

FILED FEB 1 2005

SENATE FILE 98
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 1058)

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

A BILL FOR

1 An Act relating to county recorders and vital statistics record
2 fees, and providing an effective date.

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

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SF 98

1 Section 1. Section 144.46, Code 2005, is amended to read
2 as follows:

3 144.46 FEE FOR COPY OF RECORD -- OR SEARCH.

4 1. The department by rule shall establish fees based on
5 the average administrative cost ~~which shall be collected by~~
6 ~~the state registrar or the county registrar~~ for each;

7 a. Each certified copy or short form certification of
8 certificates or records, ~~or for a.~~ These fees shall be
9 collected by the state registrar and the county registrar.

10 b. A search of the files or records ~~when no copy is made,~~
11 ~~or when no~~ if a record is not found on file or if a copy is
12 not made. These fees shall be collected by the state
13 registrar.

14 2. Fees collected by the state registrar and by the county
15 registrar on behalf of the state under this section shall be
16 deposited in the general fund of the state. Fees collected by
17 the county registrar pursuant to section 331.605, subsection
18 6, shall be deposited in the county general fund. A fee shall
19 not be collected from a political subdivision or agency of
20 this state.

21 Sec. 2. Section 331.605, subsections 6 and 7, Code 2005,
22 are amended to read as follows:

23 6. A county fee ~~of four dollars~~ in an amount equal to
24 forty percent of the fee collected by the county registrar
25 pursuant to section 144.46 for a certified copy of a birth
26 record, death record, or marriage certificate.

27 7. For filing an application for the license to marry,
28 ~~thirty-five dollars, which includes payment for one certified~~
29 ~~copy of the original certificate of marriage,~~ Out of this
30 amount, the county shall retain its fee, pursuant to
31 subsection 6, for a certified copy of a marriage certificate
32 to be issued following filing of the original certificate of
33 ~~marriage, four dollars of which shall be retained by the~~
34 ~~county pursuant to subsection 6.~~ For issuing an application
35 for an order of the district court authorizing the validation

1 of a license to marry before the expiration of three days from
2 the date of issuance of the license, five dollars. The
3 district court shall authorize the early validation of a
4 marriage license without the payment of any fees imposed in
5 this subsection upon showing that the applicant is unable to
6 pay the fees.

7 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
8 immediate importance, takes effect upon enactment.

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EXPLANATION

11 This bill amends vital statistics provisions as related to
12 county recorders. The bill provides that county recorders no
13 longer have to collect fees for record searches if no record
14 is found or no copy is made. The bill allows the county
15 recorder to retain an additional amount of the fee collected
16 for certified copies of records. The amount retained is 40
17 percent of the fee established by the Iowa department of
18 public health for certified copies.

19 The bill takes effect upon enactment.

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SENATE FILE 98

H-8378

1 Amend Senate File 98, as passed by the Senate, as
2 follows:

3 1. Page 1, line 1, by inserting after the word
4 "Code" the following: "Supplement".

5 2. By striking page 1, line 21, through page 2,
6 line 6.

7 3. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS

J. K. VAN FOSSEN of Scott, Chairperson

H-8378 FILED MARCH 23, 2006

SENATE FILE 98

H-8444

1 Amend the amendment, H-8378, to Senate File 98, as
2 passed by the Senate, as follows:

3 1. Page 1, by striking lines 5 and 6.

4 2. By renumbering as necessary.

By REASONER of Union

H-8444 FILED MARCH 30, 2006

Fiscal Services Division
Legislative Services Agency
Fiscal Note

SF 98 – Vital Records Fees (LSB 1567 SV.1)

Analyst: Mary Beth Mellick (Phone: [515] 281-8223) (marybeth.mellick@legis.state.ia.us)

Fiscal Note Version – As Amended by H-8378

Description

Senate File 98, as Amended by H-8378, provides that county recorders no longer have to collect fees for record searches if no record is found or no copy is made.

Background

1. A fee of \$15 is charged by the State registrar and the county registrar (county recorder) for each search conducted of a birth, death, or marriage record, and includes the issuance of a certified copy if the record is located. If following a search no record is found, the \$15 fee is retained.
2. Of the \$15 fee collected from birth and marriage certificates issued by a county registrar, the county registrar retains \$4, the State Registrar of Vital Statistics receives \$8, and \$3 is deposited into the State General Fund.
3. Of the \$15 fee collected from death certificates issued by a county registrar, the county registrar retains \$4, the State Registrar of Vital Statistics receives \$6, the State Medical Examiner receives \$3, and \$2 is deposited into the State General Fund.
4. The fee for applying for a marriage license is \$35, which includes a copy of a marriage certificate. Of the \$35 fee, the county registrar retains \$4, the State Registrar of Vital Statistics receives \$8, and \$23 is deposited into the State General Fund.

Assumptions

The fees currently collected for record searches when no record is found or no copy is made are unknown; however, the amount is estimated to be minimal.

Fiscal Impact

The estimated fiscal impact of SF 98, as Amended by H-8378, is unknown, but is anticipated to be minimal. Since a portion of the fees collected is retained by the county registrar and a portion is distributed to the State Registrar, State Medical Examiner, and the State General Fund, it is unknown which entity or entities will realize a decrease in the amount collected.

Sources

Story County Recorder
Department of Public Health, Bureau of Vital Records

/s/ Holly M. Lyons

March 28, 2006

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

Schoenjahn Co-chair
Zawn Co-chair
Stewart
Mulder

SSB# 1058

Local Government

Succeeded By
(SF) HF 98
SENATE FILE _____

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CO-CHAIRPERSON QUIRMBACH)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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SSB
1058

S.F. _____ H.F. _____

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