cynthiana.

## Final rule on inserts effective March 19

By Bob Brinkmann

The Postal Service recently released its final rules on carrying inserts. I am pleased to report that we have escaped with no major injuries. As you remember, earlier proposals would have seriously affected newspapers' ability to carry inserts, and NNA spent a considerable amount of energy getting those proposals reversed.

Two changes will take place however. They are scheduled to take place March 19, 1989.

1. Inserts will not be permitted to carry third-class imprints.

2. Inserts will not be allowed to stick out of the paper. That is, the external dimensions of the supplement can not surpass the external dimensions of the newspaper. If a newspaper is quarter-folded and an insert sticks out, the paper can enter the paper flat or half-folded. We realize that this may cause some complications with the Postal Service, and have informed them. If problems develop, we will work with the Postal Service on them.

THESE ARE THE ONLY RESTRICTIONS FOR UNBOUND NEWSPAPERS. IF YOUR LOCAL POSTAL OFFICIALS TELL YOU DIFFERENTLY, THEY ARE WRONG.

For newspapers the following two rules will continue in effect:

1. The advertising and nonadvertising content of supplements be included in determining the total advertising and nonadvertising percentages of the second-class publication.

2. A publication may have various zoned editions which have different numbers of inserts. Each edition must be entered, however, with a separate mailing statement.

There are, however, two new and quite strict rules for all bound publications (including I'm afraid those few newspapers which are bound). We have heard that there are some postmasters telling publishers that the following apply to unbound newspapers. Again, they do not. These are the new bound publication rules:

1. Loose inserts in bound publications (and bound publications only) must have 25% editorial content.

2. Loose inserts in bound publications (and bound publications only) must have printed on them "Supplement to" followed by the name of the publication or the publisher.

Finally, as you know many second-class magazines are now beginning to polybag their products. Because of the new polybag process, the new insert rules will allow polybagged second-class publications (actually the rule also extends to publications in paper sleeves) to carry third-class pieces (called enclosures) with them so long as the third-class piece pays third-class rates.

For unbound newspapers, these new "enclosure" rules are irrelevant since they can carry anything they want so long as it has no third class imprint and doesn't stick out. For magazines, if they wish to carry a piece that would be forbidden under the "Supplement Rules," then they may do so under the "Enclosure Rules." If you wish more information on the question of enclosures, or should you have any questions about any of the above, please give me a call.

| U.S. Postal Service<br>STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION<br><small>Required by 39 U.S.C. 3685</small>   |  |  |
|--|--|--|
| 1A. Title of Publication<br><b>THE KENTUCKY PRESS</b>  | 1B. PUBLICATION NO.<br>0 0 2 3 0 3 2 4                   | 2. Date of Filing<br>Oct 1, 1988                                   |
| 3. Frequency of Issue<br><b>MONTHLY</b>  | 3A. No. of Issues Published Annually<br><b>12</b>        | 3B. Annual Subscription Price<br><b>\$4.00</b>                     |
| 4. Complete Mailing Address of Known Office of Publication (Street, City, County, State and ZIP+4 Code) (Not printers)<br><b>332 Capitol Avenue, Frankfort Kentucky 40601</b>  |  |  |
| 5. Complete Mailing Address of the Headquarters or General Business Office of the Publisher (Not printer)<br><b>Same</b>   |  |  |
| 6. Full Names and Complete Mailing Address of Publisher, Editor, and Managing Editor (This item MUST NOT be blank)   |  |  |
| Publisher (Name and Complete Mailing Address)<br><b>Kentucky Press Association 332 Capitol Avenue, Frankfort, KY 40601</b>   |  |  |
| Editor (Name and Complete Mailing Address)<br><b>David T. Thompson, Executive Director, KPA, Same as above</b>   |  |  |
| Managing Editor (Name and Complete Mailing Address)  |  |  |
| 7. Owner (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its name and address, as well as that of each individual must be given. If the publication is published by a nonprofit organization, its name and address must be stated.) (Item must be completed.) |  |  |
| Full Name Complete Mailing Address<br><b>Kentucky Press Association 332 Capitol Ave, Frankfort, KY 40601</b>   |  |  |
| (no stock)   |  |  |
| 8. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages or Other Securities (If there are none, so state)   |  |  |
| Full Name Complete Mailing Address   |  |  |
| 9. For Completion by Nonprofit Organizations Authorized to Mail at Special Rates (28M Section 412.12 only)<br>The purpose, function, and nonprofit status of this organization and the exempt status for Federal income tax purposes (Check one)   |  |  |
| <input checked="" type="checkbox"/> (1) Has Not Changed During Preceding 12 Months <input type="checkbox"/> (2) Has Changed During Preceding 12 Months (If changed, publisher must submit explanation of change with this statement.)  |  |  |
| 10. Extent and Nature of Circulation (See instructions on reverse side)  | Average No. Copies Each Issue During Preceding 12 Months | Actual No. Copies of Single Issue Published Nearest to Filing Date |
| A. Total No. Copies (Net Press Run)  | 800  | 800  |
| B. Paid and/or Requested Circulation<br>1. Sales through dealers and carriers, street vendors and counter sales<br>2. Mail Subscription (Paid and/or requested)  | 448  | 456  |
| C. Total Paid and/or Requested Circulation (Sum of B1 and B2)  | 448  | 456  |
| D. Free Distribution by Mail, Carrier or Other Means<br>Samples, Complimentary, and Other Free Copies  | 50   | 50   |
| E. Total Distribution (Sum of C and D)   | 498  | 506  |
| F. Copies Not Distributed<br>1. Office use, left over, unaccounted, spoiled after printing<br>2. Return from News Agents   | 302  | 294  |
| G. TOTAL (Sum of E, F1 and 2—should equal net press run shown in A)  | 800  | 800  |
| 11. I certify that the statements made by me above are correct and complete<br><i>David T. Thompson</i>  |  |  |