

Chapter 12

(Senate Bill 61)

AN ACT concerning

Environment – Public Hearings – Notice Requirement

FOR the purpose of altering the contents of a certain notice until a certain date; authorizing the Department of the Environment to comply with a certain requirement to publish notice of certain public hearings by publishing the notice on its Web site instead of in a certain newspaper beginning on a certain date; requiring the Department to publish a certain annual notice in a certain newspaper beginning on a certain date; and generally relating to notice of public hearings by the Department of the Environment.

BY repealing and reenacting, with amendments,
 Article – Environment
 Section 2–303
 Annotated Code of Maryland
 (2007 Replacement Volume and 2012 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Environment

2–303.

(a) The Department may not adopt any rule or regulation under this title unless the requirements of this section and the Administrative Procedure Act are met.

(b) Before adopting any rule or regulation under this title, the Department shall announce and hold a public hearing on the subject.

(c) (1) ~~At~~ **UNTIL OCTOBER 1, 2014, AT** least 30 days before the public hearing, the Department shall publish notice of the hearing in a newspaper of general circulation in the area concerned ~~OR ON THE DEPARTMENT'S WEB SITE.~~

(2) The notice **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION** shall state:

- (i) The date, time, and place of the hearing; ~~and~~
- (ii) The purpose of the hearing;

(III) THAT, BEGINNING ON OCTOBER 1, 2014, ALL FUTURE NOTICES REQUIRED UNDER THIS TITLE WILL BE POSTED ON THE DEPARTMENT'S WEB SITE; AND

(IV) A PHONE NUMBER OR ELECTRONIC MAIL ADDRESS AT THE DEPARTMENT THAT A PERSON CAN CONTACT TO ARRANGE FOR THE RECEIPT OF FUTURE PUBLIC NOTICES REQUIRED UNDER THIS TITLE BY FIRST-CLASS MAIL OR ELECTRONIC MAIL.

(3) BEGINNING ON OCTOBER 1, 2014, AT LEAST 30 DAYS BEFORE THE PUBLIC HEARING, THE DEPARTMENT SHALL PUBLISH NOTICE OF THE HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AREA CONCERNED OR ON THE DEPARTMENT'S WEB SITE.

(4) THE NOTICE REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION SHALL STATE:

(I) THE DATE, TIME, AND PLACE OF THE HEARING; AND

(II) THE PURPOSE OF THE HEARING.

(D) BEGINNING ON OCTOBER 1, 2014, THE DEPARTMENT SHALL PUBLISH ANNUALLY A NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION TO INFORM THE PUBLIC OF:

(1) THE TYPES OF PUBLIC NOTICES REQUIRED UNDER THIS TITLE THAT ARE AVAILABLE ON THE DEPARTMENT'S WEB SITE; AND

(2) A PHONE NUMBER OR ELECTRONIC MAIL ADDRESS AT THE DEPARTMENT THAT A PERSON CAN CONTACT TO ARRANGE FOR THE RECEIPT OF FUTURE PUBLIC NOTICES REQUIRED UNDER THIS TITLE BY FIRST-CLASS MAIL OR ELECTRONIC MAIL.

~~(d)~~ **(E)** After the public hearing, the Department may adopt the rule or regulation with or without modification.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

Approved by the Governor, April 9, 2013.