

# **WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 642**

BY SENATORS RUCKER AND KARNES

[Originating in the Committee on Government

Organization; reported on March 27, 2021]



1 A BILL 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.