

JOINT STANDING COMMITTEES OF
THE HOUSE AND SENATE LOCAL GOVERNMENT

December 18, 1975

Members Present

Senator Elwaine Pomeroy, Chairman
Representative Pascal Roniger, Vice-Chairman
Senator Arden Booth
Senator Dan Bromley
Senator Leslie Droge
Senator Norman Gaar
Senator Frank Gaines
Senator William Mulich
Senator John Simpson
Senator Chuck Wilson
Representative Harold Beninga
Representative Gus Bogina
Representative William Cather
Representative Don Crumbaker
Representative Robert Frey
Representative Victor Kearns
Representative Clarence Love
Representative Homer Jarchow
Representative Donald Mainey
Representative Robert McCrum
Representative Max Mize
Representative Joe Norvell
Representative Frank Smith
Representative Harry Sprague
Representative Joe Wicinski

Staff Present

Mike Heim, Legislative Research Department
Myrta Anderson, Legislative Research Department
Alan Alderson, Revisor of Statutes Office

Conferees

Forrest Inks, General Manager, Kansas Press Association (KPA)
Ken Bronson, President, KPA, Pittsburg Morning Sun
Dick Clasen, KPA, Yates Center News
Rudy Taylor, KPA, Caney Chronicle
Bill Hoch, K.U. graduate student
Del Brinkman, Dean, School of Journalism, K.U.
Bill Meyer, KPA, Marion County Record

Morning Session

The Committee was called to order shortly after 10:00 a.m. by the Joint Committee Chairman, Senator Elwaine Pomeroy. He explained briefly that the purpose of the meeting was to hear a report on legal notice recommendations of the Kansas Press Association. The topic has been subject of two interim committee studies (1973 and 1974). A copy of the 1974 interim report is attached. (Attachment I).

Mr. Forest Inks introduced Mr. Ken Bronson, President of the Kansas Press Association. Mr. Bronson noted that KPA had been assisted in their project by Mr. Bill Hoch, a graduate student, and Professor Dale Brinkman, both from the University of Kansas. Mr. Bronson stated that the study was conducted based on the following propositions: 1) that the public has a right to know, and, 2) that public notice is an intricate part of public management.

Mr. Dick Clasen presented the KPA report in the form of a bill draft. He noted that the draft was fashioned after the Kentucky law which many consider a model piece of legislation in this area. He then went through a section by section analysis of the bill. (See Attachment II).

Concern was expressed (Section 2(e)) regarding the requirement that the circulation must reach 50% of the occupied dwellings or an additional newspaper must be used. Questions were also raised concerning the requirement that the paper be printed as well as published in Kansas and that a paper be required to be in existence for five years. K.S.A. 64-101 et seq., currently sets standards for newspapers in which legal notices may be made. (Attachment III).

Mr. Inks indicated that the KPA has statistics for all newspapers in Kansas regarding circulation and the number of occupied dwellings in these circulation areas. Mr. Taylor pointed out that at the end of each month newspapers circulated by second class mail are required to sign a sworn statement regarding their circulation and their circulation area.

A question was asked why no rates were set regarding the broadcast media. Mr. Clasen responded that the KPA did not think it was qualified to set these type of rates. A question was asked why there was not more emphasis on the readability of legal notices. Mr. Clasen responded that type size was required to be of the same type as other classified advertising of a paper. A question was asked if legal notice could be done by bulletin board and in addition by mailing these notices to all newspaper editors in the area. Mr. Bronson responded that what he thought the question was hinting at why not cover legal notice matters by news stories. He said this was impossible to do in many cases.

It was pointed out that legal notice rates of newspapers are published annually by the KPA for 289 newspapers out of a total of 292 newspapers in the State of Kansas. A question was asked regarding who determined the number of occupied dwellings. It was noted this information was obtained from the state's annual census. It was also pointed out the classified rates are determined either by the line or word and that the circulation of the paper has a bearing on the rates. Legal notice rates are set by K.S.A. 28-137. (Attachment IV)

Afternoon Session

The Joint Committee was called to order shortly after 1:30 p.m., by Chairman Pomeroy. A question was asked if the KPA considered streamlining the information in financial statements for taxing subdivisions. Mr. Clasen answered no, and that he was not sure that a summary of legal notice matters should be the responsibility of newspapers. Mr. Meyer noted that a school district in Marion County had decided recently to publish their expenditures in all five newspapers in the county every two weeks. He pointed out that salaries of school teachers are published on an annual basis.

A question was asked what benefit a newspaper received from being designated the official paper of a unit of government if newspapers did not make that much profit from legal notices. Mr. Taylor noted that it was the prestige which may enhance circulation.

It was pointed out that in Section 16 that a tighter definition of hearing may be needed. In Section 17, Mr. Clasen noted that there was no intention for the county to give notice statewide in each county.

Mr. Bill Hoch explained briefly the methods he used to analyze the statutes involving legal notice. Professor Dale Brinkman commented that some members of the KPA did not like the idea of having their association make recommendations setting legal notice rates. Mr. Bronson added that some members of the KPA will not be satisfied with the KPA's report on legal notice either.

Mr. Alan Alderson noted there would be considerable drafting problems to overcome before a final bill that would meet constitutional guidelines could be drafted. He expressed the opinion that each statute that contains a legal notice requirement dealing with cities, counties and school districts would probably need to be amended.

After some further discussion a motion was made to have a bill drafted incorporating the recommendations of the KPA. It was noted the bill would be used as a vehicle for further discussion of the legal notice issues raised in the report. The bill was to be introduced in the Senate. The motion carried. Senator Droge and Senator Simpson wished to be recorded as voting against the motion.

The Joint Committee then adjourned.

Prepared by Mike Heim

Approved by Committee on:

(Date)

Attached I

RE: PROPOSAL NO. 62 - REVIEW LEGAL NOTICE RECOMMENDATIONS OF KANSAS PRESS ASSOCIATION

The Special Committee on Local Government was directed to review the recommendations for updating legal notice requirements to be made by the Kansas Press Association by July 1, 1974 to the Kansas Legislature.

Background

Proposal No. 62, dealing with legal notice recommendations of the Kansas Press Association, originated from a similar study assigned to the 1973 interim Special Committee on Local Government. The 1973 Committee concluded that Kansas legal notice statutes lack uniform standards and need revisions and improvements.

The 1973 Committee recommended that the Kansas Press Association be asked to form a special legislative advisory committee to study the publication requirements for various state agencies and local units of government in Kansas. The 1973 Committee requested that the Kansas Press Association Committee work toward arriving at legislative recommendations to modernize and make more meaningful those requirements. Specifically, the 1973 Committee recommended that the study committee develop uniform standards concerning the times and periods of publication, the content and form of such publications, matters to be publicized, the size of type, the possibility of publication of certain notices in summary form and the use of display advertisement.

The 1973 Committee also directed that the study committee consider the role of the broadcast media in supplementing published notices in newspapers. The study committee was asked to make specific recommendations to the legislature by no later than July 1, 1974.

It was also the 1973 Committee's recommendation that should the study committee fail to arrive at specific recommendations, the legislature should take necessary action on its own.

Scope of the Committee's Study

The 1974 Special Committee was briefed on the status of the Kansas Press Association's study at the initial meeting held in May. At that initial meeting, representatives of the Kansas Press Association asked that the Committee extend the deadline of July 1, 1974. It was noted that the Kansas Press Association study committee now had some idea where they were going. It was reported that the study committee had met several times and they had established some objectives designed to serve the people of Kansas. It was noted that a professor at the Kansas University School of Journalism with the aid of some of his graduate students were currently involved in sifting through computer printouts (current through 1971) of statutes that related to legal notice.

The 1974 Committee was presented with two possibilities as far as the scope of the legal notice study was concerned. They were told that on a short-term basis, recommendations could be made to correct obvious areas of need or on a long range basis, a study could be conducted that would encompass a review of all the statutes that apply to legal notice.

At this meeting the 1974 Committee learned that the Revisor of Statutes' Office would have full computer capability of providing all statutes relating to legal notice to the Kansas Press Association Study Committee after January of 1975. A suggestion was made at this meeting that the study should be conducted in phases. Each phase could deal with updating legal notice statutes that relate to a particular governmental unit such as counties or cities.

At a meeting in [redacted] of the Kansas Press Association [redacted] prepared by their study committee [redacted] concerning their suggestions [redacted] notice laws of Kansas [redacted]

The Kansas Press Association [redacted] the study committee [redacted] Kansas public notice [redacted] and need revisions [redacted] that they shared the [redacted] the present method of [redacted] to accomplish the purpose [redacted] the business of governing [redacted] a study should be done [redacted] that there are many [redacted] can only be answered [redacted] questions requiring public [redacted] stated, could move [redacted] notice laws which exist [redacted] cited as a model.

The Report further [redacted] study be made with [redacted] which will be available [redacted] Such a study could [redacted] notice statutes. Sp [redacted] the Report stated, s [redacted] study of the statute [redacted] the inconsistencies [redacted]

The Report notes [redacted] be given foremost co [redacted]

1. That the study [redacted] giving local [redacted] ability in [redacted] in legal no [redacted]
2. That the le [redacted] from the pr [redacted] able.

At a meeting in late August 1974, a representative of the Kansas Press Association submitted a report prepared by their study committee to the 1974 Committee concerning their support for a revamping of the legal notice laws of Kansas.

The Kansas Press Association Report stated that the study committee agreed with the 1974 Committee that Kansas public notice statutes lack uniform standards and need revisions and improvements. The Report stated that they shared the feeling of the 1974 Committee that the present method of public notice may not be adequate to accomplish the purpose of informing the public of the business of government. The Report concluded that a study should be done as thoroughly as possible and that there are many questions about public notices that can only be answered after careful study of all statutes requiring publication. Such a study, the Report stated, could move Kansas closer to efficient publication laws which exist in Kentucky and which are often cited as a model.

The Report further recommended that a careful study be made with the aid of the computer information which will be available sometime after January 1975. Such a study could result in the centralizing of public notice statutes. Specific recommendations, however, the Report stated, should not be made before a thorough study of the statutes. Otherwise changes might add to the inconsistencies that already exist.

The Report noted that the following points would be given foremost consideration in the study:

1. That the study include the concept of giving local units of government flexibility in using all forms of the media in legal notification.
2. That the legal notification be looked at from the premise of making it more readable.

3. That the study consider the number of times notices are required to be published as well as the length of various legal notifications.
4. That the study include a look at the feasibility of centralizing legal notifications into a separate section of the statutes.

Conclusions and Recommendations

The 1974 Special Committee on Local Government is mindful of the need for a thorough study of the Kansas legal notice statutes. The Committee therefore concludes that the Kansas Press Association Special Study Committee on Public Notice should be given additional time to continue their study. The Committee makes this recommendation because it is mindful that full computer capability for providing printouts of all legal notification statutes will not be available until after January 1975.

It is the 1974 Special Committee's desire, however, that once this capability is achieved that the Kansas Press Association Study Committee conduct their study and make recommendations as expeditiously as possible.

The 1974 Special Committee also recommends that another interim Committee of the 1975 Legislature be assigned the task of reviewing the progress and the legal notice recommendations of the Kansas Press Association Study Committee. It is felt that further interim Committee interest will encourage the Kansas

Reports of Special Committee

Press Association to
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Rep. Wallace Buck
Vice-Chairman
Sen. Arden Booth
Sen. Dan Bromley
Sen. John Simpson
Rep. Denny Burgess
Rep. Ed Claycomb

Press Association to continue their study and to come up with meaningful and timely recommendations for the updating of legal notice statutes.

Respectfully submitted,

Sen. Elwaine Pomeroy, *Chairman*
Special Committee on Local Government

Rep. Wallace Buck
Vice-Chairman
Sen. Arden Booth
Sen. Dan Bromley
Sen. John Simpson
Rep. Denny Burgess
Rep. Ed Claycomb

Rep. Victor Kearns
Rep. Ruth Luzzati
Rep. Donald Mainey
Rep. Joseph Norvell
Rep. Joseph Wicinski
Rep. George Works

Attachment I

SECTION 1 - Definitions.

- (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.

SECTION 2 - Qualifications of newspapers.

No advertisement of any kind required or provided by any of the laws of the State of Kansas to be published in a newspaper shall have any force or effect as such unless the same be published in a newspaper having the following qualifications:

- (a) It must be published at least weekly fifty (50) times a year and have been so published for at least five (5) years prior to the publication of any official publication;
- (b) It must be entered at the post office of publication as second class mail matter;
- (c) It must bear a title or name, consist of not less than four 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 25 percent of the total column space in more than one-half of its issues during any twelve-month period;

(d) It must be of regular issue, and have the largest bona fide circulation in the publication area and will be considered so if it is circulated generally in the area, and maintains a definite price or consideration not less than 50 percent of its published price, and is paid for by not less than 50 percent of those to whom distribution is made; and shall not be a trade, religious or fraternal publication;

(e) If the newspaper with the largest bona fide circulation does not reach 50 percent or more of the occupied dwellings of the publication area additional newspapers shall be used to insure notification to 50 percent or more of those occupied dwellings.

(f) Supplemental notice may be given by publication in additional newspapers in the publication area and by summary by broadcast media located in the area affected by the action of the governmental unit, at the discretion of the responsible person;

(g) It must be printed in the State of Kansas and published in the county publishing the advertisement, or if there be no newspaper published in said county, then in a newspaper printed in Kansas and having general paid circulation in said county: Provided, The provisions of this act requiring publication for at least five (5) years prior to the publication of any official publication shall not apply to any newspaper which is qualified to publish official publications at the effective date of this act. This sub-section 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. In such case of no newspaper meeting the requirements, and located in the county, the publication will be made in a newspaper located in an adjoining county that meets the provisions of this statute.

(h) Provided, Nothing contained in this act shall invalidate the publication in a newspaper which has resumed publication after having suspended publication all or part of the time the United States has been engaged in war with any foreign nation and

six (6) months next following the cessation of hostilities if such newspaper resumes publication in good faith under the same ownership as it had when it suspended publication: Provided, however, nothing in this act shall invalidate the publication in a newspaper which has simply changed its name or moved its place of publication from one (1) part of the county to another part, or suspended publication on account of fire, flood, strikes, shortages of materials, or other unavoidable accidents for not to exceed ten (10) weeks within the year last preceding the first publication of the advertisement; Provided further, all advertisements heretofore made which would be otherwise valid, that have been made in a newspaper which has, on account of flood, fire, strikes, shortages of materials, or other unavoidable accident, suspended publication for a period of not exceeding ten (10) weeks, are hereby legalized.

SECTION 3 - Times and Periods of Publication.

Except as otherwise provided in this act, and notwithstanding any provisions of existing law providing for different time or periods of publication, the times and periods of publication 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 of 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 (30) days after completion of the act.

(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 any application or petition, or present or file a claim, or submit a bid, the advertisement shall be published three (3) times, provided that one publication occurs not

SECTION 3 (cont'd)

less than seven (7) days nor more than twenty-one (21) days before the occurrence of the act or event.

(c) 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) successive weeks.

(d) Any advertisement not coming within the scope of paragraph (a) (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 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 one time, provided that publication occurs not less than seven (7) days nor more than twenty-one (21) days before the occurrence of the act or event, or in the case of an inspection period, the inspection period commences.

(e) When an advertisement is for the purpose of informing the public of any election, the advertisement shall be published three (3) times, provided that the first publication be not less than 21 days prior to such election.

(f) When an advertisement is for the purpose of informing the public of election registration times and places, the advertisement shall be published one (1) time, provided that publication occur at least five (5) days prior, and not more than 15 days prior to closing of registration.

(g) 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 from the day of publication of an advertisement, the advertisement shall be published once promptly, in accordance with the statute, and the computation of time shall be from the day of initial publication.

SECTION 4 - Contents or form of advertisements.

In the interest of a better informed public, units of government are urged to prepare newspaper publications required by statute in the most clear and concise wording possible. The use of graphics to illustrate and better inform the public of planned action or in reporting expenditures is also encouraged.

- (1) Any advertisement of filing, registration, hearing, meeting or examination shall state the time, place and purpose of the same.
- (2) Any advertisement of an election shall state the date, times and polling places of such election, the name of each person nominated for any public office to be voted upon and any propositions to be voted upon.
- (3) Any advertisement for bids or of a sale shall describe what is to be bid for or 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.
- (5) All advertisements required by law to be published must be published in a type size and style no different than the type size and style used by that particular newspaper to publish general classified advertisements.
- (6) Any publication by a governmental unit which includes a property description shall be accompanied by a sketch clearly delineating the area in such detail as may be necessary to advise the reader of the particular land proposal.

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

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

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

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

(2) A city, the city clerk if there be one; if not, the mayor or the chairman of the board of trustees.

(3) A county, the county clerk;

(4) A district, or board, commission or agency of a city, county or district, the chief administrative or executive officer or agent thereof;

(5) A court, the clerk thereof;

(6) A state department or agency, the head thereof.

SECTION 6 - Rates.

(1) For all newspaper advertising required by law, the publisher is entitled to receive payment for each insertion at a rate not to exceed that received for that newspaper's general classified rate, figured on a per insertion basis. A rate card must be filed with the Secretary of State and the Kansas Press Association, prior to January 1 of each year, to be effective for one year.

(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 therefore its established display rate.

SECTION 7 - Proof of Publication.

The affidavit of the publisher or proprietor of a newspaper, stating that 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.

SECTION 8 - 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 newspapers in each county, as will provide state-wide coverage. If the advertisement particularly affects a local area it shall be published, for each county in the area, in a newspaper that qualifies under this statute 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.

SECTION 9 - Financial statements.

Every public officer of any school district, city, county, or subdivision or district, 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 a 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 quarter of each fiscal year prepare an itemized, sworn statement of the funds collected, received, held or disbursed by him during the quarter of the fiscal year just closed, unless he has complied with Section 11 of this statute. The statement shall show the amount of funds collected and received, from what sources received, the amount disbursed, for what purpose expended, and to whom paid, except that only the totals of amounts paid to each person need to be shown. The officer, shall, within 30 days after the close of

each quarter of each fiscal year, cause the statement to be published in full in a newspaper qualified under this statute 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 printed copy of the advertisement with proof of publication, in the principal office of the unit or units of government involved.

SECTION 10 - Monthly statement.

Any officer who is subject to the provisions of Section 9 may elect to prepare and publish monthly statements, in lieu of the quarterly statement required by Section 9. All of the provisions of Section 9 shall be applicable to such a monthly statement except that (a) the statement shall cover only the proceeding month, and (b) the publication shall be made within thirty (30) days after the end of the month. Any officer who has elected to proceed under this section shall not be exempted from the requirements of Section 9 for any quarter of any fiscal year unless he has caused to be prepared and published, in accordance with this section, a proper statement for each month of the fiscal year.

SECTION 11 - Budgets.

- (1) All governmental units required by law to prepare a budget, must advertise the proposed budget in a newspaper meeting the requirements of this statute;
- (2) Said advertisement shall also contain a notice of a hearing to be held on said budget, which notice and advertisement must be made not less than ten (10) days prior to the date set for said hearing; and said hearing must be held not less than ten (10) days prior to August 25 of each year;
- (3) A copy of such advertisement and proof of publication must be filed with the county clerk on or before August 25 of each year.

SECTION 12 - Bids for materials, supplies, equipment and services.

No city, county or district, or board or commission of a city or county, make a contract for materials, supplies or equipment, or for contractual services, involving an expenditure of more than \$1,000.00 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 certificate with the chief financial officer of such city, county or district.

SECTION 13 - 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 examined by the public, has been advertised by newspaper publication.

SECTION 14 - 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 a quietus for the taxes collected unless he submits proof of such publication.

SECTION 15 - Delinquent taxes.

(1) Whenever the sheriff of any county files with the court a list of uncollectible delinquent taxes, in accordance with state law, the 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 \$1.00 shall be added to the amount of each tax claim so published, as publication costs.

(2) The county officer placing the delinquent tax list may, if he so desires, have the delinquent tax list published in localized segments to reach specific areas covered by the delinquent tax list such as townships or cities providing it is in a newspaper meeting the qualifications of Section 2. A complete list of delinquent taxes in a single publication would not then be required.

SECTION 16 - Hearings.

Hearings of all state and local units of government which may impose liabilities or restrictions on the public shall be advertised by those units of government by newspaper publication in all areas that will be affected.

SECTION 17 - Invitation to bid on municipal bonds.

No sale of general obligation bonds or revenue bonds 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 state-wide notice.

SECTION 18 - Notice of Elections.

It shall be the duty of the person responsible to give notice by newspaper publication before the holding of any primary, general or special election of national, state, county, township, school or city officers or officers of any other subdivision of the state, or any question submitted election held at any time whether the same be upon a constitutional amendment, authority to issue bonds by the state or any subdivision thereof or any other special question whatsoever.

SECTION 19 - Notice of Registration.

It shall be the duty of the person responsible to give notice by newspaper publication of places and dates for registration and the closing thereof before each election.

Attachment III

Chapter 64.—PUBLICATIONS, BIBLIOGRAPHY AND CALENDAR

Articles

- 64-1. LEGAL PUBLICATIONS. 64-101 to 64-109.
- 64-2 to
- 64-9. BLANK (Reserved for future use).
- 64-10. BIBLIOGRAPHY OF KANSAS STATUTE LAW.
- 64-11. STATE'S 120 YEAR CALENDAR.

Article 1.—LEGAL PUBLICATIONS

Cross References to Related Sections:

Rates for newspaper printing, see 28-137, 75-1018.
 Service of process by publication, in civil cases, see 60-307 to 60-313.

64-101. Newspapers in which legal publications may be made. No legal notice, advertisement or publication of any kind required or provided by any of the laws of the state of Kansas, to be published in a newspaper shall have any force or effect as such unless the same be published in a newspaper having the following qualifications:

(a) It must be published at least weekly fifty (50) times a year and have been so published for at least five (5) years prior to the publication of any official publication;

(b) it must be entered at the post office of publication as second class mail matter;

(c) it shall have general paid circulation on a daily, weekly, monthly or yearly basis in the county and shall not be a trade, religious or fraternal publication; and

(d) it must be printed in the state of Kansas and published in the county publishing the official publication, or if there be no newspaper published in said county, then in a newspaper printed in Kansas and having general paid circulation in said county: *Provided*, The provisions of this act requiring publication for at least five (5) years prior to the publication of any official publication shall not apply to any newspaper which is qualified to publish official publications under the provisions of section 64-101 of the General Statutes Supplement of 1961 at the effective date of this act: *Provided*, Nothing contained in this act shall invalidate the publication in a newspaper which has resumed publication after having suspended publication all or part of the time that the United States has been engaged in war with any foreign nation and six (6) months next following the cessation of hostilities if such newspaper resumes publica-

tion in good faith under the same ownership as it had when it suspended publication: *Provided, however*, Nothing in this act shall invalidate the publication in a newspaper which has simply changed its name or moved its place of publication from one (1) part of the county to another part, or suspended publication on account of fire, flood, strikes, shortages of materials, or other unavoidable accidents for not to exceed ten (10) weeks within the year last preceding the first publication of the legal notice, advertisement or publication: *And provided further*, Nothing in this act shall apply to counties wherein no newspaper has been published the requisite length of time: *Provided*, All legal publications heretofore made which would be otherwise valid, that have been made in a newspaper which has, on account of flood, fire, strikes, shortages of materials, or other unavoidable accident, suspended publication for a period of not exceeding ten (10) weeks, are hereby legalized. [L. 1891, ch. 156, § 1; L. 1901, ch. 239, § 1; L. 1913, ch. 223, § 1; R. S. 1923, 64-101; L. 1935, ch. 236, § 1; L. 1943, ch. 228, § 1; L. 1947, ch. 325, § 1; L. 1959, ch. 250, § 1; L. 1963, ch. 312, § 1; Dec. 31.]

Source or prior law: L. 1862, ch. 100, § 2.

Research and Practice Aids:

- Newspapers 1(3).
- Hatcher's Digest, Municipal Corporations §§ 43, 49; Newspaper § 1; Notice § 6.
- C. J. S. Newspapers § 3 et seq.
- Proof of publication, Vernon's Kansas Forms § 8551.
- Sale of realty on execution, Kansas Practice Methods § 1575.

CASE ANNOTATIONS

Annotation to L. 1891, ch. 156, § 1:

1. Act has no application to publication of city ordinances. *City of Pittsburg v. Reynolds*, 48 K. 360, 361, 362, 29 P. 757.

Annotation to L. 1901, ch. 239, § 1:

2. Weekly publication circulated in city, containing news, is a newspaper. *Kansas City v. Overton*, 68 K. 560, 562, 75 P. 549.

attached

Summoning a jury, fifty cents .50
 Attending on a jury, fifty cents .50
 For each mile necessarily and actually traveled in the service and return of any writ, process, order or notice, ten cents .10
 (No constructive mileage shall be allowed.)
 For committing to prison, twenty-five cents .25
 Bringing prisoner into court, by order, twenty-five cents .25
 Attending criminal examination, first day, one dollar 1.00
 Each subsequent day, one dollar 1.00
 For copy of summons or notice left at the place of abode, fifteen cents .15
 On all money collected on execution, four per cent.

For keeping property taken on replevin or attachment, a reasonable compensation, to be allowed by the court. [L. 1913, ch. 197, § 33; July 1; R. S. 1923, 28-136.]

Source or prior law: L. 1862, ch. 99, § 18; G. S. 1868, ch. 39, § 14.

Cross References to Related Sections:
 Maximum mileage payable, see 75-3203.

Research and Practice Aids:
 Sheriffs and Constables § 33, 43.
 C. J. S. Sheriffs and Constables §§ 226, 234 et seq.

28-137. Newspaper fees for legal notices; proof of publication; taxation and collection. Newspapers shall be entitled to receive the following fees:

For publishing any legal notice, or any other proceeding or advertisement required by law to be published in any newspaper, at a rate of not exceeding the following schedule of rates per line:

Size of type	11 pica Col.	11½ pica Col.	12 pica Col.	12½ pica Col.	13 pica Col.
5½ point	15.000¢	15.682¢	16.364¢	17.046¢	17.727¢
6 point	13.750¢	14.375¢	15.000¢	15.625¢	16.250¢
6½ point	12.692¢	13.269¢	13.846¢	14.423¢	15.000¢
7 point	11.787¢	12.321¢	12.857¢	13.393¢	13.928¢
7½ point	11.000¢	11.500¢	12.000¢	12.500¢	13.000¢
8 point	10.313¢	10.782¢	11.250¢	11.720¢	12.187¢
9 point	9.167¢	9.583¢	10.000¢	10.417¢	10.833¢
10 point	8.250¢	8.625¢	9.000¢	9.375¢	9.750¢

Where column widths are other than those shown above, the rate per line of type should be proportionately increased or decreased. Proof of the publication of all such notices shall be made in the manner required by law or the order or citation of court or summons, and each such proof of publication shall be accompanied by a verified statement of the fees and charges therefor. The fees and charges of all such publications when made in any action or proceeding in any court of this state shall be taxed as costs and collected in the same manner as other costs in said action or proceeding. [R. S. 1923, 28-137; L. 1941, ch. 234, § 1; L. 1949, ch. 264, § 1;

L. 1959, ch. 185, § 1; L. 1963, ch. 177, § 1; L. 1973, ch. 134, § 34; July 1, 1974.]

Source or prior law: L. 1861, ch. 36, § 1; L. 1862, ch. 100, § 1; G. S. 1868, ch. 39, § 17; L. 1913, ch. 197, § 34.

Revision note, 1923: Revised by eliminating the words "of two hundred and twenty-five ems" from the last sentence.

Cross References to Related Sections:
 Rates applicable to newspaper printing, see 75-1018.

Research and Practice Aids:
 Newspapers § 5(2).
 Hatcher's Digest, Contracts §§ 38, 90; Counties § 79; Newspaper § 1; Printing § 1; Sheriffs § 20.
 C. J. S. Newspapers § 20.

CASE ANNOTATIONS

Annotations to G. S. 1868, ch. 39, § 17:

1. County printing contracted for, cannot collect statutory fees. *Quigley v. Comm'rs of Sumner Co.*, 24 K. 293, 295.
2. Sheriff not primarily liable to publisher for fees. *Baker v. Wade*, 25 K. 531, 533.
3. Rates for publication in official state paper considered. *Kansas Breeze Co. v. Edwards*, 55 K. 630, 632, 40 P. 1004.

28-138. District court clerk's record of attendance of jurors and witnesses. The clerk of the district court shall keep a record of the attendance of jurors at each term, and of the attendance and fees of witnesses, when claimed during the term. [L. 1913, ch. 197, § 35; July 1; R. S. 1923, 28-138.]

Source or prior law: L. 1862, ch. 99, § 23; G. S. 1868, ch. 39, § 20.

28-139. Same; statement of attendance of jurors and witnesses in criminal cases for which county is liable. Within ten days after the close of each term of a court of record, the clerk thereof shall return to the board of county commissioners a statement of the attendance of jurors at such term and their mileage as taken by him, together with a statement of the attendance and mileage of witnesses in all criminal cases, claimed, and for which the county is liable. [L. 1913, ch. 197, § 36; July 1; R. S. 1923, 28-139.]

Source or prior law: L. 1862, ch. 99, § 24; G. S. 1868, ch. 39, § 21.

Research and Practice Aids:
 Hatcher's Digest, Clerks of Court §§ 4, 5.

CASE ANNOTATIONS

Annotation to G. S. 1968, ch. 39, § 21:

1. County liable to clerk for fees provided by this act. *Heller v. Comm'rs of Shawnee Co.*, 23 K. 128, 129.