

SECOND REGULAR SESSION

# HOUSE BILL NO. 1734

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MUNZLINGER (Sponsor), BEHNEN, SHOEMAKER,  
GOODMAN, HOBBS AND WHORTON (Co-sponsors).

Read 1<sup>st</sup> time April 14, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5029L.011

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### AN ACT

To repeal section 493.050, RSMo, and to enact in lieu thereof one new section relating to the publication of public advertisements and orders of publication, with an emergency clause.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 493.050, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 493.050, to read as follows:

493.050. 1. All public advertisements and orders of publication required by law to be made and all legal publications affecting the title to real estate, shall be published in some daily, triweekly, semiweekly or weekly newspaper of general circulation in the county where located and which shall have been admitted to the post office as periodicals class matter in the city of publication; shall have been published regularly and consecutively for a period of three years, except that a newspaper of general circulation may be deemed to be the successor to a defunct newspaper of general circulation, and subject to all of the rights and privileges of said prior newspaper under this statute, if the successor newspaper shall begin publication no later than thirty consecutive days after the termination of publication of the prior newspaper; shall have a list of bona fide subscribers voluntarily engaged as such, who have paid or agreed to pay a stated price for a subscription for a definite period of time; provided, that when a public notice, required by law, to be published once a week for a given number of weeks, shall be published in a daily, triweekly, semiweekly or weekly newspaper, the notice shall appear once a week, on the same day of each week, and further provided, that every affidavit to proof of publication shall state that the newspaper in which such notice was published has complied with the provisions of this section; provided further, that the duration of consecutive publication provided for in this section shall not affect newspapers which have become legal publications prior to September 6,

18 1937; provided, however, that when any newspaper shall be forced to suspend publication in any  
19 time of war, due to the owner or publisher being inducted into the armed forces of the United  
20 States, the newspaper may be reinstated within one year after actual hostilities have ceased, with  
21 all the benefits provided pursuant to the provisions of this section, upon the filing with the  
22 secretary of state of notice of intention of such owner or publisher, the owner's surviving spouse  
23 or legal heirs, to republish such newspaper, setting forth the name of the publication, its volume  
24 and number, its frequency of publication, and its readmission to the post office where it was  
25 previously entered as periodicals class mail matter, and when it shall have a list of bona fide  
26 subscribers voluntarily engaged as such who have paid or agreed to pay a stated price for  
27 subscription for a definite period of time. All laws or parts of laws in conflict with this section  
28 except sections 493.070 to 493.120, are hereby repealed.

29 **2. If a county is served by only one newspaper that has been published regularly**  
30 **and consecutively for a period of two years and that meets all other publication, postal, and**  
31 **subscription requirements under subsection 1 of this section, that newspaper shall be**  
32 **qualified to publish all public advertisements and orders of publication required by law,**  
33 **and all legal publications affecting the title to real estate. This subsection shall expire on**  
34 **June 30, 2006.**

2 Section B. Because immediate action is necessary to alleviate any harm posed to the  
3 public from the lack of any qualified newspaper approved for public notices, section A of this  
4 act is deemed necessary for the immediate preservation of the public health, welfare, peace, and  
5 safety, and is hereby declared to be an emergency act within the meaning of the constitution, and  
section A of this act shall be in full force and effect upon its passage and approval.