

JAN 11 1971

State Government
1/13/71 *1-14* *Pass per amendment 1-27*
Sen "

HOUSE FILE 18

By WELDEN, DRAKE, FISHER of
Greene, and SHAW
(Curran, Smith, and Neu)

Passed House, Date 1-14-71 Passed Senate, Date 2-2-71

Vote: Ayes 91 Nays 3 Vote: Ayes 45 Nays 3

Approved 2-19-71

Passed House per Senate amendment 2-5-71
aye 87 nays 1

A BILL FOR

1 An Act relating to notaries public.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section seventy-seven point one (77.1), Code
2 1971, is amended as follows:

3 77.1 APPOINTMENT. The governer secretary of state may
4 at any time appoint one or more notaries public in each county
5 and may at any time revoke such appointment.

6 Sec. 2. Section seventy-seven point two (77.2), Code 1971,
7 is amended as follows:

8 77.2 WHEN APPOINTMENTS MADE. 1. Except as provided in
9 subsection 2 of this section, such appointments, if for a full
10 term, shall be made on July 4, 1924, and on the same day each
11 three years thereafter. All commissions shall expire on the
12 fourth day of July in the same years except as provided in
13 section eight (8) of this Act. No commission shall be for a
14 longer period than three years except as provided in subsection
15 two (2) of this section and section eight (8) of this Act.

16 2. Appointments made after July 4, 1972 shall be made for
17 an initial term as follows:

18 a. Surnames beginning with 'a' through 'i' shall expire
19 September 30, 1977.

20 b. Surnames beginning with 'j' through 'r' shall expire
21 September 30, 1976.

22 c. Surnames beginning with 's' through 'z' shall expire
23 September 30, 1975.

24 All terms after the initial term shall be for a period of
25 three years and shall expire on the thirtieth day of September.

26 Sec. 3. Section seventy-seven point three (77.3), Code
27 1971, is amended as follows:

28 77.3 NOTICE OF EXPIRATION OF TERM. The governer secretary
29 of state shall, on or before May August 1 preceding the
30 expiration of each commission, notify each notary public of
31 such expiration and furnish him with a blank application for
32 reappointment and a blank bond.

33 Sec. 4. Section seventy-seven point four (77.4), Code 1971,
34 is amended as follows:

35 77.4 CONDITIONS. Before any such commission is delivered

1 to the person appointed, he shall:

2 1. Procure a seal on which shall be engraved the words
3 "Notarial Seal" and "Iowa", with his surname at length and at
4 least the initials of his Christian name.

5 2. Execute a bond to the state of Iowa in the sum of five
6 hundred dollars conditioned for the true and faithful execution
7 of the duties of his office, which bond, when secured by
8 personal surety, shall be approved by the clerk of the
9 district court of the county of his residence; all other bonds
10 shall be approved by the governor secretary of state.

11 3. Write on said bond, or a paper attached thereto, his
12 signature, and place thereon a distinct impression of his
13 official seal.

14 4. File such bond with attached papers, if any, in the
15 office of the governor secretary of state.

16 5. Remit ~~to the governor~~ the sum of five seven dollars
17 fifty cents for the three-year period provided by law to the
18 secretary of state, except as provided in section eight (8)
19 of this Act.

20 When the governor secretary of state is satisfied that the
21 foregoing requirements have been fully complied with, he
22 shall execute and deliver a commission to the person appointed.

23 Sec. 5. Section seventy-seven point five (77.5), Code 1971,
24 is amended as follows:

25 77.5 CERTIFICATE FILED. When the governor secretary of
26 state delivers a commission to the person appointed, he or
27 his-secretary shall make a certificate of such appointment
28 and forward the same to the clerk of the district court of
29 the proper county, who shall file and preserve the same in his
30 office, and it shall be deemed sufficient evidence to enable
31 such clerk to certify that the person so commissioned is a
32 notary public during the time such commission is in force.

33 Sec. 6. Section seventy-seven point six (77.6), Code
34 1971, is amended as follows:

35 77.6 REVOCATION--NOTICE. Should the commission of any

1 person appointed notary public be revoked by the governer
2 secretary of state, he shall immediately notify such person
3 and also the clerk of the district court of the proper county,
4 through the mail.

5 Sec. 7. Section seventy-seven point eleven (77.11), Code
6 1971, is amended as follows:

7 77.11 IMPROPERLY ACTING AS NOTARY. If any notary public
8 exercises the duties of his office after the expiration of his
9 commission, or when otherwise disqualified, or appends his
10 official signature to documents when the parties have not
11 appeared before him, he shall be fined not less than fifty
12 dollars, and shall be removed from office by the governer
13 secretary of state.

14 Sec. 8. All commissions granted by the governor scheduled
15 to expire July 4, 1972, are hereby extended and shall be valid
16 through September 30, 1972.

17 The fee for commissions granted for the initial term of
18 five years as provided in section two (2), subsection two
19 (2), paragraph a, of this Act shall be twelve dollars and
20 fifty cents. The fee for commissions granted for the
21 initial term of four years as provided in section two (2),
22 subsection two (2), paragraph b, of this Act shall be ten
23 dollars.

24 EXPLANATION

25 This bill provides for transferring the issuing of
26 commissions to notaries public from the governor's office
27 to the secretary of state's office and staggers the terms
28 of notary publics. In addition the bill raises the fee for
29 a three year term from \$5 to \$7.50.

30 Governor's Economy Committee Report, Governor's Office,
31 recommendations #1 and 2.

SENATE CLIP SHEET

Thursday, January 28, 1971

HOUSE FILE 18

1 Amend House File 18 as follows:
2 1. Page 2, line 4, by striking the words "in each county"
3 and inserting in lieu thereof the words "~~in-each-county~~".
4 2. Page 3, by striking lines 23 through 32, inclusive.
5 3. Page 3, line 33, by striking the number "6" and
6 in lieu thereof the number "5".
7 4. Page 4, by striking line 3 and inserting in lieu
8 the words "~~and-also-the-clerk-of-the-district-court-of-the~~
9 ~~proper-county,~~".
10 5. Page 4, line 5, by striking the number "7" and
11 in lieu thereof the number "6".
12 6. Page 4, line 14, by striking the number "8" and
13 in lieu thereof the number "7".
14 7. Page 4, by adding after line 23 the following new
15 1. "Sec. 8. Section seventy-seven point fourteen
16 Code 1971, is amended as follows:
17 77.14 Death--resignation--removal. On the death,
18 or removal from office of any notary, his records, with all
19 official papers, shall, within three months therefrom, be
20 deposited in the office of the ~~clerk-of-the-district-court-in~~
21 ~~county-for-which-such-notary-shall-have-been-appointed~~
22 secretary
23 of state."
24 2. "Sec. 9. Section seventy-seven point sixteen
25 Code 1971, is amended as follows:
26 77.16 Neglect of executor to deposit records. If an
27 executor

page 2

1 or administrator of a deceased notary willfully neglects, for
2 three months after his acceptance of that appointment, to
3 deposit in ~~said-clerk's~~ the secretary of state's office the
4 records and papers of a deceased notary which came into his
5 hand, he shall be held guilty of a misdemeanor."
6 3. "Sec. 10. Section seventy-seven point eighteen
7 Code 1971, is amended as follows:
8 77.18 Duty of ~~clerk~~ secretary of state as to records.
9 ~~Each-clerk-aforsaid~~ The secretary of state shall receive and
10 safely keep all such records and papers of the notary in the

Senate 2
Jan. 27, 1971

HOUSE FILE 18
Continued

page 2

11 cases above-named, and shall give attested copies of them,
12 under the seal of his court office, for which he may demand such
13 fees as by law may be allowed to the notaries, and such
14 shall have the same effect as if certified by the notary." copies

15 4. "Sec. 11. Section seventy-eight point one (78.1),
16 tion five (5), Code 1971, is amended as follows: subsec-

17 5. Notaries public ~~within-the-county-of-their~~ appointment,
18 ~~and-within-any-county-in-which-they-have-filed-with-the-clerk~~ of
19 ~~the-district-court-of-said-county-a-certified-copy-of-their~~
20 ~~certificate-of-appointment."~~

21 5. "Sec. 12. Section nine point three (9.3), Code 1971,
22 amended as follows: is

23 9.3 Commissions. All commissions issued by the governor
24 shall be countersigned by the secretary, who shall register
25 each commission in a book to be kept for that purpose, specify-

page 3

1 ing the office, name of officer, date of commission, and tenure
2 of office, and forthwith forward to the state comptroller
3 of said registration; ~~provided; however; that notarial~~ a copy
4 ~~sions shall be registered only in the office of the~~ commis-
5 6. "Sec. 13. Section seventy-seven point five (77.5),
6 1971, is repealed." governor." Code

Filed - Adopted 2-2-71
January 27, 1971
House Concurred 2-5-71

By COMMITTEE ON STATE GOVERNMENT

Date prepared January 29, 1971

Requested by Senator Messerly.

Prepared in regard to H.F. 18, a bill for an Act relating to notaries public. Following is the fiscal effect in dollars of the legislative proposal as required by Rule 31.

It is estimated that approximately 30,000 notary commissions are issued during the three years between expiration dates. Raising this fee from \$5.00 to \$7.50 would increase the revenue from this source by approximately \$75,000.

The Governor's Economy Committee estimated that there will be an annual savings of approximately \$700 by staggering the expiration dates of notary public commissions. The committee also estimated that there will be an additional \$700 annual savings by transferring notary public license-issuing operations to the Secretary of State's office.

Filed
February 1, 1971

GERRY D. RANKIN
Legislative Fiscal Director

- 1 Amend House File 18 as follows:
- 2 1. Page 2, line 13, by striking "eight (8)" and inserting
in
- 3 lieu thereof "seven (7)".
- 4 2. Page 2, line 15, by striking "eight (8)" and inserting
in
- 5 lieu thereof "seven (7)".
- 6 3. Page 3, line 18, by striking "eight (8)" and inserting
in
- 7 lieu thereof "seven (7)".

Filed and Adopted, *House*
February 2, 1971 *Concurred 2/5*

By POTGETER