

COMMITTEE SUBSTITUTE

FOR

H. B. 2732

(BY DELEGATES DOYLE, BROWN, HATFIELD, MARSHALL, ELLEM,
MOORE, FLEISCHAUER AND D. POLING)

(Originating in the Committee on the Judiciary)
[February 25, 2011]

A BILL to amend and reenact §3-12-6 of the Code of West Virginia, 1931, as amended; all relating to public campaign financing; providing sources of revenue for the Supreme Court of Appeals Public Campaign Financing Fund; authorizing a transfer from the Treasurer's Unclaimed Property Trust Fund to the fund; authorizing fair administration of justice attorney fees; authorizing fair administration of justice court fees; and

providing for the collection and deposit of such sources of revenue into the fund.

Be it enacted by the Legislature of West Virginia:

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

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

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

1 Revenue from the following sources shall be deposited in
2 the fund:

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

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

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

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

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

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

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

18 (8) Interest income;

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

25 (10) Money appropriated to the fund; and

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

30 (12) Beginning in fiscal year 2011-2012, the West
31 Virginia State Bar shall assess every attorney licensed to
32 practice law in West Virginia a fee for the fair administration
33 of justice to be deposited into the fund as follows:

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

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

38 (C) Attorneys licensed to practice law on inactive status,
39 \$65.

40 All fees obligated to the fund shall be collected by the
41 West Virginia State Bar and transmitted to the State
42 Treasurer to be deposited in the fund.

43 (13) There is assessed a fair administration of justice fee
44 of \$10 on each civil action filed in circuit court, except class
45 actions and domestic relations actions, instituted under the
46 rules of civil procedure, any statutory summary proceeding,
47 any extraordinary remedy filed, and the docketing of civil
48 appeals to circuit court or any other action, cause, suit or

49 proceeding instituted in circuit court on and after the
50 effective date of this article. No fee may be charged on any
51 such action filed in forma pauperis. The clerk of the circuit
52 court shall collect the fee at the time any such action is filed
53 and shall remit the fees collected each month to the State
54 Treasurer to be deposited in the fund.

55 (14) There is assessed a fair administration of justice fee
56 of \$20 on each party in a class action lawsuit filed in circuit
57 court at the time the case is settled or judgment rendered. No
58 fee may be charged on any such action filed in forma
59 pauperis. The fee shall be paid to the clerk of the circuit
60 court at the time of settlement or when judgment is rendered.
61 Where judgment is rendered the fee shall be collected from
62 the nonprevailing party. The clerk shall remit the fees
63 collected each month to the State Treasurer to be deposited
64 in the fund.

65 (15) There is assessed a fair administration of justice fee
66 of \$10 on each plaintiff in a divorce action filed in family
67 court at the time the case is filed. No fee may be charged on

68 any such action filed in forma pauperis. The clerk of the
69 family court shall collect the fee at the time any such action
70 is filed and shall remit the fees collected each month to the
71 State Treasurer to be deposited in the fund.

72 (16) There is assessed a fair administration of justice fee
73 of \$10 on each plaintiff in a civil action filed in magistrate
74 court at the time the case is filed. No fee may be charged on
75 any such action filed in forma pauperis. The clerk of the
76 magistrate court shall collect the fee at the time any such
77 action is filed and shall remit the fees collected each month
78 to the West Virginia State Treasurer to be deposited in the
79 fund.