

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Enrolled
Committee Substitute
for
Senate Bill 642

BY SENATORS RUCKER AND KARNES

[Passed April 9, 2021; in effect 90 days from passage (July 8, 2021)]

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SECRETARY OF STATE

2021 APR 26 P 1:54

FILED

SB642

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1 AN ACT to amend and reenact §59-3-2 of the Code of West Virginia, 1931, as amended, relating
2 to publication of legal notices of the state and its agencies; requiring State Auditor to
3 establish public notice database on website centralizing access to all state and state
4 agency postings of legal advertisements required by law; mandating state and its agencies
5 publish all required legal advertisements on database in addition to newspaper publication
6 after certain date; requiring State Auditor propose rules and emergency rules relating to
7 database; and mandating State Auditor annually report to Joint Committee on Government
8 and Finance.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. NEWSPAPERS AND LEGAL ADVERTISEMENTS.

**§59-3-2. Classification of legal advertisements; designation of newspapers; frequency of
publication; posting; manner of publishing; publication of notices for the state and
its agencies.**

1 (a) A Class I legal advertisement shall be published one time, a Class II legal
2 advertisement shall be published once a week for two successive weeks, and a Class III legal
3 advertisement shall be published once a week for three successive weeks in a qualified
4 newspaper published in the publication area; or if there is no qualified newspaper published in
5 the publication area or if no qualified newspaper published in the publication area will publish the
6 legal advertisement at the rates specified in §59-3-3 of this code, the legal advertisement shall be
7 published in a qualified newspaper published outside the publication area; or if no qualified
8 newspaper is published outside the publication area or if no qualified newspaper published
9 outside the publication area will publish the legal advertisement at the rates specified in §59-3-3
10 of this code, the legal advertisement shall be posted in at least three public places in the
11 publication area, one of which postings shall be in the county courthouse, at or near the front door
12 of the county courthouse, if a county courthouse is located in the publication area and one of

13 which postings shall be in the municipal office building or municipal office or offices, at or near the
14 front door thereof, if the publication area is a municipality.

15 (b) A Class I-0 legal advertisement shall be published one time, a Class II-0 legal
16 advertisement shall be published once a week for two successive weeks, and a Class III-0 legal
17 advertisement shall be published once a week for three successive weeks, in two qualified
18 newspapers of opposite politics published in the publication area; or if two qualified newspapers
19 of opposite politics are not published in the publication area or if two qualified newspapers of
20 opposite politics published in the publication area will not publish the legal advertisement at the
21 rates specified in §59-3-3 of this code, the legal advertisement shall be published in one qualified
22 newspaper published in the publication area; or if there is no qualified newspaper published in
23 the publication area or if no qualified newspaper published in the publication area will publish the
24 legal advertisement at the rates specified in §59-3-3 of this code, the legal advertisement shall be
25 published in one qualified newspaper published outside the publication area; or if no qualified
26 newspaper is published outside the publication area or if no qualified newspaper published
27 outside the publication area will publish the legal advertisement at the rates specified in §59-3-3
28 of this code, the legal advertisement shall be posted in at least three public places in the
29 publication area, one of which postings shall be in the county courthouse, at or near the front door
30 thereof, if a county courthouse is located in the publication area and one of which postings shall
31 be in the municipal office building or municipal office or offices, at or near the front door thereof,
32 if the publication area is a municipality.

33 (c) A legal advertisement may be published in a qualified newspaper published on any
34 day of the week except Sunday.

35 (d) All legal advertisements shall be published together in continuous columns on one
36 page of the newspaper publishing them under a general heading styled "Legal Advertisements",
37 unless the number or size of the legal advertisements requires the use of more than one page, in

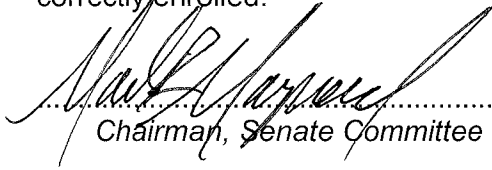
38 which event the legal advertisements shall be published as near as practicable in continuous
39 columns on as many pages as necessary under the same heading as above required.

40 (e) Beginning July 1, 2022, any and all legal notices, advertisements, publications,
41 statements, or whatever kind or character required to be published by the State of West Virginia,
42 or its agencies, shall be made at the frequency and in the manner prescribed by subsection (a)
43 or (b) of this section, and shall also be published on a public notice database to be created and
44 maintained by the State Auditor.

45 (f) Pursuant to subsection (e) of this section, the State Auditor shall propose rules and
46 emergency rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of
47 this code relating to the creation and maintenance of a public notice database available on the
48 State Auditor's website, the establishment of forms and procedures for submission of information
49 to the State Auditor by the State of West Virginia and its agencies, providing a method of verifying
50 publication of the notice, and for other procedures and policies consistent with this section.

51 (g) The State Auditor shall report annually to the Joint Committee on Government and
52 Finance regarding the public notice database established by this section, which report shall
53 include information on the extent of the use of the public notice database on the State Auditor's
54 website, the financial impact resulting from the use of the public notice database, and any
55 recommendations for additional enabling legislation relating to the public notice database.

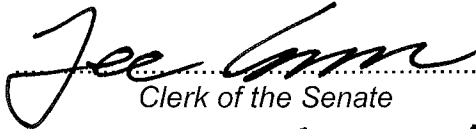
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman, Senate Committee

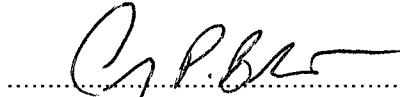

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Chairman, House Committee

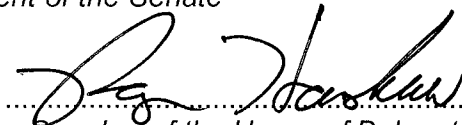
Originated in the Senate.

In effect 90 days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker of the House of Delegates

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2021 APR 26 P 1:54

FILED

The within is approved..... this the 26th
Day of April..... 2021.


.....
Governor

PRESENTED TO THE GOVERNOR

APR 16 2021

Time 11:13am