

1 SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE SUBSTITUTE FOR
2 SENATE BILL 147

3 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

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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

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:

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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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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