

Amendment No. 472

Senate Amendment to Senate Bill No. 22	(BDR 19-390)
Proposed by: Senate Committee on Government Affairs	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

SLD/HAC



Date: 4/19/2023

S.B. No. 22—Revises provisions relating to the publication of legal notices.
(BDR 19-390)



SENATE BILL NO. 22—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the publication of legal notices. (BDR 19-390)

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 legal notices; authorizing, under certain circumstances, the publication of a legal notice or advertisement on the Internet website of a newspaper; making various other changes relating to legal notices and advertisements; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the publication of any and all legal notices and advertisements in certain newspapers of general circulation and establishes procedures and requirements for such publication. (NRS 238.020, 238.030) ~~[As an alternative to these requirements, section]~~ **Section 1** of this bill authorizes the **additional** publication of a legal notice or advertisement on the Internet website of such a newspaper. **Section 2** of this bill makes a conforming change to provide that, with certain exceptions, the Internet website of such a newspaper is a competent means for the publication of legal notices and advertisements.

Existing law provides that whenever any legal notice or advertisement is required by law to be given by publication, with certain exceptions, the legal notice or advertisement must be published at least once a week, consecutively, for not less than the full period of time so required in a qualified, legal and competent newspaper. (NRS 238.060) **Section 3** of this bill provides that if a legal notice or advertisement is published on the Internet website of a qualified, legal and competent newspaper ~~it~~ **; (1) an error in the legal notice or advertisement [must be posted on the] made by the newspaper, a temporary** Internet website ~~[continuously and uninterruptedly for not less than the full period of time that the notice is otherwise required to be]~~ **outage or service interruption that prevents the posting or display of the legal notice or advertisement is harmless; and (2) the legal notice or advertisement shall be deemed sufficient provided that the legal notice or advertisement is printed and** published in a qualified, legal and competent newspaper.

Existing law provides that any and every legal notice or advertisement that is published in a newspaper in violation of certain provisions of law is void. (NRS 238.080) **Section 4** of this bill provides that any and every legal notice or advertisement published on an Internet website maintained by a newspaper in violation of certain provisions of law is void.

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

Section 1. NRS 238.030 is hereby amended to read as follows:

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

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

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

2. ~~The mere As an alternative to the requirements to publish a legal notice or advertisement in a newspaper described in subsection 1, any~~ *Any legal notice or advertisement may be additionally published on the Internet website of a newspaper described in subsection 1. If a legal notice or advertisement is published on the Internet website of a newspaper described in subsection 1, the newspaper must publish on its Internet website the mailing address and telephone number of the state or local governmental agency by which a person may request or obtain a copy of the legal notice or advertisement.*

3. A change in ~~the~~:

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

(b) *The Internet address of the website of any newspaper on which a legal notice or advertisement is published does not break or affect the continuity in the publication of the legal notice or advertisement. [if public access to the Internet website is continuous and uninterrupted.*

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

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

(b) If by reason 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 that have been operating continuously for a period of 5 years prior to such suspension. Any legal notice which fails of publication for the required number of insertions for such reason shall not be declared illegal if publication has been made in one issue of the publication and is resumed within a reasonable period.

~~4.]~~ 5. If in any county in this State there shall not have been published therein any newspaper or newspapers for the prescribed period, at the time when any such *legal* notice or advertisement is required to be published, then such *legal* notice or advertisement may be published ~~in~~:

(a) *In* newspaper or newspapers having a general circulation and printed and published in whole or in part in the county ~~f~~

1 ~~5.1 ; for and~~

2 *(b) On the Internet website of any newspaper or newspapers having a*
3 *general circulation and printed and published in whole or in part in the county.*

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

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

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

10 **Sec. 2.** NRS 238.050 is hereby amended to read as follows:

11 238.050 Except as otherwise provided by law in express terms or by
12 necessary implication, daily newspapers, triweekly newspapers, semiweekly
13 newspapers, weekly newspapers and semimonthly newspapers *and the Internet*
14 *websites of such newspapers* shall all be equally competent as the means for the
15 publication of all legal notices and advertisements.

16 **Sec. 3.** NRS 238.060 is hereby amended to read as follows:

17 238.060 1. Whenever any *legal notice or advertisement* is required by law
18 to be given by publication, unless otherwise specified, such provision shall be
19 satisfied, *except as otherwise provided in subsection 2*, by publishing the required
20 *legal notice or advertisement*, at least once a week, consecutively, for not less than
21 the full period of time so required in a qualified, legal and competent newspaper.

22 2. *If a legal notice or advertisement is published on the Internet website of a*
23 *qualified, legal and competent newspaper* ~~;~~:

24 *(a) An error in the legal notice or advertisement ~~[must be posted on such]~~*
25 *made by the newspaper, a temporary Internet website ~~[continuously and]~~*
26 *~~uninterruptedly for not less than the full period of time that the notice is~~*
27 *~~otherwise required to be] outage or service interruption that prevents the posting~~*
28 *~~or display of a notice is harmless; and~~*

29 *(b) The legal notice or advertisement shall be deemed sufficient provided that*
30 *the legal notice or advertisement is printed and published in a qualified, legal and*
31 *competent newspaper ~~;~~ pursuant to this chapter.*

32 **Sec. 4.** NRS 238.080 is hereby amended to read as follows:

33 238.080 Any and every legal notice or advertisement published in a
34 newspaper *or on an Internet website maintained by a newspaper* in violation of
35 any of the provisions of NRS 238.010 to 238.080, inclusive, shall be absolutely
36 void.