

FEB 27 1997

Place On Calendar

HOUSE FILE

382

BY COMMITTEE ON JUDICIARY

H. 382/98 UNFINISHED BUSINESS CALENDAR

(SUCCESSOR TO HSB 37)

4-7-97 Referred to Judiciary
2-17-98 Do Pass
5-3/11/98 Judiciary
5-3-17-98 Do Pass

Passed House, ^(p. 633) Date 3-11-98

Passed Senate, ^(p. 924) Date 3/26/98

Vote: Ayes 86 Nays 8

Vote: Ayes 40 Nays 9

Approved 4/15/98

(p. 1296)

Passed 4-6-98
Vote 89-10

A BILL FOR

1 An Act relating to the validity of certain marriages.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 382

1 Section 1. Section 595.2, Code 1997, is amended to read as
2 follows:

3 595.2 AGE -- GENDER.

4 1. A Only a marriage between a male and a female each
5 eighteen-years-of-age-or-older is valid.

6 2. A Additionally, a marriage between a male and a female
7 is valid only if each is eighteen years of age or older.

8 However, if either or both of whom the parties have not
9 attained that age, the marriage may be valid under the
10 circumstances prescribed in this section.

11 3. If either party to a marriage falsely represents the
12 party's self to be eighteen years of age or older at or before
13 the time the marriage is solemnized, the marriage is valid
14 unless the person who falsely represented their age chooses to
15 void the marriage by making their true age known and verified
16 by a birth certificate or other legal evidence of age in an
17 annulment proceeding initiated at any time before the person
18 reaches their eighteenth birthday. A child born of a marriage
19 voided under this subsection is legitimate.

20 4. A marriage license may be issued to a male and a
21 female either or both of whom are sixteen or seventeen years
22 of age if:

23 a. The parents of the underaged party or parties certify
24 in writing that they consent to the marriage. If one of the
25 parents of any underaged party to a proposed marriage is dead
26 or incompetent the certificate may be executed by the other
27 parent, if both parents are dead or incompetent the guardian
28 of the underaged party may execute the certificate, and if the
29 parents are divorced the parent having legal custody may
30 execute the certificate and

31 b. The certificate of consent of the parents, parent, or
32 guardian is approved by a judge of the district court or, if
33 both parents of any underaged party to a proposed marriage are
34 dead, incompetent, or cannot be located and the party has no
35 guardian, the proposed marriage is approved by a judge of the

1 district court. A judge shall grant approval under this
2 subsection only if the judge finds the underaged party or
3 parties capable of assuming the responsibilities of marriage
4 and that the marriage will serve the best interest of the
5 underaged party or parties. Pregnancy alone does not
6 establish that the proposed marriage is in the best interest
7 of the underaged party or parties, however, if pregnancy is
8 involved the court records which pertain to the fact that the
9 female is pregnant shall be sealed and available only to the
10 parties to the marriage or proposed marriage or to any
11 interested party securing an order of the court.

12 c. If a parent or guardian withholds consent, the judge
13 upon application of a party to a proposed marriage shall
14 determine if the consent has been unreasonably withheld. If
15 the judge so finds, the judge shall proceed to review the
16 application under paragraph "b" of this subsection.

17 Sec. 2. Section 595.3, subsection 2, Code 1997, is amended
18 to read as follows:

19 2. Where either party is under eighteen years of age,
20 unless the marriage is approved by a judge of the district
21 court as provided by section 595.27-subsection-2.

22 Sec. 3. NEW SECTION. 595.20 FOREIGN MARRIAGES --
23 VALIDITY.

24 A marriage which is solemnized in any other state,
25 territory, country, or any foreign jurisdiction which is valid
26 in that state, territory, country, or other foreign
27 jurisdiction, is valid in this state if the parties meet the
28 requirements for validity pursuant to section 595.2,
29 subsection 1, and if the marriage would not otherwise be
30 declared void.

31

EXPLANATION

32 This bill provides that only a marriage between a male and
33 a female is valid and that a marriage which is solemnized out-
34 side of this state in a foreign jurisdiction is valid in this
35 state if the requirements, including gender requirements, of

1 the parties to the marriage are met and the marriage would not
2 otherwise be void.

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H-8277

1 Amend House File 382 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 216.2, Code 1997, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 12A. "Sexual orientation" means
7 actual or perceived heterosexuality, homosexuality, or
8 bisexuality. "Sexual orientation" does not include
9 participation in acts which are prohibited by law.

10 Sec. 2. Section 216.5, subsections 6 and 8, Code
11 1997, are amended to read as follows:

12 6. To issue such publications and reports of
13 investigations and research as in the judgment of the
14 commission shall tend to promote good will among the
15 various racial, religious, and ethnic groups of the
16 state and which shall tend to minimize or eliminate
17 discrimination in public accommodations, employment,
18 apprenticeship and on-the-job training programs,
19 vocational schools, or housing because of race, creed,
20 color, sex, sexual orientation, national origin,
21 religion, ancestry, or disability.

22 8. To make recommendations to the general assembly
23 for such further legislation concerning discrimination
24 because of race, creed, color, sex, sexual
25 orientation, national origin, religion, ancestry, or
26 disability as it may deem necessary and desirable.

27 Sec. 3. Section 216.6, subsection 1, paragraphs a,
28 b, and c, Code 1997, are amended to read as follows:

29 a. Person to refuse to hire, accept, register,
30 classify, or refer for employment, to discharge any
31 employee, or to otherwise discriminate in employment
32 against any applicant for employment or any employee
33 because of the age, race, creed, color, sex, sexual
34 orientation, national origin, religion, or disability
35 of such applicant or employee, unless based upon the
36 nature of the occupation. If a person with a
37 disability is qualified to perform a particular
38 occupation, by reason of training or experience, the
39 nature of that occupation shall not be the basis for
40 exception to the unfair or discriminating practices
41 prohibited by this subsection.

42 b. Labor organization or the employees, agents, or
43 members thereof to refuse to admit to membership any
44 applicant, to expel any member, or to otherwise
45 discriminate against any applicant for membership or
46 any member in the privileges, rights, or benefits of
47 such membership because of the age, race, creed,
48 color, sex, sexual orientation, national origin,
49 religion, or disability of such applicant or member.

50 c. Employer, employment agency, labor

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1 organization, or the employees, agents, or members
2 thereof to directly or indirectly advertise or in any
3 other manner indicate or publicize that individuals of
4 any particular age, race, creed, color, sex, sexual
5 orientation, national origin, religion, or disability
6 are unwelcome, objectionable, not acceptable, or not
7 solicited for employment or membership unless based on
8 the nature of the occupation. If a person with a
9 disability is qualified to perform a particular
10 occupation by reason of training or experience, the
11 nature of that occupation shall not be the basis for
12 exception to the unfair or discriminating practices
13 prohibited by this subsection.

14 An employer, employment agency, or their employees,
15 servants, or agents may offer employment or advertise
16 for employment to only persons with disabilities, when
17 other applicants have available to them other
18 employment compatible with their ability which would
19 not be available to persons with disabilities because
20 of their disabilities. Any such employment or offer
21 of employment shall not discriminate among persons
22 with disabilities on the basis of race, color, creed,
23 sex, sexual orientation, or national origin.

24 Sec. 4. Section 216.6, subsection 6, paragraph d,
25 Code 1997, is amended to read as follows:

26 d. Any bona fide religious institution or its
27 educational facility, association, corporation, or
28 society with respect to any qualifications for
29 employment based on religion or sexual orientation
30 when such qualifications are related to a bona fide
31 religious purpose. A religious qualification for
32 instructional personnel or an administrative officer,
33 serving in a supervisory capacity of a bona fide
34 religious educational facility or religious
35 institution, shall be presumed to be a bona fide
36 occupational qualification.

37 Sec. 5. Section 216.7, subsection 1, paragraphs a
38 and b, Code 1997, are amended to read as follows:

39 a. To refuse or deny to any person because of
40 race, creed, color, sex, sexual orientation, national
41 origin, religion, or disability the accommodations,
42 advantages, facilities, services, or privileges
43 thereof, or otherwise to discriminate against any
44 person because of race, creed, color, sex, sexual
45 orientation, national origin, religion, or disability
46 in the furnishing of such accommodations, advantages,
47 facilities, services, or privileges.

48 b. To directly or indirectly advertise or in any
49 other manner indicate or publicize that the patronage
50 of persons of any particular race, creed, color, sex,

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1 sexual orientation, national origin, religion, or
2 disability is unwelcome, objectionable, not
3 acceptable, or not solicited.

4 Sec. 6. Section 216.7, subsection 2, paragraph a,
5 Code 1997, is amended to read as follows:

6 a. Any bona fide religious institution with
7 respect to any qualifications the institution may
8 impose based on religion or sexual orientation when
9 such qualifications are related to a bona fide
10 religious purpose.

11 Sec. 7. Section 216.8, subsections 1 through 4,
12 Code 1997, are amended to read as follows:

13 1. To refuse to sell, rent, lease, assign,
14 sublease, refuse to negotiate, or to otherwise make
15 unavailable, or deny any real property or housing
16 accommodation or part, portion or interest therein, to
17 any person because of the race, color, creed, sex,
18 sexual orientation, religion, national origin,
19 disability, or familial status of such person.

20 2. To discriminate against any person because of
21 the person's race, color, creed, sex, sexual
22 orientation, religion, national origin, disability, or
23 familial status, in the terms, conditions or
24 privileges of the sale, rental, lease assignment or
25 sublease of any real property or housing accommodation
26 or any part, portion or interest in the real property
27 or housing accommodation or in the provision of
28 services or facilities in connection with the real
29 property or housing accommodation.

30 For purposes of this section, "person" means one or
31 more individuals, corporations, partnerships,
32 associations, labor organizations, legal
33 representatives, mutual companies, joint stock
34 companies, trusts, unincorporated organizations,
35 trustees, trustees in cases under Title 11 of the
36 United States Code, receivers, and fiduciaries.

37 3. To directly or indirectly advertise, or in any
38 other manner indicate or publicize that the purchase,
39 rental, lease, assignment, or sublease of any real
40 property or housing accommodation or any part, portion
41 or interest therein, by persons of any particular
42 race, color, creed, sex, sexual orientation, religion,
43 national origin, disability, or familial status is
44 unwelcome, objectionable, not acceptable or not
45 solicited.

46 4. To discriminate against the lessee or purchaser
47 of any real property or housing accommodation or part,
48 portion or interest of the real property or housing
49 accommodation, or against any prospective lessee or
50 purchaser of the property or accommodation, because of

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1 the race, color, creed, religion, sex, sexual
2 orientation, disability, age, or national origin of
3 persons who may from time to time be present in or on
4 the lessee's or owner's premises for lawful purposes
5 at the invitation of the lessee or owner as friends,
6 guests, visitors, relatives or in any similar
7 capacity.

8 Sec. 8. Section 216.8A, subsections 1 and 2, Code
9 1997, are amended to read as follows:

10 1. A person shall not induce or attempt to induce
11 another person to sell or rent a dwelling by
12 representations regarding the entry or prospective
13 entry into a neighborhood of a person of a particular
14 race, color, creed, sex, sexual orientation, religion,
15 national origin, disability, or familial status.

16 2. A person shall not represent to a person of a
17 particular race, color, creed, sex, sexual
18 orientation, religion, national origin, disability, or
19 familial status that a dwelling is not available for
20 inspection, sale, or rental when the dwelling is
21 available for inspection, sale, or rental.

22 Sec. 9. Section 216.8A, subsection 4, paragraph a,
23 Code 1997, is amended to read as follows:

24 a. A person whose business includes engaging in
25 residential real estate related transactions shall not
26 discriminate against a person in making a residential
27 real estate related transaction available or in terms
28 or conditions of a residential real estate related
29 transaction because of race, color, creed, sex, sexual
30 orientation, religion, national origin, disability, or
31 familial status.

32 Sec. 10. Section 216.8A, subsection 5, Code 1997,
33 is amended to read as follows:

34 5. A person shall not deny another person access
35 to, or membership or participation in, a multiple-
36 listing service, real estate brokers' organization or
37 other service, organization, or facility relating to
38 the business of selling or renting dwellings, or
39 discriminate against a person in terms or conditions
40 of access, membership, or participation in such
41 organization because of race, color, creed, sex,
42 sexual orientation, religion, national origin,
43 disability, or familial status.

44 Sec. 11. Section 216.9, unnumbered paragraph 1,
45 Code 1997, is amended to read as follows:

46 It is an unfair or discriminatory practice for any
47 educational institution to discriminate on the basis
48 of race, creed, color, sex, sexual orientation,
49 national origin, religion, or disability in any
50 program or activity. Such discriminatory practices

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1 shall include but not be limited to the following
2 practices:

3 Sec. 12. Section 216.9, subsection 4, unnumbered
4 paragraph 2, Code 1997, is amended to read as follows:

5 For the purpose of this section "educational
6 institution" includes any preschool, elementary,
7 secondary, or community college, area education
8 agency, or postsecondary college or university and
9 their governing boards. This section does not
10 prohibit an educational institution from maintaining
11 separate toilet facilities, locker rooms or living
12 facilities for the different sexes so long as
13 comparable facilities are provided. Nothing in this
14 section shall be construed as prohibiting any bona
15 fide religious institution from imposing
16 qualifications based on religion or sexual orientation
17 when such qualifications are related to a bona fide
18 religious purpose or any institution from admitting
19 students of only one sex.

20 Sec. 13. Section 216.10, Code 1997, is amended to
21 read as follows:

22 216.10 UNFAIR CREDIT PRACTICES.

23 It shall be an unfair or discriminatory practice
24 for any:

25 1. Creditor to refuse to enter into a consumer
26 credit transaction or impose finance charges or other
27 terms or conditions more onerous than those regularly
28 extended by that creditor to consumers of similar
29 economic backgrounds because of age, color, creed,
30 national origin, race, religion, marital status, sex,
31 sexual orientation, physical disability, or familial
32 status.

33 2. Person authorized or licensed to do business in
34 this state pursuant to chapter 524, 533, 534, 536, or
35 536A to refuse to loan or extend credit or to impose
36 terms or conditions more onerous than those regularly
37 extended to persons of similar economic backgrounds
38 because of age, color, creed, national origin, race,
39 religion, marital status, sex, sexual orientation,
40 physical disability, or familial status.

41 3. Creditor to refuse to offer credit life or
42 health and accident insurance because of color, creed,
43 national origin, race, religion, marital status, age,
44 physical disability, sex, sexual orientation, or
45 familial status. Refusal by a creditor to offer
46 credit life or health and accident insurance based
47 upon the age or physical disability of the consumer
48 shall not be an unfair or discriminatory practice if
49 such denial is based solely upon bona fide
50 underwriting considerations not prohibited by title

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1 XIII, subtitle 1.

2 The provisions of this section shall not be
3 construed by negative implication or otherwise to
4 narrow or restrict any other provisions of this
5 chapter.

6 Sec. 14. Section 216.12, subsection 1, Code 1997,
7 is amended to read as follows:

8 1. Any bona fide religious institution with
9 respect to any qualifications it may impose based on
10 religion or sexual orientation, when the
11 qualifications are related to a bona fide religious
12 purpose unless the religious institution owns or
13 operates property for a commercial purpose or
14 membership in the religion is restricted on account of
15 race, color, or national origin.

16 Sec. 15. Section 216.12A, Code 1997, is amended to
17 read as follows:

18 216.12A ADDITIONAL HOUSING EXCEPTION.

19 Sections 216.8 and 216.8A do not prohibit a person
20 engaged in the business of furnishing appraisals of
21 real estate from taking into consideration factors
22 other than race, color, creed, sex, sexual
23 orientation, religion, national origin, disability, or
24 familial status in appraising real estate."

25 2. Title page, by striking line 1 and inserting
26 the following: "An Act prohibiting discriminatory
27 practices base upon a person's sexual orientation".

By DODERER of Johnson
MASCHER of Johnson
MYERS of Johnson

H-8277 FILED MARCH 10, 1998

WITHDRAWN

3-11-98

(P. 632)

HOUSE FILE 382

S-5338

- 1 Amend House File 382, as passed by the House, as
 - 2 follows:
 - 3 1. Page 2, by striking lines 22 through 30.
- By ROBERT E. DVORSKY

S-5338 FILED MARCH 23, 1998

W/D 3/26/98 (p. 923)

HOUSE FILE 382

S-5343

- 1 Amend House File 382, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 10 the
- 4 following:
- 5 "2A. If either party to a marriage falsely
- 6 represents the party's gender, the marriage is valid
- 7 unless the person who falsely represented the person's
- 8 gender chooses to void the marriage by making the
- 9 person's true gender known in an annulment proceeding.
- 10 A child of a marriage voided under this subsection is
- 11 legitimate."

By JOHNIE HAMMOND

S-5343 FILED MARCH 24, 1998

lost 3/26/98 (p. 923)

HOUSE FILE 382

S-5344

- 1 Amend House File 382, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 10 the
- 4 following:
- 5 "2A. If one member of a male and female couple has
- 6 a sex change operation, the marriage remains valid and
- 7 the partner who did not change gender is entitled to
- 8 claim all material rights and privileges including
- 9 those related to pension, inheritance, and financial
- 10 benefits."

By JOHNIE HAMMOND

S-5344 FILED MARCH 24, 1998

lost 3/26/98 (p. 923)

HOUSE FILE 382

S-5371

Amend House File 382, as amended, passed, and reprinted by the House, as follows:

1. Page 2, by striking lines 25 through 30 and inserting the following: "territory, country, or any foreign jurisdiction is valid in this state if the marriage was valid under the law of the state, territory, country, or any foreign jurisdiction in which the parties resided at the time of the solemnization and if the state, territory, country, or foreign jurisdiction in which the parties resided at the time of the solemnization recognizes a marriage which is valid under the law of this state."

By JOHNIE HAMMOND

S-5371 FILED MARCH 25, 1998

Doct 3/26/98 (p. 923)

HOUSE FILE 382

S-5392

Amend House File 382, as passed by the House, as follows:

1. Page 2, by inserting after line 30, the following:

"Sec. ____ . TASK FORCE -- DOMESTIC PARTNERS. The legislative council is requested to establish an interim task force to review the issues faced by domestic partners including but not limited to property rights, access to courts, parentage, inheritance, hospital or health care facility visitation, health decisions, contract rights, workplace benefits, insurance coverage, and retirement benefits. The task force shall include representatives of the legal profession, the courts, insurance, business and industry, labor, consumers who are domestic partners, and others with interest or expertise in this area. The task force shall submit a report of recommendations concerning these issues and recommendations for any necessary legislation to the general assembly by January 1, 1999."

2. Title page, line 1, by striking the words "the validity of" and inserting the following: "certain relationships including".

By MARY NEUHAUSER
MARY A. LUNDBYELAINE SZYMONIAK
ROBERT E. DVORSKY

S-5392 FILED MARCH 26, 1998

ADOPTED

(p. 923)

HOUSE FILE 382

S-5370

- 1 Amend House File 382, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 30 the
4 following:
5 "Sec. ____ . NEW SECTION. 595.21 DOMESTIC
6 PARTNERS.
7 1. Parties, who are domestic partners and who are
8 not married, shall not be denied the benefits granted
9 to married parties by virtue of the marriage
10 relationship, if a marriage between the parties would
11 not be valid pursuant to section 595.2, subsection 1.
12 2. The benefits which shall not be denied such
13 unmarried parties include but are not limited to
14 property rights, access to courts, parentage,
15 inheritance, hospital or health care facility
16 visitation, health decisions, contract rights,
17 workplace benefits, insurance coverage, taxation
18 benefits, retirement benefits, and federal or state
19 benefits.
20 3. For the purposes of this section, "domestic
21 partners" means parties who meet at least two of the
22 following requirements:
23 a. Live together.
24 b. Have a close, personal relationship.
25 c. Are responsible for each other's welfare as
26 evidenced by financial interdependence including but
27 not limited to joint home ownership, common
28 investments, or designating each other as
29 beneficiaries.
30 d. Intend to be life partners."
31 2. Title page, line 1, by inserting before the
32 word "of" the following: "and benefits of certain
33 relationships and of".
34 3. By renumbering as necessary.

By ELAINE SZYMONIAK
MARY A. LUNDBY
MARY NEUHAUSER

S-5370 FILED MARCH 25, 1998

WITHDRAWN

3/26/98

(p.923)

SENATE AMENDMENT TO HOUSE FILE 382

H-8741

1 Amend House File 382, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 30, the
4 following:
5 "Sec. ____ . TASK FORCE -- DOMESTIC PARTNERS. The
6 legislative council is requested to establish an
7 interim task force to review the issues faced by
8 domestic partners including but not limited to
9 property rights, access to courts, parentage,
10 inheritance, hospital or health care facility
11 visitation, health decisions, contract rights,
12 workplace benefits, insurance coverage, and retirement
13 benefits. The task force shall include
14 representatives of the legal profession, the courts,
15 insurance, business and industry, labor, consumers who
16 are domestic partners, and others with interest or
17 expertise in this area. The task force shall submit a
18 report of recommendations concerning these issues and
19 recommendations for any necessary legislation to the
20 general assembly by January 1, 1999."
21 2. Title page, line 1, by striking the words "the
22 validity of" and inserting the following: "certain
23 relationships including".

RECEIVED FROM THE SENATE

H-8741 FILED MARCH 26, 1998

House Concurred
4-6-98
(p. 1295)

Larson, CH
Lamberti
Kreiman

HSB 37

JUDICIARY

Succeeded By

SENATE/HOUSE FILE (HF) 382
BY (PROPOSED GOVERNOR'S BILL)

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

A BILL FOR

1 An Act relating to the validity of certain marriages.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. _____ H.F. _____

1 Section 1. Section 595.2, Code 1997, is amended to read as
2 follows:

3 595.2 AGE -- GENDER.

4 1. A Only a marriage between a male and a female each
5 eighteen-years-of-age-or-older is valid.

6 2. A Additionally, a marriage between a male and a female
7 is valid only if each is eighteen years of age or older.
8 However, if either or both of whom the parties have not
9 attained that age, the marriage may be valid under the
10 circumstances prescribed in this section.

11 ± 3. If either party to a marriage falsely represents the
12 party's self to be eighteen years of age or older at or before
13 the time the marriage is solemnized, the marriage is valid
14 unless the person who falsely represented their age chooses to
15 void the marriage by making their true age known and verified
16 by a birth certificate or other legal evidence of age in an
17 annulment proceeding initiated at any time before the person
18 reaches their eighteenth birthday. A child born of a marriage
19 voided under this subsection is legitimate.

20 ± 4. A marriage license may be issued to a male and a
21 female either or both of whom are sixteen or seventeen years
22 of age if:

23 a. The parents of the underaged party or parties certify
24 in writing that they consent to the marriage. If one of the
25 parents of any underaged party to a proposed marriage is dead
26 or incompetent the certificate may be executed by the other
27 parent, if both parents are dead or incompetent the guardian
28 of the underaged party may execute the certificate, and if the
29 parents are divorced the parent having legal custody may
30 execute the certificate and

31 b. The certificate of consent of the parents, parent, or
32 guardian is approved by a judge of the district court or, if
33 both parents of any underaged party to a proposed marriage are
34 dead, incompetent, or cannot be located and the party has no
35 guardian, the proposed marriage is approved by a judge of the

1 district court. A judge shall grant approval under this
2 subsection only if the judge finds the underaged party or
3 parties capable of assuming the responsibilities of marriage
4 and that the marriage will serve the best interest of the
5 underaged party or parties. Pregnancy alone does not
6 establish that the proposed marriage is in the best interest
7 of the underaged party or parties, however, if pregnancy is
8 involved the court records which pertain to the fact that the
9 female is pregnant shall be sealed and available only to the
10 parties to the marriage or proposed marriage or to any
11 interested party securing an order of the court.

12 c. If a parent or guardian withholds consent, the judge
13 upon application of a party to a proposed marriage shall
14 determine if the consent has been unreasonably withheld. If
15 the judge so finds, the judge shall proceed to review the
16 application under paragraph "b" ~~of this subsection~~.

17 Sec. 2. Section 595.3, subsection 2, Code 1997, is amended
18 to read as follows:

19 2. Where either party is under eighteen years of age,
20 unless the marriage is approved by a judge of the district
21 court as provided by section 595.27-subsection-2.

22 Sec. 3. NEW SECTION. 595.20 FOREIGN MARRIAGES --
23 VALIDITY.

24 A marriage which is solemnized in any other state,
25 territory, country, or any foreign jurisdiction which is valid
26 in that state, territory, country, or other foreign
27 jurisdiction, is valid in this state if the parties meet the
28 requirements for validity pursuant to section 595.2,
29 subsection 1, and if the marriage would not otherwise be
30 declared void.

31 EXPLANATION

32 This bill provides that only a marriage between a male and
33 a female is valid and that a marriage which is solemnized out-
34 side of this state in a foreign jurisdiction is valid in this
35 state if the requirements, including gender requirements, of

S.F. _____ H.F. _____

1 the parties to the marriage are met and the marriage would not
2 otherwise be void.

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LSB 1487XL 77

pf/jw/5

HOUSE FILE 382

AN ACT

RELATING TO CERTAIN RELATIONSHIPS INCLUDING CERTAIN MARRIAGES.

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

Section 1. Section 595.2, Code 1997, is amended to read as follows:

595.2 AGE -- GENDER.

1. A Only a marriage between a male and a female each eighteen-years-of-age-or-older is valid.

2. A Additionally, a marriage between a male and a female is valid only if each is eighteen years of age or older.

However, if either or both of whom the parties have not attained that age, the marriage may be valid under the circumstances prescribed in this section.

3. If either party to a marriage falsely represents the party's self to be eighteen years of age or older at or before the time the marriage is solemnized, the marriage is valid unless the person who falsely represented their age chooses to void the marriage by making their true age known and verified by a birth certificate or other legal evidence of age in an annulment proceeding initiated at any time before the person reaches their eighteenth birthday. A child born of a marriage voided under this subsection is legitimate.

4. A marriage license may be issued to a male and a female either or both of whom are sixteen or seventeen years of age if:

a. The parents of the underaged party or parties certify in writing that they consent to the marriage. If one of the parents of any underaged party to a proposed marriage is dead or incompetent the certificate may be executed by the other parent, if both parents are dead or incompetent the guardian of the underaged party may execute the certificate, and if the parents are divorced the parent having legal custody may execute the certificate and

b. The certificate of consent of the parents, parent, or guardian is approved by a judge of the district court or, if both parents of any underaged party to a proposed marriage are dead, incompetent, or cannot be located and the party has no guardian, the proposed marriage is approved by a judge of the district court. A judge shall grant approval under this subsection only if the judge finds the underaged party or parties capable of assuming the responsibilities of marriage and that the marriage will serve the best interest of the underaged party or parties. Pregnancy alone does not establish that the proposed marriage is in the best interest of the underaged party or parties, however, if pregnancy is involved the court records which pertain to the fact that the female is pregnant shall be sealed and available only to the parties to the marriage or proposed marriage or to any interested party securing an order of the court.

c. If a parent or guardian withholds consent, the judge upon application of a party to a proposed marriage shall determine if the consent has been unreasonably withheld. If the judge so finds, the judge shall proceed to review the application under paragraph "b" of this subsection.

Sec. 2. Section 595.3, subsection 2, Code 1997, is amended to read as follows:

2. Where either party is under eighteen years of age, unless the marriage is approved by a judge of the district court as provided by section 595.2, subsection 2.

Sec. 3. NEW SECTION. 595.20 FOREIGN MARRIAGES -- VALIDITY.

A marriage which is solemnized in any other state, territory, country, or any foreign jurisdiction which is valid in that state, territory, country, or other foreign jurisdiction, is valid in this state if the parties meet the requirements for validity pursuant to section 595.2, subsection 1, and if the marriage would not otherwise be declared void.

Sec. 4. TASK FORCE -- DOMESTIC PARTNERS. The legislative council is requested to establish an interim task force to

review the issues faced by domestic partners including but not limited to property rights, access to courts, parentage, inheritance, hospital or health care facility visitation, health decisions, contract rights, workplace benefits, insurance coverage, and retirement benefits. The task force shall include representatives of the legal profession, the courts, insurance, business and industry, labor, consumers who are domestic partners, and others with interest or expertise in this area. The task force shall submit a report of recommendations concerning these issues and recommendations for any necessary legislation to the general assembly by January 1, 1999.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 382, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved 4/15, 1998

TERRY E. BRANSTAD
Governor