

# SENATE BILL 61

M3

3lr0059

(PRE-FILED)

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Environment)**

Requested: October 11, 2012

Introduced and read first time: January 9, 2013

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 29, 2013

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment – Public Hearings – Notice Requirement**

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

10 BY repealing and reenacting, with amendments,  
11 Article – Environment  
12 Section 2–303  
13 Annotated Code of Maryland  
14 (2007 Replacement Volume and 2012 Supplement)

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

17 **Article – Environment**

18 2–303.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

10 (i) The date, time, and place of the hearing; ~~and~~

11 (ii) The purpose of the hearing;

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

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

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

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

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

26 (II) THE PURPOSE OF THE HEARING.

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

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

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.