

SENATE BILL REPORT

HB 1717

As Reported By Senate Committee On:
Judiciary, February 21, 2006

Title: An act relating to broadcast of legal notices.

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

Sponsors: Representatives McDermott and Nixon.

Brief History: Passed House: 3/08/05, 97-0; 1/18/06, 96-0.

Committee Activity: Judiciary: 3/24/05, 3/30/05 [DP]; 2/16/06, 2/21/06 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin and Rasmussen.

Staff: Cindy Fazio (786-7405)

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 legal publication in newspapers. Broadcasts of legal 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, in affidavit form, by 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 bill removes the requirement that only radio and television station personnel make the broadcasts of legal notices. It requires the radio or television station making the broadcast to provide written documentation of proof of publication, but an affidavit is no longer required. Radio and television stations are no longer required to keep text copies of the broadcast of legal notices to make available for public inspection.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: (From 2005) This bill changes several parts of the existing law, in part, to keep up with current practices and technology. Most announcements are now pre-recorded; broadcasting staff do not physically make any announcements. Also, most broadcasting

organizations have proof of publication forms that meet the necessary requirements. Finally, we have never heard of anyone requesting to see the written documentation of a broadcast announcement. The originator of the announcement would have a copy if someone wants to see it. The industry continues to meet the necessary requirements; these changes codify the practices. (From 2006) This bill passed out of this committee last year but was held up on the floor. It puts the current practice into the RCW. The broadcasters are using good practices.

Testimony Against: (From 2005) None. (From 2006) None.

Who Testified: (From 2005) PRO: Mark Allen, Washington State Association of Broadcasters; Shane Hamlin, Secretary of State's Office. (From 2006) PRO: Representative McDermott, Sponsor; Mark Allen, Washington State Association of Broadcasters.