

H- 3-10-97 Local Gov.
H- 4-2-97 Do Pass

FILED FEB 26 1997
H- 4/10/97 unfinished Business Calendar

SENATE FILE 232
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 136)

Passed Senate, Date 3-6-97 ^(p.524) Passed House, Date 4-15-97 ^(p.1220)
Vote: Ayes 47 Nays 0 Vote: Ayes 94 Nays 2
Approved April 22, 1997

A BILL FOR

1 An Act relating to notarial acts and providing an effective date.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 232

1 Section 1. Section 9E.10, subsection 1, Code 1997, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. A registrar of vital statistics or a
4 designee of a registrar of vital statistics.

5 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
6 immediate importance, takes effect upon enactment.

7 EXPLANATION

8 This bill adds a registrar of vital statistics or a
9 registrar's designee to the list of people who may perform a
10 notarial act.

11 The bill takes effect upon enactment.

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Zieman, chair
Dearden
Redwine

SSB 136
Local Government
Succeeded By
SF/HF 232

SENATE FILE _____
BY (PROPOSED COMMITTEE ON LOCAL
GOVERNMENT BILL BY CHAIR-
PERSON ZIEMAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to notarial acts and the issuance of marriage
2 licenses by county registrars.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 9E.10, subsection 1, Code 1997, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. A registrar of vital statistics or a
4 designee of a registrar of vital statistics.

5 Sec. 2. Section 595.4, Code 1997, is amended to read as
6 follows:

7 595.4 AGE AND QUALIFICATION -- VERIFIED APPLICATION --
8 WAITING PERIOD -- EXCEPTION.

9 Previous Prior to the issuance of any license to marry, the
10 parties desiring the license shall sign and file a verified
11 application with the county registrar which application either
12 may be mailed to the parties at their request or may be signed
13 by them at the office of the county registrar in the county in
14 which the license is to be issued. The application shall set
15 forth at least one affidavit of some competent and
16 disinterested person stating the facts as to age and
17 qualification of the parties. Upon the filing of the
18 application for a license to marry, the county registrar shall
19 issue the license and file the application in a record kept
20 for that purpose.

21 ~~After-expiration-of-three-days-from-the-date-of-filing-the~~
22 ~~application-by-the-parties,-the-county-registrar-shall-issue~~
23 ~~the-license.--If-the-license-has-not-been-issued-within-six~~
24 ~~months-from-the-date-of-the-application,-the-application-is~~
25 ~~void-~~

26 ~~A-license-to-marry-may-be-issued-prior-to-the-expiration-of~~
27 ~~three-days-from-the-date-of-filing-the-application-for-the~~
28 ~~license-in-cases-of-emergency-or-extraordinary-circumstances-~~
29 ~~An-order-authorizing-the-issuance-of-a-license-may-be-granted~~
30 ~~by-a-judge-of-the-district-court-under-conditions-of-emergency~~
31 ~~or-extraordinary-circumstances-upon-application-of-the-parties~~
32 ~~filed-with-the-county-registrar.--No-order-may-be-granted~~
33 ~~unless-the-parties-have-filed-an-application-for-a-marriage~~
34 ~~license-in-a-county-within-the-judicial-district.--An~~
35 ~~application-for-an-order-shall-be-made-on-forms-furnished-by~~

1 the-county-registrar-at-the-same-time-the-application-for-the
 2 license-to-marry-is-made.--After-examining-the-application-for
 3 the-marriage-license, the-county-registrar-shall-refer-the
 4 parties-to-a-judge-of-the-district-court-for-action-on-the
 5 application-for-an-order-authorizing-the-issuance-of-a
 6 marriage-license-prior-to-expiration-of-three-days-from-the
 7 date-of-filing-the-application-for-the-license.--The-judge
 8 shall, if-satisfied-as-to-the-existence-of-an-emergency-or
 9 extraordinary-circumstances, grant-an-order-authorizing-the
 10 issuance-of-a-license-to-marry-prior-to-the-expiration-of
 11 three-days-from-the-date-of-filing-the-application-for-the
 12 license-to-marry.--The-county-registrar-shall-issue-a-license
 13 to-marry-upon-presentation-by-the-parties-of-the-order
 14 authorizing-a-license-to-be-issued.--A-fee-of-five-dollars
 15 shall-be-paid-to-the-county-registrar-at-the-time-the
 16 application-for-the-order-is-made, which-fee-is-in-addition-to
 17 the-fee-prescribed-by-law-for-the-issuance-of-a-marriage
 18 license.

EXPLANATION

19
 20 This bill adds a registrar of vital statistics or a
 21 registrar's designee to the list of people who may perform a
 22 notarial act. The bill amends Code section 595.4 by removing
 23 all parts of the section relating to the three-day waiting
 24 requirement for the issuance of a marriage license. The bill
 25 also amends Code section 595.4 by providing that a marriage
 26 license shall be issued by the county registrar upon the
 27 filing of the application.

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AN ACT
RELATING TO NOTARIAL ACTS AND PROVIDING AN EFFECTIVE
DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 9E.10, subsection 1, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. A registrar of vital statistics or a designee of a registrar of vital statistics.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 232, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved April 22, 1997

TERRY E. BRANSTAD
Governor

SF 232