

See. State Govt 3/18 Do Pass 3/22 (p. 866)

HOUSE FILE 2397

State Government
Nystrom, Chair
Schwengels
Slater

1982

HOUSE FILE 2397

BY COMMITTEE ON STATE GOVERNMENT

Place On Calendar

(Formerly House File 2282)

Passed House, Date 3-15-82 (p. 828) Passed Senate, Date 4-2-82 (p. 1004)

Vote: Ayes 89 Nays 0 Vote: Ayes 47 Nays 1

Approved April 19, 1982

A BILL FOR

1 An Act relating to the time of expiration of the commission
2 of a notary public and to the notice required to be
3 given by the secretary of state and allowing the secretary
4 of state to appoint as a notary public a resident of a
5 border state working in Iowa.

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

7
8
9
10
11

HOUSE FILE 2397

H-5290

1 Amend House File 2397 as follows:

2 1. Page 1, line 23, by inserting after the word
3 "Iowa," the words "of the county of".

BY CARPENTER of Polk
FEY of Scott
TOFTE of Winneshiek
SWEARINGEN of Keokuk

H-5290 FILED
MARCH 2, 1982

Adopted 2/15 (p. 827)

23
24
25

2397

1 Section 1. Section 77.2, Code 1981, is amended to read
2 as follows:

3 77.2 TERMS--EXPIRATION DATE. ~~All terms shall be for a~~
4 ~~period of~~ The term of a notary who is an Iowa resident is
5 ~~three years and shall expire on the thirtieth day of September.~~
6 The term of a notary who is a resident of a state bordering
7 Iowa and whose place of work or business is in Iowa, is one
8 year.

9 Sec. 2. Section 77.3, Code 1981, is amended to read as
10 follows:

11 77.3 NOTICE OF EXPIRATION OF TERM. The secretary of state
12 shall, ~~on or before August 1~~ two months preceding the expira-
13 tion of ~~each~~ a commission, notify ~~each~~ the notary public of
14 ~~such~~ the expiration and furnish ~~him with~~ a blank application
15 for reappointment and a blank bond.

16 Sec. 3. Section 77.4, subsection 2, Code 1981, is amended
17 to read as follows:

18 2. Execute a bond to the state of Iowa in the sum of five
19 hundred dollars conditioned for the true and faithful execution
20 of the duties of ~~his~~ the office, which bond, when secured
21 by personal surety, shall be approved by the clerk of the
22 district court of the county of ~~his~~ the person's residence
23 or in the case of a resident of a state bordering Iowa, the
24 person's place of work or business within the state of Iowa;
25 all other bonds shall be approved by the secretary of state.

26 Sec. 4. Section 77.4, subsection 5, Code 1981, as amended
27 by Acts of the Sixty-ninth General Assembly, 1981 Session,
28 chapter 21, section 2, is amended to read as follows:

29 5. Remit the sum of fifteen dollars ~~for the three-year~~
30 ~~period provided by law~~ to the secretary of state.

31 Sec. 5. Section 77.17, Code 1981, is amended to read as
32 follows:

33 77.17 CHANGE OF RESIDENCE. If a ~~notary remove his~~ notary's
34 residence is moved from the state of Iowa, ~~such removal shall~~
35 be the move is taken as a resignation. However, this does

1 not apply to a person appointed as a notary public who is
2 a resident of a state bordering Iowa and whose place of work
3 or business is in Iowa. If a notary who is a resident of
4 a state bordering Iowa ceases to work or maintain a place
5 of business in Iowa, the notary's commission expires.

6 Sec. 6. Chapter 77, Code 1981, is amended by adding the
7 following new section:

8 NEW SECTION. APPOINTMENT OF BORDER STATE RESIDENTS AS
9 NOTARY. The secretary of state may appoint as a notary public
10 a resident of a state bordering Iowa if that person's place
11 of work or business is within the state of Iowa.

12 EXPLANATION

13 This bill allows the secretary of state to appoint as a
14 notary public a nonresident of Iowa if that person is a
15 resident of a state bordering Iowa and the person's place
16 of work or business is in the state of Iowa. The commission
17 of a nonresident notary expires annually. If the nonresident
18 notary ceases to work or maintain a place of business in Iowa,
19 the notary's commission expires.

20 This bill changes the date of expiration of each notary's
21 commission. The bill requires the secretary of state to
22 notify each notary public two months before the notary's
23 commission expires.

24 This bill takes effect July 1 following enactment.

25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 2397

AN ACT

RELATING TO THE TIME OF EXPIRATION OF THE COMMISSION OF A NOTARY PUBLIC AND TO THE NOTICE REQUIRED TO BE GIVEN BY THE SECRETARY OF STATE AND ALLOWING THE SECRETARY OF STATE TO APPOINT AS A NOTARY PUBLIC A RESIDENT OF A BORDER STATE WORKING IN IOWA.

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

Section 1. Section 77.2, Code 1981, is amended to read as follows:

77.2 TERMS--EXPIRATION DATE. ~~All terms shall be for a period of~~ The term of a notary who is an Iowa resident is three years and shall expire on the thirtieth day of September. ~~The term of a notary who is a resident of a state bordering Iowa and whose place of work or business is in Iowa, is one year.~~

Sec. 2. Section 77.3, Code 1981, is amended to read as follows:

77.3 NOTICE OF EXPIRATION OF TERM. The secretary of state shall, ~~on or before August 1~~ two months preceding the expiration of each a commission, notify each the notary public of ~~such the~~ expiration and furnish him with a blank application for reappointment and a blank bond.

Sec. 3. Section 77.4, subsection 2, Code 1981, is amended to read as follows:

2. Execute a bond to the state of Iowa in the sum of five hundred dollars conditioned for the true and faithful execution of the duties of ~~his~~ the office, which bond, when secured by personal surety, shall be approved by the clerk of the district court of the county of ~~his~~ the person's residence or in the case of a resident of a state bordering Iowa, of the county of the person's place of work or business within the state of Iowa; all other bonds shall be approved by the secretary of state.

Sec. 4. Section 77.4, subsection 5, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 21, section 2, is amended to read as follows:

5. Remit the sum of fifteen dollars ~~for the three-year period provided by law~~ to the secretary of state.

Sec. 5. Section 77.17, Code 1981, is amended to read as follows:

77.17 CHANGE OF RESIDENCE. If a notary ~~remove his~~ notary's residence is moved from the state of Iowa, ~~such removal shall be the move is~~ taken as a resignation. However, this does not apply to a person appointed as a notary public who is a resident of a state bordering Iowa and whose place of work or business is in Iowa. If a notary who is a resident of a state bordering Iowa ceases to work or maintain a place of business in Iowa, the notary's commission expires.

Sec. 6. Chapter 77, Code 1981, is amended by adding the following new section:

NEW SECTION. APPOINTMENT OF BORDER STATE RESIDENTS AS NOTARY. The secretary of state may appoint as a notary public a resident of a state bordering Iowa if that person's place of work or business is within the state of Iowa.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2397, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved 4/19, 1982

ROBERT D. RAY
Governor