

# HOUSE BILL NO. 6440

November 12, 2020, Introduced by Reps. Steven Johnson, Coleman, Meerman, Yaroach and Bolden and referred to the Committee on Government Operations.

A bill to set forth the methods for local governments and other governmental entities to provide 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.

1 (b) "Local media outlet" means a television station or radio  
2 broadcast station, licensed by the Federal Communications  
3 Commission.

4 (c) "Required area" means the county, city, township, village,  
5 district, or other geographic territory where the notice is  
6 required to be posted.

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

12 Sec. 3. Except as otherwise provided in sections 4 and 5, as  
13 used in this act, "newspaper" means a print publication that is  
14 published for the dissemination of local news of a general  
15 character or for the dissemination of legal news and to which all  
16 of the following apply:

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

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

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

25 (d) The print publication accepts and publishes official and  
26 other notices.

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

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

3 Sec. 4. If there is no publication that meets the definition  
4 in section 3 published and of general circulation in the required  
5 area, "newspaper" means a website on the internet that meets all of  
6 the following requirements:

7 (a) The website is identified as a continuing online version  
8 of a publication that previously met the definition in section 3  
9 and was published and of general circulation in the required area.

10 (b) The website is published in the English language for the  
11 dissemination of local news of a general character or for the  
12 dissemination of legal news for the required area.

13 (c) The website has been established and operating without  
14 interruption for at least 2 years.

15 (d) News content on the website is published and posted and  
16 was updated at least every 7 days for the preceding 2 years.

17 (e) The website lists all of the following:

18 (i) Contact information, including a list of staff located in  
19 the required area.

20 (ii) An address and telephone number in the required area.

21 (iii) An address in the required area where the public notices  
22 may be sent for posting.

23 (iv) An address in the required area where complaints can be  
24 made.

25 (v) An address in the required area where printed copies of  
26 notices may be viewed by the public.

27 (f) The website includes a clearly designated area for public  
28 notices that is accessible via a prominently displayed and clearly  
29 labeled link from the homepage of the website and the posted

1 notices are maintained permanently in a searchable database  
2 accessible on the website.

3 (g) A majority of visitors to the website are residents of the  
4 required area.

5 Sec. 5. If there is no publication or website that meets the  
6 definition in section 3 or 4 in the required area, "newspaper"  
7 means a publication or website in an adjoining county, city,  
8 township, village, district, or other geographic territory, as  
9 applicable, that otherwise meets the definition in section 3 or 4.

10 Sec. 6. If a local government or other governmental entity  
11 that is required to provide a public notice under this act does not  
12 have a website, that local government or other governmental entity  
13 must create and maintain a website no later than December 31, 2021.

14 Sec. 7. (1) Except as otherwise provided in section 8, and  
15 subject to section 9, beginning on January 1, 2022, a local  
16 government or other governmental entity required to provide public  
17 notice under this act shall post that public notice on the active  
18 notice portion of the website of the required area for the period  
19 of time as provided by law.

20 (2) In addition to the notice requirement under subsection  
21 (1), a printed copy of the notice required under subsection (1)  
22 must be made available for public inspection by the local  
23 government or other governmental entity for the period of time that  
24 the notice is required by law to be posted.

25 (3) In addition to the notice requirement under subsection  
26 (1), the local government or other governmental entity shall within  
27 24 hours after the public notice is provided under this act notify  
28 by electronic mail each local media outlet that serves the required  
29 area about the public notice.

1       Sec. 8. (1) If a local government or other governmental entity  
2 required to provide a public notice under this act enters into a  
3 contract with a local media outlet regarding the provision of  
4 public notice, then the local government or other governmental  
5 entity shall post that public notice on the active notice portion  
6 of the website of the local media outlet for the period of time as  
7 provided by law.

8       (2) In addition to the notice requirement under subsection  
9 (1), both of the following apply:

10       (a) The local media outlet shall, at least once each day, make  
11 a general broadcast or transmission indicating that public notices  
12 may be found on the website of the local media outlet.

13       (b) A printed copy of the notice required under subsection (1)  
14 must be made available for public inspection by the local  
15 government or other governmental entity for the period of time that  
16 the notice is required by law to be posted.

17       (3) If a local government or other governmental entity  
18 provides public notice under this section, the local government or  
19 other governmental entity shall provide a link on its website's  
20 homepage to the active notice portion of the website of the local  
21 media outlet.

22       Sec. 9. (1) If a local government or other governmental entity  
23 required to provide public notice under this act enters into a  
24 contract with an outside entity to host and provide public notices,  
25 then, as used in section 7, "website of the required area" includes  
26 the website of the outside entity.

27       (2) If a local government or other governmental entity enters  
28 into a contract with an outside entity to host and provide public  
29 notices as provided under subsection (1), the local government or

1 other governmental entity shall provide a link on its website's  
2 homepage to the active notice portion of the website of the outside  
3 entity.

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

6 (a) The homepage of the website and the portion of the website  
7 containing active notices and archival notices must be publicly  
8 accessible and free of charge.

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

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

25 Sec. 12. A person that operates a publication that qualifies  
26 as a newspaper under this act shall maintain a permanent and  
27 complete printed copy of each published edition for archival and  
28 verification purposes in the required area. A person that operates  
29 a website that qualifies as a newspaper or as a local media outlet

1 under this act shall create a printed copy of any notice, in a  
2 format that includes the dates of posting, on the first day that  
3 the notice is posted on the website and shall maintain the printed  
4 copy in the required area for archival and verification purposes.

5 Sec. 13. (1) In addition to the requirements of this act, a  
6 local government or other governmental entity shall create and  
7 maintain a permanent public notice list. Except for a local media  
8 outlet described in section 7(3), an individual, organization,  
9 firm, or corporation may make a written request to be placed on the  
10 permanent public notice list to receive by first-class mail or  
11 electronic mail any public notice posted under this act.

12 (2) If an individual, organization, firm, or corporation on  
13 the permanent public notice list requests to receive public notices  
14 by first-class mail, upon the requesting party's payment of a  
15 yearly fee of not more than the estimated cost for printing and  
16 postage of the public notices, the local government or other  
17 governmental entity shall send to the individual, organization,  
18 firm, or corporation by first-class mail a copy of each public  
19 notice posted under this act.

20 (3) If an individual, organization, firm, or corporation on  
21 the permanent public notice list requests to receive public notices  
22 by electronic mail, the local government or other governmental  
23 entity shall within 24 hours of each public notice being posted  
24 under this act transmit to the individual, organization, firm, or  
25 corporation an electronic copy of that public notice.

26 Sec. 14. If a local government or other governmental entity  
27 required to provide public notice under this act changes the method  
28 by which public notice is posted as described in this act, the  
29 local government or other governmental entity shall provide public

- 1 notice of that change by using the most recent method that the
- 2 local government or other governmental entity uses for posting
- 3 public notices.