

SB 528 (Veto)

FILED

2009 MAY 12 PM 4:01

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-NINTH LEGISLATURE**  
**REGULAR SESSION, 2009**

—●—  
**ENROLLED**

**Senate Bill No. 528**

(BY SENATORS LAIRD, STOLLINGS, UNGER,  
HELMICK AND GREEN)

[Passed April 10, 2009; in effect ninety days from passage.]

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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(BY SENATORS LAIRD, STOLLINGS, UNGER,  
HELMICK AND GREEN)

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AN ACT to amend and reenact §59-1-10 of the Code of West Virginia, 1931, as amended, relating to certain fees collected by clerks of the county commission; creating a new recording fee for the recording of certain trustee's reports of sale; providing for the distribution of certain fees paid to the clerk of the county commission for recording of certain documents.

*Be it enacted by the Legislature of West Virginia:*

That §59-1-10 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 1. FEES AND ALLOWANCES.**

**§59-1-10. Fees to be charged by clerk of county commission.**

1 For the purpose of this section, the word "page" is  
2 defined as being a paper or electronic writing of not more  
3 than legal size, 8 1/2" x 14".

4 The clerk of the county commission shall charge and  
5 collect the following fees:

6 (a) When a writing is admitted to record, for receiving  
7 proof of acknowledgment thereof, entering an order in  
8 connection therewith, endorsing clerk's certificate of  
9 recordation thereon and indexing in a proper index, where  
10 the writing is a:

11 (1) Deed of conveyance (with or without a plat), trust  
12 deed, fixture filing or security agreement concerning real  
13 estate lease, \$15.

14 (2) Trustee's report of sale for any property for which  
15 additional information and filing requirements are  
16 required by section eight-a, article one, chapter thirty-  
17 eight of this code, \$40, provided that \$20 dollars of each  
18 recording fee received pursuant to this subdivision shall be  
19 deposited into the county's general revenue fund and \$20  
20 dollars of each of the aforesaid recording fees shall be paid  
21 by the county clerk to the State Treasurer quarterly and  
22 deposited in the Banking Commissioner's fund to cover its  
23 expenses in aggregating, collecting and publishing the  
24 data.

25 (3) Financing, continuation, termination or other  
26 statement or writing permitted to be filed under chapter  
27 forty-six of this code, \$10.

28 (4) Plat or map (with no deed of conveyance), \$10  
29 dollars.

30 (5) Service discharge record, no charge.

31 (6) Any document or writing other than those refer-  
32 enced in subdivisions (1), (2), (3), (4) and (5) of this subsec-  
33 tion, \$10.

34 (7) If any document or writing contains more than five  
35 pages, for each additional page, \$1.

36 For any of the documents admitted to record pursuant  
37 to this subsection, if the clerk of the county commission

38 has the technology available to receive these documents in  
39 electronic form or other media, the clerk shall set a  
40 reasonable fee to record these writings not to exceed the  
41 cost for filing paper documents.

42 (8) Of the fees collected pursuant to subdivision (1),  
43 subsection (a) of this section, \$10 shall be deposited in the  
44 county general fund in accordance with section twenty-  
45 eight of this article and \$1 shall be deposited in the county  
46 general fund and dedicated to the operation of the county  
47 clerk's office. Four dollars of the fees collected pursuant  
48 to subdivision (1), subsection (a) of this section and \$5 of  
49 the fees collected pursuant to subdivision (6), subsection  
50 (a) of this section shall be paid by the county clerk into the  
51 State Treasury and deposited in equal amounts for deposit  
52 into the Farmland Protection Fund created in article  
53 twelve, chapter eight-a of this code for the benefit of the  
54 West Virginia Agricultural Land Protection Authority and  
55 into the Outdoor Heritage Conservation Fund created in  
56 article two-g, chapter five-b of this code: *Provided, That*  
57 the funds deposited in the State Treasury pursuant to this  
58 subdivision may only be used for costs, excluding person-  
59 nel costs, associated with purpose of land conservation, as  
60 defined in subsection (f), section seven, article two-g,  
61 chapter five-b of this code.

62 (b) For administering any oath other than oaths by  
63 officers and employees of the state, political subdivisions  
64 of the state or a public or quasi-public entity of the state  
65 or a political subdivision of the state, taken in his or her  
66 official capacity, \$5.

67 (c) For issuance of marriage license and other duties  
68 pertaining to the marriage license (including preparation  
69 of the application, administering the oath, registering and  
70 recording the license, mailing acknowledgment of minis-  
71 ter's return to one of the licensees and notification to a

72 licensee after sixty days of the nonreceipt of the minister's  
73 return), \$35.

74 (1) One dollar of the marriage license fee received  
75 pursuant to this subsection shall be paid by the county  
76 clerk into the State Treasury as a state registration fee in  
77 the same manner that license taxes are paid into the  
78 Treasury under article twelve, chapter eleven of this code;

79 (2) Fifteen dollars of the marriage license fee received  
80 pursuant to this subsection shall be paid by the county  
81 clerk into the State Treasury for the Family Protection  
82 Shelter Support Act in the same manner that license taxes  
83 are paid into the Treasury under article twelve, chapter  
84 eleven of this code;

85 (3) Ten dollars of the marriage license fee received  
86 pursuant to this subsection shall be deposited in the  
87 Courthouse Facilities Improvement Fund created by  
88 section six, article twenty-six, chapter twenty-nine of this  
89 code.

90 (d) (1) For a copy of any writing or document, if it is not  
91 otherwise provided for, \$1.50.

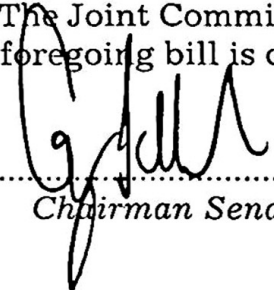
92 (2) If the copy of the writing or document contains more  
93 than two pages, for each additional page, \$1.

94 (3) For annexing the seal of the commission or clerk to  
95 any paper, \$1.

96 (4) For a certified copy of a birth certificate, death  
97 certificate or marriage license, \$5.

98 (e) For copies of any record in electronic form or a  
99 medium other than paper, a reasonable fee set by the clerk  
100 of the county commission not to exceed the costs associ-  
101 ated with document search and duplication.

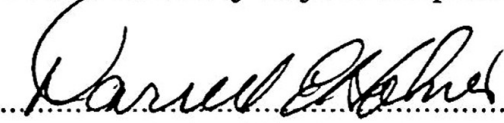
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

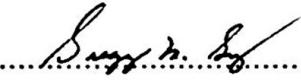
  
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Chairman Senate Committee

  
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Chairman House Committee

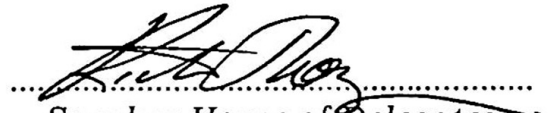
Originated in the Senate.

In effect ninety 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

  
.....  
Speaker House of Delegates

The within *is disapproved* this the *12<sup>th</sup>*  
*May*  
Day of ....., 2009.

  
Governor

PRESENTED TO THE  
GOVERNOR

MAY 8 2009

Time 10:35h