

ALTERNATIVE POSTING OF LEGAL NOTICES BY CITIES AND CHARTER TOWNSHIPS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4117

Sponsor: Rep. Joe Haveman

House Bill 4319

Sponsor: Rep. Douglas Geiss

Committee: Local, Intergovernmental, and Regional Affairs

Complete to 3-9-11

A SUMMARY OF HOUSE BILL 4117 AS INTRODUCED 1-20-11 AND HOUSE BILL 4319 AS INTRODUCED 2-23-11

The bills would allow city and charter township officials to satisfy legal notice requirements by posting notices electronically to city, charter township, or newspaper websites, or by cablecasting the notices or, in the case of cities, by broadcasting them via commercial radio or television, rather than by publishing the legal notices in local newspapers, which is now the custom.

A detailed summary of each bill follows.

House Bill 4117 would amend the Charter Township Act (MCL 42.1 to 42.34) to specify that except as otherwise provided by law and notwithstanding any charter provision, a charter township that was required to publish a legal notice in a newspaper of general circulation could satisfy that requirement by posting the legal notice in the office of the charter township clerk and on at least one of the following:

- on the charter township's website;
- on the website of the newspaper designated by the charter township as the official newspaper of general circulation; or
- on the public, education, and government channel operated in the charter township.

House Bill 4319 would amend the Home Rule City Act (MCL 117.1 to 117.38), to specify that except as otherwise provided by law and notwithstanding any charter provision or ordinance, a city that was required to publish a legal notice in a newspaper of general circulation could satisfy that requirement by posting the legal notice in the office of the city clerk in a prominent place visible to the public at all times and on (but not limited to) one or more of the following:

- on the city's website (under a section labeled for legal notices);
- on the website of the newspaper designated by the city as the official newspaper of general circulation (under a section labeled for legal notices);

- on the public, education, and government channel operated in the city;
- on a public or commercial radio station broadcast in the city; or
- on a public or commercial television station broadcast in the city.

Under the bill the legal notice posted in the office of the city clerk would have to be notarized, retained in perpetuity, and available for viewing upon request.

Under the bill, a city clerk would be required to create and maintain a permanent notice list, and the people who asked that their names be kept on that list would receive all posted notices, either by mail or e-mail, within 24-hours.

The bill specifies that if a city changed the method by which a legal notice was published or posted, then that method would have to be maintained for at least one year, and that method for publishing or posting would have to continue to be used for at least 30 days after any additional changes were made. Further, if the posting method changed, then the city would have to provide notice of that change by using the most recent publishing and posting method.

FISCAL IMPACT:

The bills would have no state fiscal impact. Local units would likely choose these alternatives to the extent that they would reduce costs.

Legislative Analyst: J. Hunault
Fiscal Analyst: Jim Stansell

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.