

FIRST REGULAR SESSION

SENATE BILL NO. 47

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LIBLA.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0515S.011

AN ACT

To amend chapter 493, RSMo, by adding thereto one new section relating to publication of legal notices.

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

Section A. Chapter 493, RSMo, is amended by adding thereto one new
2 section, to be known as section 493.077, to read as follows:

**493.077. 1. All public advertisements, notices, orders of
2 publication, and legal publications required by law or directed by the
3 court to be published in a newspaper, newspaper of general circulation,
4 or daily newspaper may be published on an official government legal
5 notice website established and maintained by the secretary of state in
6 lieu of publication in a newspaper. The secretary of state may charge
7 a ten dollar fee to publish a legal notice on the legal notice website.**

**8 2. The legal notice website shall be accessible to the public over
9 the internet at least ninety percent of the time, twenty-four hours per
10 day, every day of a year.**

**11 3. Whenever an individual is unable to access an electronic
12 publication of a legal notice, the secretary of state shall provide a copy
13 of the notice to the individual free of charge.**

**14 4. Notices shall remain available on the legal notice website at
15 least until the last posting date required by law has expired or until the
16 event described in a notice has taken place, whichever is later.**

**17 5. The secretary of state shall create, and keep on file an
18 electronic or paper based certification of the posting required for each
19 legal notice. The certification shall state that the notice was posted
20 from the initial date through either the last posting date required by
21 law or the date when the event described in a notice takes place,**

22 whichever occurs later. The certification shall not be required to be
23 notarized. The secretary of state shall provide a copy of the
24 certification free of charge upon request.

25 6. Proof of publication of an electronically published legal notice
26 for the purpose of complying with public notice requirements shall be
27 satisfied and deemed conclusive upon the provision of the certification
28 described in subsection 5 of this section by the person responsible for
29 the electronic publication, stating that the notice was posted from the
30 initial date until the last posting date required by law.

31 7. The secretary of state is authorized to adopt those rules that
32 are reasonable and necessary to accomplish the limited duties
33 specifically delegated in this section. Any rule or portion of a rule, as
34 that term is defined in section 536.010 that is created under the
35 authority delegated in this section shall become effective only if it
36 complies with and is subject to all of the provisions of chapter 536, and,
37 if applicable, section 536.028. This section and chapter 536 are
38 nonseverable and if any of the powers vested with the general assembly
39 pursuant to chapter 536, to review, to delay the effective date, or to
40 disapprove and annul a rule are subsequently held unconstitutional,
41 then the grant of rulemaking authority and any rule proposed or
42 adopted after August 28, 2017, shall be invalid and void.

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