

SENATE BILL REPORT

ESB 5888

As Passed Senate, February 5, 2002

Title: An act relating to the qualifications of a legal newspaper.

Brief Description: Revising the qualifications of a legal newspaper.

Sponsors: Senators Gardner, Spanel and Honeyford.

Brief History:

Committee Activity: State & Local Government: 2/26/01, 3/5/01 [DP].

Passed Senate: 3/12/01, 47-0, 2/5/02, 45-1.

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Staff: Diane Smith (786-7410)

Background: All legal and other official notices must be published in a newspaper approved as a legal newspaper by the superior court of the county in which the newspaper is published. The requirements for a legal newspaper are that it be of general interest, having been published for at least six months prior to its application to the superior court for approval. It must also be published regularly, at least once a week, in English, and be compiled in an office maintained in the city or town of publication. It must also hold a second class mailing permit. The U.S. Postal Service has renamed the second class mailing permit a periodical class mailing permit.

Another class of mailing permit is called standard class. This was formerly called bulk mail.

Summary of Bill: A newspaper holding a standard class mailing permit qualifies as a legal newspaper if it otherwise qualifies and has a policy to print law enforcement notifications for level III sex and kidnapping offenders living in the paper's county of publication and has printed federal legal notices at least two years; is delivered by the U.S. Postal Service to at least 20 percent of households within its primary circulation area; and is published within 15 miles of an international border.

In addition, to be a legal newspaper, a newspaper holding the periodical class mailing permit must also otherwise qualify and have a policy to print the notices of level III sex and kidnapping offenders living in the county of publication.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: When there is no newspaper with a second class permit in the city, and there does exist a standard class newspaper that has wide and regular readership, the city and its citizens benefit by authorization of the local newspaper as a legal newspaper.

Testimony Against: Not obtaining a second class mailing permit is costly. It is a business decision on the part of the newspaper. It should not be allowed to compromise the legal sufficiency of constructive notice that "legal newspapers" ensure.

Testified: Senator Georgia Gardner, prime sponsor; Rowland Thompson, Allied Daily Newspaper of Washington.