

SENATE BILL No. 8

January 16, 2013, Introduced by Senator ROCCA and referred to the Committee on Judiciary.

A bill to amend 1963 PA 247, entitled

"An act to define the term "newspaper" as used in the statutes of this state regarding publication of notices,"

by amending section 1 (MCL 691.1051); and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) ~~The term "newspaper" as~~ **AS** used in any statute of
2 this state ~~, except the revised judicature act of 1961 relative~~ **IN**
3 **RELATION** to the publication of a notice, ~~of any kind, shall be~~
4 ~~construed to refer only to a newspaper~~ **UNLESS THE STATUTE EXPRESSLY**
5 **PROVIDES OTHERWISE, "NEWSPAPER" MEANS A PRINT PUBLICATION** published
6 in the English language for the dissemination of local ~~or~~
7 ~~transmitted news and intelligence of a general character or for the~~

dissemination of legal news ~~—~~TO which **ALL OF THE FOLLOWING APPLY:**

(a) ~~has~~**THERE IS** a bona fide list of paying subscribers **TO THE PUBLICATION** or **THE PUBLICATION** has been published at not less than weekly intervals in the same community without interruption for at least 2 years. ~~—and~~

(b) **THE PUBLICATION** has been published and of general circulation at not less than weekly intervals without interruption for at least 1 year in the ~~county, township, city, village or~~ district where the notice is required to be published **REQUIRED AREA**. ~~A newspaper shall not lose eligibility for interruption of continuous publication because of acts of God, labor disputes or because of military service of the publisher for a period of not to exceed 2 years and provided publication is resumed within 6 months following the termination of such military service,~~

(c) **THE PUBLICATION** annually averages at least 25% news and editorial content per issue. ~~The term "news and editorial content" for the purpose of this section means any printed matter other than advertising.~~

(2) IF THERE IS NO PUBLICATION THAT MEETS THE DEFINITION IN SUBSECTION (1) PUBLISHED AND OF GENERAL CIRCULATION IN THE REQUIRED AREA, "NEWSPAPER" MEANS A WEBSITE ON THE INTERNET THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(A) THE WEBSITE IS IDENTIFIED AS A CONTINUING ONLINE VERSION OF A PUBLICATION THAT PREVIOUSLY MET THE DEFINITION IN SUBSECTION (1) AND WAS PUBLISHED AND OF GENERAL CIRCULATION IN THE REQUIRED AREA.

(B) THE WEBSITE IS PUBLISHED IN THE ENGLISH LANGUAGE FOR THE

1 DISSEMINATION OF LOCAL NEWS OF A GENERAL CHARACTER OR FOR THE
2 DISSEMINATION OF LEGAL NEWS FOR THE REQUIRED AREA.

3 (C) THE WEBSITE HAS BEEN ESTABLISHED AND OPERATING WITHOUT
4 INTERRUPTION FOR AT LEAST 2 YEARS.

5 (D) THE WEBSITE CONTAINS SUBSTANTIAL NEWS AND EDITORIAL
6 CONTENT.

7 (E) NEWS CONTENT ON THE WEBSITE IS PUBLISHED AND POSTED
8 REGULARLY AND WAS UPDATED AT LEAST EVERY 7 DAYS FOR THE PRECEDING 2
9 YEARS.

10 (F) THE WEBSITE LISTS ALL OF THE FOLLOWING:

11 (i) CONTACT INFORMATION, INCLUDING A LIST OF STAFF LOCATED IN
12 THE REQUIRED AREA.

13 (ii) AN ADDRESS AND TELEPHONE NUMBER IN THE REQUIRED AREA.

14 (iii) AN ADDRESS IN THE REQUIRED AREA WHERE PUBLIC NOTICES MAY
15 BE SENT FOR POSTING.

16 (iv) AN ADDRESS IN THE REQUIRED AREA WHERE COMPLAINTS CAN BE
17 MADE.

18 (v) AN ADDRESS IN THE REQUIRED AREA WHERE PRINTED COPIES OF
19 NOTICES MAY BE VIEWED BY THE PUBLIC.

20 (G) THE WEBSITE INCLUDES A CLEARLY DESIGNATED AREA FOR PUBLIC
21 NOTICES THAT IS ACCESSIBLE VIA A CONSPICUOUSLY DISPLAYED AND
22 CLEARLY LABELED LINK FROM THE HOMEPAGE OF THE WEBSITE AND THE
23 POSTED NOTICES ARE MAINTAINED PERMANENTLY IN A SEARCHABLE DATABASE
24 ACCESSIBLE ON THE WEBSITE.

25 (H) A SUBSTANTIAL NUMBER OF VISITORS TO THE WEBSITE ARE
26 RESIDENTS OF THE REQUIRED AREA.

27 (3) If ~~THERE IS no newspaper so qualifies~~ PUBLICATION OR

1 WEBSITE THAT MEETS THE DEFINITION IN SUBSECTION (1) OR (2) in the
2 ~~county where the court is situated, the term REQUIRED AREA,~~
3 "newspaper" ~~shall include any newspaper~~ MEANS A PUBLICATION OR
4 WEBSITE in an adjoining county ~~which by this act is qualified to~~
5 ~~publish notice of actions commenced therein~~ COUNTY, TOWNSHIP, CITY,
6 VILLAGE, DISTRICT, OR OTHER GEOGRAPHIC TERRITORY, AS APPLICABLE,
7 THAT MEETS THE DEFINITION IN SUBSECTION (1) OR (2).

8 (4) A PERSON THAT OPERATES A PUBLICATION THAT QUALIFIES AS A
9 NEWSPAPER UNDER THIS SECTION SHALL MAINTAIN A PERMANENT AND
10 COMPLETE PRINTED COPY OF EACH PUBLISHED EDITION FOR ARCHIVAL AND
11 VERIFICATION PURPOSES IN THE REQUIRED AREA. A PERSON THAT OPERATES
12 A WEBSITE THAT QUALIFIES AS A NEWSPAPER UNDER THIS SECTION SHALL
13 CREATE A PRINTED COPY OF ANY NOTICE, IN A FORMAT THAT INCLUDES THE
14 DATE OF PUBLICATION, ON THE FIRST DAY THAT THE NOTICE IS PUBLISHED
15 ON THE WEBSITE AND SHALL MAINTAIN THE PRINTED COPY IN THE REQUIRED
16 AREA FOR ARCHIVAL AND VERIFICATION PURPOSES.

17 (5) A PUBLICATION OR WEBSITE THAT MEETS THE DEFINITION OF A
18 NEWSPAPER UNDER SUBSECTION (1) OR (2) BUT THAT IS CONTROLLED BY THE
19 PERSON ON WHOSE BEHALF THE NOTICE IS PUBLISHED OR BY AN OFFICER,
20 EMPLOYEE, AGENT, OR AFFILIATE OF THE PERSON IS NOT QUALIFIED TO
21 SERVE AS A NEWSPAPER FOR PUBLICATION OF THE NOTICE.

22 (6) AS USED IN THIS SECTION:

23 (A) "CONTROLLED" MEANS THAT THE PERSON HAS 1 OR MORE OF THE
24 FOLLOWING:

25 (i) OWNERSHIP OF OR THE POWER TO VOTE, DIRECTLY OR INDIRECTLY,
26 MORE THAN 50% OF A CLASS OF VOTING SECURITIES OR VOTING INTERESTS
27 OF THE ENTITY THAT OPERATES THE PUBLICATION OR WEBSITE.

1 (ii) POWER BY THE PERSON'S OWN ACTION TO ELECT OR APPOINT A
2 MAJORITY OF EXECUTIVE OFFICERS, MANAGERS, DIRECTORS, TRUSTEES, OR
3 OTHER PERSONS EXERCISING MANAGERIAL AUTHORITY OF THE ENTITY THAT
4 OPERATES THE PUBLICATION OR WEBSITE.

5 (iii) THE LEGAL RIGHT BY THE PERSON'S OWN ACTION TO DIRECT,
6 RESTRICT, REGULATE, GOVERN, OR ADMINISTER THE MANAGEMENT OR
7 POLICIES OF THE ENTITY THAT OPERATES THE PUBLICATION OR WEBSITE.

8 (B) "INTERNET" MEANS THAT TERM AS DEFINED IN 47 USC 230.

9 (C) "NEWS AND EDITORIAL CONTENT" MEANS ANY CONTENT OTHER THAN
10 ADVERTISING.

11 (D) "NOTICE" INCLUDES AN ORDER, ORDINANCE, ADVERTISEMENT,
12 REPORT, AND ANY OTHER STATEMENT OR INFORMATION REQUIRED BY STATUTE
13 TO BE PUBLISHED.

14 (E) "REQUIRED AREA" MEANS THE COUNTY, TOWNSHIP, CITY, VILLAGE,
15 DISTRICT, OR OTHER GEOGRAPHIC TERRITORY WHERE THE STATUTE REQUIRES
16 THE NOTICE TO BE PUBLISHED OR THE NEWSPAPER TO BE PUBLISHED,
17 CIRCULATED, OR PRINTED.

18 (F) "WEBSITE" MEANS A COLLECTION OF PAGES OF THE INTERNET,
19 USUALLY IN HTML FORMAT, WITH CLICKABLE OR HYPERTEXT LINKS TO ENABLE
20 NAVIGATION FROM 1 PAGE OR SECTION TO ANOTHER, THAT OFTEN USES
21 ASSOCIATED GRAPHICS FILES TO PROVIDE ILLUSTRATION AND MAY CONTAIN
22 OTHER CLICKABLE OR HYPERTEXT LINKS.

23 Enacting section 1. Sections 1461 and 1950 of the revised
24 judicature act of 1961, 1961 PA 236, MCL 600.1461 and 600.1950, are
25 repealed.

26 Enacting section 2. This amendatory act does not take effect
27 unless Senate Bill No. 7

1 of the 97th Legislature is enacted into law.