

to me that it leaves the burden where it should be, in this case. It has no interference with the practice of newspapers, it simply says that if a paper decides to run a notice at a cost greater than the legal rate, that isn't a legal notice. I'll support the reconsideration motion.

PRESIDENT: Thank you. Senator Schimek, please, followed by Senator Ashford, then Senator Haberman. Senator Schimek, please.

SENATOR SCHIMEK: Yes, Mr. President and members of the body, I don't want to let Senator Moore take all the blame for this motion to reconsider. I, too, was one of the sponsors of this motion. I did it because I think that there were enough constitutional questions raised on the floor the other day during the discussion of this amendment that we need to reconsider it. And, Senator Haberman, I may end up voting for your amendment in the long run. I would just like to hear from you how this would pass constitutional muster. I think Senator Landis may have come up with an idea that might work. But I'd like to hear more discussion on it before we advance this bill with this amendment. Thank you.

PRESIDENT: Thank you. Senator Ashford, please.

SENATOR ASHFORD: Yes, thank you. I'd just ask Senator Landis a question, if I might. Senator Landis, in your proposal or your suggestion would effectively state that the...any notice that was priced above the legal rate would not be a legal notice. Correct?

SENATOR LANDIS: Right.

SENATOR ASHFORD: What...And I understand what you're getting at, another way of handling the problem. I agree with you and I agree with Senator Schimek that there is, I think, a fairly, if not clear, fairly clear constitutional prohibition against the criminalization, and I will vote against that. But in your suggestion, as a way of handling it, are we possibly getting at the wrong party by doing that? Let me pose an example, many times in an estate proceeding, when we...and that is...many of the legal notices are published in estate proceedings. Those notices are sent out maybe a group at a time to a newspaper, and they are published, and there are legal time limits that must be adhered to when those notices must be published by. If it is