

CLERK: Nothing further, Mr. President, excuse me.

SENATOR L. JOHNSON: Chair recognizes Senator Schimek for discussion of the bill.

SENATOR SCHIMEK: I don't have any further comment, or any comment at this time.

SENATOR L. JOHNSON: Thank you. Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President and members, I just want to call your attention again to the comments that were made by Senator Landis. I do not see in the statute or in the proposed green copy of the bill latitude. I see specifics. The bill says shall do this, and shall do that, and it shall be this, and it shall be this size, et cetera, et cetera, et cetera. It does not appear to me that there is any latitude. I just want to point out again, as Senator Landis has also pointed out, that there are a number of counties where there may be only one newspaper, and if that newspaper so chose not to accept that fee, I do not believe, under this provision, that they can legally charge something else. Now, if they say we're going to run it as a display ad, it's not going to be a legal notice, then I think they are flirting with the law and I don't think that we want to do that. I'm a little concerned, I guess, with the adoption of the Landis amendment which says "knowingly", because it may leave a wide open gate to run through for those who want to circumvent it. Generally, by and large, we recognize that most newspapers in this state accept the legal rate, I believe. But it does place the agencies in a quandary. We may, in some instances, place a subdivision of government in a dilemma where we require publication or notice and where there is not a vehicle for that notice. If the Banner-Press does not print it, do we satisfy the requirements of the law by printing it in Al Novacek's Dwight Doodles, with has a circulation of about 75. I doubt that it would. The point I want to make also is this, as Senator Landis has also pointed out, there may be other methods whereby notification can be accomplished rather than just forcing a newspaper to print a legal notice for less than what they think is a fair rate. But I believe that the law is specific, I believe it has been specific, and I believe that we have reinforced that specificity with the advancement or the adoption of these amendments and hopefully the advancement of the bill. I'm not sure how it's going to happen in some areas