

FIRST REGULAR SESSION

SENATE BILL NO. 433

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIELAND.

1814S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 116.260 and 447.541, RSMo, and to enact in lieu thereof three new sections relating to legal notices.

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

Section A. Sections 116.260 and 447.541, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be
3 known as sections 116.260, 447.541, and 493.077, to read as
4 follows:

116.260. The secretary of state shall designate in
2 what newspaper or newspapers in each county the text of
3 statewide ballot measures shall be published[. If possible,
4 each shall be published once a week for two consecutive
5 weeks in two newspapers of different political faiths in
6 each county, the last publication to be not more than thirty
7 or less than fifteen days next preceding the election. If
8 there is but one newspaper in any county, publication for
9 four consecutive weeks shall be made, the first publication
10 to be not less than twenty-eight days next preceding the
11 election. If there are two or more newspapers in a county,
12 none of which is of different political faiths from another,
13 the statewide ballot measures shall be published once a week
14 for two consecutive weeks in any two newspapers in the
15 county with the last publication not more than thirty or
16 less than fifteen days next preceding the election] **pursuant**
17 **to Article XII, Section 2(b) of the Missouri Constitution.**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

447.541. 1. Within two hundred forty days from the
2 due date of the report required by section 447.539, the
3 treasurer shall cause notice to be published at least once
4 each week for two successive weeks in a newspaper of general
5 circulation as defined in section 493.050 in the county in
6 this state in which is located the last known address of any
7 person to be named in the notice, **or by any other method**
8 **which the treasurer, in his or her discretion, deems**
9 **appropriate and consistent with the intent of this section**
10 **to notify the owners of property presumed abandoned and**
11 **reported under section 447.539.** If no address is listed or
12 if the address is outside this state and the property may be
13 subject to sale or liquidation, the notice shall be
14 published in the county in which the holder of the abandoned
15 property has his principal place of business within this
16 state.

2. The published notice **required under subsection 1 of**
18 **this section** shall be entitled "Notice of Names of Persons
19 Appearing to be Owners of Abandoned Property", and shall
20 contain:

(1) The names in alphabetical order and last known
22 addresses, if any, of persons listed in the report and
23 entitled to notice within the county as specified in
24 subsection 1 of this section;

(2) A statement that information concerning the amount
26 or description of the property and the name and address of
27 the holder may be obtained by any persons possessing an
28 interest in the property by addressing an inquiry to the
29 treasurer;

(3) A statement that if proof of claim is not
31 presented by the owner to the holder and if the owner's
32 right to receive the property is not established to the

33 treasurer's satisfaction within one year from the date of
34 the delivery of the property to the treasurer, the abandoned
35 property will be sold as provided in section 447.558. The
36 treasurer is not required to publish in the notice any items
37 of less than fifty dollars unless, in the aggregate, the
38 items total fifty or more dollars for any one individual.
39 The treasurer shall use reasonable diligence to determine if
40 small items in fact belong to the same individual.

41 3. Within one hundred twenty days from the receipt of
42 the report required by section 447.539, the treasurer shall
43 mail a notice, **or provide a notice by any other method which**
44 **the treasurer, in his or her discretion, deems appropriate**
45 **and consistent with the intent of this subsection,** to each
46 person having an address listed therein who appears to be
47 entitled to property of the value of fifty dollars or more
48 presumed abandoned under sections 447.500 to 447.595.

49 4. The [mailed] notice **required under subsection 3 of**
50 **this section** shall contain:

51 (1) A statement that, according to a report filed with
52 the treasurer, property is being held by the treasurer to
53 which the addressee appears entitled; and

54 (2) A statement that, if satisfactory proof of claim
55 is not presented by the owner to the treasurer by the date
56 specified in the published notice, the property will be sold
57 as provided in section 447.558.

58 5. Subsections 1 and 4 of this section are not
59 applicable to sums payable on traveler's checks or money
60 orders.

61 6. In addition to the above forms of notice to owners
62 of abandoned property, the treasurer shall work with other
63 state agencies to provide notice to holders of their rights
64 and responsibilities pursuant to sections 447.500 to 447.595

65 by including information regarding Missouri's unclaimed
66 property laws.

493.077. 1. The office of administration shall
2 establish and maintain a legal notices website. The office
3 of administration may charge a ten dollar fee to publish a
4 legal notice or other publication on the legal notices
5 website.

6 2. The legal notices website shall be accessible to
7 the public over the internet at least ninety percent of the
8 time, twenty-four hours per day, every day of the year.

9 3. Whenever an individual is unable to access an
10 electronic publication of a legal notice or other
11 publication, the office of administration shall provide a
12 copy of the notice or publication to the individual free of
13 charge.

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

18 5. The office of administration shall create and keep
19 on file an electronic or paper based certification of the
20 posting required for each legal notice or other
21 publication. The certification shall state that the notice
22 or publication was posted from the initial date through
23 either the last posting date required by law or the date
24 when the event described in a notice takes place, whichever
25 occurs later. The certification shall not be required to
26 be notarized. The office of administration shall provide a
27 copy of the certification free of charge upon request.

28 6. Proof of publication of an electronically
29 published legal notice or publication for the purpose of
30 complying with public notice requirements shall be satisfied

31 and deemed conclusive upon the provision of the
32 certification described in subsection 5 of this section by
33 the person responsible for the electronic publication,
34 stating that the notice or publication was posted from the
35 initial date until the last posting date required by law.

36 7. The office of administration may promulgate rules
37 that are reasonable and necessary to accomplish the limited
38 duties specifically delegated in this section. Any rule or
39 portion of a rule, as that term is defined in section
40 536.010, that is created under the authority delegated in
41 this section shall become effective only if it complies with
42 and is subject to all of the provisions of chapter 536 and,
43 if applicable, section 536.028. This section and chapter
44 536 are nonseverable and if any of the powers vested with
45 the general assembly pursuant to chapter 536 to review, to
46 delay the effective date, or to disapprove and annul a rule
47 are subsequently held unconstitutional, then the grant of
48 rulemaking authority and any rule proposed or adopted after
49 August 28, 2021, shall be invalid and void.

50 8. Notwithstanding any provision of law to the
51 contrary, if any provision of law requires a notice to be
52 made to the public by publication in a newspaper, such
53 requirement shall be considered to have been met by
54 publication on the office of administration's legal notices
55 website established pursuant to this section.

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