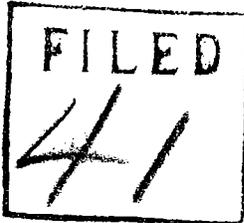


COUNTIES:  
COUNTY COURTS:  
LEGAL PUBLICATIONS:

The compensation to be allowed to the editor of a newspaper for publishing a county financial statement would be governed by the rates specified in Section 493.030 RSMo Cum. Supp., 1955, unless a lesser amount was otherwise agreed upon.



July 12, 1956

Honorable Haskell Holman  
State Auditor  
Capitol Building  
Jefferson City, Missouri

Dear Mr. Holman:

Reference is made to your request for an official opinion of this office, which request reads as follows:

"Please furnish this Department with an official opinion on the following question: What would be the basis of computing the compensation for the Editor of a newspaper for publishing a 1955 financial statement required to be published, under the provisions of Section 50.800 R.S.Mo., 1949?"

Section 50.800, RSMo 1949, to which you refer, provides that on or before the first Monday in March of each year the county court of each county in the state shall prepare a public and detailed financial statement of the county for the year ending December 31st. Said publication shall be in some newspaper of general circulation published in the county, if such there be. Nothing is contained in this section or in following sections relating to the same subject, in regard to the basis of computing the compensation to be allowed to an editor of a newspaper for such publication. In the absence of a special provision, your attention is invited to Section 493.030 RSMo Cum. Supp., 1955. Said section provides as follows:

"When any law, proclamation, advertisement, nominations to office, proposed constitutional amendments or other questions to be submitted to the people, order or notice shall be published in any newspaper for the state, or for any public officer on account of or in the name of the state, or for any county or for any public officer on account of, or in the name of any county, there shall not be charged by or allowed to any such newspaper for such

Honorable Haskell Holman

publications a higher rate than three cents per word for each insertion for all type matter which is set solid in any one size of type. When any law, proclamation, advertisement, nominations to office, proposed constitutional amendments or other questions to be submitted to the people, order or notice, require, either wholly or partially more than one size of type, or the use of any emblem, or the spacing of lines so as to have a blank space between the lines, or tabular matter, the rate shall be computed by the square inch of space used, which rate shall not exceed the rate of seventy-five cents per square inch or major fraction thereof for each insertion. As used herein the term 'word' means any letter, figure or group of letters or figures as set apart by a space. In all counties of the first class the maximum established herein shall not exceed five cents per word or one dollar and twenty-five cents per square inch. All laws or parts of laws in conflict herewith, except sections 493.070 to 493.090, are hereby repealed."

It is to be noted that this section provides that "when any \* \* \* notice \* \* \* shall be published in any newspaper \* \* \* for any county or for any public officer on account of or in the name of the county," there shall not be charged or allowed a higher rate than therein specified. We are of the opinion that such provision is sufficiently broad so as to include the publication of the financial statement required by Section 50.800, RSMo 1949.

Section 493.040, RSMo 1949, provides that in procuring the publication of any notice as in Section 493.030, RSMo Cum. Supp., 1955, above mentioned, the public officer shall accept the most advantageous terms that can be obtained, not exceeding the rates limited by Section 493.030, RSMo Cum. Supp., 1955.

It is the opinion of this office that the basis of computing the compensation of an editor of a newspaper for publishing a county financial statement would be the amounts specified in Section 493.030, RSMo Cum. Supp., 1955, unless terms more advantageous to the county were otherwise agreed upon.

#### CONCLUSION

Therefore, it is the opinion of this office that the compensation to be allowed to the editor of a newspaper for publishing a county

Honorable Haskell Holman

financial statement would be governed by the rates specified in Section 493.030, RSMo Cum. Supp., 1955, unless a lesser amount was otherwise agreed upon.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Donal D. Guffey.

Very truly yours,

John M. Dalton  
Attorney General

DDG/ld