

HOUSE BILL No. 4183

February 11, 2015, Introduced by Reps. Price, Franz, Rutledge, Robinson, Schor, Chatfield, Moss, Victory, Gay-Dagnogo, Kelly, Brunner, Crawford and McCready 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, 2016 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 once a week for 2 consecutive weeks in a newspaper in the required
16 area and may be posted on the active notice portion of the website
17 of the required area for 30 days.

18 (b) For tier A public notice with a link, the notice shall be
19 published once a week for 2 consecutive weeks in a newspaper in the
20 required area with a summary of the document involved as well as a
21 statement indicating a location where copies of the full document
22 involved are available for public inspection. In addition, the
23 notice may be posted on the active notice portion of the website of
24 the required area for 30 days with a link to the full document
25 involved.

26 (c) For tier B public notice, the notice shall be published
27 once in a newspaper in the required area and may be posted on the

1 active notice portion of the website of the required area for 14
2 days.

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

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

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

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

26 (a) For tier A public notice, the notice shall be published
27 once in a newspaper in the required area and shall be posted on the

1 active notice portion of the website of the required area for 30
2 days. If the local government or other governmental entity does not
3 have a website, the notice shall be published once a week for 2
4 consecutive weeks in a newspaper in the required area.

5 (b) For tier A public notice with a link, the notice shall be
6 published once in a newspaper in the required area with a summary
7 of the document involved as well as a statement indicating a
8 location where copies of the full document involved are available
9 for public inspection and shall be posted on the active notice
10 portion of the website of the required area for 30 days with a link
11 to the full document involved. If the local government or other
12 governmental entity does not have a website, the notice shall be
13 published once a week for 2 consecutive weeks in a newspaper in the
14 required area with a summary of the document involved as well as a
15 statement indicating a location where copies of the full document
16 involved are available for public inspection.

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

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

1 statement indicating a location where copies of the full document
2 involved are available for public inspection.

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

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

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

17 (a) For tier A public notice, the notice shall be posted on
18 the active notice portion of the website of the required area for
19 30 days.

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

23 (c) For tier B public notice, the notice shall be posted on
24 the active notice portion of the website of the required area for
25 14 days.

26 (d) For tier B public notice with a link, the notice shall be
27 posted on the active notice portion of the website of the required

1 area for 14 days with a link to the full document involved.

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.

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

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

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

20 (a) For tier A public notice, the notice shall be published
21 once a week for 2 consecutive weeks in a newspaper in the required
22 area and may be posted on the active notice portion of the website
23 of the required area for 30 days.

24 (b) For tier A public notice with a link, the notice shall be
25 published once a week for 2 consecutive weeks 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. In addition, the
2 notice may be posted on the active notice portion of the website of
3 the required area for 30 days with a link to the full document
4 involved.

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

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

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

20 (3) In addition to the notice required under subsection (2), a
21 printed copy of the notice required under subsection (2) shall be
22 made available for public inspection by the local government for
23 the duration of time that the notice is required under subsection
24 (2).

25 (4) A petition under this section, including the circulation
26 and signing of the petition, is subject to section 488 of the
27 Michigan election law, 1954 PA 116, MCL 168.488. A person who

1 violates a provision of the Michigan election law, 1954 PA 116, MCL
2 168.1 to 168.992, applicable to a petition described in this
3 section is subject to the penalties for a violation in the Michigan
4 election law, 1954 PA 116, MCL 168.1 to 168.992.

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

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

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

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

17 (d) The print publication accepts and publishes official and
18 other notices.

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

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

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

1 local government or other governmental entity shall provide public
2 notice as follows:

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

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

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

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

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

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

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

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

1 (3) If a local government or other governmental entity
2 provides public notice under this section and that local government
3 or other governmental entity has a website, the local government or
4 other governmental entity shall provide a link on its website's
5 homepage to the active notice portion of the website of the local
6 media outlet.

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

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

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

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

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

26 Sec. 13. (1) Subject to subsection (3), beginning January 1,
27 2016 and not later than December 31, 2024, if a local government or

1 other governmental entity posts a public notice on the website of
2 that local government or other governmental entity, the local
3 government or other governmental entity shall create an online
4 archive for public notices. In addition, the local government or
5 other governmental entity shall maintain for not less than 5 years
6 in a format that includes the dates of posting a printed copy of
7 each public notice provided for archival and verification purposes.

8 (2) Subject to subsection (3), beginning January 1, 2025, each
9 local government or other governmental entity shall create an
10 online archive for public notices. In addition, the local
11 government or other governmental entity shall maintain for not less
12 than 5 years in a format that includes the dates of posting a
13 printed copy of each public notice provided for archival and
14 verification purposes.

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

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

22 Sec. 15. 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. A person that operates
26 a website that qualifies as a newspaper or as a local media outlet
27 under this act shall create a printed copy of any notice, in a

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

4 Sec. 16. (1) In addition to the requirements of this act, a
5 local government or other governmental entity shall create and
6 maintain a permanent public notice list. An individual,
7 organization, firm, or corporation may make a written request to be
8 placed on the permanent public notice list to receive by first-
9 class mail or electronic mail any public notice published or posted
10 under this act.

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

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

25 Sec. 17. If a local government or other governmental entity
26 required to provide public notice under this act changes the method
27 by which public notice is published or posted as provided in this

1 act, the local government or other governmental entity shall
2 provide public notice of that change by using the most recent
3 method that the local government or other governmental entity uses
4 for publishing or posting public notices.