

5-26/02 Judiciary
5-31/02 Amer. R/P & Pass
W/S-5133

FEB 1 2002
Place On Calendar

5-31/02 UNFINISHED BUSINESS CALENDAR

HOUSE FILE 2191
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2037)

Passed House, (P. 267) Date 3-6-02 Passed Senate, (P. 779) Date 3-25-02
Vote: Ayes 96 Nays 0 Vote: Ayes 46 Nays 0

Approved 5/2/02
(P. 1402) Re Passed 4-11-02 Date 92-0
Re Passed 4-12-02 Vote 43-0
(P. 1202)

A BILL FOR

1 An Act relating to notarial acts by judicial officers.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Conf. Comm. 4/8/02
ca millage
Bross
Larson
Jochum
Friedman

Senate Conf. Comm. 4/3/02 P. 951
ca Boettger
King
Maddox
Horn
Fiegen

HF 2191

1 Section 1. Section 9E.6A, unnumbered paragraph 1, Code
2 Supplement 2001, is amended to read as follows:

3 Each person performing a notarial act pursuant to section
4 9E.10 must acquire and use a stamp or seal as provided in this
5 chapter. However, this section shall not apply to a notarial
6 act performed by a judicial officer as defined in section
7 602.1101, if the notarial act is performed in accordance with
8 rules prescribed by the supreme court under chapter 602. This
9 section shall also not apply to a person performing a notarial
10 act under federal authority.

11 PARAGRAPH DIVIDED. The stamp or seal as required in this
12 section shall contain all of the following:

13 EXPLANATION

14 In the 2001 Session, the general assembly enacted House
15 File 259 (2001 Iowa Acts, ch. 38) amending Code chapter 9E
16 regulating notarial officers or other officers authorized to
17 perform notarial acts under statute, including judges. House
18 File 259, in part, created Code section 9E.6A requiring the
19 use of stamps or seals. The Code section created an exception
20 for persons performing a notarial act under federal authority.
21 This bill creates another exception for a notarial act
22 performed by a judicial officer, if the notarial act is
23 performed in accordance with rules prescribed by the supreme
24 court. A judicial officer includes a supreme court justice, a
25 judge of the court of appeals, a district judge, a district
26 associate judge, an associate juvenile judge, an associate
27 probate judge, or a magistrate.

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SENATE AMENDMENT TO HOUSE FILE 2191

H-8421

1 Amend House File 2191, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 5 through 10, and
4 inserting the following: "chapter. However, this
5 section shall not apply to a ~~person performing a~~
6 notarial act ~~under~~ performed by a judicial officer as
7 defined in section 602.1101, if the notarial act is
8 performed in accordance with state or federal
9 statutory authority."

RECEIVED FROM THE SENATE

H-8421 FILED MARCH 25, 2002

House refused 3-27-01 P. 1012 - Senate insists 4-3-02

HOUSE FILE 2191

S-5133

1 Amend House File 2191, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 5 through 10, and
4 inserting the following: "chapter. However, this
5 section shall not apply to a ~~person performing a~~
6 notarial act ~~under~~ performed by a judicial officer as
7 defined in section 602.1101, if the notarial act is
8 performed in accordance with state or federal
9 statutory authority."

By COMMITTEE ON JUDICIARY
O. GENE MADDOX, Chairperson

S-5133 FILED MARCH 7, 2002

*Adopted 3-25-02
(P. 779)*

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2191

To the Speaker of the House of Representatives and the
President of the Senate:

We, the undersigned members of the conference committee
appointed to resolve the differences between the House of
Representatives and the Senate on House File 2191, a bill for
an Act relating to notarial acts of judicial officers,
respectfully make the following report:

1. That the Senate recedes from its amendment, H-8421.

2. That House File 2191, as passed by the House, is
amended as follows:

1. Page 1, by striking lines 5 through 10, and inserting
the following: "chapter. However, this section shall not
apply to a ~~person performing a~~ notarial act ~~under~~ performed by
a judicial officer as defined in section 602.1101, if the
notarial act is performed in accordance with state or federal
statutory authority."

ON THE PART OF THE HOUSE:

DAVID MILLAGE, Chairperson
ROGER BROERS
KEITH KREIMAN
CHARLES LARSON

ON THE PART OF THE SENATE:

NANCY BOETTGER, Chairperson
THOMAS FIEGEN
WALLY HORN
STEVE KING
O. GENE MADDOX

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CCH 2191

Page 2

a judicial officer as defined in section 602.1101, if the notarial act is performed in accordance with state or federal statutory authority."

ON THE PART OF THE HOUSE:

DAVID MILLAGE, Chairperson
ROGER BROERS
KEITH KREIMAN
CHARLES LARSON

ON THE PART OF THE SENATE:

NANCY BOETTGER, Chairperson
THOMAS FIEGEN
WALLY HORN
STEVE KING
O. GENE MADDOX

CCR 2191 FILED APRIL 10, 2002

*Adopted
4/11/02*

*adopted
4-12-02
(p. 1201)*

PARAGRAPH DIVIDED. The stamp or seal as required in this section shall contain all of the following:

BRENT SIEGRIST
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 2191, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 5/2, 2002

THOMAS J. VILSACK
Governor

HOUSE FILE 2191

AN ACT

RELATING TO NOTARIAL ACTS BY JUDICIAL OFFICERS.

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

Section 1. Section 9E.6A, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

Each person performing a notarial act pursuant to section 9E.10 must acquire and use a stamp or seal as provided in this chapter. However, this section shall not apply to a person performing a notarial act under performed by a judicial officer as defined in section 602.1101, if the notarial act is performed in accordance with state or federal statutory authority.