



House Bill 1136

Political Subdivisions – Legal Notice Requirements – Posting on Web Sites

MACo Position: **SUPPORT**

To: Environmental Matters Committee

Date: February 28, 2013

From: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1136. The bill authorizes a county or municipality to satisfy any statutory requirement to publish certain legal notices in a newspaper of general circulation by posting the notices on its website. The bill applies to any legal notice requiring publication, 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 or district.

The bill would modernize outmoded notice requirements in State law. The Internet has become the primary means of communication and information dissemination in the United States. According to a May 2010 survey by the Pew Research Center, 79% of American adults use the Internet and 66% have a broadband connection in their home. More recent research indicates that the Internet has surpassed radio and newspapers as the main source of news among adults and may overtake television as the top news source in the next few years.¹

Conversely, *The New York Times* stated that, “The two-decade erosion in newspaper circulation is looking more like an avalanche...In the six months ended Sept. 30 [2009], sales fell by 10.6 percent on weekdays and 7.5 percent on Sundays, from the period a year earlier, for several hundred papers according to the Audit Bureau of Circulations. That means that the industry sold about 44 million copies a day – fewer than at any time since the 1940s.”²

HB 1136 recognizes that not all citizens have access to or are able to use the Internet. A county or municipality that chooses to post legal notices online must offer a free mail subscription to provide legal notices to its residents and local newspapers. The subscription service must mail a paper copy of any legal notices that the local government posts on its website at least 3 days prior to when the notice will be posted on the website.

¹ See *Internet Gains on Television as Public’s Main News Source*, Pew Research Center (January 4, 2011).

² *U.S. Newspaper Circulation Falls 10%*, *The New York Times* (October 27, 2009).

The subscription must be renewed on an annual basis. In addition, the local government must annually run a newspaper advertisement stating which legal notices can be found online, where they can be found, and information about the subscription service.

Moving to online postings will also result in reduced local government expenses. According to a survey conducted by MACo, 16 counties reported that they collectively spent \$1.9 million on legal publication costs. The cost savings for a local jurisdiction in these challenging economic times would not be insignificant. Besides the fiscal savings, online posting is more environmentally friendly.

Concerns have been raised about the bill's impact on small community newspapers and verification of posting times. Many of the counties responding to the MACo survey also indicated which newspapers published their notices. As the attached chart shows, counties only advertise in larger statewide or regional newspapers. Smaller community newspapers are not used.

The bill also requires a local government to maintain a paper copy of any legal notice that was published on its website, in accordance with its records retention and document disposal schedule, and make the copies available to the general public. The local government must also maintain an affidavit that states the initial date through the last date that the notice was published on the local government's website. A newspaper may also receive and maintain a record of the notices through the mail subscription service.

In conclusion, HB 1136 promotes more efficient and environmentally friendly government, provides an alternative notice method to those without Internet access, and would save local governments much needed resources. Accordingly, MACo urges the Committee to give the bill a **FAVORABLE** report.

SUMMARY OF COUNTY LEGAL PUBLICATION COSTS

Prepared by MACo 2011-03-03

<u>County</u>	<u>FY 2010</u>	<u>Publications</u>
Allegany	10,437	Cumberland News Times
Anne Arundel	428,895	Capital Gazette, Daily Record, Afro-American, Baltimore Sun
Baltimore City	570,525	
Baltimore County		
Calvert		
Caroline		
Carroll	41,000	Carroll Couty Times
Cecil		
Charles	60,667	Southern Maryland News Service
Dorchester	21,916	Eastern Shore Banner, Star Democrat, Dorchester Star
Frederick	90,316	Frederick News Post
Garrett	20,747	The Republican, The Afro American News
Harford	67,093	
Howard	75,534	
Kent		
Montgomery	213,894	
Prince George's	51,684	Sentinel, The Gazette, The New Prince George
Queen Anne's		
Somerset		
Saint Mary's		
Talbot	79,134	Star Democrat
Washington	26,784	
Wicomico	107,488	
Worcester	22,588	
GRAND TOTAL	1,888,702	