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ASSEMBLY BILL NO. 4—COMMITTEE  
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA LEAGUE OF  
CITIES AND MUNICIPALITIES)

PREFILED DECEMBER 19, 2012

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Referred to Committee on Government Affairs

SUMMARY—Revises certain provisions governing public records and legal notices. (BDR 19-259)

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 the State or a local government, under certain circumstances, to publish a legal notice or legal advertisement on an Internet website maintained by the State or local government in lieu of publishing the legal notice or legal advertisement in a newspaper of general circulation; requiring the State or a local government to publish certain information in a newspaper of general circulation if the State or local government publishes a legal notice or legal advertisement on an Internet website; authorizing a public body to charge and collect a fee for providing, upon request, a copy of certain public records under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

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



9 Internet website. If the State or a local government publishes a legal notice or legal  
10 advertisement on an Internet website, **section 1** requires the State or local  
11 government to publish in a newspaper in which the legal notice or legal  
12 advertisement would have otherwise been published the Internet address of the  
13 Internet website on which the legal notice or legal advertisement is published.  
14 **Section 1** additionally requires publication on the Internet website and in the  
15 newspaper of the mailing address and phone number at which a person may request  
16 or obtain a copy of the legal notice or legal advertisement.

17 Existing law requires a public body to provide, upon request and free of charge,  
18 at least one copy of certain public documents relating to a meeting of the public  
19 body. (NRS 241.020) **Section 6** of this bill authorizes the public body to charge a  
20 fee for providing such a copy, unless the copy is provided electronically. Existing  
21 law prohibits, with limited exceptions, such a fee from exceeding the actual cost to  
22 the public body of providing the copy, authorizes the public body to waive all or a  
23 portion of the fee and requires the public body to prepare and maintain a list of the  
24 fees that it charges at certain locations. (NRS 239.052)

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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. Except as otherwise specifically prohibited by a law of this*  
4 *State, the State or a local government may, in lieu of publishing a*  
5 *legal notice or legal advertisement in a newspaper of general*  
6 *circulation, publish on an Internet website maintained by the State*  
7 *or local government, as applicable, any legal notice or legal*  
8 *advertisement that the State or local government is otherwise*  
9 *required to publish in a newspaper of general circulation.*

10 *2. If the State or a local government publishes a legal notice*  
11 *or legal advertisement on an Internet website pursuant to*  
12 *subsection 1, the State or local government shall, for the period*  
13 *otherwise prescribed by law for the publication in a newspaper of*  
14 *general circulation of the legal notice or legal advertisement,*  
15 *continuously and uninterruptedly publish:*

16 *(a) On the Internet website maintained by the State or local*  
17 *government:*

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

19 *(2) The mailing address and telephone number of the State*  
20 *or local government at which a person may request or obtain a*  
21 *copy of the legal notice or legal advertisement; and*

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

24 *(1) The Internet address of the Internet website maintained*  
25 *by the State or local government on which the legal notice or legal*  
26 *advertisement is published; and*



1 (2) *The mailing address and telephone number of the State*  
2 *or local government at which a person may request or obtain a*  
3 *copy of the legal notice or legal advertisement.*

4 3. *As used in this section:*

5 (a) *“Local government” means a local government or any*  
6 *board, commission, department or other agency or instrumentality*  
7 *thereof.*

8 (b) *“State” means the State of Nevada or any board,*  
9 *commission, department or other agency or instrumentality*  
10 *thereof.*

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

12 238.010 Any notice or other written matter ~~whatsoever,~~  
13 ~~required to~~ *that must* be published in a newspaper ~~by~~ *or on an*  
14 *Internet website pursuant to* any law of this State, or ~~by~~ *pursuant*  
15 *to* the order of any court of record in this State, ~~shall be deemed and~~  
16 ~~held to be~~ *is* a legal notice or *legal* advertisement within the  
17 meaning of NRS 238.010 to 238.080, inclusive ~~it~~, *and section 1 of*  
18 *this act.*

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

20 238.030 1. ~~Any and all~~ *Except as otherwise provided in*  
21 *section 1 of this act, a* legal ~~notices~~ *notice* or ~~advertisements~~  
22 ~~shall~~ *legal advertisement must* be published ~~only~~ in a daily, ~~a~~  
23 triweekly, ~~a~~ semiweekly, ~~a~~ semimonthly ~~it~~ or ~~a~~ weekly  
24 newspaper of general circulation and *must be* printed in whole or in  
25 part in the county in which the *legal* notice or *legal* advertisement is  
26 required to be published . ~~it, which~~ *If the* newspaper ~~it~~ *is*  
27 published:

28 (a) Triweekly, semiweekly, semimonthly ~~it~~ or weekly, ~~shall~~  
29 ~~have been so~~ *the legal notice or legal advertisement must be*  
30 published in the county, continuously and uninterruptedly, ~~during~~  
31 ~~the period of~~ *for* at least 104 consecutive weeks ~~next prior to~~ *after*  
32 the ~~first issue thereof containing any such~~ *initial publication of*  
33 *the legal* notice or *legal* advertisement.

34 (b) Daily, ~~shall have been so~~ *the legal notice or legal*  
35 *advertisement must be* published in the county, uninterruptedly and  
36 continuously, ~~during the period of~~ *for* at least 1 year ~~next prior to~~  
37 *after* the ~~first issue thereof containing any such~~ *initial publication*  
38 *of the legal* notice or *legal* advertisement.

39 2. ~~The mere~~ *A* change in the name of ~~any~~ *a* newspaper, or  
40 the removal of the principal business office or seat of publication of  
41 ~~any~~ *a* newspaper from one place to another in the same county  
42 ~~shall~~, *does* not break or affect the continuity in the publication of  
43 ~~any such~~ *the* newspaper if the ~~same~~ *newspaper* is ~~in fact~~  
44 continuously and uninterruptedly printed and published within the  
45 county as herein provided.



1 3. A ~~newspaper shall not lose its rights as a~~ legal  
2 ~~publication~~ *notice or legal advertisement is not void* if ~~any of the~~  
3 ~~following conditions maintain:~~ *the newspaper in which the legal*  
4 *notice or legal advertisement is published suspends publication:*

5 (a) ~~If by reason~~ *For not more than 30 days in a calendar year*  
6 *as a result* of a strike or *for* other good cause . ~~it should suspend~~  
7 ~~publication; but the period shall not exceed 30 days in any calendar~~  
8 ~~year.~~

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

22 4. If *a newspaper is not published* in ~~any~~ *a* county in this  
23 State ~~there shall not have been published therein any newspaper or~~  
24 ~~newspapers for the prescribed~~ *during the* period ~~;~~ *at the time when*  
25 ~~any such~~ *in which a legal* notice or *legal* advertisement is required  
26 to be published ~~;~~ ~~then such~~ *in the county, the legal* notice or *legal*  
27 advertisement may be published in any newspaper ~~for newspapers~~  
28 ~~having a~~ *of* general circulation ~~and~~ *which is* printed and published  
29 in whole or in part in the county.

30 5. The ~~time limitations in~~ *period for publication prescribed*  
31 *by* subsection 1 ~~do~~ *does* not apply to a newly established  
32 newspaper printed and published in:

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

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

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

40 238.050 Except as otherwise provided by law in express terms  
41 or by necessary implication, *a* daily , ~~newspapers,~~ triweekly ,  
42 ~~newspapers,~~ semiweekly , ~~newspapers,~~ semimonthly  
43 ~~newspapers and~~ *or* weekly ~~newspapers shall all be equally~~  
44 ~~competent~~ *newspaper or an Internet website maintained by the*  
45 *State or a local government may serve* as the means for the



1 publication of ~~all~~ a legal ~~notices and advertisements.~~ *notice or*  
2 *legal advertisement.*

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

4 238.080 ~~Any and every~~ A legal notice or *legal* advertisement  
5 published in a newspaper *or on an Internet website* in violation of  
6 any of the provisions of NRS 238.010 to 238.080, inclusive, ~~shall~~  
7 ~~be absolutely~~ *and section 1 of this act is* void.

8 **Sec. 6.** NRS 241.020 is hereby amended to read as follows:

9 241.020 1. Except as otherwise provided by specific statute,  
10 all meetings of public bodies must be open and public, and all  
11 persons must be permitted to attend any meeting of these public  
12 bodies. A meeting that is closed pursuant to a specific statute may  
13 only be closed to the extent specified in the statute allowing the  
14 meeting to be closed. All other portions of the meeting must be open  
15 and public, and the public body must comply with all other  
16 provisions of this chapter to the extent not specifically precluded by  
17 the specific statute. Public officers and employees responsible for  
18 these meetings shall make reasonable efforts to assist and  
19 accommodate persons with physical disabilities desiring to attend.

20 2. Except in an emergency, written notice of all meetings must  
21 be given at least 3 working days before the meeting. The notice  
22 must include:

23 (a) The time, place and location of the meeting.

24 (b) A list of the locations where the notice has been posted.

25 (c) An agenda consisting of:

26 (1) A clear and complete statement of the topics scheduled to  
27 be considered during the meeting.

28 (2) A list describing the items on which action may be taken  
29 and clearly denoting that action may be taken on those items by  
30 placing the term "for possible action" next to the appropriate item.

31 (3) Periods devoted to comments by the general public, if  
32 any, and discussion of those comments. Comments by the general  
33 public must be taken:

34 (I) At the beginning of the meeting before any items on  
35 which action may be taken are heard by the public body and again  
36 before the adjournment of the meeting; or

37 (II) After each item on the agenda on which action may  
38 be taken is discussed by the public body, but before the public body  
39 takes action on the item.

40 ➤ The provisions of this subparagraph do not prohibit a public body  
41 from taking comments by the general public in addition to what is  
42 required pursuant to sub-subparagraph (I) or (II). Regardless of  
43 whether a public body takes comments from the general public  
44 pursuant to sub-subparagraph (I) or (II), the public body must allow  
45 the general public to comment on any matter that is not specifically



1 included on the agenda as an action item at some time before  
2 adjournment of the meeting. No action may be taken upon a  
3 matter raised during a period devoted to comments by the general  
4 public until the matter itself has been specifically included on an  
5 agenda as an item upon which action may be taken pursuant to  
6 subparagraph (2).

7 (4) If any portion of the meeting will be closed to consider  
8 the character, alleged misconduct or professional competence of a  
9 person, the name of the person whose character, alleged misconduct  
10 or professional competence will be considered.

11 (5) If, during any portion of the meeting, the public body will  
12 consider whether to take administrative action against a person, the  
13 name of the person against whom administrative action may be  
14 taken.

15 (6) Notification that:

16 (I) Items on the agenda may be taken out of order;

17 (II) The public body may combine two or more agenda  
18 items for consideration; and

19 (III) The public body may remove an item from the  
20 agenda or delay discussion relating to an item on the agenda at any  
21 time.

22 (7) Any restrictions on comments by the general public. Any  
23 such restrictions must be reasonable and may restrict the time, place  
24 and manner of the comments, but may not restrict comments based  
25 upon viewpoint.

26 3. Minimum public notice is:

27 (a) Posting a copy of the notice at the principal office of the  
28 public body or, if there is no principal office, at the building in  
29 which the meeting is to be held, and at not less than three other  
30 separate, prominent places within the jurisdiction of the public body  
31 not later than 9 a.m. of the third working day before the meeting;  
32 and

33 (b) Providing a copy of the notice to any person who has  
34 requested notice of the meetings of the public body. A request for  
35 notice lapses 6 months after it is made. The public body shall inform  
36 the requester of this fact by enclosure with, notation upon or text  
37 included within the first notice sent. The notice must be:

38 (1) Delivered to the postal service used by the public body  
39 not later than 9 a.m. of the third working day before the meeting for  
40 transmittal to the requester by regular mail; or

41 (2) If feasible for the public body and the requester has  
42 agreed to receive the public notice by electronic mail, transmitted to  
43 the requester by electronic mail sent not later than 9 a.m. of the third  
44 working day before the meeting.



1 4. If a public body maintains a website on the Internet or its  
2 successor, the public body shall post notice of each of its meetings  
3 on its website unless the public body is unable to do so because of  
4 technical problems relating to the operation or maintenance of its  
5 website. Notice posted pursuant to this subsection is supplemental to  
6 and is not a substitute for the minimum public notice required  
7 pursuant to subsection 3. The inability of a public body to post  
8 notice of a meeting pursuant to this subsection as a result of  
9 technical problems with its website shall not be deemed to be a  
10 violation of the provisions of this chapter.

11 5. Upon any request, a public body shall provide ~~†, at no~~  
12 ~~charge, at least one~~ a copy of:

13 (a) An agenda for a public meeting;

14 (b) A proposed ordinance or regulation which will be discussed  
15 at the public meeting; and

16 (c) Subject to the provisions of subsection 6, any other  
17 supporting material provided to the members of the public body for  
18 an item on the agenda, except materials:

19 (1) Submitted to the public body pursuant to a nondisclosure  
20 or confidentiality agreement which relates to proprietary  
21 information;

22 (2) Pertaining to the closed portion of such a meeting of the  
23 public body; or

24 (3) Declared confidential by law, unless otherwise agreed to  
25 by each person whose interest is being protected under the order of  
26 confidentiality.

27 ➤ The public body shall make at least one copy of the documents  
28 described in paragraphs (a), (b) and (c) available to the public *for*  
29 *inspection* at the meeting to which the documents pertain ~~†~~ *and*  
30 *may, upon receiving a request for a copy of any such document*  
31 *pursuant to this subsection, charge and collect a fee pursuant to*  
32 *NRS 239.052 for providing a copy of the document, unless the*  
33 *requester agrees to receive the copy of the document*  
34 *electronically.* As used in this subsection, “proprietary information”  
35 has the meaning ascribed to it in NRS 332.025.

36 6. A copy of supporting material required to be provided upon  
37 request pursuant to paragraph (c) of subsection 5 must be:

38 (a) If the supporting material is provided to the members of the  
39 public body before the meeting, made available to the requester at  
40 the time the material is provided to the members of the public body;  
41 or

42 (b) If the supporting material is provided to the members of the  
43 public body at the meeting, made available at the meeting to the  
44 requester at the same time the material is provided to the members  
45 of the public body.



1   ↳ If the requester has agreed to receive the information and material  
2 set forth in subsection 5 by electronic mail, the public body shall, if  
3 feasible, provide the information and material by electronic mail.

4       7. A public body may provide the public notice, information  
5 and material required by this section by electronic mail. If a public  
6 body makes such notice, information and material available by  
7 electronic mail, the public body shall inquire of a person who  
8 requests the notice, information or material if the person will accept  
9 receipt by electronic mail. The inability of a public body, as a result  
10 of technical problems with its electronic mail system, to provide a  
11 public notice, information or material required by this section to a  
12 person who has agreed to receive such notice, information or  
13 material by electronic mail shall not be deemed to be a violation of  
14 the provisions of this chapter.

15       8. As used in this section, “emergency” means an unforeseen  
16 circumstance which requires immediate action and includes, but is  
17 not limited to:

18       (a) Disasters caused by fire, flood, earthquake or other natural  
19 causes; or

20       (b) Any impairment of the health and safety of the public.

21       **Sec. 7.** This act becomes effective on July 1, 2013.

