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STATE OF KANSAS

*Office of the Attorney General*

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER  
Attorney General

August 14, 1974

Opinion No. 74- 273

Honorable Elwill M. Shanahan  
Secretary of State  
2nd Floor--The Statehouse  
Topeka, Kansas 66612

Dear Secretary Shanahan:

Section 20 of ch. 166, L. 1974, states in pertinent part thus:

"The [governmental ethics] commission upon its own initiative may, and upon the request of any individual to which this act applies shall, render an opinion in writing on questions concerning the interpretation of this act. Any person who acts in accordance with the provisions of such an opinion, shall be presumed to have complied with the provisions of this act. A copy of every opinion rendered by the commission filed with the secretary of state, and any opinion so filed shall be open to public inspection. *The secretary of state shall publish all opinions rendered under this section monthly and each such publication shall be cumulative.*"  
[Emphasis supplied.]

You inquire concerning your responsibility to publish opinions of the commission. Specifically, you ask whether publication must be made in the official state paper. You inquire, alternatively, whether the word "publish" as used in this section means merely that you must maintain a file of all such opinions which shall be open to public inspection.

At *Planned Parenthood Committee of Phoenix, Inc. v. Maricopa County*, 92 Ariz. 231, 375 P.2d 719 (1962), the court stated thus:

"The word 'publish' used in conjunction with 'write' and 'compose' strongly implies the utilization of the newspaper or some similar mass media.

"'to 'publish' is to issue, to make known what before was private, to put into circulation. \* \* \* The idea of publicity, of circulation, of intended distribution, seems to be separable from the term 'publication'" *Cox v. First Mortgage Loan Co.*, 173 Okla. 392, 394, 48 P.2d 1060, 1063 (1935).

"'In its broad sense, the word "published" means to make public announcement of, to make known to people in general, to divulge, to disseminate, but in its more restricted sense it means to make public in a newspaper, book, circular, or the like.' *Underwood v. City of Bellefontaine*, 64 Ohio App. 205, 215, 28 N.E.2d 663, 668 (1939).

The word 'publish' means to make known to mankind in general, or to people in general, to make public, to send forth, as a book, newspaper, musical piece, or other printed work, either for sale or for general distribution, to print and issue from the press, to utter, or put into circulation. *Rizzo v. Zucker*, 18 Misc.2d 593, 182 N.Y.S.2d 246 (1958)." 375 P.2d at 722.

The third sentence of section 20 quoted above, requires that you maintain a file of opinions of the commission, and that any opinion so filed shall be available for public inspection. The fourth sentence imposes an additional requirement, that of cumulative monthly publication. Publication in the official state paper seems ill-suited to satisfy this requirement. In a very literal, technical and not very helpful sense, such a publication might constitute compliance with the statute. However, as we read the sentence in question, it requires that you prepare and issue a monthly publication, preferably in periodical, looseleaf, or pamphlet form, cumulative in nature, of all opinions issued by the commission. Such a publication, issued by your office, assures that opinions of the commission will be generally available to the public, as the statute clearly intends, and available on a continuing and cumulative basis. The statute is not satisfied, in our view, merely by making available, upon inquiry, a xero-graphic or other copy of specific opinions which are requested. You must prepare and make available a general publication containing all opinions, issued on a monthly and cumulative basis.

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Because the responsibility for such publications rests by statute with your office, the costs thereof are chargeable only to your office, and not to the commission.

Yours very truly,



VERN MILLER  
Attorney General

VM:JRM:jsm

cc: Dr. John Henderson  
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