

HOUSE BILL NO. 6062

May 03, 2022, Introduced by Reps. Coleman, Steven Johnson, Brann, Ellison, Aiyash, Young, Steenland, Scott, Brenda Carter and Yaroch and referred to the Committee on Oversight.

A bill to set forth the methods for local governments and other governmental entities to provide certain 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 may be cited as the "local government public
2 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 governmental entity where the notice is required
6 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 section 4, as used in
13 this act, "newspaper" means a print publication that is published
14 for the dissemination of local news of a general character or for
15 the dissemination of legal news and to which all of the following
16 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 in the required area, "newspaper" means a publication
5 in an adjoining county, city, township, village, or district, as
6 applicable, that otherwise meets the definition in section 3.

7 Sec. 5. (1) Beginning January 1, 2024, if a local government
8 or other governmental entity has a website that has been active for
9 180 days or more and is permitted to provide public notice under
10 this act, that local government or other governmental entity shall
11 do 1 or both of the following:

12 (a) Post that public notice on the active notice portion of
13 the website of the required area for the period of time as provided
14 by law.

15 (b) Continue to provide that public notice as provided by law.

16 (2) Beginning January 1, 2024, if a local government or other
17 governmental entity does not have a website, or has a website that
18 has been active for less than 180 days, and is permitted to provide
19 public notice under this act, that local government or other
20 governmental entity shall continue to provide that notice as
21 provided by law.

22 (3) If public notice is posted on the active notice portion of
23 the website of the required area as provided in subsection (1)(a),
24 a printed copy of the public notice posted under subsection (1)(a)
25 must be made available for public inspection by the local
26 government or other governmental entity for the period of time that
27 the public notice is required by law to be posted.

28 (4) If public notice is posted on the active notice portion of
29 the website of the required area as provided in subsection (1)(a),

1 the local government or other governmental entity shall within 24
2 hours after the public notice is posted under this act notify by
3 email each newspaper and local media outlet that serves the
4 required area about the public notice.

5 Sec. 6. A website used for posting public notices under this
6 act must meet both of the following requirements:

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

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

12 Sec. 7. Beginning January 1, 2024, if a local government or
13 other governmental entity posts a public notice on the website of
14 that local government or other governmental entity, the local
15 government or other governmental entity shall maintain an existing
16 online archive or create an online archive for public notices.
17 After the period of time the public notice is required to be posted
18 on the website, the public notice must be maintained in the
19 archival notice portion of the website in compliance with the
20 records retention schedule for that local government or other
21 governmental entity as provided in section 11 of the Michigan
22 history center act, 2016 PA 470, MCL 399.811. In addition, the
23 local government or other governmental entity shall maintain, in a
24 format that includes the dates of posting, a printed copy of each
25 public notice provided for archival and verification purposes.

26 Sec. 8. A person that operates a publication that qualifies as
27 a newspaper under this act shall maintain a permanent and complete
28 printed copy of each published edition for archival and
29 verification purposes in the required area.

1 Sec. 9. (1) In addition to the requirements of this act, a
2 local government or other governmental entity shall create and
3 maintain an annual public notice list. Except for a newspaper or
4 local media outlet described in section 5(4), an individual,
5 organization, firm, or corporation may make a written request to be
6 placed on an annual public notice list to receive by first-class
7 mail or email any public notice posted on the active notice portion
8 of the website of the required area under this act.

9 (2) Subject to subsection (4), if an individual, organization,
10 firm, or corporation on an annual public notice list requests to
11 receive public notices by first-class mail, upon the requesting
12 party's payment of a yearly fee of not more than the estimated cost
13 for printing and postage of the public notices, the local
14 government or other governmental entity shall send to the
15 individual, organization, firm, or corporation by first-class mail
16 a copy of each public notice posted on the active notice portion of
17 the website of the required area under this act.

18 (3) Subject to subsection (4), if an individual, organization,
19 firm, or corporation on an annual public notice list requests to
20 receive public notices by email, the local government or other
21 governmental entity shall within 24 hours after each public notice
22 is posted on the active notice portion of the website of the
23 required area under this act transmit to the individual,
24 organization, firm, or corporation an electronic copy of that
25 public notice.

26 (4) In order to continue to receive public notices under this
27 section, an individual, organization, firm, or corporation must
28 annually request in writing to be placed on the annual public
29 notice list of a local government or other governmental entity. A

1 local government or other governmental entity may require that the
2 request in writing under this subsection be made by first-class
3 mail or in person.

4 Sec. 10. If a local government or other governmental entity is
5 permitted to provide public notice under this act and the local
6 government or other governmental entity changes the method by which
7 public notice is provided as described in this act, the local
8 government or other governmental entity shall provide public notice
9 of that change by using the most recent method that the local
10 government or other governmental entity uses for publishing or
11 posting public notices.