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The legal publication law

Recent published statements of the Kentucky Municipal League, erroneous or advantageously assumed, in which the League announced that it would seek a declaratory judgment concerning the Legal Publication Statute, KRS Chapter 424, cause the Kentucky Press Association to issue a public statement to correct and/or refute the League's interpreations of certain sections.

The League has lost sight of two important facts relative to the passage of the Legal Statute. First, the inherent right of the people to have access to and to know and understand through printed reports how their elected officials are receiving and disbursing public moneys entrusted to their care, and official acts which are passed to regulate, direct, or curtail the public's actions; and,

Second, that the new statute was compiled to clarify, consolidate, and make uniform the 232 statutes governing the county, municipal, town, and other political sub-divisions. This codification was deemed necessary after a thorough and complete study and analysis of the existing statutes found many contradictions, out-moded requirements, and unnecessary diversity. Factually, many of the passages included in the League's contentions and arguments have been on the statutes for many years.

The need of stricter compliance of legal publication laws is evidenced every day when news stories report glaring discrepancies and misuse of entrusted funds discovered through state audits. This emphasizes the disregard of certain responsible officials of the public's right to know which might be corrected through legal publication.

A free press was retained constitutionally so that the people as a whole might use the printed medium as an instrument, or weapon, whereby they could retain control of their government, rather than be ruled without their expressed consent.

This right guaranteed to the people was not written into the Constitution for the special benefit, or financial profit, of persons within the newspaper industry or trade. It was written because of three fundamental rights of the people: (1) to know what their agents in government were doing; (2) to discuss it freely according to the constitutional guarantee of free speech; and (3) to meet in assemblies of their own choosing to take action upon it according to a third constitutional guarantee of free assembly. These were deemed essential to a free government.

Repeated legal opinions exist to the general effect that these three rights, fundamental to the process of free government, are so inter-twined though seemingly separate, that the invalidation will make the others useless and futile. Of all the three, it will may be argued by precedent, set in many courts at the local grass roots of government and by the writers of the founders of the Republic, that the right of the people to a free press, so that they may know what their government is doing, is the most important. Without it all other rights, and the usefulness of the ballot itself, are impaired.

It is for this reason that publication of legal notices, especially those which are required as a report to the people how their moneys are received and spent, is so important in our system of government "of, for, and by the people".

In the study, culminating in the new statute, it was found that there were 232 separate statutes, many of which had numerous deficiencies or were contradictory, with a distressing lack of uniformity. The analysis was conducted upon six categories: what is to be published; who is responsible for causing the publication; qualification of the printed medium; alternative or additional methods of notice; period of publication; and form or content of publication.

In the analysis it was found that 30 statutes required proceedings or official actions of governmental bodies or officers such as ordinances, journals, regulations, and orders; 12 statutes required financial statements, audits or reports of public officers or bodies (and of certain corporations).

Fifty-two statutes required advertisement for bids and notices of sales; 73 required notices of hearings or meetings, or tests or examinations, or of opportunity to inspect or protest; 36 required notices of elections and publications in connection with elections; four required service of process by publication in court proceeding; and 20 required notice to creditors, or prospective creditors, or to claimants, or owners of property. Only six former statutes did not fit under any one of the six categories.

There was indeed need for clarification and unification. One disclosure was no statute defined or qualified a newspaper. There were 97 different ways of designating the kind and number of newspapers in which publication was to be made; 24 statutes required state wide publication; 19 required county publication; 87 required city publication; 31 required district publication; and 19 required publication "in a business area".

The analysis further found that there were 67 different ways of specifying the period of time of publication; 62 statutes required publication once; two required publication every day for 60 days; other requirements for publication from 2 to 30 days. Many required publication once a week for a specified number of weeks ranging from two to 12. Many were ambiguous, using such language as "twenty days' notice" or "at least five days prior thereto".

This "time" analysis surely indicated the need for uniformity in the new statute which, with few exceptions especially stated in special statutes, was incorporated in chapter 424, section 3, which allocated the majority of publications into three time-categories—once for completed actions; twice regarding elections, hearings, or tax due-dates; and three times when the public is required to file petitions, exceptions, protests, or objections or the submission of bids.

This Section 3 refutes the implications of the Municipal League that ALL public notices "must be advertised from one to thirty times before they can become law or be carried out." Many notices of a completed act of a governing body, such as ordinances, resolutions, regulations, statements, etc., where the purpose of the publication is not to inform the public that they may or shall do an act or exercise a right within a designated period, need only one publication, not an excessive number of publications as the League implies. Many former requirements of "time" of publication were reduced to the maximum of three, thus saving the tax payers many hundreds of dollars.

The League's opposition to section 12 which requires officers to print annual financial statements is not well founded as section 12 is simply a restatement of the old KRS 61.290—there has been nothing added or subtracted to the statute which has been in force since 1928. The provisions of this section definitely state that an officer must report and itemize, in a prescribed manner, all expenditures made during a fiscal period and does not prescribe that every single amount received must be itemized, only that the source and the amount be given accordingly to receipt-periods. For instance, tax receipts by the sheriff's office can be given in a "lump" sum each month, a practice that has been followed for many years.

The publication of Section 12 were upheld by an opinion of the State Court of Appeals in the case of Robert F. Cooper, et al. vs. The (Paris) Kentuckian-Citizen. Many public officers have known, and have followed the provisions since 1928. It is illogical and absured for the League to now state that it interprets this statute of long-standing to mean that every single payment, such as an electric light account must be itemized in "accounts received". The Association respectfully requests that the officers of the League read the Court of Appeals' opinion and keep it on file.

The Association plans to join in a test suit seeking declaratory judgment as a third party should such a suit be filed by the League. The Association believes that it has kept the best interests of the public in mind when it entered into the task of writing this uniform publication statute and procuring its passage by the Legislature. In all deliberations the public's right to know was paramount.

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Fire razes Ward junk yard; 16 men leave for World War

Thursday, August 4, 1938

Fire of undetermined origin, starting early in the morning, last Thursday, swept through the J. W. Ward junk yard across from the Carlisle Mill and Supply Co. and in a few minutes had reduced it to ashes.

A total of 1,985 head of live-stock was disposed of at the Farmers Stock Yard's weekly sale in Carlisle. Fancy ewes and wether lambs brought $9.50.

Miss Anne Todd of Lexington, accepted position as teacher of Home Economics in city school.

Walter Haselrig, tax commissioner, expects to move to his remodeled house by the first of next week.

Ten Nicholas County residents at UK for the second semester. They are Hallye Frank Griffin, John B. Fierback, James R. Smathers, Pauline V. Gee, Glenn W. Clay, Alpha Omega Brierly, Allen V. Hopkins, Lonnie S. Linville, Llewellyn Holmes, and Mae L. Hughes.

Ground was broken last Thursday for brick addition to Johnson Memorial hospital to be used as a laundry for the institution.

BORN—To Mr. and Mrs. Orville Feebach, of West Main street, a son, David Wilford, on Monday morning.

MARRIED—Miss Jennie Willis Collier and Dr. C. Melvin McIntire of Cynthiana, August 1.—Miss Mary Donahue and Thomas Curtis, July 30th.

DIED—James McCowan, 76, Wednesday night at his home.—Richard Snapp, 74, at a Lexington hospital Sunday.—Mrs. Elizabeth Sterrett, of Slater, well known in Carlisle, last Wednesday at her home.

—yap—

Thursday, August 1, 1918

Sixteen men left today to enter the World War. There were six whites and ten colored.

There are 850 German prisoners in Camp Greenleaf, Georgia

Winchester boy killed six Germans before he was slightly injured and had to be taken to the hospital. He reported the Germans as being cowards.

Ben Scott wrote a letter to friends in Mt. Sterling while at sea in the first line trenches.

Marion Elair left today for Lexington to enlist in the regular army.

BORN—A daughter, Anne Elizabeth, to Mr. and Mrs. Herman Snapp, of Ellisville.

DIED—Mrs. Robert F. Hall, 29, at the St. Anthony's hospital in Louisville last Wednesday night.—Mrs. Maria Mastin Mathers at her home on College Hill Monday at 7:30 p.m.

A Little Yappin'
by Nellie Crump

Wanna Bet?

Have been told one of the most aggravating experiences for a mother is a bur in the baby's hair. I put my money on it being no worse than a wad of bubble gum in the pin tray!

—yap—

See the Birdie?

Do you remember the beautiful butterflies one saw some years ago as he traveled the highways and byways? Then came the auto and they disappeared as if by magic, the reason being blamed on the windshields, the hard surface striking and killing the lovely, vari-colored "flies" until they seemed almost extinct. This year however, I have noticed scores of them flitting and flirting about the honeysuckle on my yard fence. One big brown fellow with gold service bars has become quite friendly as he soars, dips and rises, each time just a little closer to my seat in the porch swing. He is really a "show-off" and quite proud of his ability as a pilot, but always accompanied by two small fliers in white velvet uniforms—natures lovely children.

—yap—

Same Old Story

Have you any mosquitoes yet? Viciously attacked by a whole tribe as I sat on the porch one afternoon last week, I consulted the dictionary for two reasons—one was to see what Mr. Webster had to say and the other was how to spell the word. Now he says "Mosquito—a **gnat**, the female of which has a probocis for puncturing the skin of man and animals to suck the blood." That was, ah, ever so many years ago—he never even saw "one of the best of these" for they are really giant, economy size, all females tooling around. Same old story—WOMEN! **Gnats, fiddlesticks!**

—yap—

Leg Casts Removed.

My two neighbors, Mrs. William Morris and Mrs. Jesse Hunt, are very happy because the casts were removed from their broken legs ten days ago and they are getting along well, considering their injuries. Mrs. Morris slipped while fishing several weeks ago and broke her left leg between the ankle and knee. Mrs. Hunt was one of five persons who fell a distance of 15 feet to a rocky creek bed when a span of the foot bridge over Cassiday Creek fell with them more than four years ago. She received a broken right leg and other bad injuries. May the Lord bless you, girls.

ANOTHER STRATOSPHERE JET

—yap—

Mid-Summer Specials.

We have all heard the old saying "all I know is on myself." Here is one of the recent true stories. We went up to the Gallon home—Bessie Mae and I—a two weeks ago to stay with that big Boxer while the family took the occasional day's journey to Cincinnati. It's getting to be a treat we anticipate with joy.

Going very early and staying late, we had a lovely, quiet day—that is, until all the shenanigans started. With swings, see-saw, slide and child's swimming pool, it was a pocket edition of the big time the family was having at Coney Island.

When we tired of T.V. there was that generous supply of pimento cheese, flanked by bottles of Pepsi, and a big bowl of ripe apples for dessert. We took a walk to the end of Sharon Way (small job) and up the hill to the cemetery gate (bigger job) then back to the house, where Bessie discovered a small frog—a white one at that, in the metal swing support. Consigned outside for a bit of bread, he seemed quite friendly. A neighbor, Mrs. William Kendall, said it was a tree frog and that they are white, so take it from there. We watched him from the carport, and he gave me he watched us from his perch atop the swing prop. Then he was gone—gone—quicker than he came—but we soon had other things to think of.

Just for one more view of the little white frog Bessie peeped into that hollow (!) tube, then it was everybody's move. At that a wasp the size of a grown bull terfly, not wanting to be disturbed, zoomed out with all the fury of—well, you know what—and "kissed" her right on the lower lip! If you heard something the likes of which you never heard before, that was it.

Soon her face was so swollen and painful neither of us knew what to do. The sympathetic Boxer was at a loss to know what happened. We found camphor in the medicine cabinet, then applied an ice cube wrapped in the washrag—which did the trick. (Remember the remedy.)

By the time we got home everything was back to normal, but the Boxer was scared out of a year's growth and perhaps the wasp and the frog never lived to tell the tale—and we are still a little shaky ourselves.

Yaps—all . . .

The Regulatory Agencies Of Government

With all the hullabaloo emanating from recent Congressional hearings concerning actions or inactions of certain agencies, some comment respecting the origin, organization and purpose of these peculiar agencies may be of interest.

Congressionally Created

Under the Constitution, the Congress—and Congress only—is vested with the "power to regulate commerce . . . among the several States . . .

In its endeavors to carry out this responsibility, the Congress found that it was impossible to adopt specific and detailed legislation fitting peculiar and particular cases. There were just too many and complex problems. As a result, the independent or Regulatory Agency approach was conceived.

Not Confined To Railroads

Formerly, when one thought of interstate commerce, he thought solely of Railroads. And this field was the first in which a Regulatory Agency was established—in 1887. But, due to our rapidly changing and ever expanding economics structure, the need for such regulation in other fields became most pronounced. Today, there is the Securities and Exchange Commission governing the investment and security field; the Federal Communications Commission regulating telephone, telegraph, radio, television, etc; the Federal Trade Commission regulating business practices, fair trade, avoiding cutthroat competition, the mislabeling of goods, etc; Federal Power Commission regulating the price of gas, electricity, etc; the Civil Aeronautics Administration regulating air travel, etc.

Organization—Independent And Bipartisan

In its conception of this instrument of government, the Congress concluded, in order to be the most efficient and proper functioning, that the agencies should be Independent of the Executive. They were provided with legislative authority, in the sense that they can implement the law passed by the Congress through the adoption of rules and regulations; they have adequate judicial power to settle delicate cases involving complaints by users against the regulated industry, or to decide between contenders for a certificate of convenience and necessity.

In addition, it provided that the Membership of these Agencies should be bipartisan. It was thought that with such Membership the Commission would be benefited through the conflicting viewpoints and their decisions and actions would not reflect partisan politics or convenience or would advance the cause and desires of the party in power.

Objective And Purpose

The principal objective and purpose of these agencies is the protection of the public and or consumer's interest. Unfortunately, with the exception of public utility rate cases, it is rare for the public to participate directly or voice its opinion before these agencies. Thus, the Commission must represent the public interest in its deliberations and must positively and affirmatively defend the public's rights and welfare to the best possible service in these particular fields, at the lowest fair and equitable rate, making each only the mandate and intent of Congress has carved out.

Membership Important To Public

Agency actions can very easily negate the laws of Congress and the intent of same as ignored. Therefore, the great need for the complete independence of the Membership and the Agency. But independence or results cannot be regulated, as the human equation cannot be erased. Thus, appointees to these agencies must be possessive of the highest degree of integrity, complete impartiality and extra-ordinary ability. Only through such individuals can the public confidence be obtained, maintained and retained.

DISTRICT VISITORS

Mr and Mrs. Carlos B. Hamilton, IV, Leannah Lang Hamilton, Arch Hamilton, V, George Hamilton, Georgetown, George W. Robinson, Lexington.

TODAY'S meditation

THURSDAY, JULY 31

Read John 14:15-21

A new commandment I give unto you, that ye love one another; even as I have loved you, that ye also love one another. (John 13:34, ASV)

Someone has stated that among the virtues love is not known, because love is all of them contracted into one. We understand the meaning of such a statement when we accept and mull upon the fact that "God is Love." It is through His love that God always expresses His great goodness.

Christ, the perfect One, has given us a new commandment that is most significant for all time—as He loves us, so we are to love one another. That is very difficult in a day of self, even as our father in heaven is perfect." With the help of Christ, we can dare to be perfect in our thoughts, deeds, and expressions of love to one another in every area of life. Then we discover to our great joy and blessing that we are part of the heaven that promises Christian love.

PRAYER: Heavenly Father, it is our desire to love Thee as we should and to love one another, as Christ, Thy Son, has taught and exemplified. May Thy gifts of power and love be upon us as we endeavor to fulfil this desire; through Christ our Lord. Amen.

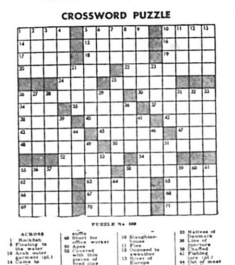
THOUGHT FOR THE DAY

Today I will try to love others as Christ loves me

Harry W. Smith (Maryland)

World-wide Bible Reading—Acts 5:17-42

CROSSWORD PUZZLE



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Answer to Puzzle No. 198

FOR AND ABOUT TEENAGERS

The Question of Weekly Allowances

A summer job offers the excellent opportunity for a teenager to lay away a bit of spending money for the next school term, when it is certain to be needed.

Today, the average teenager gets a weekly allowance. At least, during the school term. Some parents forego allowances during the summer in order to force Junior to earn his own, so to speak.

The alert and aggressive teenager can almost always find a part-time job during the vacation period. It may not be in a chosen field of endeavor and, it may pay less than it should, but it offers both valuable business experience and some sort of financial remuneration. The modern teenager needs both.

The wise teenager will not depend too heavily upon the weekly allowance, comes too easy in many cases, and it is also restrictive. The average family has difficulty staying within its budget—and the average teenager has just as much trouble keeping within his weekly allowance. Some teenagers don't even try, it's true. We know of one who spends his weekly allowance within two days, treating his friends to sodas and malts, and picking up every check. The rest of the week he's after his parents every time the need for a little spending money arises. He gets it because, for some reason, his parent's haven't found out that he spends it all on his friends. Being generous with friends is an excellent trait for any teenager—if his parents can afford it.

Sooner or later, every teenager grows up and must make his own way in the world. Summer employment is good training. Next best is the art of learning to live within an allowance.

If you have a teenage problem you want to discuss, or an observation to make, address your letter to Miss Ann Landers, care of this paper, enclosing a stamped, self-addressed envelope. 1958 by FRANKLIN ST. PRODUCTIONS, INC.

Lerman's

Final CLEARANCE

IN CARLISLE

ON ALL SUMMER MERCHANDISE - Prices Cut to the Bone

Lerman Bros.

Tranquilizers not too consistent in stimulating gains of steers

Use of tranquilizers on steers to check whether the drug in small doses will stimulate gains, was not particularly conclusive, says the Kentucky Agricultural Experiment Station animal husbandry department.

The department conducted tests with Miltown 200 and Equanil 400 on 504 head of steers. The animals were divided into 12 lots of 42 head each. Each lot was fed a different ration.

Lots 1 and 2 received no tranquilizer. Lots 3 and 4 received 200 milligrams per steer mixed in the feed daily. Lots 5 and 6 received 400 milligrams per steer daily. Lots 7 and 8 received 92 pounds daily gasp in the 177-day test.

A 10-milligram group, gained precisely the same amount in the test, or 92 pounds daily but cost of the drug would be high-er. A 2.5-milligram group gained only 68 pounds daily; a 1.5-milligram group, only 55 pounds daily; and a control lot, what was one of the first major cattle watering tests in the U. S. using such drugs. It reported on the final results of the test this week.

A. R. Parsons, beef specialist, found that the best-performing group of steers was that which got five milligrams of a tranquilizer per steer mixed in the feed daily. This group averaged 177 pounds daily gain in the 177-day test.

The researcher pointed out that Kentucky's feeding test was one of the early ones using such drugs and that "further