

County Planning Connection July 2022 News

A Legislative Change Regarding the Publication of Public Notices *Newspaper notices must be available online, searchable, and free to access*

On May 12, 2021 Governor Whitmer approved Public Act 76 of 2022 which amends 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).

This act defines the term newspaper, requires access to published notices on a newspaper website at no additional cost and requires that published notices placed in a newspaper must also be placed on a website (for websites and newspapers that meet certain requirements).

This means that the newspaper must, at no additional cost to the person requesting notice for publication, put the notice on the website viewable to all (not behind a paywall), the notice will remain on the website during the full publication period, and be searchable as a permanent record. An error or omission of posting the notice online will not invalidate the published notice.

Public Act 76 also states that if a newspaper does not exist in the county where notice is required, the term could mean a publication in an adjoining county, township, city, village, district, or other geographic territory, as applicable that met the proposed definition.

What does this mean for local units of government in Livingston County? Proof of public notice is submitted to County Planning with each rezoning or text amendment, and the majority of these Livingston County municipal notices have been printed in the Fowlerville News & Views or the Livingston County Press and Argus. County Planning staff contacted each newspaper source to see if they are meeting the requirements of this new law so that we can continue to use their services. Here are their responses:

- **Fowlerville News & Views** - This local newspaper prints and posts all legal notices to their website at: <https://www.fowlervillenewsandviews.com>. On the website they also have back issues of the newspaper so that old legal notices can be searched. Additionally, all legal notices are uploaded to the State-wide searchable portal at: mipublicnotices.com
- **Livingston County Press and Argus** - This local newspaper prints and posts all legal notices to their Livingston Daily website at: <https://www.livingstondaily.com> This is done at no additional charge. All legal notices are uploaded to the State-wide searchable portal at: mipublicnotices.com

Public Act 76: <http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2022-PA-0076.pdf> Source: Legislative Analysis, House Fiscal Agency.