

ASSEMBLY BILL NO. 267—ASSEMBLYMEN SPIEGEL;
CARRILLO, COHEN, HEALEY AND SWANK

MARCH 15, 2013

Referred to Committee on Government Affairs

SUMMARY—Revises certain provisions governing publication of legal notices and legal advertisements. (BDR 19-730)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public notices; authorizing the publication of a legal notice or legal advertisement on an Internet website maintained by a newspaper or broadcaster in lieu of publishing the legal notice or legal advertisement in a newspaper of general circulation; requiring the publication of certain information in a newspaper of general circulation if a legal notice or legal advertisement is published on an Internet website; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the publication of a legal notice or legal advertisement in
2 certain newspapers of general circulation and also establishes the procedures and
3 requirements for such publication. (NRS 238.030) **Section 10** of this bill authorizes
4 the publication of a legal notice or legal advertisement on an Internet website
5 maintained by a newspaper or by a broadcast radio or television station in lieu of
6 publishing the legal notice or legal advertisement in a newspaper of general
7 circulation, unless a specific statute specifically prohibits publication of the legal
8 notice or legal advertisement on an Internet website. If a legal notice or legal
9 advertisement is published on an Internet website, **section 10** requires the
10 newspaper or broadcaster who maintains the Internet website to publish in a
11 newspaper in which the legal notice or legal advertisement would have otherwise
12 been published the Internet address of the Internet website on which the legal notice
13 or legal advertisement is published. **Section 10** additionally requires publication on
14 the Internet website and in the newspaper of the mailing address and phone number
15 of any state agency or local government at which a person may request or obtain a
16 copy of the legal notice or legal advertisement.



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 238 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in NRS 238.010 to 238.080, inclusive, and sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 238.010 and 238.020 and sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Broadcaster” means a person who holds a license to operate a broadcast radio station or broadcast television station issued by the Federal Communications Commission.*

Sec. 4. *“Semimonthly newspaper” means any newspaper printed and published at regular intervals, two times each month.*

Sec. 5. *“Semiweekly newspaper” means any newspaper printed and published at regular intervals, two times each week.*

Sec. 6. *“Triweekly newspaper” means any newspaper printed and published at regular intervals, three times each week.*

Sec. 7. *“Weekly newspaper” means any newspaper printed and published at regular intervals, once each week.*

Sec. 8. NRS 238.010 is hereby amended to read as follows:

238.010 ~~{Any}~~ *“Legal notice or legal advertisement” means any notice or other written matter ~~{whatsoever, required to}~~ that must be published in a newspaper ~~{by}~~ or on an Internet website pursuant to any law of this State ~~{,}~~ or ~~{by}~~ pursuant to the order of any court of record in this State . ~~{, shall be deemed and held to be a legal notice or advertisement within the meaning of NRS 238.010 to 238.080, inclusive.}~~*

Sec. 9. NRS 238.020 is hereby amended to read as follows:

238.020 ~~{1. Every}~~ *“Daily newspaper” means any newspaper printed and published daily, or daily except Sundays and legal holidays, or ~~{which shall be}~~ printed and published on each of any 5 days in every week excepting legal holidays and including or excluding Sundays . ~~{, shall be considered and held to be and to have been a daily newspaper within the meaning of NRS 238.010 to 238.080, inclusive.}~~*

~~—2. Every newspaper printed and published at regular intervals three times each week shall be considered and held to be a triweekly newspaper within the meaning of NRS 238.010 to 238.080, inclusive.~~

~~—3. Every newspaper printed and published at regular intervals twice each week shall be considered and held to be a semiweekly~~



~~newspaper within the meaning of NRS 238.010 to 238.080, inclusive.~~

~~4. Every newspaper printed and published at regular intervals once each week shall be considered and held to be a weekly newspaper within the meaning of NRS 238.010 to 238.080, inclusive.~~

~~5. Every newspaper printed and published at regular intervals, two times each month, shall be considered a semimonthly newspaper within the meaning of NRS 238.010 to 238.080, inclusive.~~

Sec. 10. NRS 238.030 is hereby amended to read as follows:

238.030 1. ~~{Any and all}~~ A legal ~~{notice}~~ *notice* or ~~{advertisements shall}~~ *legal advertisement must* be published ~~{only in}~~ :

(a) In a daily ~~{a}~~ *newspaper*, triweekly ~~{a}~~ *newspaper*, semiweekly ~~{a}~~ *newspaper*, semimonthly ~~{a}~~ *newspaper* or ~~{a}~~ weekly newspaper of general circulation ~~{and}~~ *that is* printed in whole or in part in the county in which the *legal* notice or *legal* advertisement is required to be published ~~{, which newspaper it}~~ ; or

(b) *Except as otherwise specifically prohibited by a specific statute, on an Internet website maintained by a newspaper or broadcaster.*

2. *If the legal notice or legal advertisement is published { } in a:*

(a) Triweekly ~~{ }~~ *newspaper*, semiweekly ~~{ }~~ *newspaper*, semimonthly ~~{ }~~ *newspaper* or weekly ~~{, shall have been so}~~ *newspaper, the legal notice or legal advertisement must be* published in the county, continuously and uninterruptedly, ~~{during the period of}~~ *for* at least 104 consecutive weeks ~~{next prior to}~~ *after* the ~~{first issue thereof containing any such}~~ *initial publication of the legal* notice or *legal* advertisement.

(b) Daily ~~{, shall have been so}~~ *newspaper, the legal notice or legal advertisement must be* published in the county, uninterruptedly and continuously, ~~{during the period of}~~ *for* at least 1 year ~~{next prior to}~~ *after* the ~~{first issue thereof containing any such}~~ *initial publication of the legal* notice or *legal* advertisement.

~~{2. The mere}~~

3. *If the legal notice or legal advertisement is published on an Internet website, the newspaper or broadcaster who maintains the Internet website must, for the period otherwise prescribed by subsection 2 for the publication in a newspaper of general circulation of the legal notice or legal advertisement, continuously and uninterruptedly publish:*

(a) *On the Internet website maintained by the newspaper or broadcaster:*



1 (1) *The legal notice or legal advertisement; and*
2 (2) *The mailing address and telephone number of any state*
3 *agency or local government at which a person may request or*
4 *obtain a copy of the legal notice or legal advertisement.*

5 (b) *In a newspaper in which the legal notice or legal*
6 *advertisement would have otherwise been published:*

7 (1) *The Internet address of the Internet website on which*
8 *the legal notice or legal advertisement is published; and*

9 (2) *The mailing address and telephone number of any state*
10 *agency or local government at which a person may request or*
11 *obtain a copy of the legal notice or legal advertisement.*

12 4. A change in ~~{the}~~ :

13 (a) *The name of ~~{any}~~ a newspaper, or the removal of the*
14 *principal business office or seat of publication of ~~{any}~~ a newspaper*
15 *from one place to another in the same county ~~{shall}~~, does not break*
16 *or affect the continuity in the publication of ~~{any-such}~~ the*
17 *newspaper if the ~~{same}~~ newspaper is ~~{in-fact}~~ continuously and*
18 *uninterruptedly printed and published within the county as herein*
19 *provided.*

20 ~~{3-}~~ (b) *The Internet address of the Internet website or the*
21 *name of the newspaper or broadcaster who maintains the Internet*
22 *website on which the legal notice or legal advertisement is*
23 *published does not break or affect the continuity in the publication*
24 *of the legal notice or legal advertisement if public access to the*
25 *Internet website is continuous and uninterrupted for the period*
26 *prescribed by this section.*

27 5. A ~~{newspaper shall not lose its rights as a}~~ legal
28 ~~{publication}~~ notice or legal advertisement is not void if : ~~{any of~~
29 ~~{the following conditions maintain:}~~

30 (a) ~~{If by reason}~~ *The newspaper in which the legal notice or*
31 *legal advertisement is published suspends publication, or public*
32 *access to the Internet website on which the legal notice or legal*
33 *advertisement is published is suspended, for not more than 30 days*
34 *in a calendar year as a result of a strike or for other good cause. ~~{it~~*
35 *should suspend publication; but the period shall not exceed 30 days*
36 *in any calendar year.}*

37 (b) ~~{If by reason}~~ *The newspaper in which the legal notice or*
38 *legal advertisement is published suspends publication for not more*
39 *than 2 years as a result of generally recognized economic stress of*
40 *a serious nature over which the publisher has no control. ~~{it shall be~~*
41 *necessary to suspend publication for a period not to exceed 2 years.}
42 *The provisions of this paragraph ~~{shall}~~ apply only ~~{in the case of~~*
43 *~~{publications}~~ to newspapers* that have been operating continuously
44 for ~~{a period of}~~ at least 5 years ~~{prior to such}~~ before suspension ~~{-}~~
45 ~~Any~~ of publication. A legal notice or legal advertisement which*



~~{fails of publication}~~ *is not published* for the required ~~{number of insertions}~~ *period* for such reason ~~{shall not be declared illegal}~~ *is not void* if ~~{publication has been made}~~ *the legal notice or legal advertisement is published* in one issue of the *newspaper and* publication ~~{and}~~ is resumed within a reasonable period.

~~{4}~~ 6. If *a newspaper is not published* in ~~{any}~~ *a* county in this State ~~{there shall not have been published therein any newspaper or newspapers for the prescribed}~~ *during the* period ~~{, at the time when any such}~~ *in which a legal* notice or *legal* advertisement is required to be published ~~{, then such}~~ *in the county, the legal* notice or *legal* advertisement may be published in any newspaper ~~{or newspapers having a}~~ *of* general circulation ~~{and}~~ *which is* printed and published in whole or in part in the county ~~{, or may be published on an Internet website as prescribed by subsection 3.}~~

~~{5}~~ 7. The ~~{time limitations in}~~ *period for publication prescribed by* subsection ~~{1 do}~~ *2 does* not apply to a newly established newspaper printed and published in:

(a) An incorporated city if, at the time ~~{such}~~ *the* newspaper is established, there is no other newspaper printed and published in ~~{such}~~ *the incorporated* city.

(b) A county if, at the time ~~{such}~~ *the* newspaper is established, there is no other newspaper printed and published in ~~{such}~~ *the* county.

Sec. 11. NRS 238.050 is hereby amended to read as follows:

238.050 Except as otherwise provided by law in express terms or by necessary implication, *a* daily ~~{newspapers,}~~ *newspaper*, triweekly ~~{newspapers,}~~ *newspaper*, semiweekly ~~{newspapers,}~~ *newspaper*, semimonthly ~~{newspapers and}~~ *newspaper or* weekly ~~{newspapers shall all be equally competent}~~ *newspaper, or an Internet website maintained by a newspaper or broadcaster, may serve* as the means for the publication of ~~{all}~~ *a* legal ~~{notices and advertisements,}~~ *notice or legal advertisement.*

Sec. 12. NRS 238.080 is hereby amended to read as follows:

238.080 ~~{Any and every}~~ *A* legal notice or *legal* advertisement published in a newspaper *or on an Internet website* in violation of any of the provisions of NRS 238.010 to 238.080, inclusive, ~~{shall be absolutely}~~ *and sections 2 to 7, inclusive, of this act is* void.

Sec. 13. NRS 561.265 is hereby amended to read as follows:

561.265 All general orders, rules or regulations applying to the State, a county or a district ~~{shall}~~ *must* be published at least twice in a newspaper having a general circulation in the area affected by the order, rule or regulation. Such publication ~~{shall constitute}~~ *constitutes* legal notice of the order, rule or regulation, and ~~{shall}~~



- 1 *must* be *made* in accordance with the provisions of NRS 238.010 to
2 238.080, inclusive ~~H~~, *and sections 2 to 7, inclusive, of this act.*
3 **Sec. 14.** NRS 238.040 is hereby repealed.
4 **Sec. 15.** This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTION

238.040 Second-class mailing permit required for qualification. After December 31, 1954, no newspaper is competent as the means for the publication of any legal notice or advertisement unless the newspaper possesses and maintains in force a valid second-class mailing permit issued by the United States Postal Service.

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