

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 556**

4 (By Senators Cookman and Yost)

5 _____
6 [Originating in the Committee on Military;
7 reported February 18, 2014.]

8 _____
9 **FISCAL**
10 **NOTE**

11 A BILL to amend and reenact §59-1-10 of the Code of West Virginia,
12 1931, as amended, relating to death certificates of military
13 veterans; providing for the issuance, without charge in
14 certain instances, of up to two certified copies of a
15 veteran's death certificate by the clerk of the county
16 commission if requested within thirty days of the death of the
17 veteran; providing no fee may be charged if the death
18 certificate is needed to obtain state or federal benefits; and
19 defining "veteran".

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

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

23 **ARTICLE 1. FEES AND ALLOWANCES.**

24 **§59-1-10. Fees to be charged by clerk of county commission.**

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

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, the clerk of the county commission
8 shall charge and collect the following fees:

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

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

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

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

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

2 (6) Ten dollars for any document or writing other than those
3 referenced in subdivisions (1), (2), (3), (4) and (5) of this
4 subsection.

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

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

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

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

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

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

22 (1) One dollar of the marriage license fee received pursuant
23 to this subsection shall be paid by the county clerk into the State
24 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,
24 bequests, transfers, appropriations or other donations or payments

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

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

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

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

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

21 (4) (A) Five dollars for a certified copy of a birth
22 certificate, death certificate or marriage license, except as
23 provided by paragraph (B) of this subdivision.

24 (B) Upon request made within thirty days of the date of death

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

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

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

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

be added.