

SENATE BILL NO. 218—SENATOR FORD

FEBRUARY 27, 2017

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Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to public notices.  
(BDR 19-981)

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.

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AN ACT relating to public notices; authorizing the publication of a legal notice or legal advertisement on an Internet website maintained by a broadcast radio or television station, or an association thereof, in lieu of publishing the legal notice or legal advertisement in a newspaper of general circulation; prescribing a procedure for a governmental entity to contract with a newspaper or broadcast radio or television station, or an association thereof, to publish a legal notice or legal advertisement; 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 11** of this bill authorizes  
4 the publication of a legal notice or legal advertisement on an Internet website  
5 maintained by a broadcast radio or television station, or an association thereof, in  
6 lieu of publishing the legal notice or legal advertisement in a newspaper of general  
7 circulation, unless a specific statute or regulation specifically prohibits publication of  
8 the legal notice or legal advertisement on such an Internet website. Because **section**  
9 **11** provides such authority notwithstanding any other provision of law, a legal notice  
10 or legal advertisement is authorized to be published on an Internet website  
11 maintained by a broadcast radio or television station, or an association thereof, even  
12 if the statute requiring the legal notice or legal advertisement only specifies that the  
13 legal notice or legal advertisement is required to be provided through publication in  
14 a newspaper. In lieu of the purchasing requirements in existing law, **section 15** of  
15 this bill sets forth a procedure with which a governmental entity is required to  
16 comply in contracting with a newspaper or broadcast radio or television station, or  
17 an association thereof, to publish a 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 8, inclusive, of this act.

**Sec. 2.** *As used in NRS 238.010 to 238.080, inclusive, and sections 2 to 8, 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 8, 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.** *“Governmental entity” means an institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of this State or of a political subdivision of this State.*

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

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

**Sec. 7.** *“Triweekly newspaper” means any newspaper printed and published at regular intervals, three times each week.*

**Sec. 8.** *“Weekly newspaper” means any newspaper printed and published at regular intervals, once each week.*

**Sec. 9.** 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 maintained by a broadcaster or an association of broadcasters pursuant to any law of this State, any federal statute or regulation or ~~{by}~~ 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. 10.** NRS 238.020 is hereby amended to read as follows:

238.020 ~~{, 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. 11.** NRS 238.030 is hereby amended to read as follows:

238.030 1. ~~{Any and all}~~ *Notwithstanding any other provision of law, a legal {notices} notice or {advertisements shall} legal advertisement must* be published ~~{only in}~~ :

(a) *In a daily {a} newspaper, triweekly {a} newspaper, semiweekly {a} newspaper, weekly {a} newspaper or {a} semimonthly 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 if published} ; or*

(b) *Unless prohibited by a specific statute or regulation, on an Internet website maintained by a broadcaster or an association of broadcasters.*

2. *Except as otherwise provided in subsection 7, if a legal notice or legal advertisement is published in a:*

(a) *Triweekly {a} newspaper, semiweekly {a} newspaper, weekly {a} newspaper or semimonthly {shall have been so} newspaper, the newspaper must have been published in the county, continuously and uninterruptedly, {during the period of} for at least {104 consecutive weeks next prior to} 2 years immediately preceding the {first issue thereof containing any such} initial publication of the legal notice or legal advertisement.*

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

~~{2. The mere}~~



3. *If a legal notice or legal advertisement is published on an Internet website maintained by a broadcaster or an association of broadcasters, the broadcaster or association shall, for the period otherwise prescribed by law for the publication in a newspaper of general circulation of the legal notice or legal advertisement, continuously and uninterruptedly publish on the Internet website maintained by the broadcaster or association:*

(a) *The legal notice or legal advertisement; and*

(b) *The mailing address and telephone number of any governmental entity from which a person may request or obtain a copy of the legal notice or legal advertisement.*

4. *A change in ~~the~~:*

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

~~3-~~ (b) *The Internet address of an Internet website maintained by a broadcaster or an association of broadcasters on which a legal notice or legal advertisement is published or the name of the broadcaster or association that maintains the Internet website, does not break or affect the continuity in the publication of the legal notice or legal advertisement if public access to the Internet website is continuous and uninterrupted for the period prescribed by this section.*

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

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

(b) ~~If by reason~~ *The newspaper in which the legal notice or legal advertisement is published suspends publication for not more than 2 consecutive years as a result of generally recognized economic stress of a serious nature over which the publisher has no control . ~~it shall be necessary to suspend publication for a period not to exceed 2 years.~~ The provisions of this paragraph ~~shall~~ apply only ~~in the case of publications~~ to newspapers that have been operating continuously for ~~a period of~~ at least 5 consecutive*



1 years ~~{prior to}~~ *before* such suspension ~~{. Any}~~ *of publication. A*  
2 legal notice *or legal advertisement* which ~~{fails of publication}~~ *is*  
3 *not published* for the required ~~{number of insertions}~~ *period* for  
4 such reason ~~{shall not be declared illegal}~~ *is not void* if ~~{publication~~  
5 ~~has been made}~~ *the legal notice or legal advertisement is published*  
6 in one issue of the *newspaper and* publication ~~{and}~~ is resumed  
7 within a reasonable period.

8 ~~{4.}~~ 6. If *a newspaper is not published* in ~~{any}~~ *a* county in  
9 this State ~~{there shall not have been published therein any~~  
10 ~~newspaper or newspapers for the prescribed}~~ *during the period* ~~{, at~~  
11 ~~the time when any such}~~ *in which a legal notice or legal*  
12 advertisement is required to be published ~~{, then such}~~ *in the*  
13 *county, the legal notice or legal advertisement may be published in*  
14 any newspaper ~~{or newspapers having a}~~ *of general circulation* ~~{and}~~  
15 *which is* printed and published in whole or in part in the county ~~{,}~~  
16 *or may be published on an Internet website maintained by a*  
17 *broadcaster or an association of broadcasters pursuant to*  
18 *subsection 3.*

19 ~~{5.}~~ 7. The ~~{time limitations in}~~ *period for publication*  
20 *prescribed by* subsection ~~{1 do}~~ *2 does* not apply to a newly  
21 established newspaper printed and published in:

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

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

28 **Sec. 12.** NRS 238.040 is hereby amended to read as follows:

29 238.040 After December 31, 1954, no newspaper is competent  
30 as the means for the publication of any legal notice or *legal*  
31 advertisement unless the newspaper possesses and maintains in  
32 force a valid second-class mailing permit issued by the United  
33 States Postal Service.

34 **Sec. 13.** NRS 238.050 is hereby amended to read as follows:

35 238.050 Except as otherwise provided by law in express terms  
36 or by necessary implication, *a* daily ~~{newspapers,}~~ *newspaper,*  
37 triweekly ~~{newspapers,}~~ *newspaper,* semiweekly ~~{newspapers,}~~  
38 *newspaper,* weekly ~~{newspapers and}~~ *newspaper or* semimonthly  
39 ~~{newspapers shall all be equally competent}~~ *newspaper, or an*  
40 *Internet website maintained by a broadcaster or an association of*  
41 *broadcasters, shall all be deemed equally competent* as the means  
42 for the publication of ~~{all}~~ *a* legal ~~{notices and advertisements.}~~  
43 *notice or legal advertisement.*



1     **Sec. 14.** NRS 238.060 is hereby amended to read as follows:

2     238.060 Whenever any *legal* notice *or legal advertisement* is  
3 required by law to be given by publication, unless otherwise  
4 specified, such provision shall be satisfied by publishing the  
5 required *legal* notice *or legal advertisement* at least once a week,  
6 consecutively, for not less than the full period of time so required in  
7 a qualified, legal and competent newspaper ~~+~~ *or on an Internet*  
8 *website maintained by a broadcaster or an association of*  
9 *broadcasters.*

10    **Sec. 15.** NRS 238.070 is hereby amended to read as follows:

11     238.070 1. All advertising ordered or required by the State of  
12 Nevada or by the respective counties of the State *to be published in*  
13 *a newspaper* must be paid for by the State or the county ordering or  
14 requiring the advertising at a rate that does not exceed:

15     (a) The published open display rate for advertising, if the  
16 advertisement is placed in a daily or weekly newspaper with a  
17 circulation of 15,000 or less; or

18     (b) The published rate for advertising by a nonprofit or  
19 charitable organization, if the advertisement is placed in a daily or  
20 weekly newspaper with a circulation of more than 15,000.

21     2. The type size for advertising ordered or required by the State  
22 of Nevada or a county *to be published in a newspaper* must be no  
23 smaller than that used by the newspaper in the columns of classified  
24 advertisements.

25     3. *Notwithstanding any other provision of law, before*  
26 *entering into a contract with a newspaper or with a broadcaster or*  
27 *an association of broadcasters to publish a legal notice or legal*  
28 *advertisement, a governmental entity shall request bids from at*  
29 *least one broadcaster or an association of broadcasters and one*  
30 *newspaper qualified to publish the legal notice or legal*  
31 *advertisement. The governmental entity may reject any or all*  
32 *proposals, or may accept the proposal determined best for the*  
33 *interest of the governmental entity.*

34     4. Nothing contained in this section prohibits boards of county  
35 commissioners from entering into annual contracts *with a*  
36 *newspaper or with a broadcaster or an association of broadcasters*  
37 for the entire official ~~printing~~ *publishing* and advertising of their  
38 respective counties when a saving of public money will be effected  
39 thereby.

40    **Sec. 16.** NRS 238.080 is hereby amended to read as follows:

41     238.080 ~~Any and every~~ *A* legal notice or *legal* advertisement  
42 published in a newspaper *or on an Internet website maintained by*  
43 *a broadcaster or an association of broadcasters* in violation of any  
44 of the provisions of NRS 238.010 to 238.080, inclusive, ~~shall be~~  
45 ~~absolutely~~ *and sections 2 to 8, inclusive, of this act is* void.



**Sec. 17.** NRS 403.490 is hereby amended to read as follows:

403.490 1. To perform any work or construct any superstructure under this chapter wherein an expenditure of \$100,000 or more may be necessary, the board of county highway commissioners shall cause definite plans of such work or superstructure to be made, estimates of the amount of work to be done and the probable cost thereof, together with a copy of the specifications thereof.

2. Except as otherwise provided in subsection 3, upon receipt of the plans, estimates and specifications for a project for which the estimated cost is \$100,000 or more, the board of county highway commissioners shall advertise for bids and let contracts in the manner prescribed by chapter 332 or 338 of NRS, as applicable.

3. In a county whose population is less than 45,000, if the estimated cost of a project is \$100,000 or more but less than \$250,000, the board of county highway commissioners may hold a hearing to determine, by majority vote of the board, if the project can be performed by county employees or through the employment of day labor under the supervision of the board and by the use of its own machinery, tools and other equipment without advertising for bids and letting contracts pursuant to subsection 2. Notice for such a hearing must be provided not less than 15 days before the date of the hearing and must be published pursuant to the provisions of NRS 238.010 to 238.080, inclusive ~~H~~, *and sections 2 to 8, inclusive, of this act*. The board shall provide, in the notice and at least 15 days before the hearing at the office of the board and at the place of the hearing, the following information, without limitation:

(a) A list of:

(1) All county employees, if any, including supervisors, who will perform the work, including, without limitation, the classification of each employee and an estimate of the direct and indirect costs of the labor;

(2) The number of day laborers, if any, that will be employed to perform the work; and

(3) All machinery, tools and other equipment of the county to be used on the project.

(b) An estimate of:

(1) The direct and indirect costs of the labor of the county employees who will perform the work, if any;

(2) The direct and indirect costs of the labor of any day laborers who will be employed to perform the work pursuant to chapter 338 of NRS;

(3) The cost of any administrative support that will be required for the performance of the work;



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1 (4) The total cost of the project, including, without  
2 limitation, the fair market value or, if available, the actual cost of all  
3 materials, supplies, equipment and labor necessary for the project;  
4 and

5 (5) The amount of savings to be realized by having county  
6 employees or day laborers perform the work.

7 4. In cases of emergency the board of county highway  
8 commissioners may let contracts for repairs in the manner  
9 prescribed by chapter 332 of NRS.

10 5. Nothing in this section shall prevent any county from  
11 opening, building, improving or repairing any public road or  
12 highway in the county through the work of county employees or the  
13 employment of day labor, under the supervision of the board of  
14 county highway commissioners and by the use of its own  
15 machinery, tools and other equipment, without letting contracts to  
16 the lowest responsible bidder, if the probable cost of the work does  
17 not exceed \$100,000.

18 **Sec. 18.** NRS 561.265 is hereby amended to read as follows:

19 561.265 All general orders, rules or regulations applying to the  
20 State, a county or a district ~~shall~~ *must* be published at least twice  
21 in a newspaper having a general circulation in the area affected by  
22 the order, rule or regulation. Such publication ~~shall constitute~~  
23 *constitutes* legal notice of the order, rule or regulation, and ~~shall~~  
24 *must be made* in accordance with the provisions of NRS 238.010 to  
25 238.080, inclusive ~~+~~, *and sections 2 to 8, inclusive, of this act.*

26 **Sec. 19.** This act becomes effective on July 1, 2017.

