

HOUSE BILL NO. 4859

May 18, 2021, Introduced by Reps. Calley and Sabo and referred to the Committee on Oversight.

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~~

provides otherwise, "newspaper" means a print publication published in the English language for the dissemination of local ~~or 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) 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) Provide access to the notice on the website of the newspaper. The website must satisfy all of the following requirements:

(i) The website homepage must have a link that takes a viewer

1 to an area of the website where notices published under this
 2 section are available for viewing. This area of the website cannot
 3 be placed behind any sort of pay wall and the public must be able
 4 to read the notices at no charge.

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

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

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

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

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

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

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

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

25 (4) If ~~there is no newspaper so qualifies~~ publication that
 26 meets the definition in subsection (1) in the county where the
 27 court is situated, the term **required area**, "newspaper" shall
 28 ~~include any newspaper means a publication~~ in an adjoining county
 29 which by this act is qualified to publish notice of actions

1 ~~commenced therein~~ county, township, city, village, district, or
2 other geographic territory, as applicable, that meets the
3 definition in subsection (1).

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

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

13 (7) As used in this section:

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

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

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

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

26 (b) "Internet" means that term as defined in 47 USC 230.

27 (c) "News and editorial content" means any content other than
28 paid advertising.

29 (d) "Notice" includes an order, ordinance, advertisement,

1 report, and any other statement or information required by statute
2 to be published.

3 (e) "Required area" means the county, township, city, village,
4 district, or other geographic territory where the statute requires
5 the notice to be published or the newspaper to be published,
6 circulated, or printed.

7 (f) "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 Enacting section 1. This amendatory act does not take effect
13 unless Senate Bill No.____ or House Bill No. 4860 (request no.
14 02012'21 a) of the 101st Legislature is enacted into law.