

STATE GOVERNMENT: Gronstal, Chair; Gentleman and Welsh

Revised 5/10/87

FEB 4 1987

HOUSE FILE 164

Place On Calendar

BY COMMITTEE ON STATE GOVERNMENT

(Formerly House Study Bill 20)

Passed House, Date 2-12-87 (p. 356) Passed Senate, Date 5/6/87 (p. 1737)

Vote: Ayes 75 Nays 19 Vote: Ayes 42 Nays 4

Approved February 17, 1988 (p. 424)

Revised House as amended by Senate
5/9/87 (p. 2265)

Revised Senate as further amended by House
2/4/88 (p. 208)

68-28

37-7

A BILL FOR

5-3-10,30671 An Act relating to the discretion of a notary public in
2 performing notarial services, and limiting that discretion.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 164

H-3069

- 1 Amend House File 164 as follows:
- 2 1. Page 1, by inserting the following before
- 3 line 1:
- 4 "Section 1. Section 77.4, subsections 2, 3, and
- 5 4, Code 1987, are amended by striking the subsections."
- 6 2. Title page, line 1, by inserting after the
- 7 word "Act" the following: "eliminating the requirement
- 8 that notaries public be bonded and".
- 9 3. Renumber as necessary.

H-3069 FILED FEBRUARY 11, 1987 BY HUMMEL of Benton

4/15 2/12/87 (p. 356)

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5-22-65, 72-2-1

1 Section 1. NEW SECTION. 77.8 DISCRETION -- LIMITATION.

2 A notary public may exercise reasonable discretion in
3 performing or declining to perform notarial services, but a
4 notary shall not condition the performance of notarial
5 services upon the requirement that the person served be a
6 customer or client of the establishment by which the notary is
7 employed.

8 The employer of a notary public shall not condition the
9 performing of notarial services upon the requirement that the
10 person served be a customer or client of the establishment by
11 which the notary is employed.

12 EXPLANATION

13 This bill expressly states that a notary public may
14 exercise reasonable discretion in performing or declining to
15 perform notarial services and prohibits a requirement that the
16 person served be a customer of the establishment by which the
17 notary is employed.

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S-4004

- 1 Amend Senate amendment, S-3455, to House File 164
 2 as passed by the House as follows:
 3 1. Page 1, by striking lines 9 through 29 and
 4 inserting the following:
 5 "The secretary of state may appoint notaries public
 6 and may revoke an appointment for cause.
 7 Sec. ____ . Section 77.6, Code 1987, is amended to
 8 read as follows:
 9 77.6 REVOCATION -- NOTICE.
 10 Should the commission of any a person appointed
 11 notary public be revoked by the secretary of state,
 12 the secretary shall immediately notify such the person
 13 through the mail. The notice shall state the cause of
 14 the revocation and shall inform the person of the
 15 right to a hearing on the revocation. The secretary
 16 of state shall adopt rules under chapter 17A to
 17 provide for a hearing for persons whose commission is
 18 revoked."
 19 ____ . Page 1, by inserting after line 11 the
 20 following:
 21 "Sec. ____ . Sections 77.15 and 77.16, Code 1987,
 22 are repealed.""
 23 2. By renumbering as required.

S-4004

Filed May 5, 1987

Placed o/o 5/6 (p. 1736)

BY DONALD V. DOYLE

HOUSE FILE 164

S-4012

- 1 Amend Senate amendment, S-3455, to House File 164
 2 as passed by the House as follows:
 3 1. Page 1, by striking lines 9 through 14 and
 4 inserting the following:
 5 "1. The secretary of state may appoint notaries
 6 public and may revoke an appointment for cause.
 7 2. The secretary of state shall appoint members of
 8 the general assembly as notaries public and may revoke
 9 the appointment for cause."
 10 2. Page 1, by striking line 29, and inserting the
 11 following: "by this subsection.
 12 Sec. ____ . Section 77.6, Code 1987, is amended to
 13 read as follows:
 14 77.6 REVOCATION -- NOTICE.
 15 Should the commission of any a person appointed
 16 notary public be revoked by the secretary of state,
 17 the secretary shall immediately notify such the person
 18 through the mail. The notice shall state the cause of
 19 the revocation and shall inform the person of the
 20 right to a hearing on the revocation. The secretary
 21 of state shall adopt rules under chapter 17A to
 22 provide for a hearing for persons whose commission is
 23 revoked."
 24 ____ . Page 1, by inserting after line 11 the
 25 following:
 26 "Sec. ____ . Sections 77.15 and 77.16, Code 1987,
 27 are repealed.""
 28 3. By renumbering as required.

S-4012

Filed May 6, 1987

ADOPTED (p. 1736)

BY DONALD V. DOYLE

HOUSE FILE 164

S-3455

1 Amend House File 164 as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Sec. ____ . Section 77.1, Code 1987, is amended by
6 striking the section and inserting in lieu thereof the
7 following:

8 77.1 APPOINTMENT.

9 1. The secretary of state may at any time appoint
10 one or more notaries public and may at any time revoke
11 the appointment.

12 2. The secretary of state shall appoint members of
13 the general assembly as notaries public and may at any
14 time revoke the appointment.

15 Sec. ____ . Section 77.2, Code 1987, is amended to
16 read as follows:

17 77.2 TERMS.

18 The term of a notary who is an Iowa resident is
19 three years. The term of a notary who is a resident
20 of a state bordering Iowa and whose place of work or
21 business is in Iowa, is one year. The term of a
22 notary who is a member of the general assembly is the
23 member's term of office.

24 Sec. ____ . Section 77.4, subsection 5, unnumbered
25 paragraph 1, Code 1987, is amended to read as follows:

26 Remit the sum of fifteen dollars to the secretary
27 of state. Persons appointed as notaries under section
28 77.1, subsection 2, are not subject to the fee imposed
29 by this subsection."

30 2. Amend the title, lines 1 and 2, by striking
31 the words "the discretion of a notary public in
32 performing notarial services, and limiting that
33 discretion" and inserting the following: "notaries
34 public".

35 3. Renumber sections and correct internal
36 references as necessary in accordance with this
37 amendment.

S-3455

Filed April 7, 1987

*Adopted as amended by 4012
5/6/87 (p. 1736)*

BY RICHARD F. DRAKE
GEORGE R. KINLEY
ROBERT M. CARR

SENATE AMENDMENT TO HOUSE FILE 164

H-4244

1 Amend House File 164 as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Sec. ____ . Section 77.1, Code 1987, is amended by
6 striking the section and inserting in lieu thereof the
7 following:

8 77.1 APPOINTMENT.

9 1. The secretary of state may appoint notaries
10 public and may revoke an appointment for cause.

11 2. The secretary of state shall appoint members of
12 the general assembly as notaries public and may revoke
13 the appointment for cause.

14 Sec. ____ . Section 77.2, Code 1987, is amended to
15 read as follows:

16 77.2 TERMS.

17 The term of a notary who is an Iowa resident is
18 three years. The term of a notary who is a resident
19 of a state bordering Iowa and whose place of work or
20 business is in Iowa, is one year. The term of a
21 notary who is a member of the general assembly is the
22 member's term of office.

23 Sec. ____ . Section 77.4, subsection 5, unnumbered
24 paragraph 1, Code 1987, is amended to read as follows:

25 Remit the sum of fifteen dollars to the secretary
26 of state. Persons appointed as notaries under section
27 77.1, subsection 2, are not subject to the fee imposed
28 by this subsection.

29 Sec. ____ . Section 77.6, Code 1987, is amended to
30 read as follows:

31 77.6 REVOCATION -- NOTICE.

32 Should the commission of any a person appointed
33 notary public be revoked by the secretary of state,
34 the secretary shall immediately notify such the person
35 through the mail. The notice shall state the cause of
36 the revocation and shall inform the person of the
37 right to a hearing on the revocation. The secretary
38 of state shall adopt rules under chapter 17A to
39 provide for a hearing for persons whose commission is
40 revoked."

41 2. Page 1, by inserting after line 11 the
42 following:

43 "Sec. ____ . Sections 77.15 and 77.16, Code 1987,
44 are repealed."

45 3. Amend the title, lines 1 and 2, by striking
46 the words "the discretion of a notary public in
47 performing notarial services, and limiting that
48 discretion" and inserting the following: "notaries
49 public".

50 4. Renumber sections and correct internal

Page Two

1 references as necessary in accordance with this
2 amendment.

H-4244 FILED MAY 6, 1987

RECEIVED FROM THE SENATE

*Have amended (4341) + Concurred
5/9/87 (p. 2265)*

HOUSE FILE 164

H-4273

1 Amend the Senate amendment, H-4244, to House File
2 164 as passed by the House, as follows:

3 1. Page 1, by inserting after line 40 the
4 following:

5 "____. Page 1, by striking lines 1 through 11 and
6 inserting the following:

7 "Sec. ____ . NEW SECTION. 77.8 DISCRETION.

8 A notary public shall exercise reasonable
9 discretion in performing or declining to perform
10 notarial services."

11 2. By renumbering as necessary.

H-4273 FILED MAY 7, 1987

BY GARMAN of Story

Law 5/9 (p. 2265)

HOUSE FILE 164

H-4341

1 Amend the Senate amendment H-4244 to House File
2 164, as passed by the House as follows:

3 1. Page 1, by inserting after line 22 the
4 following:

5 "Sec. ____ . Section 77.4, subsections 2, 3, and 4,
6 Code 1987, are amended by striking the subsections."

H-4341 FILED MAY 8, 1987

BY HUMMEL of Benton

Adopted 5/9/87 (p. 2265)

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 164

S-4097

1 Amend the Senate amendment H-4244 to House File
2 164, as passed by the House as follows:

3 1. Page 1, by inserting after line 22 the
4 following:

5 "Sec. ____ Section 77.4, subsections 2, 3, and 4,
6 Code 1987, are amended by striking the subsections."

S-4097

Filed May 9, 1987

RECEIVED FROM THE HOUSE

Senate concurred 2/4/88 (p. 268)

HSB 20

STATE GOVERNMENT

*New
H.F. 118*

SENATE/HOUSE FILE _____
BY (PREFILED CITIZENS' AIDE
BILL)

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

A BILL FOR

1 An Act relating to the discretion of a notary public in
2 performing notarial services, and limiting that discretion.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SUB COMMITTEE ASSIGNMENTS

CHAIR: *Connors*

COMMITTEE: *State Gov.*

S.F. _____ H.F. _____

1 Section 1. NEW SECTION. 77.8 DISCRETION -- LIMITATION.

2 A notary public may exercise reasonable discretion in
3 performing or declining to perform notarial services, but a
4 notary shall not condition the performance of notarial
5 services upon the requirement that the person served be a
6 customer or client of the establishment by which the notary is
7 employed.

8 EXPLANATION

9 This bill expressly states that a notary public may
10 exercise reasonable discretion in performing or declining to
11 perform notarial services and prohibits a requirement that the
12 person served be a customer of the establishment by which the
13 notary is employed.

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HOUSE FILE 164

AN ACT

RELATING TO NOTARIES PUBLIC.

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

Section 1. Section 77.1, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

77.1 APPOINTMENT.

1. The secretary of state may appoint notaries public and may revoke an appointment for cause.

2. The secretary of state shall appoint members of the general assembly as notaries public and may revoke the appointment for cause.

Sec. 2. Section 77.2, Code 1987, is amended to read as follows:

77.2 TERMS.

The term of a notary who is an Iowa resident is three years. 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. The term of a notary who is a member of the general assembly is the member's term of office.

Sec. 3. Section 77.4, subsections 2, 3, and 4, Code 1987, are amended by striking the subsections.

Sec. 4. Section 77.4, subsection 5, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Remit the sum of fifteen dollars to the secretary of state. Persons appointed as notaries under section 77.1, subsection 2, are not subject to the fee imposed by this subsection.

Sec. 5. Section 77.6, Code 1987, is amended to read as follows:

77.6 REVOCATION -- NOTICE.

Should the commission of any a person appointed notary public be revoked by the secretary of state, the secretary shall immediately notify such the person through the mail. The notice shall state the cause of the revocation and shall inform the person of the right to a hearing on the revocation.

The secretary of state shall adopt rules under chapter 17A to provide for a hearing for persons whose commission is revoked.

Sec. 6. NEW SECTION. 77.8 DISCRETION -- LIMITATION.

A notary public may exercise reasonable discretion in performing or declining to perform notarial services, but a notary shall not condition the performance of notarial services upon the requirement that the person served be a customer or client of the establishment by which the notary is employed.

The employer of a notary public shall not condition the performing of notarial services upon the requirement that the person served be a customer or client of the establishment by which the notary is employed.

Sec. 7. Sections 77.15 and 77.16, Code 1987, are repealed.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 164, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved Feb. 19, 1988

TERRY E. BRANSTAD
Governor

HF 164