

HOUSE BILL NO. 4428

April 19, 2023, Introduced by Reps. Coleman, Miller, Steckloff, Shannon, Byrnes, Wilson, Glanville, Hoskins, Paiz, Breen, Young, Farhat, Rheingans and Bollin and referred to the Committee on Local Government and Municipal Finance.

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, 2025, 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, 2025, 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 or, subject to this subsection, a digital display of
25 the public notice posted under subsection (1)(a) must be made
26 available for public inspection by the local government or other
27 governmental entity for the period of time that the public notice
28 is required by law to be posted. If a digital display of the public
29 notice posted under subsection (1)(a) is made available for public

1 inspection under this subsection, a printed copy of the public
2 notice must, upon request, be made available for public inspection
3 by the local government or other governmental entity for the period
4 of time that the public notice is required by law to be posted.

5 (4) If public notice is posted on the active notice portion of
6 the website of the required area as provided in subsection (1) (a),
7 the local government or other governmental entity shall within 24
8 hours after the public notice is posted under this act notify by
9 email each newspaper and local media outlet that serves the
10 required area about the public notice.

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

13 (a) The homepage of the website and the portion of the website
14 containing active notices and archival notices must be publicly
15 accessible and free of charge.

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

18 Sec. 7. Beginning January 1, 2025, if a local government or
19 other governmental entity posts a public notice on the website of
20 that local government or other governmental entity, the local
21 government or other governmental entity shall maintain an existing
22 online archive or create an online archive for public notices.
23 After the period of time the public notice is required to be posted
24 on the website, the public notice must be maintained in the
25 archival notice portion of the website in compliance with the
26 records retention schedule for that local government or other
27 governmental entity as provided in section 11 of the Michigan
28 history center act, 2016 PA 470, MCL 399.811. In addition, the
29 local government or other governmental entity shall maintain, in a

1 format that includes the dates of posting, a printed or digital
2 copy of each public notice provided for archival and verification
3 purposes. If the copy of a public notice maintained for archival
4 and verification purposes is a digital copy, that digital copy of
5 the public notice must be maintained in a location different than
6 the archival notice portion of the website as provided in this
7 section.

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

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

20 (2) Subject to subsection (4), if an individual, organization,
21 firm, or corporation on an annual public notice list requests to
22 receive public notices by first-class mail, upon the requesting
23 party's payment of a yearly fee of not more than the estimated cost
24 for printing and postage of the public notices, the local
25 government or other governmental entity shall send to the
26 individual, organization, firm, or corporation by first-class mail
27 a copy of each public notice posted on the active notice portion of
28 the website of the required area under this act.

29 (3) Subject to subsection (4), if an individual, organization,

1 firm, or corporation on an annual public notice list requests to
2 receive public notices by email, the local government or other
3 governmental entity shall within 24 hours after each public notice
4 is posted on the active notice portion of the website of the
5 required area under this act transmit to the individual,
6 organization, firm, or corporation an electronic copy of that
7 public notice.

8 (4) In order to continue to receive public notices under this
9 section, an individual, organization, firm, or corporation must
10 annually request in writing to be placed on the annual public
11 notice list of a local government or other governmental entity. A
12 local government or other governmental entity may require that the
13 request in writing under this subsection be made by first-class
14 mail or in person.

15 Sec. 10. If a local government or other governmental entity is
16 permitted to provide public notice under this act and the local
17 government or other governmental entity changes the method by which
18 public notice is provided as described in this act, the local
19 government or other governmental entity shall provide public notice
20 of that change by using the most recent method that the local
21 government or other governmental entity uses for publishing or
22 posting public notices.