

ASSEMBLY BILL NO. 479—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 23, 2015

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to public notices. (BDR 19-1095)

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 11** 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 11** 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 11** additionally requires publication on  
14 the Internet website and in the newspaper of the mailing address and phone number  
15 of any state or local governmental agency at which a person may request or obtain a  
16 copy of the legal notice or legal advertisement. **Section 8** of this bill allows a state  
17 agency that is required to publish a legal notice or legal advertisement in a



18 newspaper of general circulation the option of publishing the legal notice or legal  
19 advertisement on an Internet website in accordance with the provisions of this bill.

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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 the provisions set forth as sections 2 to 8, inclusive, of this  
3 act.

4 **Sec. 2.** *As used in NRS 238.010 to 238.080, inclusive, and*  
5 *sections 2 to 8, inclusive, of this act, unless the context otherwise*  
6 *requires, the words and terms defined in NRS 238.010 and*  
7 *238.020 and sections 3 to 7, inclusive, of this act have the*  
8 *meanings ascribed to them in those sections.*

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

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

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

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

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

20 **Sec. 8.** *Except as otherwise prohibited by a specific statute,*  
21 *law or regulation, a state agency, board or commission required to*  
22 *publish a legal notice or legal advertisement in a newspaper of*  
23 *general circulation may opt to publish the notice or advertisement*  
24 *in accordance with the provisions of NRS 238.010 to 238.080,*  
25 *inclusive, and sections 2 to 8, inclusive, of this act.*

26 **Sec. 9.** NRS 238.010 is hereby amended to read as follows:

27 238.010 ~~[Any]~~ *“Legal notice or legal advertisement” means*  
28 *any notice or other written matter [whatsoever, required to] that*  
29 *must be published in a newspaper [by] or on an Internet website*  
30 *pursuant to any law of this State, any federal law or regulation or*  
31 *[by] the order of any court of record in this State, [shall be deemed*  
32 *and held to be a legal notice or advertisement within the meaning of*  
33 *NRS 238.010 to 238.080, inclusive.] except for any notice required*  
34 *to be provided pursuant to chapter 241 of NRS.*

35 **Sec. 10.** NRS 238.020 is hereby amended to read as follows:

36 238.020 ~~[I. Every]~~ *“Daily newspaper” means any*  
37 *newspaper printed and published daily, or daily except Sundays and*  
38 *legal holidays, or [which shall be] printed and published on each of*



1 any 5 days in every week excepting legal holidays and including or  
2 excluding Sundays . ~~[, shall be considered and held to be and to~~  
3 ~~have been a daily newspaper within the meaning of NRS 238.010 to~~  
4 ~~238.080, inclusive.~~

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

9 ~~—3. Every newspaper printed and published at regular intervals~~  
10 ~~twice each week shall be considered and held to be a semiweekly~~  
11 ~~newspaper within the meaning of NRS 238.010 to 238.080,~~  
12 ~~inclusive.~~

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

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

21 **Sec. 11.** NRS 238.030 is hereby amended to read as follows:

22 238.030 1. ~~[Any and all]~~ A legal ~~[notices]~~ **notice** or  
23 ~~[advertisements shall]~~ **legal advertisement must** be published ~~[only~~  
24 ~~in]~~ :

25 (a) In a daily ~~[, a]~~ **newspaper**, triweekly ~~[, a]~~ **newspaper**,  
26 semiweekly ~~[, a]~~ **newspaper**, semimonthly ~~[,]~~ **newspaper** or ~~[a]~~  
27 weekly newspaper of general circulation ~~[and]~~ **that is** printed in  
28 whole or in part in the county in which the **legal notice** or **legal**  
29 advertisement is required to be published ~~[, which newspaper if]~~ ; or

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

33 2. **If the legal notice or legal advertisement is published [,] in**  
34 **a:**

35 (a) Triweekly ~~[,]~~ **newspaper**, semiweekly ~~[,]~~ **newspaper**,  
36 semimonthly ~~[,]~~ **newspaper** or weekly ~~[, shall have been so]~~  
37 **newspaper, the newspaper must have been** published in the county,  
38 continuously and uninterrupted, ~~[during the period of]~~ **for** at least  
39 ~~[104 consecutive weeks next prior to]~~ **2 years immediately**  
40 **preceding** the ~~[first issue thereof containing any such]~~ **initial**  
41 **publication of the legal notice** or **legal advertisement.**

42 (b) Daily ~~[, shall have been so]~~ **newspaper, the newspaper must**  
43 **have been** published in the county, uninterrupted and  
44 continuously, ~~[during the period of]~~ **for** at least 1 year ~~[next prior to]~~



1 *immediately preceding* the ~~first issue thereof containing any such~~  
2 *initial publication of the legal notice or legal advertisement.*

3 ~~[2.—The mere]~~

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

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

12 (1) *The legal notice or legal advertisement; and*

13 (2) *The mailing address and telephone number of any state*  
14 *or local governmental agency at which a person may request or*  
15 *obtain a copy of the legal notice or legal advertisement; and*

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

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

20 (2) *The mailing address and telephone number of any state*  
21 *or local governmental agency at which a person may request or*  
22 *obtain a copy of the legal notice or legal advertisement.*

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

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

31 ~~[3.]~~ (b) *The Internet address of the Internet website or the*  
32 *name of the newspaper or broadcaster who maintains the Internet*  
33 *website on which the legal notice or legal advertisement is*  
34 *published does not break or affect the continuity in the publication*  
35 *of the legal notice or legal advertisement if public access to the*  
36 *Internet website is continuous and uninterrupted for the period*  
37 *prescribed by this section.*

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

41 (a) ~~[If by reason]~~ *The newspaper in which the legal notice or*  
42 *legal advertisement is published suspends publication, or public*  
43 *access to the Internet website on which the legal notice or legal*  
44 *advertisement is published is suspended, for not more than 30*  
45 *consecutive days in a calendar year as a result of a strike or for*



1 other good cause . ~~[it should suspend publication; but the period~~  
2 ~~shall not exceed 30 days in any calendar year.]~~

3 (b) ~~[If by reason]~~ *The newspaper in which the legal notice or*  
4 *legal advertisement is published suspends publication for not more*  
5 *than 2 consecutive years as a result* of generally recognized  
6 economic stress of a serious nature over which the publisher has no  
7 control . ~~[it shall be necessary to suspend publication for a period~~  
8 ~~not to exceed 2 years.]~~ The provisions of this paragraph ~~[shall]~~  
9 apply only ~~[in the case of publications]~~ *to newspapers* that have  
10 been operating continuously for ~~[a period of]~~ *at least 5 consecutive*  
11 years ~~[prior to]~~ *before* such suspension ~~[. Any]~~ *of publication. A*  
12 *legal notice or legal advertisement* which ~~[fails of publication]~~ *is*  
13 *not published* for the required ~~[number of insertions]~~ *period* for  
14 such reason ~~[shall not be declared illegal]~~ *is not void* if ~~[publication~~  
15 ~~has been made]~~ *the legal notice or legal advertisement is published*  
16 in one issue of the *newspaper and* publication ~~[and]~~ is resumed  
17 within a reasonable period.

18 ~~[4.]~~ 6. If *a newspaper is not published* in ~~[any]~~ *a* county in  
19 this State ~~[there shall not have been published therein any~~  
20 ~~newspaper or newspapers for the prescribed]~~ *during the* period ~~[, at~~  
21 ~~the time when any such]~~ *in which a legal notice or legal*  
22 *advertisement is required to be published* ~~[, then such]~~ *in the*  
23 *county, the legal notice or legal advertisement may be published in*  
24 any newspaper ~~[or newspapers having a]~~ *of* general circulation ~~[and]~~  
25 *which is* printed and published in whole or in part in the county ~~[,]~~  
26 *or may be published on an Internet website as prescribed in*  
27 *subsection 3.*

28 ~~[5.]~~ 7. The ~~[time limitations in]~~ *period for publication*  
29 *prescribed by* subsection ~~[1 do]~~ *2 does* not apply to a newly  
30 established newspaper printed and published in:

31 (a) An incorporated city if, at the time ~~[such]~~ *the* newspaper is  
32 established, there is no other newspaper printed and published in  
33 ~~[such]~~ *the incorporated* city.

34 (b) A county if, at the time ~~[such]~~ *the* newspaper is established,  
35 there is no other newspaper printed and published in ~~[such]~~ *the*  
36 county.

37 **Sec. 12.** NRS 238.050 is hereby amended to read as follows:

38 238.050 Except as otherwise provided by law in express terms  
39 or by necessary implication, *a* daily ~~[newspapers,]~~ *newspaper,*  
40 triweekly ~~[newspapers,]~~ *newspaper,* semiweekly ~~[newspapers,]~~  
41 *newspaper,* semimonthly ~~[newspapers and]~~ *newspaper or* weekly  
42 ~~[newspapers shall all be equally competent]~~ *newspaper, or an*  
43 *Internet website maintained by a newspaper or broadcaster, may*  
44 *serve* as the means for the publication of ~~[all]~~ *a* legal ~~[notices and~~  
45 ~~advertisements.]~~ *notice or legal advertisement.*



1     **Sec. 13.** NRS 238.080 is hereby amended to read as follows:  
2     238.080 ~~[Any and every]~~ A legal notice or *legal* advertisement  
3 published in a newspaper *or on an Internet website* in violation of  
4 any of the provisions of NRS 238.010 to 238.080, inclusive, ~~[shall~~  
5 ~~be absolutely]~~ *and sections 2 to 8, inclusive, of this act is* void.

6     **Sec. 14.** NRS 561.265 is hereby amended to read as follows:  
7     561.265 All general orders, rules or regulations applying to the  
8 State, a county or a district ~~[shall]~~ *must* be published at least twice  
9 in a newspaper having a general circulation in the area affected by  
10 the order, rule or regulation. Such publication ~~[shall constitute]~~  
11 *constitutes* legal notice of the order, rule or regulation, and ~~[shall]~~  
12 *must* be *made* in accordance with the provisions of NRS 238.010 to  
13 238.080, inclusive ~~[,]~~ *, and sections 2 to 8, inclusive, of this act.*

14     **Sec. 15.** This act becomes effective July 1, 2015.

