

not a legal...and then the newspaper sends a bill to the attorney or to the court or whomever and the court either sends the bill on and the attorney pays it oftentimes maybe not looking to see that it is the appropriate price. If there were a will contest or an estate contest possibly over appropriate notice, we might be harming the consumer, in effect, or the person who is using the legal system unduly. I wonder what you think about that.

SENATOR LANDIS: I would, there are two things. Number one, what you posit is a possibility. There could be a private or consumers harm that would result. On the other hand, I think they would have remedy because they would have been deceived by the pricing practices of the newspaper that held out the promise of publishing a legal notice when, in fact, they weren't publishing a legal notice. And I think it would be pretty easy to create that so that there would be a source of remedy to the consumer because of their having fallen into the trap of purchasing deceptively priced goods, in this case, advertising. Secondly, I guess I would consider, since this is the legal rate, that maybe perhaps my remedy might be used in the cases of the publication of legal notices by political subdivisions, in which case most of the work that you were talking about could simply then be done a second time, if it needed to be, and you wouldn't have the same sense of risk of a consumer at loss there at the same time. But because of the nature of the remedy, I think there probably would be some coercive elements on the...that would force a newspaper to decide to either do legal notices at the legal rate, or not do legal notices, which I think is a fair dilemma for the newspaper to be placed in. And, by the way, there is nothing in the Peterson language that would say that that would be an untenable position for us to place newspapers in.

SENATOR ASHFORD: Right, and I'm not necessarily suggesting it's untenable. I wonder if it's just maybe too much of an obstruction to the process of settling estates and dealing with that. But I certainly am willing to look at that suggestion further and see how that goes.

SENATOR LANDIS: If I could have just...it's still your time, Senator Ashford. It does seem to me that we do need to address the situation in which we could have a prohibition against the publication or the paying for publications by political officials for notice and not have any organ in the state who