

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4605**

4 (By Delegates Miley, Moore, Walker, Ferro, Boggs, J.
5 Miller, Manypenny, Michael, Pino, O'Neal and Lane)

6 (Originating in the Committee on Finance)

7 [February 23, 2012]

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9
10 A BILL to amend and reenact §48-2-104 of the Code of West Virginia,
11 1931, as amended; and to amend said code by adding thereto two
12 new sections, designated §48-2-701 and §48-2-702; and to amend
13 and reenact §59-1-10 of said code, all relating generally to
14 premarital education; providing a premarital education
15 incentive to applicants for marriage licenses; providing for
16 curriculum requirements for premarital education; identifying
17 instructors for premarital education; increasing the fee for
18 marriage license without completion of a premarital education
19 course; and creating a fund for purposes of administering the
20 premarital education.

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

22 That §48-2-104 of the Code of West Virginia, 1931, as amended,
23 be amended and reenacted; that said code be amended by adding
24 thereto two new sections, designated §48-2-701 and §48-2-702; and
25 that §59-1-10 of said code be amended and reenacted, all to read as
26 follows:

1 **CHAPTER 48. DOMESTIC RELATIONS.**

2 **ARTICLE 2. MARRIAGE.**

3 PART I. APPLICATION FOR MARRIAGE LICENSE

4 **§48-2-104. Contents of the application for a marriage license.**

5 (a) The application for a marriage license must contain a
6 statement of the full names of both the female and the male
7 parties, their social security account numbers, dates of birth,
8 places of birth and residence addresses. The application must state
9 whether or not the persons seeking the license have completed
10 premarital education pursuant to section seven-hundred-one, article
11 two, chapter forty-eight of this code. If the application states
12 that the applicants seeking issuance of the license have completed
13 premarital education, then the applicants must submit a signed and
14 dated certificate of completion issued by the premarital education
15 provider.

16 (b) If either of the parties is a legal alien in the United
17 States of America and has no social security account number, a
18 tourist or visitor visa number or number equivalent to a United
19 States social security account number must be provided.

20 (c) Every application for a marriage license must contain the
21 following statement: "Marriage is designed to be a loving and
22 lifelong union between a woman and a man.

23 The laws of this state affirm your right to enter into this
24 marriage and to live within the marriage free from violence and
25 abuse. Neither of you is the property of the other. Physical

1 abuse, sexual abuse, battery and assault of a spouse or other
2 family member, and other provisions of the criminal laws of this
3 state are applicable to spouses and other family members, and these
4 violations are punishable by law.”

5 Part VII. PREMARITAL EDUCATION.

6 **§48-2-701. Premarital education encouraged; requirements.**

7 (a) Persons applying for a marriage license may attend a
8 premarital education course of at least four hours during the
9 twelve months immediately preceding the date of the application for
10 the license.

11 (b) A premarital education course offers instruction involving
12 marital issues which may include, but not be limited to, the
13 following:

14 (1) Conflict management;

15 (2) Communication skills;

16 (3) Managing finances;

17 (4) Child and parenting responsibilities;

18 (5) Extended family roles; and

19 (6) Key components of a successful marriage.

20 (c) Premarital education course instructors must have training
21 in skills-based and research-based marriage preparation curricula.

22 (d) Premarital education courses may be performed by the
23 following:

24 (1) A professional counselor or marriage and family therapist
25 licensed pursuant to article thirty-one, chapter thirty of this
26 code;

1 (2) A social worker licensed pursuant to article thirty,
2 chapter thirty of this code;

3 (3) A psychiatrist who is licensed as a physician pursuant to
4 article three, chapter thirty of this code;

5 (4) A psychologist who is licensed pursuant to article
6 twenty-one, chapter thirty of this code; or

7 (5) An active member of the clergy or his or her designee,
8 including retired clergy, provided that a designee is trained in
9 skills-based and research-based marriage preparation curricula
10 premarital education.

11 (e) The premarital education course curricula must meet the
12 requirements of this section and provide a skills-based and
13 research-based curricula of the following:

14 (1) The National Healthy Marriage Resource Center;

15 (2) A church, spiritual assembly, or religious organization;
16 or

17 (3) Other substantially similar resource.

18 (f) The Department of Health and Human Resources shall
19 maintain an Internet website on which individuals and organizations
20 described in subsection (c) may electronically register with the
21 department to indicate the skills-based and research-based
22 curriculum in which the registrant is trained.

23 (g) The premarital education provider shall furnish each
24 participant, who completes the premarital education required by
25 this section, a certificate of completion.

26 **§48-2-702. Marriage education fund.**

1 (a) There is hereby created a special revenue account within
2 the State Treasury known as the Marriage Education Fund. The
3 account shall be administered by the Secretary of the Department of
4 Health and Human Resources.

5 (b) Any balance in the account at the end of each fiscal year
6 shall not revert to the general revenue fund but shall remain in
7 the account and be expended as provided by in this section.

8 (c) The account shall consist of all fees collected under the
9 provisions of paragraph (C), subdivision (4), subsection (c), of
10 section ten, article one, chapter fifty-nine of this code,
11 legislative appropriations, and all interest or other returned
12 earned from investment of the fund.

13 (d) Expenditures from the account shall be made by the
14 secretary for the purposes set forth in section seven-hundred-one
15 of this article, and are not authorized from collections, but are
16 to be made only in accordance with appropriation by the Legislature
17 and in accordance with the provisions of article three, chapter
18 twelve of this code and upon the fulfillment of the provisions set
19 forth in article two, chapter eleven-b of this code: *Provided, That*
20 for fiscal year ending June 30, 2013, expenditures are authorized
21 from collections rather than pursuant to an appropriation by the
22 Legislature.

23 **CHAPTER 59. FEES, ALLOWANCES AND COSTS; NEWSPAPERS;**

24 **LEGAL ADVERTISEMENTS.**

25 **ARTICLE 1. FEES AND ALLOWANCES.**

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

2 For the purpose of this section, the word "page" is defined as
3 being a paper or electronic writing of not more than legal size, 8
4 1/2" x 14".

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

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

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

15 (2) Forty dollars for a trustee's report of sale for any
16 property for which additional information and filing requirements
17 are required by section eight-a, article one, chapter thirty-eight
18 of this code. ~~\$40:~~ ~~Provided, That \$20~~ Twenty dollars of each
19 recording fee received pursuant to this subdivision shall be
20 deposited into the county's General Revenue Fund and \$20 ~~of each of~~
21 ~~the aforesaid recording fees shall be~~ paid quarterly by the clerk
22 of the county commission to the West Virginia Housing Development
23 Fund established in article eighteen, chapter thirty-one of this
24 code.

25 (3) Ten dollars for a financing, continuation, termination or
26 other statement or writing permitted to be filed under chapter

1 forty-six of this code. ~~§10.~~

2 (4) Ten dollars for a plat or map (with no deed of conveyance)
3 ~~, \$10.~~

4 (5) No charge for a service discharge record, ~~no charge.~~

5 (6) Ten dollars for any document or writing other than those
6 referenced in subdivisions (1), (2), (3), (4) and (5) of this
7 subsection, ~~\$10.~~

8 (7) ~~If any document or writing contains more than five pages,~~
9 ~~for each additional page, \$1.~~ One dollar for each additional page
10 for documents or writings containing more than five pages.

11 For any of the documents admitted to record pursuant to this
12 subsection, if the clerk of the county commission has the
13 technology available to receive these documents in electronic form
14 or other media, the clerk shall set a reasonable fee to record
15 these writings not to exceed the cost for filing paper documents.

16 (8) Of the fees collected pursuant to subdivision (1),
17 subsection (a) of this section, \$10 shall be deposited in the
18 county general fund in accordance with section twenty-eight of this
19 article and \$1 shall be deposited in the county general fund and
20 dedicated to the operation of the county clerk's office. Four
21 dollars of the fees collected pursuant to subdivision (1),
22 subsection (a) of this section and \$5 of the fees collected
23 pursuant to subdivision (6), subsection (a) of this section shall
24 be paid by the county clerk into the State Treasury and deposited
25 in equal amounts for deposit into the Farmland Protection Fund
26 created in article twelve, chapter eight-a of this code for the

1 benefit of the West Virginia Agricultural Land Protection Authority
2 and into the Outdoor Heritage Conservation Fund created in article
3 two-g, chapter five-b of this code. ~~Provided, That~~ The funds
4 deposited in the State Treasury pursuant to this subdivision may
5 only be used for costs, excluding personnel costs, associated with
6 purpose of land conservation, as defined in subsection (f), section
7 seven, article two-g, chapter five-b of this code.

8 (b) Five dollars for administering any oath other than oaths
9 by officers and employees of the state, political subdivisions of
10 the state or a public or quasi-public entity of the state or a
11 political subdivision of the state, taken in his or her official
12 capacity. ~~\$5.~~

13 (c) Fifty-five dollars for issuance of marriage license and
14 other duties pertaining to the marriage license (including
15 preparation of the application, administering the oath,
16 registering and recording the license, mailing acknowledgment of
17 minister's return to one of the licensees and notification to a
18 licensee after sixty days of the nonreceipt of the minister's
19 return), ~~-\$35.~~ This fee is reduced to \$35 if the applicants present
20 a premarital education course completion certificate issued
21 pursuant to section seven hundred one, article two, chapter
22 forty-eight of this code, and dated within one year of the
23 application for a marriage license.

24 (1) One dollar of the marriage license fee received pursuant
25 to this subsection shall be paid by the county clerk into the State
26 Treasury as a state registration fee in the same manner that

1 license taxes are paid into the Treasury under article twelve,
2 chapter eleven of this code;

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

8 (3) Ten dollars of the marriage license fee received pursuant
9 to this subsection shall be deposited in the Courthouse Facilities
10 Improvement Fund created by section six, article twenty-six,
11 chapter twenty-nine of this code; and

12 (4) If a premarital education course completion certificate is
13 not presented, the county clerk shall, on or before the tenth day
14 of each month, transmit \$20 of the marriage license fee received
15 pursuant to this subsection to the state treasurer for deposit in
16 the state treasury as follows:

17 (A) Five dollars to the credit of the Family Protection
18 Shelter Support Act in the same manner that license taxes are paid
19 into the Treasury under article twelve, chapter eleven of this
20 code;

21 (B) Five dollars to the credit of the Fund for Civil Legal
22 Services for Low Income Persons created pursuant to section four,
23 article nine-A, chapter fifteen of this code for the sole purpose
24 of assisting low income persons with domestic legal matters; and

25 (C) Ten dollars to the credit of the Marriage Education Fund
26 created pursuant to section seven-hundred-two, article two, chapter

1 forty-eight of this code.

2 (d) (1) One dollar and fifty cents for a copy of any writing
3 or document, if it is not otherwise provided for, ~~\$1.50~~.

4 (2) ~~If the copy of the writing or document contains more than~~
5 ~~two pages, for each additional page, \$1.~~ One dollar for each
6 additional page if the writing or documents contains more than two
7 pages.

8 (3) One dollar for annexing the seal of the commission or
9 clerk to any paper, ~~\$1~~.

10 (4) Five dollars for a certified copy of a birth certificate,
11 death certificate or marriage license, ~~\$5~~.

12 (e) For copies of any record in electronic form or a medium
13 other than paper, a reasonable fee set by the clerk of the county
14 commission not to exceed the costs associated with document search
15 and duplication.