

# HOUSE BILL No. 5560

May 8, 2014, Introduced by Reps. Price, VerHeulen, Schor and Rutledge and referred to the Committee on Local Government.

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.

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,  
9 district, or other geographic territory where the notice is

1 required to be published or posted.

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

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

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

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

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

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

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

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

27 Sec. 4. If there is no publication that meets the definition

1 in section 3 published and of general circulation in the required  
2 area, "newspaper" means a website on the internet that meets all of  
3 the following requirements:

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

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

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

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

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

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

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

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

20 (iv) An address in the required area where complaints can be  
21 made.

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

24 (f) The website includes a clearly designated area for public  
25 notices that is accessible via a prominently displayed and clearly  
26 labeled link from the homepage of the website and the posted  
27 notices are maintained permanently in a searchable database

1 accessible on the website.

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

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

9 Sec. 6. (1) Except as otherwise provided in section 10, and  
10 subject to section 11, beginning January 1, 2015 and until December  
11 31, 2019, a local government or other governmental entity required  
12 to provide public notice under this act shall provide that public  
13 notice as follows:

14 (a) For tier A public notice, the notice shall be published  
15 twice in a newspaper in the required area and may be posted on the  
16 active notice portion of the website of the required area for 30  
17 days.

18 (b) For tier A public notice with a link, the notice shall be  
19 published twice in a newspaper in the required area with a summary  
20 of the document involved as well as a statement indicating a  
21 location where copies of the full document involved are available  
22 for public inspection. In addition, the notice may be posted on the  
23 active notice portion of the website of the required area for 30  
24 days with a link to the full document involved.

25 (c) For tier B public notice, the notice shall be published  
26 once in a newspaper in the required area and may be posted on the  
27 active notice portion of the website of the required area for 14

1 days.

2 (d) For tier B public notice with a link, the notice shall be  
3 published once in a newspaper in the required area with a summary  
4 of the document involved as well as a statement indicating a  
5 location where copies of the full document involved are available  
6 for public inspection. In addition, the notice may be posted on the  
7 active notice portion of the website of the required area for 14  
8 days with a link to the full document involved.

9 (e) Except as otherwise provided in section 9, for tier C  
10 public notice, the notice shall be posted on the active notice  
11 portion of the website of the required area for 14 days. If the  
12 local government or other governmental entity does not have a  
13 website, the notice shall be published once in a newspaper in the  
14 required area.

15 (2) In addition to the notice requirements under subsection  
16 (1), a printed copy of the notice required under subsection (1)  
17 shall be made available for public inspection by the local  
18 government or other governmental entity for the duration of time  
19 that the notice is required under subsection (1).

20 Sec. 7. (1) Except as otherwise provided in section 9 or 10,  
21 and subject to section 11, beginning January 1, 2020 and until  
22 December 31, 2024, a local government or other governmental entity  
23 required to provide public notice under this act shall provide that  
24 public notice as follows:

25 (a) For tier A public notice, the notice shall be published  
26 once in a newspaper in the required area and shall be posted on the  
27 active notice portion of the website of the required area for 30

1 days. If the local government or other governmental entity does not  
2 have a website, the notice shall be published twice in a newspaper  
3 in the required area.

4 (b) For tier A public notice with a link, the notice shall be  
5 published once in a newspaper in the required area with a summary  
6 of the document involved as well as a statement indicating a  
7 location where copies of the full document involved are available  
8 for public inspection and shall be posted on the active notice  
9 portion of the website of the required area for 30 days with a link  
10 to the full document involved. If the local government or other  
11 governmental entity does not have a website, the notice shall be  
12 published twice in a newspaper in the required area with a summary  
13 of the document involved as well as a statement indicating a  
14 location where copies of the full document involved are available  
15 for public inspection.

16 (c) For tier B public notice, the notice shall be posted on  
17 the active notice portion of the website of the required area for  
18 14 days. If the local government or other governmental entity does  
19 not have a website, the notice shall be published once in a  
20 newspaper in the required area.

21 (d) For tier B public notice with a link, the notice shall be  
22 posted on the active notice portion of the website of the required  
23 area for 14 days with a link to the full document involved. If the  
24 local government or other governmental entity does not have a  
25 website, the notice shall be published once in a newspaper in the  
26 required area with a summary of the document involved as well as a  
27 statement indicating a location where copies of the full document

1 involved are available for public inspection.

2 (e) For tier C public notice, the notice shall be posted on  
3 the active notice portion of the website of the required area for  
4 14 days. If the local government or other governmental entity does  
5 not have a website, the notice shall be published once in a  
6 newspaper in the required area.

7 (2) In addition to the notice requirements under subsection  
8 (1), a printed copy of the notice required under subsection (1)  
9 shall be made available for public inspection by the local  
10 government or other governmental entity for the duration of time  
11 that the notice is required under subsection (1).

12 Sec. 8. (1) Except as otherwise provided in section 9 or 10,  
13 and subject to section 11, beginning January 1, 2025, a local  
14 government or other governmental entity required to provide public  
15 notice under this act shall provide that public notice as follows:

16 (a) For tier A public notice, the notice shall be posted on  
17 the active notice portion of the website of the required area for  
18 30 days.

19 (b) For tier A public notice with a link, the notice shall be  
20 posted on the active notice portion of the website of the required  
21 area for 30 days with a link to the full document involved.

22 (c) For tier B public notice, the notice shall be posted on  
23 the active notice portion of the website of the required area for  
24 14 days.

25 (d) For tier B public notice with a link, the notice shall be  
26 posted on the active notice portion of the website of the required  
27 area for 14 days with a link to the full document involved.

1 (e) For tier C public notice, the notice shall be posted on  
2 the active notice portion of the website of the required area for  
3 14 days.

4 (2) In addition to the notice requirements under subsection  
5 (1), a printed copy of the notice required under subsection (1)  
6 shall be made available for public inspection by the local  
7 government or other governmental entity for the duration of time  
8 that the notice is required under subsection (1).

9 Sec. 9. (1) Upon receipt of a written petition signed by not  
10 less than 10% of the registered electors of a local government, the  
11 governing body of that local government shall submit the question  
12 of requiring that public notices be provided in a newspaper for 5  
13 years to the registered electors of that local government at the  
14 next general November election.

15 (2) Subject to section 11, if a majority of the registered  
16 electors voting on the question vote in favor of requiring that  
17 public notices be provided in a newspaper for 5 years, the local  
18 government shall provide public notice as follows:

19 (a) For tier A public notice, the notice shall be published  
20 twice in a newspaper in the required area and may be posted on the  
21 active notice portion of the website of the required area for 30  
22 days.

23 (b) For tier A public notice with a link, the notice shall be  
24 published twice in a newspaper in the required area with a summary  
25 of the document involved as well as a statement indicating a  
26 location where copies of the full document involved are available  
27 for public inspection. In addition, the notice may be posted on the



1 active notice portion of the website of the required area for 30  
2 days with a link to the full document involved.

3 (c) For tier B public notice, the notice shall be published  
4 once in a newspaper in the required area and may be posted on the  
5 active notice portion of the website of the required area for 14  
6 days.

7 (d) For tier B public notice with a link, the notice shall be  
8 published once in a newspaper in the required area with a summary  
9 of the document involved as well as a statement indicating a  
10 location where copies of the full document involved are available  
11 for public inspection. In addition, the notice may be posted on the  
12 active notice portion of the website of the required area for 14  
13 days with a link to the full document involved.

14 (e) For tier C public notice, the notice shall be published  
15 once in a newspaper in the required area and may be posted on the  
16 active notice portion of the website of the required area for 14  
17 days.

18 (3) In addition to the notice required under subsection (2), a  
19 printed copy of the notice required under subsection (2) shall be  
20 made available for public inspection by the local government for  
21 the duration of time that the notice is required under subsection  
22 (2).

23 (4) A petition under this section, including the circulation  
24 and signing of the petition, is subject to section 488 of the  
25 Michigan election law, 1954 PA 116, MCL 168.488. A person who  
26 violates a provision of the Michigan election law, 1954 PA 116, MCL  
27 168.1 to 168.992, applicable to a petition described in this

1 section is subject to the penalties for a violation in the Michigan  
2 election law, 1954 PA 116, MCL 168.1 to 168.992.

3 (5) As used in this section only, "newspaper" means a print  
4 publication that is published for the dissemination of local news  
5 of a general character or for the dissemination of legal news and  
6 to which all of the following apply:

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

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

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

15 (d) The print publication accepts and publishes official and  
16 other notices.

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

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

22 Sec. 10. (1) Except as otherwise provided in section 9, if a  
23 local government or other governmental entity required to provide  
24 public notice under this act enters into a contract with a local  
25 media outlet regarding the provision of public notice, then the  
26 local government or other governmental entity shall provide public  
27 notice as follows:

1 (a) For tier A public notice, the notice shall be posted on  
2 the active notice portion of the website of the local media outlet  
3 for 30 days.

4 (b) For tier A public notice with a link, the notice shall be  
5 posted on the active notice portion of the website of the local  
6 media outlet for 30 days with a link to the full document involved.

7 (c) For tier B public notice, the notice shall be posted on  
8 the active notice portion of the website of the local media outlet  
9 for 14 days.

10 (d) For tier B public notice with a link, the notice shall be  
11 posted on the active notice portion of the website of the local  
12 media outlet for 14 days with a link to the full document involved.

13 (e) For tier C public notice, the notice shall be posted on  
14 the active notice portion of the website of the local media outlet  
15 for 14 days.

16 (2) In addition to the notice requirements under subsection  
17 (1), both of the following apply:

18 (a) The local media outlet shall, at least once each day  
19 during its peak listening or viewing hours, make a general  
20 broadcast or transmission indicating that public notices may be  
21 found on the website of the local media outlet.

22 (b) A printed copy of the notice required under subsection (1)  
23 shall be made available for public inspection by the local  
24 government or other governmental entity for the duration of time  
25 that the notice is required under subsection (1).

26 (3) If a local government or other governmental entity  
27 provides public notice under this section and that local government

1 or other governmental entity has a website, the local government or  
2 other governmental entity shall provide a link on its website's  
3 homepage to the active notice portion of the website of the local  
4 media outlet.

5       Sec. 11. (1) If a local government or other governmental  
6 entity required to provide public notice under this act enters into  
7 a contract with an outside entity to host and provide public  
8 notices, then, as used in sections 6, 7, 8, and 9, "website of the  
9 required area" includes the website of the outside entity.

10       (2) If a local government or other governmental entity enters  
11 into a contract with an outside entity to host and provide public  
12 notices as provided under subsection (1) and that local government  
13 or other governmental entity has a website, the local government or  
14 other governmental entity shall provide a link on its website's  
15 homepage to the active notice portion of the website of the outside  
16 entity.

17       Sec. 12. A website used for posting public notices under this  
18 act shall meet both of the following requirements:

19       (a) The homepage of the website and the portion of the website  
20 containing active notices and archival notices shall be publicly  
21 accessible and free.

22       (b) The homepage of the website shall include a prominently  
23 displayed link to the active notices and the archival notices.

24       Sec. 13. (1) Subject to subsection (3), beginning January 1,  
25 2015 and not later than December 31, 2024, if a local government or  
26 other governmental entity posts a public notice on the website of  
27 that local government or other governmental entity, the local

1 government or other governmental entity shall create an online  
2 archive for public notices. In addition, the local government or  
3 other governmental entity shall maintain in a format that includes  
4 the dates of posting a printed copy of each public notice provided  
5 for archival and verification purposes.

6 (2) Subject to subsection (3), beginning January 1, 2025, each  
7 local government or other governmental entity shall create an  
8 online archive for public notices. In addition, the local  
9 government or other governmental entity shall maintain in a format  
10 that includes the dates of posting a printed copy of each public  
11 notice provided for archival and verification purposes.

12 (3) This section does not apply to a local government that  
13 provides public notice as set forth in section 9.

14 Sec. 14. A notice posted on a website under this act shall be  
15 maintained on the active notice portion of the website for the  
16 duration the notice is required to be posted on the website under  
17 this act. After that time, the notice shall be maintained in the  
18 archival notice portion of the website for not less than 5 years.

19 Sec. 15. A person that operates a publication that qualifies  
20 as a newspaper under this act shall maintain a permanent and  
21 complete printed copy of each published edition for archival and  
22 verification purposes in the required area. A person that operates  
23 a website that qualifies as a newspaper or as a local media outlet  
24 under this act shall create a printed copy of any notice, in a  
25 format that includes the dates of posting, on the first day that  
26 the notice is posted on the website and shall maintain the printed  
27 copy in the required area for archival and verification purposes.

1           Sec. 16. (1) In addition to the requirements of this act, a  
2 local government or other governmental entity may prepare an  
3 electronic newsletter that contains the public notices required to  
4 be provided under this act.

5           (2) If a local government or other governmental entity  
6 prepares an electronic newsletter as provided under subsection (1),  
7 the local government or other governmental entity may maintain a  
8 permanent list of those individuals who have requested to receive  
9 the electronic newsletter provided in subsection (1). The local  
10 government or other governmental entity shall forward by electronic  
11 mail to each individual on the permanent list the electronic  
12 newsletter when it is available.