

SENATE BILL 324

L6, Q2
SB 523/13 – EHE

9lr0845
CF 9lr2755

By: **Senators Young, Simonaire, and Rosapepe**

Introduced and read first time: January 30, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Political Subdivisions – Legal Notice Requirements – Posting on Websites**

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

21 BY adding to
22 Article – Local Government
23 Section 1–1313
24 Annotated Code of Maryland
25 (2013 Volume and 2018 Supplement)

26 Preamble

27 WHEREAS, There has been a steady decline in newspaper readership in the past
28 several decades, while at the same time there has been a significant increase in the number

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 of households with access to the Internet; and

2 WHEREAS, Baltimore City, the 23 counties in Maryland, and many municipalities
3 maintain official government websites that are accessible to the public 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 legal
6 notice section but instead follow local government issues through the Internet; and

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

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

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

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

19 **Article – Local Government**

20 **1–1313.**

21 **(A) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A COUNTY OR**
22 **MUNICIPALITY MAY SATISFY A REQUIREMENT IN THE CODE TO PUBLISH LEGAL**
23 **NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION BY POSTING THE LEGAL**
24 **NOTICE ON THE WEBSITE OF THE COUNTY OR MUNICIPALITY.**

25 **(2) LEGAL NOTICES POSTED ON THE WEBSITE OF A COUNTY OR**
26 **MUNICIPALITY SHALL BE DISPLAYED CONSPICUOUSLY AND BE EASILY ACCESSIBLE**
27 **TO THE GENERAL PUBLIC.**

28 **(3) A COUNTY OR MUNICIPALITY MAY USE THE INTERNET–POSTING**
29 **OPTION FOR ANY ACTION, INCLUDING:**

30 **(I) AN ANNEXATION;**

31 **(II) A CHARTER AMENDMENT;**

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

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

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

14 **(I) INFORM THE PUBLIC OF THE INTENT TO POST LEGAL**
15 **NOTICES ON THE COUNTY’S OR MUNICIPALITY’S WEBSITE; AND**

16 **(II) SPECIFY WHICH TYPES OF LEGAL NOTICES WILL BE POSTED**
17 **ON THE COUNTY’S OR MUNICIPALITY’S WEBSITE INSTEAD OF IN A NEWSPAPER OF**
18 **GENERAL CIRCULATION; AND**

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

21 **(I) THE TYPES OF LEGAL NOTICES THAT ARE AVAILABLE ON**
22 **THE WEBSITE OF THE COUNTY OR MUNICIPALITY;**

23 **(II) THE ADDRESS OF THE WEBSITE OF THE COUNTY OR**
24 **MUNICIPALITY ON WHICH THE LEGAL NOTICES ARE POSTED; AND**

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

28 **(C) (1) A COUNTY OR MUNICIPALITY THAT PUBLISHES SOME OR ALL OF**
29 **ITS LEGAL NOTICES ON THE COUNTY’S OR MUNICIPALITY’S WEBSITE IN**
30 **ACCORDANCE WITH THIS SECTION SHALL OFFER A FREE MAIL SUBSCRIPTION**

1 SERVICE TO:

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

3 (II) A NEWSPAPER OF GENERAL CIRCULATION THAT
4 REGULARLY COVERS THE NEWS AND EVENTS OF THE COUNTY OR MUNICIPALITY.

5 (2) THE MAIL SUBSCRIPTION SERVICE SHALL MAIL A PAPER COPY OF
6 ANY LEGAL NOTICE THAT THE COUNTY OR MUNICIPALITY POSTS ON THE COUNTY'S
7 OR MUNICIPALITY'S WEBSITE IN ACCORDANCE WITH THIS SECTION AT LEAST 3 DAYS
8 PRIOR TO WHEN THE NOTICE IS POSTED ON THE WEBSITE.

9 (3) THE MAIL SUBSCRIPTION SERVICE:

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

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

13 (4) INFORMATION ON THE AVAILABILITY OF THE MAIL SUBSCRIPTION
14 SERVICE SHALL:

15 (I) INCLUDE REGISTRATION AND RENEWAL INFORMATION;

16 (II) BE DISPLAYED CONSPICUOUSLY AND BE EASILY
17 ACCESSIBLE TO THE GENERAL PUBLIC ON THE WEBSITE OF THE COUNTY OR
18 MUNICIPALITY; AND

19 (III) BE PRINTED IN THE ANNUAL NOTICE REQUIRED UNDER
20 SUBSECTION (B) OF THIS SECTION.

21 (D) A COUNTY OR MUNICIPALITY THAT PUBLISHES SOME OR ALL OF ITS
22 LEGAL NOTICES ON THE COUNTY'S OR MUNICIPALITY'S WEBSITE IN ACCORDANCE
23 WITH THIS SECTION SHALL:

24 (1) MAINTAIN PAPER COPIES OF THE LEGAL NOTICES UNDER THE
25 RECORDS RETENTION AND DOCUMENT DISPOSAL SCHEDULE OF THE COUNTY OR
26 MUNICIPALITY; AND

27 (2) MAKE THE COPIES AVAILABLE TO THE GENERAL PUBLIC IN
28 ACCORDANCE WITH THE MARYLAND PUBLIC INFORMATION ACT.

29 (E) (1) FOR A LEGAL NOTICE POSTED ON THE WEBSITE OF A COUNTY OR

1 MUNICIPALITY, THE COUNTY OR MUNICIPALITY SHALL MAINTAIN AN AFFIDAVIT
2 THAT STATES THE INITIAL DATE THROUGH THE LAST DATE THAT A NOTICE WAS
3 PUBLISHED ON THE WEBSITE OF THE COUNTY OR MUNICIPALITY.

4 (2) THE AFFIDAVIT REQUIRED UNDER PARAGRAPH (1) OF THIS
5 SUBSECTION IS NOT REQUIRED TO BE NOTARIZED.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2019.