

# SENATE BILL 397

L1, L3  
SB 523/13 – EHE

4lr0400

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By: **Senators Young, Jacobs, Jones–Rodwell, Madaleno, and Montgomery**

Introduced and read first time: January 23, 2014

Assigned to: Education, Health, and Environmental Affairs

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## 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;  
19 providing for a delayed effective date; and generally relating to publication of  
20 legal notices by counties and municipalities.

21 BY adding to  
22 Article – Local Government  
23 Section 1–1302.1  
24 Annotated Code of Maryland  
25 (2013 Volume)

26 Preamble

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 WHEREAS, Baltimore City, the 23 counties in Maryland, and many  
5 municipalities maintain official government Web sites that are accessible to the public  
6 24 hours a day; and

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

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

15 WHEREAS, Like the State, many political subdivisions in Maryland will face  
16 significant fiscal challenges for fiscal year 2014, including static or declining property  
17 tax revenues, decreased State aid, and potentially significant new federal and State  
18 mandates; and

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

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

24 **Article – Local Government**

25 **1–1302.1.**

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

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

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

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

10                   (4)    A COUNTY OR MUNICIPALITY MAY NOT USE THE

11   INTERNET-POSTING OPTION TO SATISFY A REQUIREMENT TO PROVIDE NOTICE

12   OF A CONSTANT YIELD TAX RATE HEARING.

13                   (B)    A COUNTY OR MUNICIPALITY THAT CHOOSES TO BEGIN SATISFYING

14   A PUBLICATION REQUIREMENT BY POSTING LEGAL NOTICES ON THE INTERNET

15   SHALL:

16                   (1)    AT LEAST 1 MONTH BEFORE THE FIRST INTERNET POSTING,

17   PUBLISH A NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY

18   OR MUNICIPALITY TO:

19                   (I)    INFORM THE PUBLIC OF THE INTENT TO POST LEGAL

20   NOTICES ON ITS WEB SITE; AND

21                   (II)   SPECIFY WHICH TYPES OF LEGAL NOTICES WILL BE

22   POSTED ON ITS WEB SITE INSTEAD OF IN A NEWSPAPER OF GENERAL

23   CIRCULATION; AND

24                   (2)    ANNUALLY PUBLISH A NOTICE IN A NEWSPAPER OF GENERAL

25   CIRCULATION IN THE COUNTY OR MUNICIPALITY TO INFORM THE PUBLIC OF:

26                   (I)    THE TYPES OF LEGAL NOTICES THAT ARE AVAILABLE ON

27   THE COUNTY'S OR MUNICIPALITY'S WEB SITE;

28                   (II)   THE ADDRESS OF THE COUNTY'S OR MUNICIPALITY'S

29   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, 2016.