Smith, do you wish to discuss the amendment?   Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I'd
feel just a little more comfortable with this language if it
said,   any publisher who knowingly charges more than the legal
rate for publication.   Seems to me that what you need here is
something more than a clerical error to trigger criminal
responsibility.   And this language does not have the element of
scienter or knowledge, as you refer to it in the analysis of
criminal statutes.   Somebody who made a clerical or billing
error might trip this criminal penalty, seems to me ought to
know that you're charging more than the legal rate.   My guess is
that maybe that is satisfactory to Senator Haberman.   Let me go
on to say that I think the case has been made for 298 in
contradistinction to the argument that we had yesterday.   I am
convinced that since 1982, costs have gone up substantially and
this Legislature should not be so penurious as to penalize an
industry by trying to keep prices down when costs have, in fact,
changed.   We need to be realists and we need to recognize when
costs have changed.   We should raise the rate, we should pass
298.

SENATOR L. JOHNSON: Thank you, Senator Landis.   Senator Hefner.
I do not see him.   Senator McFarland, please.

SENATOR   McFARLAND: I   would   just call the question,
Mr. President.   I think I'm the last speaker.

SENATOR L. JOHNSON: Senator Barrett, did you want to speak on
the amendment?

SENATOR BARRETT: Am I the last light, Mr. President?

SENATOR L. JOHNSON: You are the last light at this time, yes,
sir.

SENATOR BARRETT: Fine.   Just one quick comment or two.   I was
not aware that this amendment was to be placed on the desk by
Senator Haberman, and I find it a bit difficult to oppose
something that the law says you can't do anyway.   LB 298
presents a cap.   This is the top limit.   And I'm a little bit
distressed that we have an argument, apparently, between a
member of this body and one of the state's newspapers in the
form of this amendment.   I also am in total agreement with
Senator Landis's statement that the word "knowingly" should be