

SECOND REGULAR SESSION

# HOUSE BILL NO. 1940

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCGAUGH.

4851H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal sections 493.050 and 493.070, RSMo, and to enact in lieu thereof two new sections relating to newspapers.

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

Section A. Sections 493.050 and 493.070, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 493.050 and 493.070, to read as follows:

493.050. All public advertisements and orders of publication required by law to be  
2 made and all legal publications affecting the title to real estate shall be published in some  
3 daily, triweekly, semiweekly, or weekly newspaper of general circulation in the county where  
4 located, and ~~which~~ **such a newspaper** shall have:

5 (1) Been admitted to the post office as periodicals class matter in the city of  
6 publication; ~~shall have]~~

7 (2) Been **either:**

8 (a) Published regularly and consecutively for a period of ~~three years]~~ **one year,**  
9 except that a newspaper of general circulation may be deemed to be the successor to a defunct  
10 newspaper of general circulation, and subject to all of the rights and privileges of said prior  
11 newspaper under this statute, if the successor newspaper shall begin publication no later than  
12 ~~thirty]~~ **ninety** consecutive days after the termination of publication of the prior newspaper;  
13 ~~shall have]~~ **or**

14 (b) **Purchased or newly established by a newspaper that satisfies the**  
15 **requirements of paragraph (a) of this subdivision; and**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           **(3)** A list of bona fide subscribers voluntarily engaged as such, who have paid or  
17 agreed to pay a stated price for a subscription for a definite period of time~~;~~ ~~provided, that~~  
18 ~~when~~].

19

20 **If** a public notice~~;~~ required by law to be published once a week for a given number of weeks  
21 ~~;~~ ~~shall~~ **is to** be published in a daily, triweekly, semiweekly, or weekly newspaper, the notice  
22 shall appear once a week, on the same day of each week~~;~~ ~~and further provided, that~~. Every  
23 affidavit to proof of publication shall state that the newspaper in which such notice was  
24 published has complied with the provisions of this section~~;~~ ~~provided further, that~~. The  
25 duration of consecutive publication provided for in this section shall not affect newspapers  
26 which have become legal publications prior to September 6, 1937~~;~~ ~~provided, however, that~~  
27 ~~when~~. **If** any newspaper shall be forced to suspend publication in any time of war, due to the  
28 owner or publisher being inducted into the Armed Forces of the United States, the newspaper  
29 may be reinstated within one year after actual hostilities have ceased, with all the benefits  
30 provided pursuant to the provisions of this section, upon the filing with the secretary of state  
31 of notice of intention of such owner or publisher, the owner's surviving spouse or legal heirs,  
32 to republish such newspaper, setting forth the name of the publication, its volume and  
33 number, its frequency of publication, and its readmission to the post office where it was  
34 previously entered as periodicals class mail matter, and ~~when~~ **if** it ~~shall have~~ **has** a list of  
35 bona fide subscribers voluntarily engaged as such who have paid or agreed to pay a stated  
36 price for subscription for a definite period of time. All laws or parts of laws in conflict with  
37 this section except sections 493.070 to 493.120, are hereby repealed.

          493.070. In all cities of this state which now have, or shall hereafter have, a  
2 population of one hundred thousand inhabitants or more, all public notices and  
3 advertisements, directed by any court~~;~~ or required by law to be published in a newspaper,  
4 shall be published in some daily newspaper of such city, of general circulation therein, which  
5 shall have been established and continuously published as such for a period of at least ~~three~~  
6 ~~consecutive years~~ **one year** next prior to the publication of any such notice.

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