

# HOUSE BILL 1355

L3

2lr3271  
CF SB 599

---

By: **Delegate Niemann**

Introduced and read first time: February 16, 2012

Assigned to: Rules and Executive Nominations

---

## 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; providing that the mail subscription  
12 shall be valid for a certain period of time and may be renewed; requiring a  
13 county or municipality to provide information about the mail service on its Web  
14 site and in certain notices; requiring a county or municipality to maintain paper  
15 copies of notices posted on its Web site and to make the copies available to the  
16 public; requiring a county or municipality to maintain an affidavit stating  
17 certain information about the posting of a notice on its Web site; providing that  
18 the affidavit is not required to be notarized; providing that certain taxing  
19 authorities may meet certain notice requirements relating to real property tax  
20 rates by providing certain information to the State Department of Assessments  
21 and Taxation regarding the taxing authority's Web site and by posting certain  
22 information on the Web site; and generally relating to publication of legal  
23 notices by counties and municipalities.

24 BY adding to

25 Article 24 – Political Subdivisions – Miscellaneous Provisions

26 Section 1–112

27 Annotated Code of Maryland

28 (2011 Replacement Volume)

29 BY repealing and reenacting, with amendments,

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Tax – Property  
2 Section 6–308(b)(2) and (c)  
3 Annotated Code of Maryland  
4 (2007 Replacement Volume and 2011 Supplement)

5 Preamble

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

9 WHEREAS, Baltimore City, the 23 counties in Maryland, and many  
10 municipalities maintain official government Web sites that are accessible to the public  
11 24 hours a day; and

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

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

20 WHEREAS, Like the State, many political subdivisions in Maryland will face  
21 significant fiscal challenges for fiscal year 2013, including static or declining property  
22 tax revenues, decreased State aid, and potentially significant new federal and State  
23 mandates; and

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

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

29 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

30 **1–112.**

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

1           **(2) LEGAL NOTICES POSTED ON A COUNTY'S OR MUNICIPALITY'S**  
2 **WEB SITE SHALL BE DISPLAYED CONSPICUOUSLY AND BE EASILY ACCESSIBLE**  
3 **TO THE GENERAL PUBLIC.**

4           **(3) A COUNTY OR MUNICIPALITY MAY USE THE**  
5 **INTERNET-POSTING OPTION FOR ANY ACTION, INCLUDING:**

6                   **(I) AN ANNEXATION;**

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

8                   **(III) THE REPEAL OF A MUNICIPAL CHARTER;**

9                   **(IV) A CONSTANT YIELD TAX RATE HEARING;**

10                   **(V) THE CREATION OR AMENDMENT OF A COMPREHENSIVE**  
11 **PLAN;**

12                   **(VI) THE CREATION OR AMENDMENT OF A ZONING**  
13 **REGULATION; OR**

14                   **(VII) THE DESIGNATION OF A HISTORIC SITE, STRUCTURE,**  
15 **OR DISTRICT.**

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

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

22                           **(I) INFORM THE PUBLIC OF THE INTENT TO POST LEGAL**  
23 **NOTICES ON ITS WEB SITE; AND**

24                           **(II) SPECIFY WHICH TYPES OF LEGAL NOTICES WILL BE**  
25 **POSTED ON ITS WEB SITE INSTEAD OF IN A NEWSPAPER OF GENERAL**  
26 **CIRCULATION; AND**

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

1                   **(I) THE TYPES OF LEGAL NOTICES THAT ARE AVAILABLE**  
2 **ON THE COUNTY'S OR MUNICIPALITY'S WEB SITE;**

3                   **(II) THE ADDRESS OF THE COUNTY'S OR MUNICIPALITY'S**  
4 **WEB SITE WHERE THE LEGAL NOTICES ARE POSTED; AND**

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

8           **(C) (1) A COUNTY OR MUNICIPALITY THAT PUBLISHES SOME OR ALL**  
9 **OF ITS LEGAL NOTICES ON ITS WEB SITE IN ACCORDANCE WITH THIS SECTION**  
10 **SHALL OFFER A FREE MAIL SUBSCRIPTION SERVICE TO:**

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

12                   **(II) A NEWSPAPER OF GENERAL CIRCULATION THAT**  
13 **REGULARLY COVERS THE NEWS AND EVENTS OF THE COUNTY OR**  
14 **MUNICIPALITY.**

15                   **(2) THE MAIL SUBSCRIPTION SERVICE SHALL MAIL A PAPER COPY**  
16 **OF ANY LEGAL NOTICES THAT THE COUNTY OR MUNICIPALITY POSTS ON ITS**  
17 **WEB SITE IN ACCORDANCE WITH THIS SECTION.**

18                   **(3) THE MAIL SUBSCRIPTION SERVICE:**

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

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

22                   **(4) INFORMATION ON THE AVAILABILITY OF THE MAIL**  
23 **SUBSCRIPTION SERVICE SHALL:**

24                   **(I) INCLUDE REGISTRATION AND RENEWAL INFORMATION;**

25                   **(II) BE DISPLAYED CONSPICUOUSLY AND BE EASILY**  
26 **ACCESSIBLE TO THE GENERAL PUBLIC ON THE COUNTY'S OR MUNICIPALITY'S**  
27 **WEB SITE; AND**

28                   **(III) BE PRINTED IN THE ANNUAL NOTICE REQUIRED UNDER**  
29 **SUBSECTION (B) OF THIS SECTION.**

1           **(D) A COUNTY OR MUNICIPALITY THAT PUBLISHES SOME OR ALL OF ITS**  
2 **LEGAL NOTICES ON ITS WEB SITE IN ACCORDANCE WITH THIS SECTION SHALL:**

3                   **(1) MAINTAIN PAPER COPIES OF THE LEGAL NOTICES UNDER THE**  
4 **COUNTY'S OR MUNICIPALITY'S RECORDS RETENTION AND DOCUMENT DISPOSAL**  
5 **SCHEDULE; AND**

6                   **(2) MAKE THE COPIES AVAILABLE TO THE GENERAL PUBLIC IN**  
7 **ACCORDANCE WITH THE MARYLAND PUBLIC INFORMATION ACT.**

8           **(E) (1) FOR A LEGAL NOTICE POSTED ON A COUNTY'S OR**  
9 **MUNICIPALITY'S WEB SITE, THE COUNTY OR MUNICIPALITY SHALL MAINTAIN**  
10 **AN AFFIDAVIT THAT STATES THE INITIAL DATE THROUGH THE LAST DATE THAT**  
11 **A NOTICE WAS PUBLISHED ON THE COUNTY'S OR MUNICIPALITY'S WEB SITE.**

12                   **(2) THE AFFIDAVIT REQUIRED UNDER PARAGRAPH (1) OF THIS**  
13 **SUBSECTION IS NOT REQUIRED TO BE NOTARIZED.**

14                                   **Article – Tax – Property**

15 6–308.

16           (b) (2) A taxing authority does not meet the requirements of this section  
17 until it provides to the Department:

18                   (i) on or before 15 days after the date of the advertisement  
19 required by this section a copy of the entire newspaper page that carried the meeting  
20 notice required by this section; [or]

21                   (ii) the evidence that the Department requires of the mailing of  
22 the notices described in subsection (c) of this section; **OR**

23                   **(III) PRIOR TO THE DATE OF POSTING, THE LINK TO THE**  
24 **TAXING AUTHORITY'S WEB SITE WHERE THE NOTICE WILL BE POSTED IF THE**  
25 **TAXING AUTHORITY ELECTS TO POST NOTICE IN ACCORDANCE WITH**  
26 **SUBSECTION (C)(3) OF THIS SECTION.**

27           (c) If a taxing authority intends to set a county or municipal corporation real  
28 property tax rate that exceeds the constant yield tax rate, it shall advertise to the  
29 public by:

30                   (1) placing an advertisement that satisfies the Department and meets  
31 the requirements of this section in a newspaper of general circulation in the  
32 jurisdiction of the taxing authority; [or]

1                   (2)     mailing a notice that meets the requirements of this section to each  
2 property taxpayer who resides in the jurisdiction; **OR**

3                   **(3)     POSTING A NOTICE THAT MEETS THE REQUIREMENTS OF**  
4 **SUBSECTIONS (D)(2), (4), AND (5) AND (E) OF THIS SECTION ON THE TAXING**  
5 **AUTHORITY'S WEB SITE, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE**  
6 **24, § 1-112 OF THE CODE.**

7                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2012.