

FILED

2001 APR 30 P 4:44

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

ENROLLED

Committee Substitute for
SENATE BILL NO. 59

(By Senator Bailey)

PASSED April 14, 2001

In Effect 90 days from Passage

FILED

2001 APR 30 P 4: 45

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 59

(SENATOR BAILEY, *original sponsor*)

[Passed April 14, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact section four hundred two, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to persons authorized to celebrate marriages; requiring the secretary of state to authorize certain persons to celebrate marriages; establishing a statewide registry for persons authorized to celebrate marriages; permitting a registration fee; requiring county clerks to transmit names of persons authorized to celebrate marriages to secretary of state; and creating registration fee fund.

Be it enacted by the Legislature of West Virginia:

That section four hundred two, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred

thirty-one, as amended, be amended and reenacted, to read as follows:

ARTICLE 2. MARRIAGES.

§48-2-402. Qualifications of religious representative for celebrating marriages; registry of persons authorized to perform marriage ceremonies; special revenue fund.

1 (a) Beginning the first day of September, two thousand
2 one, the secretary of state shall, upon payment of the
3 registration fee established by the secretary of state
4 pursuant to subsection (d) of this section, make an order
5 authorizing a person who is a religious representative to
6 celebrate the rites of marriage in all the counties of the
7 state, upon proof that the person:

8 (1) Is eighteen years of age or older;

9 (2) Is duly authorized to perform marriages by his or her
10 church, synagogue, spiritual assembly or religious organi-
11 zation; and

12 (3) Is in regular communion with the church, synagogue,
13 spiritual assembly or religious organization of which he or
14 she is a member.

15 (b) The person shall give bond in the penalty of one
16 thousand five hundred dollars, with surety approved by
17 the commission. Any religious representative who gives
18 proof before the county commission of his or her ordina-
19 tion or authorization by his or her respective church,
20 synagogue, spiritual assembly or religious organization is
21 exempt from giving the bond.

22 (c) The secretary of state shall establish a central
23 registry of persons authorized to celebrate marriages in
24 this state. Every person authorized under the provisions
25 of subsection (a) of this section to celebrate marriages shall
26 be listed in this registry. Every county clerk shall, prior to
27 the first day of October, two thousand one, transmit to the

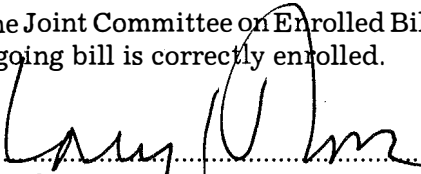
28 secretary of state the name of every person authorized to
29 celebrate marriages by order issued in his or her county
30 since one thousand nine hundred sixty and the secretary of
31 state shall include these names in the registry. The
32 completed registry and periodic updates shall be transmit-
33 ted to every county clerk.

34 (d) A fee not to exceed twenty-five dollars may be
35 charged by the secretary of state for each registration
36 received on or after the first day of September, two
37 thousand one, and all money received shall be deposited in
38 a special revenue revolving fund designated the "Marriage
39 Celebrants Registration Fee Administration Fund" in the
40 state treasury to be administered by the secretary of state.
41 Expenses incurred by the secretary in the implementation
42 and operation of the registry program shall be paid from
43 the fund.

44 (e) No marriage performed by a person authorized by
45 law to celebrate marriages may be invalidated solely
46 because the person was not listed in the registry provided
47 for in this section.

48 (f) The secretary of state shall promulgate rules to
49 implement the provisions of this section.

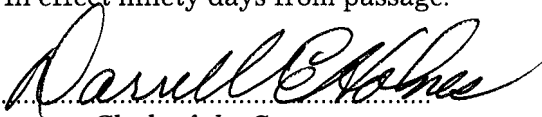
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee


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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

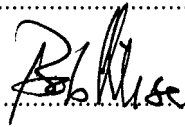

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 27th
Day of April, 2001.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/27/01

Time 11:25 am