WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014

ENROLLED
COMMITTEE SUBSTITUTE FOR
House Bill No. 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.

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

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

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

(d) Beginning July 1, 2014, upon request made within thirty days of the date of death of a veteran, the State Registrar shall issue without fee no more than a total of two certified copies of a veteran’s death certificate to: (i) A family member or dependent of the veteran; (ii) the personal representative of the veteran’s estate; or (iii) the funeral director providing funeral services for the veteran with written permission from the person responsible for payment of the funeral services or a family member or dependent of the veteran: Provided, That proof of the veteran’s military service is furnished at the time of the request. However, as provided by section twelve-a, article four, chapter fifty-one of this code, no fee may be charged for a death certificate that is necessary to obtain benefits from the federal or state government. As used in this subsection, “veteran” means 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.

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

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

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

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

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

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

(5) No charge for a service discharge record.
(6) Ten dollars for any document or writing other than those referenced in subdivisions (1), (2), (3), (4) and (5) of this subsection.

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

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

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

(b) Five dollars for administering any oath other than oaths by officers and employees of the state, political subdivisions of the state or a public or quasi-public entity of the state or a political subdivision of the state, taken in his or her official capacity.
(c) Fifty-five dollars for issuance of marriage license and other duties pertaining to the marriage license (including preparation of the application, administrating the oath, registering and recording the license, mailing acknowledgment of minister's return to one of the licensees and notification to a licensee after sixty days of the nonreceipt of the minister's return). This fee is reduced to $35 if the applicants present a premarital education course completion certificate issued pursuant to section seven hundred one, article two, chapter forty-eight of this code, and dated within one year of the application for a marriage license.

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

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

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

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

(A) Five dollars to the credit of the Family Protection Shelter Support Act in the same manner that license taxes are paid into the treasury under article twelve, chapter eleven of this code;
(B) Five dollars to the credit of the special revenue account, hereby created, designated the Fund for Civil Legal Services for Low Income Persons, which shall consist of all gifts, grants, bequests, transfers, appropriations or other donations or payments which may be received and administered by the Division of Justice and Community Services from any governmental entity or unit or any person, firm, foundation, or corporation for the purposes of this section, and all interest or other return earned from investment of the fund. Expenditures from the fund shall be made by the Director of the Division of Justice and Community Services and shall be limited to grants to nonprofit agencies which provide civil legal services to low income persons made at his or her discretion. Any balance in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this section.

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

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

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

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

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

(B) Beginning July 1, 2014, upon request made within thirty days of the date of death of a veteran, the clerk of the county commission shall issue without fee no more than a total of two certified copies of a veteran’s death certificate to: (i) A family
member or dependent of the veteran; (ii) the personal
representative of the veteran’s estate; or (iii) the funeral director
providing funeral services for the veteran with written
permission from the person responsible for payment of the
funeral services or a family member or dependent of the veteran:
Provided, That proof of the veteran’s military service is
furnished at the time of the request. However, as provided by
section twelve-a, article four of this chapter, no fee may be
charged for a death certificate that is necessary to obtain benefits
from the federal or state government. As used in this paragraph,
“veteran” means any person who has served in the armed forces
of the United States, the military reserve or National Guard and
who was not dishonorably discharged.

(e) For copies of any record in electronic form or a medium
other than paper, a reasonable fee set by the clerk of the county
commission not to exceed the costs associated with document
search and duplication.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Danny Wells  
Chairman, House Committee

Chairman, Senate Committee

Originating in the House.
In effect July 1, 2014.

Gregg D. Sapp  
Clerk of the House of Delegates

Joseph W. Minard  
Clerk of the Senate

Mike Miller  
Speaker of the House of Delegates

Jeffrey K. Kessler  
President of the Senate

The within was approved this the 25th day of March, 2014.

Earl Ray Tomblin  
Governor
PRESENTED TO THE GOVERNOR

MAR 17 2014

Time 3:25 pm