

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 666 (Delegate S. Robinson)
Environment and Transportation

Local Governments - Legal Notice Requirements

This bill authorizes a county or municipality to satisfy a statutory requirement to publish specified legal notices in a newspaper of general circulation by posting the notices on the jurisdiction's website.

Fiscal Summary

State Effect: None.

Local Effect: Local expenditures may decrease, beginning in FY 2017, to the extent legal notices are posted on county and municipal websites. Local revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: Legal notices posted on a county or municipal website must be displayed conspicuously and be easily accessible to the general public.

If a county or municipality chooses to post notices on the Internet, the county or municipality must (1) publish a notice in a newspaper of general circulation at least one month before the first Internet posting to inform the public of its intent to post legal notices on its website and specify which types of legal notices will be posted and (2) annually publish a notice in a newspaper of general circulation to inform the public of the types of legal notices that are available on the website, and the address of the county's or municipality's website where the legal notices are posted.

A county or municipality that publishes legal notices on its website must maintain paper copies of the notices under a records retention and document disposal schedule and make copies available to the public in accordance with the Maryland Public Information Act. For a legal notice posted on a county or municipal website, the county or municipality must maintain an affidavit stating the initial date through the last date that a notice was published on the county or municipal website. An affidavit does not have to be notarized.

Current Law: Generally, counties and municipalities are required to post a legal notice in a newspaper of general circulation in the jurisdiction to notify the public of a public hearing on a variety of issues, including (1) an annexation; (2) a charter amendment; (3) the repeal of a municipal charter; (4) a constant yield tax rate hearing; (5) the creation or an amendment of a comprehensive plan; (6) the creation or an amendment of a zoning regulation; and (7) tax sale auctions.

Local Fiscal Effect: Local government expenditures may decrease, beginning in fiscal 2017, to the extent that posting legal notices on a website is more cost effective than newspaper advertising of legal notices. The amount of any decrease depends on the number of legal notices posted in the newspaper and the cost of each.

Exhibit 1 shows estimated publication costs for fiscal 2013 as reported by a survey of counties conducted by the Maryland Association of Counties in 2014. Reporting counties spent approximately \$1.3 million on legal publication costs. The savings resulting from the bill will depend on what notices a local government may or may not choose to publish on their websites.

Anne Arundel County advises that it currently spends approximately \$270,000 per year advertising various legal notices. The county could realize a significant reduction in these expenditures depending on new posting requirements. Harford County reports that expenditures for notice requirements may decrease by between \$10,000 and \$15,000 annually. Montgomery County reports that it could save at least several thousand dollars annually if the county no longer has to publish legal notices in newspapers. Specifically, the Montgomery County Department of Transportation advises that the Division of Transportation Engineering could save approximately \$25,000 annually if it no longer has to publish various legal notices in the newspaper. Talbot County advises that newspaper advertising costs could decrease by up to \$15,000 annually. Wicomico County reports that it could save \$12,800 annually in advertising costs.

Exhibit 1
County Publication Costs for Legal Notices
Fiscal 2013

<u>County</u>	<u>Publication Expenses</u>
Allegany	n/a
Anne Arundel	\$479,437
Baltimore City	n/a
Baltimore	40,000
Calvert	n/a
Caroline	n/a
Carroll	n/a
Cecil	131,722
Charles	n/a
Dorchester	n/a
Frederick	73,252
Garrett	26,465
Harford	71,180
Howard	n/a
Kent	n/a
Montgomery	74,993
Prince George's	171,095
Queen Anne's	n/a
St. Mary's	n/a
Somerset	26,784
Talbot	93,649
Washington	n/a
Wicomico*	116,878
Worcester	37,157
Total	\$1,342,611

*Includes tax sale advertising costs.

Source: Maryland Association of Counties

Municipal savings resulting from the bill will depend on what notices a municipality may or may not choose to publish on their websites. The City of Frederick estimates that the bill may result in a savings of approximately \$15,000 annually, while the City of Havre de Grace reports that expenditures may decrease by approximately \$3,000 annually.

Additional Information

Prior Introductions: Similar bills have been introduced over the past several years. SB 397 of 2014 received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee. Its cross file, HB 1261 of 2014, was assigned to the House Environmental Matters Committee, but was withdrawn prior to receiving a hearing. SB 523 of 2013 received a hearing in the Senate Education, Health, and Environmental Affairs Committee but was withdrawn. Its cross file, HB 1136 of 2013, received a hearing and was referred to interim study by the House Environmental Matters Committee. SB 599 of 2012 received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. Its cross file, HB 1355 of 2012, received an unfavorable report from the House Environmental Matters Committee. SB 545 and HB 909 of 2011 received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee, respectively. HB 555 of 2010 received an unfavorable report by the House Environmental Matters Committee.

Cross File: SB 581 (Senator King, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Anne Arundel, Montgomery, and Prince George's counties; City of Frederick; City of Havre de Grace; City of Takoma Park; Maryland Association of Counties; Maryland Municipal League; Department of Legislative Services

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