

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:

1 Existing law requires the publication of any and all legal notices and
2 advertisements in certain newspapers of general circulation and establishes
3 procedures and requirements for such publication. (NRS 238.020, 238.030) **Section**
4 **1** of this bill authorizes the additional publication of a legal notice or advertisement
5 on the Internet website of such a newspaper. **Section 2** of this bill makes a
6 conforming change to provide that, with certain exceptions, the Internet website of
7 such a newspaper is a competent means for the publication of legal notices and
8 advertisements.

9 Existing law provides that whenever any legal notice or advertisement is
10 required by law to be given by publication, with certain exceptions, the legal notice
11 or advertisement must be published at least once a week, consecutively, for not less
12 than the full period of time so required in a qualified, legal and competent
13 newspaper. (NRS 238.060) **Section 3** of this bill provides that if a legal notice or
14 advertisement is published on the Internet website of a qualified, legal and
15 competent newspaper: (1) an error in the legal notice or advertisement made by the
16 newspaper, a temporary Internet website outage or service interruption that
17 prevents the posting or display of the legal notice or advertisement is harmless; and
18 (2) the legal notice or advertisement shall be deemed sufficient provided that the
19 legal notice or advertisement is printed and published in a qualified, legal and
20 competent newspaper.



21 Existing law provides that any and every legal notice or advertisement that is
22 published in a newspaper in violation of certain provisions of law is void. (NRS
23 238.080) **Section 4** of this bill provides that any and every legal notice or
24 advertisement published on an Internet website maintained by a newspaper in
25 violation of certain provisions of law is void.

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

1 **Section 1.** NRS 238.030 is hereby amended to read as follows:
2 238.030 1. ~~[Any]~~ *Except as otherwise provided in this*
3 *section, any* and all legal notices or advertisements shall be
4 published only in a daily, a triweekly, a semiweekly, a weekly, or a
5 semimonthly newspaper of general circulation and printed in whole
6 or in part in the county in which the notice or advertisement is
7 required to be published, which newspaper if published:

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

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

16 2. ~~[The mere]~~ *Any legal notice or advertisement may be*
17 *additionally published on the Internet website of a newspaper*
18 *described in subsection 1. If a legal notice or advertisement is*
19 *published on the Internet website of a newspaper described in*
20 *subsection 1, the newspaper must publish on its Internet website*
21 *the mailing address and telephone number of the state or local*
22 *governmental agency by which a person may request or obtain a*
23 *copy of the legal notice or advertisement.*

24 3. A change in ~~[the]~~ :

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

31 (b) *The Internet address of the website of any newspaper on*
32 *which a legal notice or advertisement is published does not break*
33 *or affect the continuity in the publication of the legal notice or*
34 *advertisement.*

35 ~~[3.]~~ 4. A newspaper shall not lose its rights as a legal
36 publication if any of the following conditions maintain:



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

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

13 ~~[4.]~~ 5. If in any county in this State there shall not have been
14 published therein any newspaper or newspapers for the prescribed
15 period, at the time when any such *legal* notice or advertisement is
16 required to be published, then such *legal* notice or advertisement
17 may be published ~~[in]~~ :

18 (a) *In* any newspaper or newspapers having a general circulation
19 and printed and published in whole or in part in the county ~~[i]~~
20 ~~—5.] ; and~~

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

24 6. 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. 2.** NRS 238.050 is hereby amended to read as follows:

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

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

39 238.060 1. Whenever any *legal* notice *or advertisement* is
40 required by law to be given by publication, unless otherwise
41 specified, such provision shall be satisfied , *except as otherwise*
42 *provided in subsection 2*, by publishing the required *legal* notice *or*
43 *advertisement*, at least once a week, consecutively, for not less than
44 the full period of time so required in a qualified, legal and
45 competent newspaper.



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

3 *(a) An error in the legal notice or advertisement made by the*
4 *newspaper, a temporary Internet website outage or service*
5 *interruption that prevents the posting or display of a notice is*
6 *harmless; and*

7 *(b) The legal notice or advertisement shall be deemed*
8 *sufficient provided that the legal notice or advertisement is printed*
9 *and published in a qualified, legal and competent newspaper*
10 *pursuant to this chapter.*

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

12 238.080 Any and every legal notice or advertisement published
13 in a newspaper *or on an Internet website maintained by a*
14 *newspaper* in violation of any of the provisions of NRS 238.010 to
15 238.080, inclusive, shall be absolutely void.

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