

HOUSE BILL REPORT

HB 2867

As Passed House:

February 11, 2004

Title: An act relating to broadcast of legal notices.

Brief Description: Conforming legal notice broadcast requirements to current practice.

Sponsors: By Representatives McDermott and Nixon; by request of Secretary of State.

Brief History:

Committee Activity:

State Government: 2/3/04 [DP].

Floor Activity:

Passed House: 2/11/04, 95-0.

Brief Summary of Bill

- Removes the requirement that only radio and television personnel read broadcast legal notices.
- Makes written documentation sufficient proof of a broadcast legal notice.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

Staff: Matt Kuehn (786-7291).

Background:

Radio or television may be used as a forum of legal notice publication if a state or local official finds that a public interest would be served by doing so. This form of publication is supplementary to the traditional method of legal publication, namely newspapers.

Legal notices broadcast on television or radio are required to be only read or shown. They can contain the time, place and nature of the notice. They may not reference by name any person who is a candidate for political office at the time of the notice. They

must also be made only by the personnel of the radio or television station which broadcasts the signal.

Radio or television publication requires an affidavit from the station manager, assistant manager, or program director to establish that the notice was made.

Summary of Bill:

The bill removes the requirement that only employed personnel of the radio or television station make the legal notice broadcast.

Affidavits that the notice was made are not required. Written proof of publication of the notice, made by the station, is sufficient to prove that notice was given.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The bill makes sense. It only applies to legal notices, similar to those that appear in the classifieds of the newspaper. Currently the law requires each station to make each announcement itself. It does not make sense that the broadcasting companies should not be able to join together and distribute legal notices. The language of the legal broadcast notification statute has not changed since 1961 and is out of date. Currently the stations are taping the broadcasts centrally despite the rule. The affidavit requirement is not the same as a typical legal affidavit. The stations are certifying the broadcasts even though there is nobody at the stations who has personal knowledge of what the legal broadcasts consist of.

Testimony Against: None.

Persons Testifying: Representative McDermott, prime sponsor; Jeff Wise, Office of the Secretary of State; and Mark Allen, Washington State Association of Broadcasters.

Persons Signed In To Testify But Not Testifying: None.