

SUBSTITUTE FOR
SENATE BILL NO. 258

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).

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~~
8 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 due to any of the following:~~

(i) **An act** of God. ~~labor~~

(ii) **Labor** disputes. ~~or because of military~~

(iii) **The COVID-19 pandemic, for the period beginning March 10, 2020 through the end of the COVID-19 pandemic.**

(iv) **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. ~~and~~

(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) **A person that operates a newspaper in which a notice is published under this section shall do both of the following, at no additional cost beyond what the person charges for the print publication:**

(a) **Within 72 hours of receipt of a request to publish a notice, provide access to the notice on the website of the newspaper. The website must satisfy all of the following requirements:**

1 (i) The website homepage must have a link that takes a viewer
2 to an area of the website where notices published under this
3 section are available for viewing. This area of the website cannot
4 be placed behind any sort of pay wall and the public must be able
5 to read the notices at no charge.

6 (ii) Notices published under this section must remain on the
7 website during the full required publication period.

8 (iii) Notices published under this section must remain
9 searchable on the website as a permanent record of the publication.

10 (b) Place the notice on a website that is established and
11 maintained by a state association of newspapers that represents a
12 majority of newspapers in this state as a comprehensive central
13 repository for notices published under this section throughout this
14 state. The website must do all of the following:

15 (i) Provide for searching for a notice published under this
16 section by criteria contained in the notice.

17 (ii) Maintain all notices published under this section on a
18 permanent basis.

19 (iii) Provide access through standard computer browsers and
20 mobile platforms, such as smartphones and tablets.

21 (iv) Provide a method to alert the public of notices published
22 under this section by text message or email notification, or both.

23 (3) An error or omission in the posting of a notice on the
24 internet under subsection (2) does not invalidate the notice
25 published in the print version of the newspaper.

26 (4) If ~~there is no newspaper so qualifies~~ publication that
27 meets the definition in subsection (1) in the ~~county where the~~
28 ~~court is situated, the term~~ **required area**, "newspaper" shall
29 ~~include any newspaper means a publication~~ in an adjoining county

1 ~~which by this act is qualified to publish notice of actions~~
2 ~~commenced therein~~ county, township, city, village, district, or
3 other geographic territory, as applicable, that meets the
4 definition in subsection (1).

5 (5) A person that operates a newspaper that publishes a notice
6 shall maintain a permanent and complete printed copy of each
7 published edition that contains the notice for archival and
8 verification purposes in the required area.

9 (6) A publication that meets the definition under subsection
10 (1) but that is controlled by the person on whose behalf the notice
11 is published or by an officer, employee, agent, or affiliate of the
12 person is not qualified to serve as a newspaper for publication of
13 the notice.

14 (7) As used in this section:

15 (a) "Controlled" means that the person has 1 or more of the
16 following:

17 (i) Ownership of or the power to vote, directly or indirectly,
18 more than 50% of a class of voting securities or voting interests
19 of the person that operates the publication.

20 (ii) Power by the person's own action to elect or appoint a
21 majority of executive officers, managers, directors, trustees, or
22 other persons exercising managerial authority of the person that
23 operates the publication.

24 (iii) The legal right by the person's own action to direct,
25 restrict, regulate, govern, or administer the management or
26 policies of the person that operates the publication.

27 (b) "End of the COVID-19 pandemic" means the earliest date
28 after March 10, 2020 on which none of the following are in effect:

29 (i) A presidential declaration of national emergency under the

1 national emergencies act, 50 USC 1601 to 1651, relating to COVID-
2 19.

3 (ii) An executive order issued by the governor during a state
4 of disaster or emergency declared under the emergency management
5 act, 1976 PA 390, MCL 30.401 to 30.421, or 1945 PA 302, MCL 10.31
6 to 10.33, relating to COVID-19.

7 (iii) An emergency order issued under section 2253 of the public
8 health code, 1978 PA 368, MCL 333.2253, relating to COVID-19.

9 (c) "Internet" means that term as defined in 47 USC 230.

10 (d) "News and editorial content" means any content other than
11 paid advertising.

12 (e) "Notice" includes an order, ordinance, advertisement,
13 report, and any other statement or information required by statute
14 to be published.

15 (f) "Required area" means the county, township, city, village,
16 district, or other geographic territory where the statute requires
17 the notice to be published or the newspaper to be published,
18 circulated, or printed.

19 (g) "Website" means a collection of pages of the internet,
20 usually in html format, with clickable or hypertext links to enable
21 navigation from 1 page or section to another, that often uses
22 associated graphics files to provide illustration and may contain
23 other clickable or hypertext links.

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Bill No. 259 of the 101st Legislature is enacted into
26 law.

27 Enacting section 2. Section 1(1)(b)(iii) of 1963 PA 247, MCL
28 691.1051, as amended by this amendatory act, is intended to be
29 retroactive and applies retroactively beginning March 10, 2020.