WEST virginia legislature

**FISCAL NOTE**

2021 regular session

Introduced

**FISCAL**

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Senate Bill 642

By Senators Rucker and Karnes

[Introduced March 15, 2021; referred
to the Committee on Government Organization; and then to the Committee on Finance]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-15-1, §6-15-2, and §6-15-3, all relating to requiring the State Auditor to establish a website centralizing access to all postings of legal advertisements required by law.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 15. State central legal advertising website.**

§6-15-1. The State Auditor shall create and maintain a State Central Legal Advertising Website.

No later than January 1, 2022, the State Auditor shall establish and shall thereafter maintain a State Central Legal Advertising website which may be accessed freely by the public. All persons or entities required by the state law or court to post legal advertisements may use the website free of charge.

The State Auditor shall report annually on the use of the website to the President of the Senate, the Speaker of the House of Delegates, and the Legislative Librarian, in accordance with §4-1-23 of this code. The report shall include information on the extent of the use of the website, financial impact resulting from the website’s use, and any recommendations suggested for additional enabling legislation.

§6-15-2. Use of State Central Legal Advertising Website amends length of publication requirements.

Any requirement in West Virginia law concerning a Class II or Class III legal advertisement is hereby amended to state that the requirements that Class II legal advertising shall be published once a week for two successive weeks, and that Class III legal advertising shall be published once a week for three successive weeks, as provided in §59-3-2 in this code, shall require one publication for one week if the advertisement is also placed on the State Central Legal Advertising Website for the time period otherwise required by law.

§6-15-3. Service by publication to be certified by electronic affidavit.

(a) The State Auditor shall create a form electronic affidavit to provide to legal advertisers certifying that specific advertisements were placed on the State Central Legal Advertising Website for the applicable time period and shall provide the electronic affidavit to the legal advertiser. The electronic affidavit shall be accepted by the courts of this state as evidence of service by publication.

(b) The State Auditor shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to implement the provisions of this section.

NOTE: The purpose of this bill is to require the State Auditor to establish and maintain a State Central Legal Advertising Website to facilitate required legal advertising.

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