

Senate Bill No. 556

(By Senators Cookman and Yost)

[Introduced February 12, 2014; referred to the Committee on
Military; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §59-1-10 of the Code of West Virginia, 1931, as amended, relating to death certificates of military veterans; and providing for the issuance, without charge in certain instances, of up to five certified copies of a veteran's death certificate by the clerk of the county commission.

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.

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

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

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

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

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

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

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

23 (6) Ten dollars for any document or writing other than those

1 referenced in subdivisions (1), (2), (3), (4) and (5) of this
2 subsection.

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

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

10 (8) Of the fees collected pursuant to subdivision (1),
11 subsection (a) of this section, \$10 shall be deposited in the
12 county general fund in accordance with section twenty-eight of this
13 article and \$1 shall be deposited in the county general fund and
14 dedicated to the operation of the county clerk's office. Four
15 dollars of the fees collected pursuant to subdivision (1),
16 subsection (a) of this section and \$5 of the fees collected
17 pursuant to subdivision (6), subsection (a) of this section shall
18 be paid by the county clerk into the State Treasury and deposited
19 in equal amounts for deposit into the Farmland Protection Fund
20 created in article twelve, chapter eight-a of this code for the
21 benefit of the West Virginia Agricultural Land Protection Authority
22 and into the Outdoor Heritage Conservation Fund created in article
23 two-g, chapter five-b of this code. The funds deposited in the

1 State Treasury pursuant to this subdivision may only be used for
2 costs, excluding personnel costs, associated with purpose of land
3 conservation, as defined in subsection (f), section seven, article
4 two-g, chapter five-b of this code.

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

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

21 (1) One dollar of the marriage license fee received pursuant
22 to this subsection shall be paid by the county clerk into the State
23 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 special revenue account,
22 hereby created, designated the "Fund for Civil Legal Services for
23 Low Income Persons," which shall consist of all gifts, grants,

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

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

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

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

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

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

1 provided by paragraph (B) of this subdivision.

2 (B) Upon request, the clerk of the county commission shall
3 issue without fee no more than a total of five certified copies of
4 a veteran's death certificate to: (I) A family member or dependent
5 of the veteran; (ii) the personal representative of the veteran's
6 estate; and (iii) the funeral director providing funeral services
7 for the veteran with written permission from the person responsible
8 for payment of the funeral services or a family member or dependent
9 of the veteran. However, as provided by section twelve-a, article
10 four, chapter fifty-one of this code, no fee may be charged for a
11 death certificate that is necessary to obtain benefits from the
12 federal or state government. As used in this paragraph, "veteran"
13 means any person who has served in the Armed Forces of the United
14 States, the Military Reserves or National Guard and who was not
15 dishonorably discharged.

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

NOTE: The purpose of this bill is to provide for the issuance, without charge in certain instances, of up to five certified copies of a veteran's death certificate by the clerk of the county commission.

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