

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 553 (Delegate Malone)
Environment and Transportation

Political Subdivisions - Legal Notice Requirements - Posting on Websites

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 to the extent legal notices are posted on county and municipal websites; however, expenditures may increase depending on participation in the required free mail subscription service. According to several jurisdictions, the requirement to provide a free mail subscription service may mitigate any savings generated by posting notices on the Internet. Local revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: A county or municipality may use the Internet posting option authorized by the bill for any action, including (1) an annexation; (2) a charter amendment; (3) the repeal of a municipal charter; (4) the creation or amendment of a comprehensive plan; (5) the creation or amendment of a zoning regulation; or (6) the designation of a historic site, structure, or district. Legal notices posted on a county or municipal website must be displayed conspicuously and be easily accessible to the general public.

A county or municipality may not use the Internet posting option to provide notice of a constant yield tax rate hearing.

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, the address of the county's or municipality's website where the legal notices are posted, and information for subscribing to a mail subscription service. A county or municipality that publishes legal notices on its website must offer a free mail subscription service to provide paper copies of the legal notices to residents and a newspaper of general circulation that regularly covers the news and events of the county or municipality.

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.

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 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. Expenditures may also increase depending on participation in the free mail subscription service required by the bill.

Additional Information

Prior Introductions: SB 523 of 2013 received a hearing in the Senate Education, Health, and Environmental Affairs Committee and was later withdrawn. Its cross file, HB 1136 of 2013 received a hearing in the House Environmental Matters Committee and was referred to interim study. 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 324 (Senator Young, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Anne Arundel County; Baltimore County; Montgomery County; Maryland Association of Counties; City of Hagerstown; City of Laurel; Maryland Municipal League; Department of Legislative Services

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