

**SUBSTITUTE FOR
HOUSE BILL NO. 6440**

A bill to set forth the methods for local governments and other governmental entities to provide certain public notices; to prescribe the powers and duties of certain public entities; and to prescribe the duties of certain private entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "local
2 government public notice act".

3 Sec. 2. As used in this act:

4 (a) "Internet" means that term as defined in 47 USC 230.

5 (b) "Local media outlet" means a television station or radio
6 broadcast station, licensed by the Federal Communications
7 Commission.

8 (c) "Required area" means the county, city, township, village,



1 district, or other governmental entity where the notice is required
2 to be posted.

3 (d) "Website" means a collection of pages of the internet,
4 usually in HTML format, with clickable or hypertext links to enable
5 navigation from 1 page or section to another, that often uses
6 associated graphics files to provide illustration and may contain
7 other clickable or hypertext links.

8 Sec. 3. Except as otherwise provided in section 5, as used in
9 this act, "newspaper" means a print publication that is published
10 for the dissemination of local news of a general character or for
11 the dissemination of legal news and to which all of the following
12 apply:

13 (a) The print publication is published and distributed in not
14 less than weekly intervals.

15 (b) Not less than 50% of the words in the print publication
16 are in the English language.

17 (c) The print publication has a bona fide list of subscribers
18 in 1 or more counties in this state or is available to the public
19 at newsstands or other retail locations in 1 or more counties in
20 this state, or both.

21 (d) The print publication accepts and publishes official and
22 other notices.

23 (e) The print publication regularly contains information of a
24 public character or of interest or value to residents, property
25 owners, or the general public.

26 (f) The print publication has been published or distributed
27 for not less than 1 year.

28 Sec. 5. If there is no publication that meets the definition
29 in section 3 in the required area, "newspaper" means a publication



1 in an adjoining county, city, township, village, or district, as
2 applicable, that otherwise meets the definition in section 3.

3 Sec. 7. (1) Beginning January 1, 2022, if a local government
4 or other governmental entity has a website that has been active for
5 180 days or more and is permitted to provide public notice under
6 this act, that local government or other governmental entity shall
7 do 1 or both of the following:

8 (a) Post that public notice on the active notice portion of
9 the website of the required area for the period of time as provided
10 by law.

11 (b) Continue to provide that public notice as provided by law.

12 (2) Beginning January 1, 2022, if a local government or other
13 governmental entity does not have a website, or has a website that
14 has been active for less than 180 days, and is permitted to provide
15 public notice under this act, that local government or other
16 governmental entity shall continue to provide that notice as
17 provided by law.

18 (3) If public notice is posted on the active notice portion of
19 the website of the required area as provided in subsection (1)(a),
20 a printed copy of the public notice posted under subsection (1)(a)
21 must be made available for public inspection by the local
22 government or other governmental entity for the period of time that
23 the public notice is required by law to be posted.

24 (4) If public notice is posted on the active notice portion of
25 the website of the required area as provided in subsection (1)(a),
26 the local government or other governmental entity shall within 24
27 hours after the public notice is posted under this act notify by
28 electronic mail each newspaper and local media outlet that serves
29 the required area about the public notice.



1 Sec. 10. A website used for posting public notices under this
2 act must meet both of the following requirements:

3 (a) The homepage of the website and the portion of the website
4 containing active notices and archival notices must be publicly
5 accessible and free of charge.

6 (b) The homepage of the website must include a prominently
7 displayed link to the active notices and the archival notices.

8 Sec. 11. Beginning January 1, 2022, if a local government or
9 other governmental entity posts a public notice on the website of
10 that local government or other governmental entity, the local
11 government or other governmental entity shall maintain an existing
12 online archive or create an online archive for public notices.
13 After the time the public notice is required to be posted on the
14 website, the public notice must be maintained in the archival
15 notice portion of the website in compliance with the records
16 retention schedule for that local government or other governmental
17 entity as provided in section 11 of the Michigan history center
18 act, 2016 PA 470, MCL 399.811. In addition, the local government or
19 other governmental entity shall maintain, in a format that includes
20 the dates of posting, a printed copy of each public notice provided
21 for archival and verification purposes.

22 Sec. 12. A person that operates a publication that qualifies
23 as a newspaper under this act shall maintain a permanent and
24 complete printed copy of each published edition for archival and
25 verification purposes in the required area.

26 Sec. 13. (1) In addition to the requirements of this act, a
27 local government or other governmental entity shall create and
28 maintain an annual public notice list. Except for a newspaper or
29 local media outlet described in section 7(4), an individual,



1 organization, firm, or corporation may make a written request to be
2 placed on an annual public notice list to receive by first-class
3 mail or electronic mail any public notice posted on the active
4 notice portion of the website of the required area under this act.

5 (2) Subject to subsection (4), if an individual, organization,
6 firm, or corporation on an annual public notice list requests to
7 receive public notices by first-class mail, upon the requesting
8 party's payment of a yearly fee of not more than the estimated cost
9 for printing and postage of the public notices, the local
10 government or other governmental entity shall send to the
11 individual, organization, firm, or corporation by first-class mail
12 a copy of each public notice posted on the active notice portion of
13 the website of the required area under this act.

14 (3) Subject to subsection (4), if an individual, organization,
15 firm, or corporation on an annual public notice list requests to
16 receive public notices by electronic mail, the local government or
17 other governmental entity shall within 24 hours of each public
18 notice being posted on the active notice portion of the website of
19 the required area under this act transmit to the individual,
20 organization, firm, or corporation an electronic copy of that
21 public notice.

22 (4) In order to continue to receive public notices under this
23 section, an individual, organization, firm, or corporation must
24 annually request in writing to be placed on the annual public
25 notice list of a local government or other governmental entity. A
26 local government or other governmental entity may require that the
27 request in writing under this subsection be made by first-class
28 mail or in person.

29 Sec. 14. If a local government or other governmental entity is



1 permitted to provide public notice under this act and the local
2 government or other governmental entity changes the method by which
3 public notice is provided as described in this act, the local
4 government or other governmental entity shall provide public notice
5 of that change by using the most recent method that the local
6 government or other governmental entity uses for publishing or
7 posting public notices.

