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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014

—●—
ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2165

(By Delegates Iaquina, Longstreth, Fleischauer,
Jones, Stephens and Azinger)

—●—
Passed March 4, 2014

In effect July 1, 2014.

HB2165 (Veto)

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FOR

H. B. 2165

(BY DELEGATES IAQUINTA, LONGSTRETH, FLEISCHAUER,
JONES, STEPHENS AND AZINGER)

[Passed March 4, 2014; in effect July 1, 2014.]

AN ACT to amend and reenact §16-5-29 of the Code of West Virginia, 1931, as amended; and to amend and reenact §59-1-10 of said code, all relating to death certificates of military veterans; providing 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 requested within thirty days of the death of the veteran; providing no fee may be charged if the death certificate is needed to obtain state or federal benefits; specifying effective date; and defining "veteran".

Be it enacted by the Legislature of West Virginia:

That §16-5-29 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §59-1-10 of said code be amended and reenacted, all to read as follows:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 5. VITAL STATISTICS.

§16-5-29. Fees for copies and searches.

1 (a) The commissioner shall prescribe the fees to be charged
2 and collected by the State Registrar for certified copies of
3 certificates or records, not to exceed \$10 per copy, or for a
4 search of the files or records when no copy is made: *Provided*,
5 That the fee may be increased to a maximum of \$12 per copy, at
6 the discretion of the commissioner, after July 1, 2008.

7 (b) The commissioner may prescribe additional fees for the
8 priority production or express delivery of certified copies.

9 (c) The State Registrar may furnish certified copies of birth
10 and death records to state agencies and to organized charities
11 free of charge when the certificates are needed in presenting
12 claims to the federal government or to a state for public
13 assistance. The State Registrar will keep a record of all
14 certificates furnished pursuant to this subsection.

15 (d) Beginning July 1, 2014, upon request made within thirty
16 days of the date of death of a veteran, the State Registrar shall
17 issue without fee no more than a total of two certified copies of
18 a veteran's death certificate to: (i) A family member or
19 dependent of the veteran; (ii) the personal representative of the
20 veteran's estate; or (iii) the funeral director providing funeral
21 services for the veteran with written permission from the person
22 responsible for payment of the funeral services or a family
23 member or dependent of the veteran: *Provided*, That proof of the
24 veteran's military service is furnished at the time of the request.
25 However, as provided by section twelve-a, article four, chapter
26 fifty-one of this code, no fee may be charged for a death
27 certificate that is necessary to obtain benefits from the federal or
28 state government. As used in this subsection, "veteran" means
29 any person who has served in the armed forces of the United

30 States, the military reserve or National Guard and who was not
31 dishonorably discharged.

32 (e) Subject to the provisions set forth in section two, article
33 two, chapter twelve of this code, there is hereby continued in the
34 State Treasury a separate account which shall be designated the
35 vital statistics account.

36 (f) After July 1, 2006, and subject to the provisions set forth
37 in section two, article two, chapter twelve of this code, there is
38 established in the State Treasury a separate account which shall
39 be designated the vital statistics improvement fund. Funds
40 deposited in this account will be used to modernize and automate
41 the system of vital statistics in this state and may not be used to
42 supplant existing funding necessary for the daily operation of the
43 system of vital statistics. Funds in this account will be retained
44 in a nonlapsing fund for the improvement of the system of vital
45 statistics.

46 (g) The commissioner shall deposit \$1 received under the
47 provisions of this section for each certified copy to the vital
48 statistics improvement fund and shall deposit \$4 received under
49 the provisions of this section for each certified copy to the
50 General Revenue Fund account. The commissioner shall deposit
51 the remainder of all fees received under the provisions of this
52 section for certified copies and for priority production and
53 express delivery to the vital statistics account.

54 (h) The commissioner is authorized to expend the moneys
55 deposited in the vital statistics account in accordance with the
56 laws of this state as necessary to implement this article. The
57 Legislature shall appropriate all moneys in the vital statistics
58 account as part of the annual state budget.

59 (i) The commissioner shall make an annual report to the
60 Legislature on the vital statistics account, including the previous
61 fiscal year's expenditures and projected expenditures for the next
62 fiscal year.

**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 defined
2 as being a paper or electronic writing of not more than legal size,
3 8 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
7 and indexing in a proper index, the clerk of the county
8 commission 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
14 requirements are required by section eight-a, article one, chapter
15 thirty-eight of this code. Twenty dollars of each recording fee
16 received pursuant to this subdivision shall be deposited into the
17 county's General Revenue Fund and \$20 paid quarterly by the
18 clerk of the county commission to the West Virginia Housing
19 Development Fund established in article eighteen, chapter
20 thirty-one of this code.

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

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

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

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

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

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

37 (8) Of the fees collected pursuant to subdivision (1),
38 subsection (a) of this section, \$10 shall be deposited in the
39 county general fund in accordance with section twenty-eight of
40 this article and \$1 shall be deposited in the county general fund
41 and dedicated to the operation of the county clerk's office. Four
42 dollars of the fees collected pursuant to subdivision (1),
43 subsection (a) of this section and \$5 of the fees collected
44 pursuant to subdivision (6), subsection (a) of this section shall be
45 paid by the county clerk into the State Treasury and deposited in
46 equal amounts for deposit into the Farmland Protection Fund
47 created in article twelve, chapter eight-a of this code for the
48 benefit of the West Virginia Agricultural Land Protection
49 Authority and into the Outdoor Heritage Conservation Fund
50 created in article two-g, chapter five-b of this code. The funds
51 deposited in the State Treasury pursuant to this subdivision may
52 only be used for costs, excluding personnel costs, associated
53 with purpose of land conservation, as defined in subsection (f),
54 section seven, article two-g, chapter five-b of this code.

55 (b) Five dollars for administering any oath other than oaths
56 by officers and employees of the state, political subdivisions of
57 the state or a public or quasi-public entity of the state or a
58 political subdivision of the state, taken in his or her official
59 capacity.

60 (c) Fifty-five dollars for issuance of marriage license and
61 other duties pertaining to the marriage license (including
62 preparation of the application, administering the oath,
63 registering and recording the license, mailing acknowledgment
64 of minister's return to one of the licensees and notification to a
65 licensee after sixty days of the nonreceipt of the minister's
66 return). This fee is reduced to \$35 if the applicants present a
67 premarital education course completion certificate issued
68 pursuant to section seven hundred one, article two, chapter
69 forty-eight of this code, and dated within one year of the
70 application for a marriage license.

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

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

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

85 (4) If a premarital education course completion certificate is
86 not presented, the county clerk shall, on or before the tenth day
87 of each month, transmit \$20 of the marriage license fee received
88 pursuant to this subsection to the State Treasurer for deposit in
89 the State Treasury as follows:

90 (A) Five dollars to the credit of the Family Protection Shelter
91 Support Act in the same manner that license taxes are paid into
92 the treasury under article twelve, chapter eleven of this code;

93 (B) Five dollars to the credit of the special revenue account,
94 hereby created, designated the Fund for Civil Legal Services for
95 Low Income Persons, which shall consist of all gifts, grants,
96 bequests, transfers, appropriations or other donations or
97 payments which may be received and administered by the
98 Division of Justice and Community Services from any
99 governmental entity or unit or any person, firm, foundation, or
100 corporation for the purposes of this section, and all interest or
101 other return earned from investment of the fund. Expenditures
102 from the fund shall be made by the Director of the Division of
103 Justice and Community Services and shall be limited to grants to
104 nonprofit agencies which provide civil legal services to low
105 income persons made at his or her discretion. Any balance in the
106 fund at the end of each fiscal year shall not revert to the General
107 Revenue Fund but shall remain in the fund and be expended as
108 provided by this section.

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

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

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

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

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

121 (B) Beginning July 1, 2014, upon request made within thirty
122 days of the date of death of a veteran, the clerk of the county
123 commission shall issue without fee no more than a total of two
124 certified copies of a veteran's death certificate to: (i) A family

125 member or dependent of the veteran; (ii) the personal
126 representative of the veteran's estate; or (iii) the funeral director
127 providing funeral services for the veteran with written
128 permission from the person responsible for payment of the
129 funeral services or a family member or dependent of the veteran:
130 *Provided*, That proof of the veteran's military service is
131 furnished at the time of the request. However, as provided by
132 section twelve-a, article four of this chapter, no fee may be
133 charged for a death certificate that is necessary to obtain benefits
134 from the federal or state government. As used in this paragraph,
135 "veteran" means any person who has served in the armed forces
136 of the United States, the military reserve or National Guard and
137 who was not dishonorably discharged.

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

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

Danny Wells
Chairman, House Committee

[Signature]
Chairman, Senate Committee

Originating in the House.

In effect July 1, 2014.

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Gregory W. Sief
Clerk of the House of Delegates

Joseph M. Minard
Clerk of the Senate

[Signature]
Speaker of the House of Delegates

[Signature]
President of the Senate

The within is disapproved this the 25th
day of March, 2014.

Earl Ray Tomblin
Governor

PRESENTED TO THE GOVERNOR

MAR 17 2014

Time 3:25 pm