

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2732**

4 By Delegates Doyle, Brown, Hatfield, Marshall, Ellem,  
5 Moore, Fleischauer and D. Poling)

6 (Originating in the Committee on the Judiciary)

7  
8 [February 25, 2011]

9  
10 A BILL to amend and reenact §3-12-6 of the Code of West Virginia,  
11 1931, as amended; all relating to public campaign financing;  
12 providing sources of revenue for the Supreme Court of Appeals  
13 Public Campaign Financing Fund; authorizing a transfer from  
14 the Treasurer's Unclaimed Property Trust Fund to the fund;  
15 authorizing fair administration of justice attorney fees;  
16 authorizing fair administration of justice court fees; and  
17 providing for the collection and deposit of such sources of  
18 revenue into the fund.

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

20 That §3-12-6 of the Code of West Virginia, 1931, as amended,  
21 be amended and reenacted to read as follows:

22 **ARTICLE 12. WEST VIRGINIA SUPREME COURT OF APPEALS PUBLIC**  
23 **CAMPAIGN FINANCING PILOT PROGRAM.**

24 **§3-12-6. Sources of revenue for the fund.**

25 Revenue from the following sources shall be deposited in the  
26 fund:

1 (1) All exploratory and qualifying contributions in excess of  
2 the established maximums;

3 (2) Money returned by participating or certified candidates  
4 who fail to comply with the provisions of this article;

5 (3) Unspent or unobligated moneys allotted to certified  
6 candidates and remaining unspent or unobligated on the date of the  
7 general election for which the money was distributed;

8 (4) If a certified candidate loses, all remaining unspent or  
9 unobligated moneys after the primary election;

10 (5) Civil penalties levied by the State Election Commission  
11 against candidates for violations of this article;

12 (6) Civil penalties levied by the Secretary of State pursuant  
13 to section seven, article eight of this chapter;

14 (7) Voluntary donations made directly to the fund;

15 (8) Interest income;

16 (9) On or before July 1, 2010, and for two successive years  
17 thereafter, the State Auditor shall authorize the transfer of the  
18 amount of \$1 million from the Purchasing Card Administration Fund  
19 established in section ten-d, article three, chapter twelve of this  
20 code to the fund created by this article; ~~and~~

21 (10) Money appropriated to the fund; and

22 (11) On or before July 1, 2011, the unclaimed property  
23 administrator of the State Treasurer's Office shall transfer the  
24 amount of \$2 million from the Unclaimed Property Trust Fund to the  
25 fund created by this article.

26 (12) Beginning in fiscal year 2011-2012, the West Virginia

1 State Bar shall assess every attorney licensed to practice law in  
2 West Virginia a fee for the fair administration of justice to be  
3 deposited into the fund as follows:

4 (A) Attorneys licensed to practice law for three years or  
5 less, \$50;

6 (B) Attorneys licensed to practice law for more than three  
7 years, \$75; and

8 (C) Attorneys licensed to practice law on inactive status,  
9 \$65.

10 All fees obligated to the fund shall be collected by the West  
11 Virginia State Bar and transmitted to the State Treasurer to be  
12 deposited in the fund.

13 (13) There is assessed a fair administration of justice fee of  
14 \$10 on each civil action filed in circuit court, except class  
15 actions and domestic relations actions, instituted under the rules  
16 of civil procedure, any statutory summary proceeding, any  
17 extraordinary remedy filed, and the docketing of civil appeals to  
18 circuit court or any other action, cause, suit or proceeding  
19 instituted in circuit court on and after the effective date of this  
20 article. No fee may be charged on any such action filed in forma  
21 pauperis. The clerk of the circuit court shall collect the fee at  
22 the time any such action is filed and shall remit the fees  
23 collected each month to the State Treasurer to be deposited in the  
24 fund.

25 (14) There is assessed a fair administration of justice fee of  
26 \$20 on each party in a class action lawsuit filed in circuit court

1 at the time the case is settled or judgment rendered. No fee may  
2 be charged on any such action filed in forma pauperis. The fee  
3 shall be paid to the clerk of the circuit court at the time of  
4 settlement or when judgment is rendered. Where judgement is  
5 rendered the fee shall be collected from the nonprevailing party.  
6 The clerk shall remit the fees collected each month to the State  
7 Treasurer to be deposited in the fund.

8       (15) There is assessed a fair administration of justice fee of  
9 \$10 on each plaintiff in a divorce action filed in family court at  
10 the time the case is filed. No fee may be charged on any such  
11 action filed in forma pauperis. The clerk of the family court  
12 shall collect the fee at the time any such action is filed and  
13 shall remit the fees collected each month to the State Treasurer to  
14 be deposited in the fund.

15       (16) There is assessed a fair administration of justice fee of  
16 \$10 on each plaintiff in a civil action filed in magistrate court  
17 at the time the case is filed. No fee may be charged on any such  
18 action filed in forma pauperis. The clerk of the magistrate court  
19 shall collect the fee at the time any such action is filed and  
20 shall remit the fees collected each month to the West Virginia  
21 State Treasurer to be deposited in the fund.