

HOUSE BILL 1136

L3, Q2

3lr2136
CF SB 523

By: **Delegates Waldstreicher, Elliott, Frank, and Niemann**

Introduced and read first time: February 8, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Political Subdivisions – Legal Notice Requirements – Posting on Web Sites**

3 FOR the purpose of authorizing a county or municipality to satisfy a requirement to
4 publish legal notices in a newspaper of general circulation by posting the notices
5 on its Web site; requiring notices posted on a county or municipality Web site to
6 be displayed conspicuously and be easily accessible; requiring a county or
7 municipality that chooses to post notices on the Internet to publish certain
8 advance notice in a newspaper of general circulation in the county or
9 municipality and to offer a certain mail service to provide paper copies of
10 notices; requiring the mail service to provide paper copies of notices posted to
11 the county's or municipality's Web site in a certain time period; providing that
12 the mail subscription shall be valid for a certain period of time and may be
13 renewed; requiring a county or municipality to provide information about the
14 mail service on its Web site and in certain notices; requiring a county or
15 municipality to maintain paper copies of notices posted on its Web site and to
16 make the copies available to the public; requiring a county or municipality to
17 maintain an affidavit stating certain information about the posting of a notice
18 on its Web site; providing that the affidavit is not required to be notarized; and
19 generally relating to publication of legal notices by counties and municipalities.

20 BY adding to

21 Article 24 – Political Subdivisions – Miscellaneous Provisions

22 Section 1–113

23 Annotated Code of Maryland

24 (2011 Replacement Volume and 2012 Supplement)

25 Preamble

26 WHEREAS, There has been a steady decline in newspaper readership in the
27 past several decades, while at the same time there has been a significant increase in
28 the number of households with access to the Internet; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Baltimore City, the 23 counties in Maryland, and many
2 municipalities maintain official government Web sites that are accessible to the public
3 24 hours a day; and

4 WHEREAS, Many legal notices published solely in newspapers go unread and
5 unnoticed by the public because casual newspaper readers generally do not read the
6 legal notice section but instead follow local government issues through the Internet;
7 and

8 WHEREAS, Allowing the publication of legal notices on official government
9 Web sites, while still giving the option to receive notice by mail, will make those
10 notices more easily accessible to a greater number of people, thereby promoting
11 increased public participation in government; and

12 WHEREAS, Like the State, many political subdivisions in Maryland will face
13 significant fiscal challenges for fiscal year 2013, including static or declining property
14 tax revenues, decreased State aid, and potentially significant new federal and State
15 mandates; and

16 WHEREAS, Every dollar spent on publishing legal notices in newspapers places
17 further stress on local budgets, and the counties and Baltimore City can save millions
18 annually if they were to publish via the Internet; now, therefore,

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

21 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

22 **1–113.**

23 **(A) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A COUNTY OR**
24 **MUNICIPALITY MAY SATISFY A REQUIREMENT IN THE CODE TO PUBLISH LEGAL**
25 **NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION BY POSTING THE LEGAL**
26 **NOTICE ON THE COUNTY’S OR MUNICIPALITY’S WEB SITE.**

27 **(2) LEGAL NOTICES POSTED ON A COUNTY’S OR MUNICIPALITY’S**
28 **WEB SITE SHALL BE DISPLAYED CONSPICUOUSLY AND BE EASILY ACCESSIBLE**
29 **TO THE GENERAL PUBLIC.**

30 **(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS**
31 **SUBSECTION, A COUNTY OR MUNICIPALITY MAY USE THE INTERNET–POSTING**
32 **OPTION FOR ANY ACTION, INCLUDING:**

33 **(I) AN ANNEXATION;**

- 1 **(II) A CHARTER AMENDMENT;**
- 2 **(III) THE REPEAL OF A MUNICIPAL CHARTER;**
- 3 **(IV) THE CREATION OR AMENDMENT OF A COMPREHENSIVE**
4 **PLAN;**
- 5 **(V) THE CREATION OR AMENDMENT OF A ZONING**
6 **REGULATION; OR**
- 7 **(VI) THE DESIGNATION OF A HISTORIC SITE, STRUCTURE,**
8 **OR DISTRICT.**

9 **(4) A COUNTY OR MUNICIPALITY MAY NOT USE THE**
10 **INTERNET-POSTING OPTION TO SATISFY A REQUIREMENT TO PROVIDE NOTICE**
11 **OF A CONSTANT YIELD TAX RATE HEARING.**

12 **(B) A COUNTY OR MUNICIPALITY THAT CHOOSES TO BEGIN SATISFYING**
13 **A PUBLICATION REQUIREMENT BY POSTING LEGAL NOTICES ON THE INTERNET**
14 **SHALL:**

15 **(1) AT LEAST 1 MONTH BEFORE THE FIRST INTERNET POSTING,**
16 **PUBLISH A NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY**
17 **OR MUNICIPALITY TO:**

18 **(I) INFORM THE PUBLIC OF THE INTENT TO POST LEGAL**
19 **NOTICES ON ITS WEB SITE; AND**

20 **(II) SPECIFY WHICH TYPES OF LEGAL NOTICES WILL BE**
21 **POSTED ON ITS WEB SITE INSTEAD OF IN A NEWSPAPER OF GENERAL**
22 **CIRCULATION; AND**

23 **(2) ANNUALLY PUBLISH A NOTICE IN A NEWSPAPER OF GENERAL**
24 **CIRCULATION IN THE COUNTY OR MUNICIPALITY TO INFORM THE PUBLIC OF:**

25 **(I) THE TYPES OF LEGAL NOTICES THAT ARE AVAILABLE**
26 **ON THE COUNTY'S OR MUNICIPALITY'S WEB SITE;**

27 **(II) THE ADDRESS OF THE COUNTY'S OR MUNICIPALITY'S**
28 **WEB SITE WHERE THE LEGAL NOTICES ARE POSTED; AND**

1 **(III) THE MAIL SUBSCRIPTION SERVICE DESCRIBED IN**
2 **SUBSECTION (C) OF THIS SECTION, INCLUDING INFORMATION ON HOW TO**
3 **REGISTER FOR AND RENEW THE SERVICE.**

4 **(C) (1) A COUNTY OR MUNICIPALITY THAT PUBLISHES SOME OR ALL**
5 **OF ITS LEGAL NOTICES ON ITS WEB SITE IN ACCORDANCE WITH THIS SECTION**
6 **SHALL OFFER A FREE MAIL SUBSCRIPTION SERVICE TO:**

7 **(I) A RESIDENT OF THE COUNTY OR MUNICIPALITY; AND**

8 **(II) A NEWSPAPER OF GENERAL CIRCULATION THAT**
9 **REGULARLY COVERS THE NEWS AND EVENTS OF THE COUNTY OR**
10 **MUNICIPALITY.**

11 **(2) THE MAIL SUBSCRIPTION SERVICE SHALL MAIL A PAPER COPY**
12 **OF ANY LEGAL NOTICES THAT THE COUNTY OR MUNICIPALITY POSTS ON ITS**
13 **WEB SITE IN ACCORDANCE WITH THIS SECTION AT LEAST 3 DAYS PRIOR TO**
14 **WHEN THE NOTICE IS POSTED ON THE WEB SITE.**

15 **(3) THE MAIL SUBSCRIPTION SERVICE:**

16 **(I) SHALL BE PROVIDED FOR A PERIOD OF 1 YEAR; AND**

17 **(II) MAY BE RENEWED ANNUALLY BY A RESIDENT OR**
18 **NEWSPAPER DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.**

19 **(4) INFORMATION ON THE AVAILABILITY OF THE MAIL**
20 **SUBSCRIPTION SERVICE SHALL:**

21 **(I) INCLUDE REGISTRATION AND RENEWAL INFORMATION;**

22 **(II) BE DISPLAYED CONSPICUOUSLY AND BE EASILY**
23 **ACCESSIBLE TO THE GENERAL PUBLIC ON THE COUNTY'S OR MUNICIPALITY'S**
24 **WEB SITE; AND**

25 **(III) BE PRINTED IN THE ANNUAL NOTICE REQUIRED UNDER**
26 **SUBSECTION (B) OF THIS SECTION.**

27 **(D) A COUNTY OR MUNICIPALITY THAT PUBLISHES SOME OR ALL OF ITS**
28 **LEGAL NOTICES ON ITS WEB SITE IN ACCORDANCE WITH THIS SECTION SHALL:**

1 **(1) MAINTAIN PAPER COPIES OF THE LEGAL NOTICES UNDER THE**
2 **COUNTY'S OR MUNICIPALITY'S RECORDS RETENTION AND DOCUMENT DISPOSAL**
3 **SCHEDULE; AND**

4 **(2) MAKE THE COPIES AVAILABLE TO THE GENERAL PUBLIC IN**
5 **ACCORDANCE WITH THE MARYLAND PUBLIC INFORMATION ACT.**

6 **(E) (1) FOR A LEGAL NOTICE POSTED ON A COUNTY'S OR**
7 **MUNICIPALITY'S WEB SITE, THE COUNTY OR MUNICIPALITY SHALL MAINTAIN**
8 **AN AFFIDAVIT THAT STATES THE INITIAL DATE THROUGH THE LAST DATE THAT**
9 **A NOTICE WAS PUBLISHED ON THE COUNTY'S OR MUNICIPALITY'S WEB SITE.**

10 **(2) THE AFFIDAVIT REQUIRED UNDER PARAGRAPH (1) OF THIS**
11 **SUBSECTION IS NOT REQUIRED TO BE NOTARIZED.**

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