

H. B. 2556

(By Delegates Kump, Folk, Paxton, Faircloth, Azinger,
Butler, Skinner and Manypenny)

[Introduced February 20, 2013; referred to the
Committee on Political Subdivisions then the Judiciary.]

**FISCAL
NOTE**

A BILL to amend and reenact §8-13-23 of the Code of West Virginia,
1931, as amended, relating to waiving the publication
requirements of financial statements for Class IV
municipalities.

Be it enacted by the Legislature of West Virginia:

That §8-13-23 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 13. TAXATION AND FINANCE.

**§8-13-23. Preparation, publication and disposition of financial
statements.**

(a) Every city, within ninety days after the beginning of each
fiscal year, shall prepare on a form to be prescribed by the State
Tax Commissioner and cause to be published a sworn statement
revealing: (1) The receipts and expenditures of the city during
the previous fiscal year; (2) the name of each person who received
more than \$50 during the previous fiscal year, together with the

1 amount received; and (3) all debts of the city, the purpose for
2 which each debt was contracted, its due date and to what date the
3 interest on the debt has been paid. The statement shall be
4 published as a Class I legal advertisement in compliance with the
5 provisions of article three, chapter fifty-nine of this code and
6 the publication area for the publication shall be the city:
7 *Provided*, That all salaries, receipts, payments to each individual
8 vendor and expenditures to employees of municipal offices,
9 companies and departments may be published in the aggregate.

10 (b) Every city shall transmit to any resident of the city who
11 requests it a copy of any published statement for the fiscal year
12 designated, supplemented by a document listing the names of each
13 person who received less than \$50 from any fund during the fiscal
14 year and showing the amount paid to each and the purpose for which
15 paid and an itemization of the salaries, receipts, payments to each
16 individual vendor and expenditures to employees of municipal
17 offices, companies and departments otherwise published in the
18 aggregate.

19 (c) Every town or village, within one hundred twenty days
20 after the beginning of each fiscal year, shall prepare on a form to
21 be prescribed by the State Tax Commissioner a sworn statement
22 revealing: (1) The receipts and expenditures of the town or
23 village during the previous fiscal year arranged under descriptive
24 headings; (2) the name of each person who received money from any

1 fund during the previous fiscal year, together with the amount
2 received and the purpose for which paid; and (3) all debts of the
3 town or village, the purpose for which each debt was contracted,
4 its due date and to what date the interest on the debt has been
5 paid: *Provided*, That all salaries, receipts, payments to each
6 individual vendor and expenditures to employees of municipal
7 offices, companies and departments may be published in the
8 aggregate.

9 (d) Every town or village shall transmit to any resident of
10 the town or village who requests it, a copy of any statement for
11 the fiscal year designated. Any town or village may, if its
12 governing body thereof elects, also publish the statement as a
13 Class I legal advertisement in compliance with the provisions of
14 article three, chapter fifty-nine of this code and in that event,
15 the publication area for the publication shall be the town or
16 village.

17 (e) The statement required by subsection (a) of this section
18 and the statement required by subsection (c) of this section shall
19 be sworn to by the recorder, the mayor and two members of the
20 governing body of the municipality. As soon as practicable
21 following the close of the fiscal year, a copy of any statement
22 required by this section shall be filed by the municipality with
23 the State Tax Commissioner, the clerk of the county commission of
24 the county and the clerk of the circuit court of the circuit in

1 which the municipality or the major portion of the territory of the
2 municipality is located. If the governing body fails or refuses to
3 perform any of the duties set forth in this section, every member
4 of the governing body and the recorder of the governing body
5 concurring in the failure or refusal shall be guilty of a
6 misdemeanor and, upon conviction thereof, shall be fined not less
7 than \$10 nor more than \$100. If any of the provisions of this
8 section are violated, it is the duty of the prosecuting attorney of
9 the county in which the municipality or the major portion of the
10 territory of the municipality is located to immediately present the
11 evidence of the violation to the grand jury if in session, and if
12 not in session he or she shall cause the violations to be
13 investigated by the next succeeding grand jury.

14 (f) Where in subsections (a), (b) and (c) of this section,
15 salaries, receipts, payments to each individual vendor and
16 expenditures are published in the aggregate, the city, town or
17 village shall, upon written request, provide to any resident of the
18 city, town or village an itemized accounting of the salaries,
19 receipts, payments to each individual vendor and expenditures.

20 (g) Notwithstanding other provisions of this section to the
21 contrary, class IV municipalities are not required to publish its
22 financial statements. Class IV municipalities shall provide public
23 access to these documents on a website maintained by the
24 municipality and in the municipality's primary office. Copies of

financial statements will be provided at no charge upon request.

NOTE: The purpose of this bill is to waive the publication requirement of financial statements for class IV municipalities.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.