

1 COMMITTEE SUBSTITUTE

2 FOR

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4 FOR

5 **Senate Bill No. 556**

6 (By Senators Cookman and Yost)

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8 [Originating in the Committee on Finance;  
9 reported February 24, 2014.]  
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12  
13 A BILL to amend and reenact §59-1-10 of the Code of West Virginia,  
14 1931, as amended, relating to death certificates of military  
15 veterans; providing for the issuance, without charge in  
16 certain instances, of up to two certified copies of a  
17 veteran's death certificate by the clerk of the county  
18 commission if requested within thirty days of the death of the  
19 veteran; providing no fee may be charged if the death  
20 certificate is needed to obtain state or federal benefits;  
21 specifying effective date; and defining "veteran".

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

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

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

2 **§59-1-10. Fees to be charged by clerk of county commission.**

3 For the purpose of this section, the word "page" is defined as  
4 being a paper or electronic writing of not more than legal size, 8  
5 1/2" x 14".

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

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

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

22 (3) Ten dollars for a financing, continuation, termination or  
23 other statement or writing permitted to be filed under chapter  
24 forty-six of this code.

1           (4) Ten dollars for a plat or map (with no deed of  
2 conveyance).

3           (5) No charge for a service discharge record.

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

7           (7) One dollar for each additional page for documents or  
8 writings containing more than five pages.

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

14           (8) Of the fees collected pursuant to subdivision (1),  
15 subsection (a) of this section, \$10 shall be deposited in the  
16 county general fund in accordance with section twenty-eight of this  
17 article and \$1 shall be deposited in the county general fund and  
18 dedicated to the operation of the county clerk's office. Four  
19 dollars of the fees collected pursuant to subdivision (1),  
20 subsection (a) of this section and \$5 of the fees collected  
21 pursuant to subdivision (6), subsection (a) of this section shall  
22 be paid by the county clerk into the State Treasury and deposited  
23 in equal amounts for deposit into the Farmland Protection Fund  
24 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. The funds deposited in the  
4 State Treasury pursuant to this subdivision may only be used for  
5 costs, excluding personnel costs, associated with purpose of land  
6 conservation, as defined in subsection (f), section seven, article  
7 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.

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). This fee is reduced to \$35 if the applicants present a  
20 premarital education course completion certificate issued pursuant  
21 to section seven hundred one, article two, chapter forty-eight of  
22 this code, and dated within one year of the application for a  
23 marriage license.

24       (1) One dollar of the marriage license fee received pursuant

1 to this subsection shall be paid by the county clerk into the State  
2 Treasury as a state registration fee in the same manner that  
3 license taxes are paid into the Treasury under article twelve,  
4 chapter eleven of this code;

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

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

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

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

23       (B) Five dollars to the credit of the special revenue account,  
24 hereby created, designated the Fund for Civil Legal Services for

1 Low Income Persons, which shall consist of all gifts, grants,  
2 bequests, transfers, appropriations or other donations or payments  
3 which may be received and administered by the Division of Justice  
4 and Community Services from any governmental entity or unit or any  
5 person, firm, foundation or corporation for the purposes of this  
6 section, and all interest or other return earned from investment of  
7 the fund. Expenditures from the fund shall be made by the Director  
8 of the Division of Justice and Community Services and shall be  
9 limited to grants to nonprofit agencies which provide civil legal  
10 services to low income persons made at his or her discretion. Any  
11 balance in the fund at the end of each fiscal year shall not revert  
12 to the General Revenue Fund but shall remain in the fund and be  
13 expended as provided by this section.

14 (C) Ten dollars to the credit of the Marriage Education Fund  
15 created pursuant to section seven hundred two, article two, chapter  
16 forty-eight of this code.

17 (d) (1) One dollar and fifty cents for a copy of any writing  
18 or document, if it is not otherwise provided for.

19 (2) One dollar for each additional page if the writing or  
20 documents contains more than two pages.

21 (3) One dollar for annexing the seal of the commission or  
22 clerk to any paper.

23 (4) (A) Five dollars for a certified copy of a birth  
24 certificate, death certificate or marriage license, except as

1 provided by paragraph (B) of this subdivision.

2 (B) Beginning July 1, 2014, upon request made within thirty  
3 days of the date of death of a veteran, the clerk of the county  
4 commission shall issue without fee no more than a total of two  
5 certified copies of a veteran's death certificate to: (i) A family  
6 member or dependent of the veteran; (ii) the personal  
7 representative of the veteran's estate; or (iii) the funeral  
8 director providing funeral services for the veteran with written  
9 permission from the person responsible for payment of the funeral  
10 services or a family member or dependent of the veteran: *Provided,*  
11 That proof of the veteran's military service is furnished at the  
12 time of the request. However, as provided by section twelve-a,  
13 article four, chapter fifty-one of this code, no fee may be charged  
14 for a death certificate that is necessary to obtain benefits from  
15 the federal or state government. As used in this paragraph,  
16 "veteran" means any person who has served in the armed forces of  
17 the United States, the military reserve or National Guard and who  
18 was not dishonorably discharged.

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