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ASSEMBLY BILL NO. 342—ASSEMBLYMAN AIZLEY

MARCH 21, 2011

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Referred to Committee on Government Affairs

SUMMARY—Authorizes the State and local governments to publish material electronically in lieu of in a newspaper in certain circumstances. (BDR 19-271)

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 governmental administration; authorizing in certain circumstances the State or a local government to publish a legal notice or advertisement on the official website of the State or local government in lieu of publishing the legal notice or legal advertisement in a newspaper; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the State or a local government to publish legal notices  
2 and advertisements in newspapers of general circulation and also sets forth the  
3 requirements for such publication. (NRS 238.030) **Section 1** of this bill authorizes  
4 the State or a local government to publish a legal notice or advertisement on the  
5 official website of the State or local government, as applicable, in lieu of publishing  
6 the legal notice or advertisement in a newspaper of general circulation unless a law  
7 of this State specifically prohibits in express terms the publication on an Internet  
8 website.

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

1 **Section 1.** Chapter 238 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:  
3 *1. The State or a local government may publish on the*  
4 *Internet website of the State or local government, as applicable,*  
5 *any legal notice or legal advertisement that the State or local*



1 *government is required to publish in a newspaper of general*  
2 *circulation in lieu of publishing the legal notice or legal*  
3 *advertisement in the newspaper unless a law of this State*  
4 *specifically prohibits in express terms the publication of the legal*  
5 *notice or legal advertisement on the official website of the State or*  
6 *a local government.*

7 2. *If the State or a local government publishes a legal notice*  
8 *or legal advertisement on its Internet website pursuant to*  
9 *subsection 1, the State or local government shall publish the legal*  
10 *notice or legal advertisement continuously and uninterruptedly for*  
11 *the period of time prescribed by law for the publication of such a*  
12 *legal notice or legal advertisement in a newspaper of general*  
13 *circulation.*

14 3. *As used in this section:*

15 (a) *“Local government” means the local government or any*  
16 *board, commission, department or other agency or instrumentality*  
17 *thereof.*

18 (b) *“State” means the State of Nevada or any board,*  
19 *commission, department or other agency or instrumentality*  
20 *thereof.*

21 **Sec. 2.** NRS 238.010 is hereby amended to read as follows:

22 238.010 Any notice or other written matter whatsoever,  
23 required to be published in a newspaper by any law of this State, or  
24 by the order of any court of record in this State, shall be deemed and  
25 held to be a legal notice or advertisement within the meaning of  
26 NRS 238.010 to 238.080, inclusive ~~[ ]~~, *and section 1 of this act.*

27 **Sec. 3.** NRS 238.030 is hereby amended to read as follows:

28 238.030 1. ~~[Any]~~ *Except as otherwise provided in section 1*  
29 *of this act, any* and all legal notices or advertisements shall be  
30 published only in a daily, a triweekly, a semiweekly, a semimonthly,  
31 or a weekly newspaper of general circulation and printed in whole  
32 or in part in the county in which the notice or advertisement is  
33 required to be published, which newspaper if published:

34 (a) Triweekly, semiweekly, semimonthly, or weekly, shall have  
35 been so published in the county, continuously and uninterruptedly,  
36 during the period of at least 104 consecutive weeks next prior to the  
37 first issue thereof containing any such notice or advertisement.

38 (b) Daily, shall have been so published in the county,  
39 uninterruptedly and continuously, during the period of at least 1 year  
40 next prior to the first issue thereof containing any such notice or  
41 advertisement.

42 2. The mere change in the name of any newspaper, or the  
43 removal of the principal business office or seat of publication of any  
44 newspaper from one place to another in the same county shall not  
45 break or affect the continuity in the publication of any such



1 newspaper if the same is in fact continuously and uninterruptedl  
2 y printed and published within the county as herein provided.

3 3. A newspaper shall not lose its rights as a legal publication if  
4 any of the following conditions maintain:

5 (a) If by reason of a strike or other good cause it should suspend  
6 publication; but the period shall not exceed 30 days in any calendar  
7 year.

8 (b) If by reason of generally recognized economic stress of a  
9 serious nature over which the publisher has no control it shall be  
10 necessary to suspend publication for a period not to exceed 2 years.  
11 The provisions of this paragraph shall apply only in the case of  
12 publications that have been operating continuously for a period of 5  
13 years prior to such suspension. Any legal notice which fails of  
14 publication for the required number of insertions for such reason  
15 shall not be declared illegal if publication has been made in one  
16 issue of the publication and is resumed within a reasonable period.

17 4. If in any county in this State there shall not have been  
18 published therein any newspaper or newspapers for the prescribed  
19 period, at the time when any such notice or advertisement is  
20 required to be published, then such notice or advertisement may be  
21 published in any newspaper or newspapers having a general  
22 circulation and printed and published in whole or in part in the  
23 county.

24 5. The time limitations in subsection 1 do not apply to a newly  
25 established newspaper printed and published in:

26 (a) An incorporated city if, at the time such newspaper is  
27 established, there is no other newspaper printed and published in  
28 such city.

29 (b) A county if, at the time such newspaper is established, there  
30 is no other newspaper printed and published in such county.

31 **Sec. 4.** NRS 238.050 is hereby amended to read as follows:

32 238.050 Except as otherwise provided by law in express terms  
33 , ~~for by necessary implication,~~ daily newspapers, triweekly  
34 newspapers, semiweekly newspapers, semimonthly newspapers ,  
35 ~~and~~ weekly newspapers *and official websites of the State and*  
36 *local governments* shall all be equally competent as the means for  
37 the publication of all legal notices and *legal* advertisements.

38 **Sec. 5.** NRS 238.080 is hereby amended to read as follows:

39 238.080 Any and every legal notice or advertisement published  
40 *on an Internet website or* in a newspaper in violation of any of the  
41 provisions of NRS 238.010 to 238.080, inclusive, *and section 1 of*  
42 *this act* shall be absolutely void.

43 **Sec. 6.** This act becomes effective upon passage and approval.

