

# 'Legal notice' has no definition in statutes

## Get familiar with 'notice' statute

The Missouri legislature is back in session, and business is heating up in your state Capitol.

Sen. Kurt Schaefer, R-Columbia, has filed a sunshine law bill, Senate Bill 122, which the Missouri Press Association is supporting, and by the time you read this, it possibly will have had its first hearing before the Senate Judiciary Committee.

Over the next few weeks it will begin the process of moving to the Senate floor. If you see your local senator (or even your local representative) in town, tell him or her that you'd like his or her support for Senate Bill 122 this year, and you'd be happy to talk with him or her about sunshine law issues, if he or she has questions.

As always, feel free to call me and I'll talk with you about the important issues we are hoping may be addressed.

Over the last few months I've had a number of calls about legal notices running in the paper. Often, the questions that arise deal with the terms "legal notice" and "public notice" and what they mean.

The term "legal notice" has no definition in Missouri statutes. The key statute that relates to the notices that are required by law to be published in a newspaper is section 493.050 in the Missouri Statutes.

**Y**ou are all familiar with that statute: *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 periodi-*

*cal class matter in the city of publication; shall have been published regularly and consecutively for a period of three years, ...; 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;...*



Jean Maneke, MPA's Legal Hotline attorney, can be reached at (816) 753-9000, jmaneke@manekelaw.com.

**A**s it indicates, if you are publishing a notice that a public body is required to publish, then it is a notice for which an affidavit must be issued by the publisher verifying the publication. Although not placed by public bodies, trustee sales also require affidavits.

But that is not the only kind of official notices a newspaper may run. Newspapers find themselves running a wide range of official notices from public

bodies, both those required by a specific statute and those that are requested by a public body as an announcement to the public.

Should you separate these notices in your paper or combine them? Should you handle them differently? Can you give an affidavit for a public notice not required by statute? All of these are good questions, but I don't believe most of these questions arise to legal issues.

Clearly, there is statutory language setting the price a newspaper can charge for its legal notices. Section 493.025 says the rate charged must be "not more than its regular local classified advertising rate" that has been in effect for at least 30 days prior to the date the notice runs.

You are required to provide an affidavit for those public notices that are required by statute to be run. You may choose to issue an affidavit for other public notices, also.

If you have questions, know that I'm always happy to talk with you about this subject as part of your hotline services.

Hoping to see you at the Capitol later this month for MPA's annual gathering there!

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*Ask your legislators for their support of Sen. Kurt Schaefer's sunshine law bill, Senate Bill 122, which is supported by the Missouri Press Association.*

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### Missouri Press Association / Missouri Press Service

802 Locust St., Columbia, MO 65201-4888

(573) 449-4167 / Fax: (573) 874-5894 / www.mopress.com

#### STAFF

Doug Crews: Executive Director, dcrews@socket.net

Greg Baker: Advertising Director, gbaker@socket.net

Kent M. Ford: Editor, kford@socket.net

Connie Whitney: cwhitney@socket.net

and Jennifer Plourde: jplourde@socket.net: Advertising Sales & Placement

Karen Philp: Receptionist, Bookkeeping, kphilp@socket.net

Kristie Williams: Member Services, Meeting Planning, kwilliams@socket.net