



STATE OF KANSAS

Office of the Attorney General

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Attorney General

October 26, 1977

ATTORNEY GENERAL OPINION NO. 77- 351

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

Re: Statutes--Sale--Prices

Synopsis: The price of five dollars shall be charged for each constitutions volume of the Kansas Statutes Annotated which was published pursuant to K.S.A. 77-139, enacted as ch. 426, § 1, L. 1969. No statutory price has been fixed for volumes of the Kansas Statutes Annotated directed to be published by ch. 266, § 6, L. 1975, and by ch. 414, § 1, L. 1976, and unless and until appropriate legislative authority for the fixing of said prices is afforded, sales of such volumes should be suspended.

* * *

Dear Secretary Shanahan:

You inquire what price may lawfully be charged for the current unnumbered volume of the Kansas Statutes Annotated which contains the United States and Kansas Constitutions and annotations thereto.

K.S.A. 77-139, enacted in 1969, directed the Revisor of Statutes to edit and prepare for printing and publication three (3) new volumes of the Kansas Statutes Annotated, one being the constitutions volume, and the other two being designated volumes 6 and 6A, dividing as equally as possible between them the material which was theretofore included in volume 6. See ch. 426, § 1, L. 1969. Section 4 of that act, now K.S.A. 77-141, directed that 10,000 copies each of said volumes should be prepared, and that those kept for sale be sold "at the price of fifteen dollars (\$15.00) for said set of three volumes."

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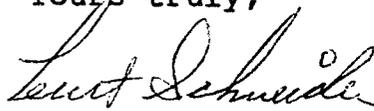
The 1975 legislature directed a new edition of volumes 6 and 6A to be prepared "[u]pon the adjournment of the regular session of the legislature in 1977" See ch. 266, § 6(b), L. 1975. In 1976, the legislature further directed that a new constitutions volume to be prepared, "[c]ommencing upon adjournment of the legislature in 1978" Ch. 414, § 1(d), L. 1976.

You question what price should be charged for the current constitutions volume upon publication of the new volumes 6 and 6A. Prior to that time, the price of fifteen dollars for a set of three volumes, the set including the constitutions volume and volumes 6 and 6A, implied a price of five dollars for the constitutions set alone.

I do not find in the 1975 or 1976 legislation any provision fixing the price of the volumes directed therein to be published. You state in your letter that both the new volumes 6 and 6A and the new constitutions volume are priced at \$15.00 each by K.S.A. 1976 Supp. 77-144. That section was enacted as section 4 of ch. 351, L. 1972, and the price in that section applies only to the volumes directed to be published by that act, being new volumes 5 and 5A to be published upon adjournment of the regular session of the 1972 legislature. It does not apply to any other volumes.

In my opinion, the present constitutions volume, published pursuant to the 1969 legislation, should be sold for the sum of five dollars (\$5.00) per volume when sold separately and not as part of a set consisting of volumes 6, 6A and the constitutions volume. However, I can find no statutory provision whatever in either ch. 266, L. 1975 or in ch. 414, L. 1976, prescribing any price whatever for the volumes directed thereby to be sold. There is no basis for assuming that the price fixed in 1972 by the legislature for volumes 5 and 5A would have been prescribed by the legislature in 1975 or 1976 or, indeed, in 1977. Absent any statute fixing a price for the volumes directed to be published by the 1975 and 1976 legislation, you have no administrative authority to fix a price therefor, without express statutory authorization. My research to date has discovered no such authority, and on that basis, I can only suggest at the present time that sales of such volumes be suspended until appropriate legislation is enacted prescribing prices for the volumes in question.

Yours truly,


CURT T. SCHNEIDER
Attorney General

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