

HOUSE BILL REPORT

HB 1717

As Passed House:

March 8, 2005

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.

Brief History:

Committee Activity:

State Government Operations & Accountability: 2/15/05, 2/22/05 [DP].

Floor Activity:

Passed House: 3/8/05, 97-0.

Brief Summary of Bill

- Removes a requirement that radio and television broadcasts of legal notices be made only by radio and television station personnel.
- Requires the radio or television station making the broadcast to provide written documentation of proof of publication, and removes the requirement for an affidavit.

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

Majority Report: Do pass. Signed by 9 members: Representatives Haigh, Chair; Green, Vice Chair; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt, McDermott, Miloscia, Schindler and Sump.

Staff: Hannah Lidman (786-7291).

Background:

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

Legal notices broadcast on television or radio are required to be only read or shown. They may contain the time, place and nature of the notice. They may not reference any person by

name if that person is a candidate for political office at the time of the notice. Broadcasts of notices may only be made by personnel of the radio or television station.

Any radio or television station broadcasting a legal notice must provide proof of publication by an affidavit from the station's manager, assistant manager, or program director. The station must keep a copy of the text of the notice for public inspection for six months after the broadcast.

Summary of Bill:

The requirement that radio or television broadcasts of legal notices must be made only by television and radio station personnel is removed.

Affidavits from station personnel are no longer required as proof of publication. Written proof from the station is sufficient to prove the legal notice was given. The requirement to keep a text copy of the notice for public inspection for six months after the broadcast is repealed.

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: This bill will conform state law to current practice. The statute was originally enacted in the 1960s and has not been updated since. Station personnel rarely read announcements anymore and most are provided to stations already recorded. No request has been made for a transcript of a legal notice broadcast in over 25 years. The affidavit form provided by stations contains very little detail while the regular reporting forms provided to other advertisers contains more detail.

Testimony Against: None.

Persons Testifying: Representative McDermott, prime sponsor; and Mark Allen, Washington State Association of Broadcasters.

Persons Signed In To Testify But Not Testifying: None.