

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 136**

4 (By Senators Wells, Yost, Edgell, D. Facemire,
5 Helmick, Sypolt, Jenkins, Miller, Nohe, Plymale, Foster, Klempa
6 and Minard)

7 _____
8 [Originating in the Committee on Military;
9 reported February 1, 2012.]
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13 A BILL to amend and reenact §59-1-10 of the Code of West Virginia,
14 1931, as amended, relating to obtaining death certificates of
15 military veterans; providing proof of veteran status; and
16 providing for the issuance to certain persons, without charge,
17 of up to eight certified copies of a veteran's death
18 certificate by the clerk of the county commission.

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

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

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

23 **§59-1-10. Fees to be charged by clerk of county commission.**

24 For the purpose of this section, the word "page" is defined as
25 being a paper or electronic writing of not more than legal size, 8

1 ½" x 14".

2 The clerk of the county commission shall charge and collect
3 the following fees:

4 (a) When a writing is admitted to record, for receiving proof
5 of acknowledgment thereof, entering an order in connection
6 therewith, endorsing clerk's certificate of recordation thereon and
7 indexing in a proper index, where the writing is a:

8 (1) Deed of conveyance (with or without a plat), trust deed,
9 fixture filing or security agreement concerning real estate lease,
10 \$15.

11 (2) Trustee's report of sale for any property for which
12 additional information and filing requirements are required by
13 section eight-a, article one, chapter thirty-eight of this code,
14 \$40: *Provided*, That \$20 of each recording fee received pursuant to
15 this subdivision shall be deposited into the county's General
16 Revenue Fund and \$20 of each of the aforesaid recording fees shall
17 be paid quarterly by the clerk of the county commission to the West
18 Virginia Housing Development Fund established in article eighteen,
19 chapter thirty-one of this code.

20 (3) Financing, continuation, termination or other statement or
21 writing permitted to be filed under chapter forty-six of this code,
22 \$10.

23 (4) Plat or map (with no deed of conveyance), \$10.

24 (5) Service discharge record, no charge.

25 (6) Any document or writing other than those referenced in
26 subdivisions (1), (2), (3), (4) and (5) of this subsection, \$10.

1 (7) If any document or writing contains more than five pages,
2 for each additional page, \$1.

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

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

26 (b) For administering any oath other than oaths by officers

1 and employees of the state, political subdivisions of the state or
2 a public or quasi-public entity of the state or a political
3 subdivision of the state, taken in his or her official capacity,
4 \$5.

5 (c) For issuance of marriage license and other duties
6 pertaining to the marriage license (including preparation of the
7 application, administering the oath, registering and recording the
8 license, mailing acknowledgment of minister's return to one of the
9 licensees and notification to a licensee after sixty days of the
10 nonreceipt of the minister's return), \$35.

11 (1) One dollar of the marriage license fee received pursuant
12 to this subsection shall be paid by the county clerk into the State
13 Treasury as a state registration fee in the same manner that
14 license taxes are paid into the Treasury under article twelve,
15 chapter eleven of this code;

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

21 (3) Ten dollars of the marriage license fee received pursuant
22 to this subsection shall be deposited in the Courthouse Facilities
23 Improvement Fund created by section six, article twenty-six,
24 chapter twenty-nine of this code.

25 (d) (1) For a copy of any writing or document, if it is not
26 otherwise provided for, \$1.50.

1 (2) If the copy of the writing or document contains more than
2 two pages, for each additional page, \$1.

3 (3) For annexing the seal of the commission or clerk to any
4 paper, \$1.

5 (4) (A) For a certified copy of a birth certificate, death
6 certificate or marriage license, \$5, except as provided by
7 paragraph (B) of this subdivision.

8 (B) Upon request, and upon presentation to the clerk of Form
9 DD-219 or other document which verifies that the deceased was a
10 veteran, the clerk of the county commission shall issue without fee
11 no more than a total of eight certified copies of a veteran's death
12 certificate to: (i) A family member or dependent of the veteran;
13 (ii) the personal representative of the veteran's estate; and (iii)
14 the funeral director providing funeral services for the veteran
15 with written permission from the person responsible for payment of
16 the funeral services or a family member or dependent of the
17 veteran. However, as provided by section twelve-a, article four,
18 chapter fifty-one of this code, no fee may be charged for a death
19 certificate that is necessary to obtain benefits from the federal
20 or state government. As used in this paragraph, "veteran" means any
21 person who has served in the Armed Forces of the United States, the
22 Military Reserves or National Guard and who was not dishonorably
23 discharged.

24 (e) For copies of any record in electronic form or a medium
25 other than paper, a reasonable fee set by the clerk of the county
26 commission not to exceed the costs associated with document search

1 and duplication.

NOTE: The purpose of this bill is to provide for the issuance, without charge, of up to eight certified copies of a veterans' 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.

This bill was recommended for introduction and passage during the Regular Session of the Legislature by the Select Committee on Veterans' Affairs.