

COMMITTEE SUBSTITUTE

FOR

H. B. 4605

(BY DELEGATES MILEY, MOORE,
WALKER, FERRO, BOGGS, J. MILLER,
MANYPENNY, MICHAEL, PINO, O'NEAL AND LANE)

(Originating in the Committee on Finance)
[February 23, 2012]

A BILL to amend and reenact §48-2-104 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §48-2-701 and §48-2-702; and to amend and reenact §59-1-10 of said code, all relating generally to premarital education; providing a premarital education incentive to applicants for marriage licenses; providing for curriculum requirements for premarital education; identifying instructors for premarital education; increasing the fee for marriage license without completion of a premarital

education course; and creating a fund for purposes of administering the premarital education.

Be it enacted by the Legislature of West Virginia:

That §48-2-104 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto two new sections, designated §48-2-701 and §48-2-702; and that §59-1-10 of said code be amended and reenacted, all to read as follows:

CHAPTER 48. DOMESTIC RELATIONS.

ARTICLE 2. MARRIAGE.

PART I. APPLICATION FOR MARRIAGE LICENSE.

§48-2-104. Contents of the application for a marriage license.

- 1 (a) The application for a marriage license must contain a
- 2 statement of the full names of both the female and the male
- 3 parties, their social security account numbers, dates of birth,
- 4 places of birth and residence addresses. The application must
- 5 state whether or not the persons seeking the license have
- 6 completed premarital education pursuant to section
- 7 seven-hundred-one, article two, chapter forty-eight of this

8 code. If the application states that the applicants seeking
9 issuance of the license have completed premarital education,
10 then the applicants must submit a signed and dated certificate
11 of completion issued by the premarital education provider.

12 (b) If either of the parties is a legal alien in the United States
13 of America and has no social security account number, a tourist
14 or visitor visa number or number equivalent to a United States
15 social security account number must be provided.

16 (c) Every application for a marriage license must contain
17 the following statement: “Marriage is designed to be a loving
18 and lifelong union between a woman and a man.

19 The laws of this state affirm your right to enter into this
20 marriage and to live within the marriage free from violence
21 and abuse. Neither of you is the property of the other.
22 Physical abuse, sexual abuse, battery and assault of a spouse
23 or other family member, and other provisions of the criminal
24 laws of this state are applicable to spouses and other family
25 members, and these violations are punishable by law.”

Part VII. PREMARITAL EDUCATION.

§48-2-701. Premarital education encouraged; requirements.

1 (a) Persons applying for a marriage license may attend a
2 premarital education course of at least four hours during the
3 twelve months immediately preceding the date of the
4 application for the license.

5 (b) A premarital education course offers instruction
6 involving marital issues which may include, but not be
7 limited to, the following:

8 (1) Conflict management;

9 (2) Communication skills;

10 (3) Managing finances;

11 (4) Child and parenting responsibilities;

12 (5) Extended family roles; and

13 (6) Key components of a successful marriage.

14 (c) Premarital education course instructors must have
15 training in skills-based and research-based marriage
16 preparation curricula.

17 (d) Premarital education courses may be performed by
18 the following:

19 (1) A professional counselor or marriage and family
20 therapist licensed pursuant to article thirty-one, chapter thirty
21 of this code;

22 (2) A social worker licensed pursuant to article thirty,
23 chapter thirty of this code;

24 (3) A psychiatrist who is licensed as a physician pursuant
25 to article three, chapter thirty of this code;

26 (4) A psychologist who is licensed pursuant to article
27 twenty-one, chapter thirty of this code; or

28 (5) An active member of the clergy or his or her designee,
29 including retired clergy, provided that a designee is trained
30 in skills-based and research-based marriage preparation
31 curricula premarital education.

32 (e) The premarital education course curricula must meet
33 the requirements of this section and provide a skills-based
34 and research-based curricula of the following:

35 (1) The National Healthy Marriage Resource Center;

36 (2) A church, spiritual assembly, or religious
37 organization; or

38 (3) Other substantially similar resource.

39 (f) The Department of Health and Human Resources shall
40 maintain an Internet website on which individuals and
41 organizations described in subsection (c) may electronically
42 register with the department to indicate the skills-based and
43 research-based curriculum in which the registrant is trained.

44 (g) The premarital education provider shall furnish each
45 participant, who completes the premarital education required
46 by this section, a certificate of completion.

§48-2-702. Marriage education fund.

1 (a) There is hereby created a special revenue account
2 within the State Treasury known as the Marriage Education
3 Fund. The account shall be administered by the Secretary of
4 the Department of Health and Human Resources.

5 (b) Any balance in the account at the end of each fiscal
6 year shall not revert to the general revenue fund but shall

7 remain in the account and be expended as provided by in this
8 section.

9 (c) The account shall consist of all fees collected under
10 the provisions of paragraph (C), subdivision (4), subsection
11 (c), of section ten, article one, chapter fifty-nine of this code,
12 legislative appropriations, and all interest or other returned
13 earned from investment of the fund.

14 (d) Expenditures from the account shall be made by the
15 secretary for the purposes set forth in section seven-hundred-
16 one of this article, and are not authorized from collections,
17 but are to be made only in accordance with appropriation by
18 the Legislature and in accordance with the provisions of
19 article three, chapter twelve of this code and upon the
20 fulfillment of the provisions set forth in article two, chapter
21 eleven-b of this code: *Provided*, That for fiscal year ending
22 June 30, 2013, expenditures are authorized from collections
23 rather than pursuant to an appropriation by the Legislature.

**CHAPTER 59. FEES, ALLOWANCES AND COSTS;
NEWSPAPERS; LEGAL ADVERTISEMENTS.**

ARTICLE 1. FEES AND ALLOWANCES.

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

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

4 ~~The clerk of the county commission shall charge and~~
5 ~~collect the following fees:~~

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

12 (1) Fifteen dollars for a deed of conveyance (with or
13 without a plat), trust deed, fixture filing or security agreement
14 concerning real estate lease. ~~\$15~~

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

25 (3) Ten dollars for a financing, continuation, termination
26 or other statement or writing permitted to be filed under
27 chapter forty-six of this code. ~~\$10:~~

28 (4) Ten dollars for a plat or map (with no deed of
29 conveyance), ~~\$10.~~

30 (5) No charge for a service discharge record, ~~no charge.~~

31 (6) Ten dollars for any document or writing other than
32 those referenced in subdivisions (1), (2), (3), (4) and (5) of
33 this subsection, ~~\$10.~~

34 (7) ~~If any document or writing contains more than five~~
35 ~~pages, for each additional page, \$1. One dollar for each~~
36 ~~additional page for documents or writings containing more~~
37 ~~than five pages.~~

38 For any of the documents admitted to record pursuant to
39 this subsection, if the clerk of the county commission has the
40 technology available to receive these documents in electronic
41 form or other media, the clerk shall set a reasonable fee to
42 record these writings not to exceed the cost for filing paper
43 documents.

44 (8) Of the fees collected pursuant to subdivision (1),
45 subsection (a) of this section, \$10 shall be deposited in the
46 county general fund in accordance with section twenty-eight
47 of this article and \$1 shall be deposited in the county general
48 fund and dedicated to the operation of the county clerk's
49 office. Four dollars of the fees collected pursuant to
50 subdivision (1), subsection (a) of this section and \$5 of the
51 fees collected pursuant to subdivision (6), subsection (a) of
52 this section shall be paid by the county clerk into the State

53 Treasury and deposited in equal amounts for deposit into the
54 Farmland Protection Fund created in article twelve, chapter
55 eight-a of this code for the benefit of the West Virginia
56 Agricultural Land Protection Authority and into the Outdoor
57 Heritage Conservation Fund created in article two-g, chapter
58 five-b of this code. ~~Provided, That~~ The funds deposited in
59 the State Treasury pursuant to this subdivision may only be
60 used for costs, excluding personnel costs, associated with
61 purpose of land conservation, as defined in subsection (f),
62 section seven, article two-g, chapter five-b of this code.

63 (b) Five dollars for administering any oath other than
64 oaths by officers and employees of the state, political
65 subdivisions of the state or a public or quasi-public entity of
66 the state or a political subdivision of the state, taken in his or
67 her official capacity. ~~\$5.~~

68 (c) Fifty-five dollars for issuance of marriage license and
69 other duties pertaining to the marriage license (including
70 preparation of the application, administrating the oath,
71 registering and recording the license, mailing

72 acknowledgment of minister's return to one of the licensees
73 and notification to a licensee after sixty days of the
74 nonreceipt of the minister's return), \$35. This fee is reduced
75 to \$35 if the applicants present a premarital education course
76 completion certificate issued pursuant to section seven
77 hundred one, article two, chapter forty-eight of this code, and
78 dated within one year of the application for a marriage
79 license.

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

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

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

95 (4) If a premarital education course completion certificate
96 is not presented, the county clerk shall, on or before the tenth
97 day of each month, transmit \$20 of the marriage license fee
98 received pursuant to this subsection to the state treasurer for
99 deposit in the state treasury as follows:

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

104 (B) Five dollars to the credit of the Fund for Civil Legal
105 Services for Low Income Persons created pursuant to section
106 four, article nine-a, chapter fifteen of this code for the sole
107 purpose of assisting low income persons with domestic legal
108 matters; and

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

112 (d) (1) One dollar and fifty cents for a copy of any
113 writing or document, if it is not otherwise provided for;
114 \$1.50.

115 (2) ~~If the copy of the writing or document contains more~~
116 ~~than two pages, for each additional page, \$1.~~ One dollar for
117 each additional page if the writing or documents contain
118 more than two pages.

119 (3) One dollar for annexing the seal of the commission or
120 clerk to any paper, ~~\$1.~~

121 (4) Five dollars for a certified copy of a birth certificate,
122 death certificate or marriage license, ~~\$5.~~

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