

1 HOUSE BILL 577

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

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9  
10 AN ACT

11 RELATING TO PUBLIC NOTICE; PROVIDING FOR PUBLICATION OF LEGAL  
12 NOTICES ON AN AUTHORIZED WEB SITE.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 14-11-1 NMSA 1978 (being Laws 1937,  
16 Chapter 167, Section 1) is amended to read:

17 "14-11-1. LEGAL NOTICES AND ADVERTISEMENTS DEFINED.--Any  
18 notice or other [~~written~~] matter [~~whatsoever~~] required to be  
19 published in a newspaper or on an authorized web site by any  
20 law of this state or by the order of any court of record of  
21 this state shall be deemed [~~and held to be~~] a legal notice or  
22 advertisement within the meaning of [~~this Act~~] Chapter 14,  
23 Article 11 NMSA 1978."

24 SECTION 2. A new section of Chapter 14, Article 11 NMSA  
25 1978 is enacted to read:

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underscored material = new  
[bracketed material] = delete

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1 "[NEW MATERIAL] ADDITIONAL DEFINITIONS.--As used in  
2 Chapter 14, Article 11 NMSA 1978:

3 A. "authorized web site" means a web site that is  
4 controlled and maintained by a nonprofit association of  
5 qualified radio and television stations that maintains its  
6 principal place of business in New Mexico; and

7 B. "qualified radio or television stations" means  
8 radio and television stations that have commercial licenses  
9 issued by the federal communications commission and are  
10 full-power stations."

11 SECTION 3. Section 14-11-2 NMSA 1978 (being Laws 1937,  
12 Chapter 167, Section 2, as amended) is amended to read:

13 "14-11-2. REQUIREMENT FOR PUBLICATION OF LEGAL NOTICE OR  
14 ADVERTISEMENT.--

15 A. Any and every legal notice or advertisement  
16 shall be published:

17 (1) in a daily, tri-weekly, [~~a~~] semi-weekly or  
18 [~~a~~] weekly newspaper of general circulation that can be  
19 obtained by single copy and that is entered under the second  
20 class postage privilege in the county in which the notice or  
21 advertisement is required to be published [~~which newspaper,~~  
22 ~~if~~]; or

23 (2) by posting on an authorized web site.

24 B. The newspaper in which a legal notice or  
25 advertisement is published:

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1                   (1) if the newspaper is published tri-weekly,  
2 semi-weekly or weekly, shall have been so published in the  
3 county continuously and uninterrupted during the period of at  
4 least twenty-six consecutive weeks next prior to the first  
5 issue thereof containing any such notice or advertisement; and  
6 ~~[which newspaper]~~

7                   (2) if the newspaper is published daily, shall  
8 have been so published in the county uninterrupted and  
9 continuously during the period of at least six months next  
10 prior to the first issue thereof containing any such notice or  
11 advertisement; provided that the mere change in the name of any  
12 newspaper or the removal of the principal business office or  
13 seat of publication of any newspaper from one place to another  
14 in the same county shall not break or affect the continuity in  
15 the publication of any such newspaper if the newspaper is in  
16 fact continuously and uninterrupted printed and published  
17 within the county. ~~[as provided in this section; provided~~  
18 ~~further that]~~

19                   C. All qualified radio and television stations  
20 shall announce the existence and internet address of an  
21 authorized web site without charge at least once a day between  
22 the hours of 5:00 a.m. and 10:00 p.m. The announcement shall  
23 advise the public of the availability of legal notices and  
24 advertisements on that web site. An authorized web site shall  
25 archive its published legal notices and advertisements for a

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1 period of at least seven years, and the archive shall be  
2 accessible to the public.

3 D. A newspaper or an authorized web site shall not  
4 lose its rights as a legal publication if it fails to publish  
5 one or more of its issues by reason of fire, flood, accident,  
6 transportation embargo, ~~[or]~~ tie-up, electrical or web-hosting  
7 outage or other casualty beyond the control of the publisher.  
8 ~~[provided further that any]~~

9 E. A legal notice ~~[which]~~ or advertisement that  
10 fails ~~[of publication]~~ to be published in the newspaper or on  
11 an authorized web site for the required number of insertions by  
12 reasons beyond the control of the publisher of the newspaper or  
13 the authorized web site shall not be declared illegal if the  
14 publication has been made in at least one issue of the  
15 ~~[publication, and provided further that]~~ newspaper or on the  
16 authorized web site.

17 F. A New Mexico qualified radio or television  
18 station does not violate Section 14-11-1 NMSA 1978 if it fails  
19 to announce the availability of legal notices and  
20 advertisements on an authorized web site by reason of fire,  
21 flood or accident or other casualty beyond the control of the  
22 station.

23 G. If in any county in this state there has not  
24 been published any newspaper for the prescribed period at the  
25 time when any such notice or advertisement is required to be

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~~[bracketed material] = delete~~

1 published, the notice or advertisement may be published in any  
2 newspaper having a general circulation or published and printed  
3 in whole or in part in that county and that can be obtained by  
4 single copy in that county."

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