



Senate Bill 581

Local Governments – Legal Notice Requirements

MACo Position: **SUPPORT**

Date: March 1, 2016

To: Education, Health, and Environmental Affairs
Committee

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** SB 581. The bill would provide a cost-effective alternative to publishing legal notices in newspapers that acknowledges modern cultural and technological trends.

SB 581 allows a local government to publish legal notices on its website instead of in a newspaper of general circulation. Before starting to post on a website, a local government must, at least one month before the first posting, publish a notice in a newspaper of general circulation in its jurisdiction to: (1) inform the public of the intent to post on the website; and (2) specify which types of notices shall be posted. A local government must also annually publish a notice in a newspaper of general circulation to alert the public about notices on its website. Finally, a local government must maintain paper copies of the notices and affidavits of when those notices were posted on the website.

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 several reports by the Pew Research Center, 84% of American adults now use the internet, including 78% in rural areas.¹ Broadband connections now reach 67% of homes and 68% of Americans own a smartphone with internet capability.²

Slightly older 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.³ Conversely, newspaper circulation fell around 3% from 2013 to 2014 (daily and Sunday circulation). Weekday circulation has fallen 19% since 2004.⁴

Moving to online postings will also result in reduced local government expenses. According to a survey conducted by MACo, 12 counties reported that they collectively spent

¹ See *Americans' Internet Access: 2000-2015*, Pew Research Center (June 26, 2015).

² See *Home Broadband 2015*, Pew Research Center (December 21, 2015).

³ See *Internet Gains on Television as Public's Main News Source*, Pew Research Center (January 4, 2011).

⁴ See *State of the News Media 2015*, Pew Research Center (April 29, 2015).

\$1.3 million on legal publication costs. The cost savings for a local jurisdiction in these challenging economic times would be significant. Besides the fiscal savings, online posting is more environmentally friendly.

As a safeguard, the bill 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.

In conclusion, SB 581 acknowledges technological and cultural changes about how people seek out information, promotes more efficient and environmentally friendly government, provides a method for citizens to secure paper copies of the notices, and would save local governments much needed resources. Accordingly, MACo urges the committee to give SB 581 a **FAVORABLE** report.