

PRESIDENT: Senator Ashford, will you respond, please?

SENATOR ASHFORD: Yes, sir.

SENATOR HABERMAN: Must a newspaper publish legal notices submitted for publication by political subdivisions at or below statutorily prescribed rate?

SENATOR ASHFORD: I don't know.

SENATOR HABERMAN: (Laughter.) Are political subdivisions in violation of laws which mandate that legal notices be published, if in fact the newspapers of general circulation will not publish the notice?

SENATOR ASHFORD: I'd have to look at the statutes as to those political subdivisions. SIDs, for example, have to print notices by a certain date or they could be susceptible to some penalty possibly, yes.

SENATOR HABERMAN: Well, how do political subdivisions comply with statutorial legal notice publication retirements (sic), if newspapers refuse to accept legal rates? Here is a public subdivision that goes to put a legal notice in a publication and they won't accept it for what the legal rate says. And the Attorney General says you are correct, the law places in the legal rate for public notices. That is what the law says. Now here is a county, here is a city, school board, and they publish above the legal rate. Senator "Bradford", now I'll tell you this, a person could file a lawsuit against those people.

SENATOR ASHFORD: I don't believe so. I don't think a newspaper has to take a legal...

SENATOR HABERMAN: Now, wait a minute. I didn't say they had to take it. I said, Senator Ashford, if a political subdivision publishes a legal notice over and pays more than the legal rate, they are open for a liable suit. Did you know that?

SENATOR ASHFORD: Okay.

SENATOR HABERMAN: They are.

SENATOR ASHFORD: Okay, I accept that. I don't know, I'm not