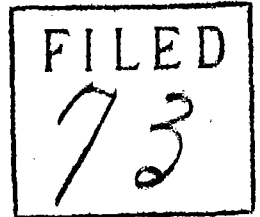


COUNTY COURT:
PUBLICATION OF ANNUAL
STATEMENT:

County Court may not dispense with
publication of annual statement if
any newspaper in the county will
publish same for legal rate.

February 23, 1945



Mr. B. E. Ragland
Chief Clerk
State Auditor's Office
Jefferson City, Missouri

Dear Mr. Ragland:

On February 7, 1945, you requested the opinion of this Department upon the statement of Mr. Ellis, County Clerk of McDonald County, wherein Mr. Ellis stated that there were three newspapers published in that county; that the County Court sent out notices by registered mail that they would receive sealed bids for publishing the annual financial statement of the County Court for 1944, and that the County Court received no bids. Mr. Ellis then inquired of you if the County Court could dispense with publishing the annual statement in newspapers and post ten copies of such statement. Later, the County Clerk informed you that "as for offering them the legal rate they have not made a bid for the work in fact say they do not want it."

As the statement of the County Clerk is somewhat indefinite the writer today talked to the publisher of one of the newspapers at Pineville, the county seat of McDonald County, and he stated that his newspaper will publish the financial statement of the county, as will one other newspaper in the county, if allowed the legal rate for such publication; but that, due to the scarcity of material and help, the newspapers will not do it for less than the legal rate and were, therefore, not interested in bidding upon the work.

Section 13827, R. S. Mo. 1939, which requires the publication of a detailed financial statement of the county each year, provides, among other things, the following:

February 23, 1945

"On or before the first Monday in March of each year after the taking effect of this law the county court of each county in this state shall prepare and publish in some newspaper of general circulation published in such county, if such there be, and if not by notices posted in at least ten places in such county, a detailed financial statement of the county for the year ending December 31, preceding. * * *"

Apparently, the newspapers of McDonald County do not refuse to publish the annual statement, but, if our information is correct, will in fact publish it if allowed the legal rate of publication. If this be true, then the County Court cannot be justified in dispensing with the publication and attempt to comply with the statute by posting notices. The above quoted portion of the statute expressly requires the notice to be published in a newspaper in the county, if such there be, and, if not, then by notices posted in at least ten public places in the county. Apparently conditions do not exist under which the County Court may post notices and dispense with publication in a newspaper.

CONCLUSION

In the opinion of this Department, if a newspaper of the county will publish the required annual financial statement of the county if allowed the legal rate for such publication, the County Court cannot be justified in dispensing with such publication.

Respectfully submitted,

VANE C. THURLO
Assistant Attorney General

APPROVED:

HARRY H. KAY
(Acting) Attorney General

VCT:CP