

SENATOR SCHMIT: In other words, you have a...we have an amendment here which will allow the World-Herald to legally charge more than the legal rate by printing it in the classified section?

SENATOR SCHMIT: They will be able to publish it in the legal rate section. They will be able to publish it at their lowest rate that they charge and, yes, they'll be able to charge above the legal rate for others, on the rationale that the Omaha World-Herald provides statewide coverage for statewide elections that no other paper can in this state at this time produce. The value is different, the cost is different, and that's why it's there.

PRESIDENT: Time.

SENATOR SCHMIT: Thank you, Mr. President.

PRESIDENT: Senator Haberman, please, then Senator Wehrbein.

SENATOR HABERMAN: Mr. President, members of the body, I have a letter here addressed to Mr. Spire from the Policy Research Department and it says, this is dated December 12, and to my knowledge it has not been answered. Dear Mr. Spire: Several state agencies have run into a problem with legal notices, and I would like your advice on how to handle it. State law, Section 33-141, sets out a legal rate for the publication of legal notices, but some newspapers charge more than the rate established by the law. In many cases, a state agency may simply use another newspaper or publish its legal notices. In some cases, however, this is not desirable nor even possible. For example, some federal programs require legal notices to be placed in newspapers with certain circulation characteristics. Public notices in these cases are notices of hearings, meetings and rule changes. In some cases the Omaha World-Herald, which charges more than the rate set out in Section 33-141 is the only newspaper which qualifies. For example, it may be desirable to publish a notice in a newspaper which charges above the legal rate in order to inform the largest possible number of citizens or obtain the maximum number of bidders for a state project. My question then is, can a state agency publish a legal notice in a newspaper at more than the legal rate if it is determined to be in the best interests of the state or if it is required to do so by federal regulations? Does it matter if the notice is paid