

Senate Study Bill 136

Bill Text

PAG LIN

1 1 Section 1. Section [9E.10](#), subsection 1, Code 1997, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. e. A registrar of vital statistics or a
1 4 designee of a registrar of vital statistics.
1 5 Sec. 2. Section [595.4](#), Code 1997, is amended to read as
1 6 follows:
1 7 595.4 AGE AND QUALIFICATION - VERIFIED APPLICATION -
1 8 WAITING PERIOD - EXCEPTION.
1 9

~~Previous~~

~~Prior to the issuance of any license to marry, the
1 10 parties desiring the license shall sign and file a verified
1 11 application with the county registrar which application either
1 12 may be mailed to the parties at their request or may be signed
1 13 by them at the office of the county registrar in the county in
1 14 which the license is to be issued. The application shall set
1 15 forth at least one affidavit of some competent and
1 16 disinterested person stating the facts as to age and
1 17 qualification of the parties. Upon the filing of the
1 18 application for a license to marry, the county registrar shall
1 19 issue the license and file the application in a record kept
1 20 for that purpose.
1 21~~

~~After expiration of three days from the date of filing the~~

~~1 22~~

~~application by the parties, the county registrar shall issue~~

~~1 23~~

~~the license. If the license has not been issued within six~~

~~1 24~~

~~months from the date of the application, the application is~~

~~1 25~~

~~void.~~

~~1 26~~

~~A license to marry may be issued prior to the expiration of~~

~~1 27~~

~~three days from the date of filing the application for the~~

~~1 28~~

~~license in cases of emergency or extraordinary circumstances.~~

~~1 29~~

~~An order authorizing the issuance of a license may be granted~~
- 1 30
.
~~by a judge of the district court under conditions of emergency~~
- 1 31
.
~~or extraordinary circumstances upon application of the parties~~
- 1 32
.
~~filed with the county registrar. No order may be granted~~
- 1 33
.
~~unless the parties have filed an application for a marriage~~
- 1 34
.
~~license in a county within the judicial district. An~~
- 1 35
.
~~application for an order shall be made on forms furnished by~~
- 2 1
.
~~the county registrar at the same time the application for the~~
- 2 2
.
~~license to marry is made. After examining the application for~~
- 2 3
.
~~the marriage license, the county registrar shall refer the~~
- 2 4
.
~~parties to a judge of the district court for action on the~~
- 2 5
.
~~application for an order authorizing the issuance of a~~
- 2 6
.
~~marriage license prior to expiration of three days from the~~
- 2 7
.
~~date of filing the application for the license. The judge~~
- 2 8
.
~~shall, if satisfied as to the existence of an emergency or~~
- 2 9
.
~~extraordinary circumstances, grant an order authorizing the~~
- 2 10
.
~~issuance of a license to marry prior to the expiration of~~
-

2 11

~~three days from the date of filing the application for the~~

2 12

~~license to marry. The county registrar shall issue a license~~

2 13

~~to marry upon presentation by the parties of the order~~

2 14

~~authorizing a license to be issued. A fee of five dollars~~

2 15

~~shall be paid to the county registrar at the time the~~

2 16

~~application for the order is made, which fee is in addition to~~

2 17

~~the fee prescribed by law for the issuance of a marriage~~

2 18

~~license.~~

2 19

EXPLANATION

2 20 This bill adds a registrar of vital statistics or a
2 21 registrar's designee to the list of people who may perform a
2 22 notarial act. The bill amends Code section 595.4 by removing
2 23 all parts of the section relating to the three-day waiting
2 24 requirement for the issuance of a marriage license. The bill
2 25 also amends Code section 595.4 by providing that a marriage
2 26 license shall be issued by the county registrar upon the
2 27 filing of the application.

2 28 LSB 2099SC 77

2 29 tm/sc/14