

special place, the front page, and they want special treatment, that is a negotiable rate. Why? Because the city wants something special. If they want just a regular legal notice, no special treatment, the legal notice rate applies. If the paper refuses to print the legal notice at the legal rate, then the city or the county is excused from having to have it published. Why? Well, it's not a criminal charge against the newspaper, but what it allows is, it allows their client, the person who is going to buy the ad, to walk away. If the Banner County News (sic) says, yeah, well, I don't want to follow the legal rate, the county can say, yeah, well, that's fine. If you won't publish it at the legal rate, we don't have to publish it at all and you don't get any business on this score. Once you start charging the legal rate, we'll run the notices. Otherwise, we'll tack them up at the county courthouse door. Because smaller papers do make a profit, they have every reason then to allow the publication at the legal notice. Could they suggest a higher rate? Yes, they could. Could we force them to charge the legal rate? There is a constitutional objection that can be raised by a paper and basically you have 196 papers that are following the legal rate. So long as that legal rate is an amount that the paper doesn't lose money at, I think we can expect to have compliance particularly when the city or the county can walk away as this permits them to do. That's why the amendment works.

SENATOR SCHMIT: Is it legal for the World-Herald to charge the regular classified rate and print it as a classified notice?

SENATOR LANDIS: It is legal under this for the Omaha World-Herald to publish at the classified rate which is a rate at which they would make money as well.

PRESIDENT: One minute.

SENATOR LANDIS: The difference is that the Omaha World-Herald cannot print at the legal rate which we now have and do anything other than lose money. I would ask the body if it's fair that we, by law, force the pricing of any object at below cost. That, to me, is not a reasonable principle and that's what we do with the legal rate that applies to all newspapers, the Banner County Press (sic) in the same way it would treat the Omaha World-Herald with their differing cost structure. That's why subsection (3) is in Section 1 of this amendment, Senator Schmit.