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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989



ENROLLED

HOUSE BILL No. 2673

(By Del. Wootton + Rutledge)



Passed April 5, 1989

In Effect June 1, 1989 ~~Passage~~

ENROLLED
H. B. 2673

(By DELEGATES WOOTON AND RUTLEDGE)

[Passed April 5, 1989; in effect June 1, 1989.]

AN ACT to amend chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article ten-d, relating to the filing and recordation of federal superfund liens.

Be it enacted by the Legislature of West Virginia:

That chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article ten-d, to read as follows:

ARTICLE 10D. SUPERFUND LIEN RECORDATION ACT.

§38-10D-1. Recordation of federal superfund liens; release; fee.

1 (a) Pursuant to the authority of section 107(d) of the
2 Comprehensive Environmental Response, Compensation
3 and Liability Act of 1980, as amended, 42 U.S.C.
4 §9607(1), notices of liens for costs and damages under
5 said act (superfund liens) may be filed in an office
6 designated by state law. Pursuant to said act, the office
7 of the clerk of the county commission for the county in
8 which the real property is located is hereby designated
9 as the appropriate office for the filing of such notices
10 of superfund liens.

11 (b) The clerk of the county commission of every

12 county of this state shall, upon the filing in his/her office
13 of any such notice of superfund lien upon the property
14 of any person in favor of the United States, record such
15 notice of lien without delay in the federal tax lien
16 docket. He shall index such lien in the name of the
17 person against whom the lien is claimed.

18 (c) Every such superfund lien shall be void as to any
19 creditor, secured parties under a deed of trust, mortga-
20 gee, purchaser, holder of a security interest or judgment
21 lien creditor, until and except from the time such lien
22 is filed in the office of the clerk of the county commission
23 of the county in which the real property subject to such
24 lien is situated. In case the real property lies in more
25 than one county, then such notice shall be filed in all
26 counties in which the real property subject to such lien
27 is situated.

28 (d) The clerk of such county commission shall, upon
29 the filing in his/her office of any release of such lien
30 issued by the regional counsel for the United States
31 Environmental Protection Agency, record the same and
32 make proper marginal notation thereof in the federal
33 tax lien docket. No fee shall be charged by such clerk
34 for recording of the notice of superfund lien, but he/she
35 shall charge a fee of two dollars for recording such
36 release or partial release.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick L. Parker
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originating in the House.

Takes effect June 1, 1989.

Judd C. Wells
Clerk of the Senate

Donald L. Stepp
Clerk of the House of Delegates

Paul A. Turner
President of the Senate

Robert C. Poole
Speaker of the House of Delegates

The within *is* approved this the *24th*
day of *April*, 1989.

Gaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date

4/14/89

Time

5:14